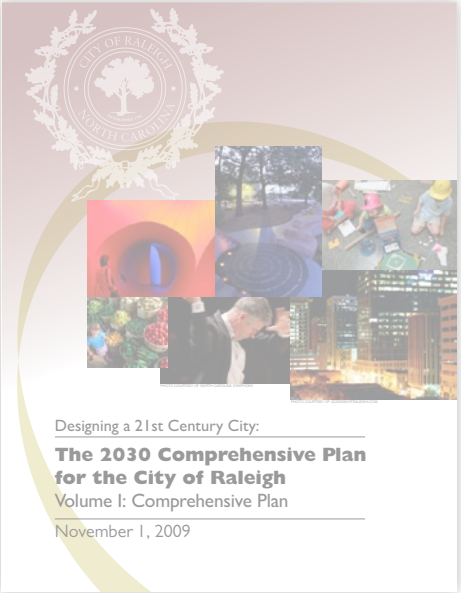

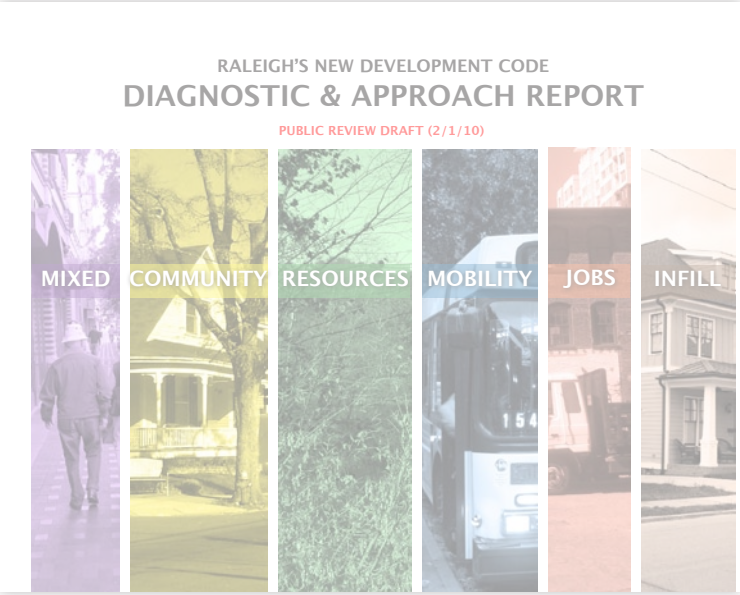

Raleigh, North Carolina

UNIFIED DEVELOPMENT ORDINANCE

06 APRIL 2011 | PUBLIC REVIEW DRAFT

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Article 1.1. Legal Provisions

Sec. 1.1.1. Title

This official title of this document is the Unified Development Ordinance for the city of Raleigh, North Carolina and is referred to throughout this document as "this code."

Sec. 1.1.2. Applicability

A. This code applies to all land, buildings, structures, and uses located within the within the corporate limits and the extraterritorial jurisdiction of the city of Raleigh, North Carolina.

B. To the extent allowed by law, the provisions of this code applies to all land, buildings, structures, and uses owned, leased, or otherwise controlled by any district, county, state, or federal government agencies. Where the provisions of this code do not legally control such land, buildings, structures, and uses, such agencies are encouraged to meet the provisions of this code.

Sec. 1.1.3. Effective Date

This code was adopted on [insert date] and became effective on [insert date].

Sec. 1.1.4. Purpose and Intent

This code is adopted to preserve, protect, and promote the public health, safety, peace, comfort, convenience, prosperity and general welfare of residents and businesses in the city. More specifically, this code is adopted to achieve the following objectives:

A. Implement the policies and goals contained within officially adopted plans, including the Comprehensive Plan;

B. Improve the built environment and human habitat;

C. Conserve and protect the city's natural beauty and setting, including trees, scenic vistas, and cultural and historic resources;

D. Ensure that new development conserves energy, land, and natural resources;

E. Protect water quality within watershed critical areas, the general watershed areas of designated water supply watersheds and other watershed districts

F. Encourage environmentally responsible development practices;

G. Promote development patterns that support safe, effective, and multi-modal transportation options, including auto, pedestrian, bicycle, and transit, and therefore minimize vehicle traffic by providing for a mixture of land uses, walkability, and compact community form;

H. Provide neighborhoods with a variety of housing types to serve the needs of a diverse population;

I. Promote the greater health benefits of a pedestrian-oriented environment;

J. Reinforce the character and quality of neighborhoods;

K. Remove barriers and provide incentives for walkable projects;

L. Protect and promote appropriately located commercial and industrial activities in order to preserve and strengthen the city's economic base;

M. Encourage compact development; and

N. Protect and enhance real property values.

Sec. 1.1.5. Relationship to the Comprehensive Plan

The Comprehensive Plan serves as the basic policy guide for the administration of this code. The policies and action items of the Comprehensive Plan may be amended from time to time to meet the changing requirements of the city in accordance with the standards and procedures in Sec. 11.2.2.

Sec. 1.1.6. Minimum Requirements

The requirements of this code are considered to be the minimum requirements for the promotion of the public health, safety general welfare.

Sec. 1.1.7. Conflicting Provisions

A. If the provisions of this code are inconsistent with those of the state or federal government, the more restrictive provision control, to the extent permitted by law.

B. If the provisions of this code are inconsistent with one another or if they conflict with provisions found in other adopted ordinances or regulations of the city, the more restrictive provision controls.

C. It is not the intent of this code to interfere with, abrogate, or annul any easement, covenant, deed restriction, or other agreement between private parties. If the provisions of this code impose a greater restriction than imposed by a private agreement, the provisions of this code controls.

D. If the provisions of a private agreement impose a greater restriction than this code, the provisions of the private agreement control. The city is not be responsible for monitoring or enforcing private agreements.

Sec. 1.1.8. Severability

It is expressly declared that this code and each section, subsection, sentence, and phrase would have been adopted regardless of whether one or more other portions of the code is declared invalid or unconstitutional.

A. If any section, subsection, sentence, or phrase of this code is held to be invalid or unconstitutional by a court of competent jurisdiction for any reason, the remaining portions of this code shall not be affected.

B. If any court of competent jurisdiction invalidates the application of any provision of this code, then such judgment shall not affect the application of that provision to any other building, structure, or use not specifically included in that judgment.

C. If any court of competent jurisdiction judges invalid any condition attached to the approval of an application for development, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.

Article 1.2. Zoning Map

Sec. 1.2.1. Establishment of Official Zoning Map

A. The location and boundaries of zoning districts established by this code are shown and maintained as part of the city's geographic information system (GIS) under the direction of the Planning Director. The Zoning GIS layer constitutes the city of Raleigh's Official Zoning Map and is hereby made part of this code. All notations, references and other information shown shall have the same force and effect as if fully set forth or described in this code.

B. The Planning Director is authorized to direct revisions to the Official Zoning Map. No unauthorized person may alter or modify the Official Zoning Map.

C. The Planning Director may authorize printed copies of the Official Zoning Map to be produced, and must maintain digital or printed copies of superseded versions of the Official Zoning Map for historical reference.

Sec. 1.2.2. Interpretation of Map Boundaries

A. In the event that any uncertainty exists with respect to the intended boundaries as shown on Official Zoning Map, the Planning Director is authorized to interpret the boundaries.

B. Where uncertainty exists as to the boundaries of any zoning district shown on the Official Zoning Map, the following the precise location is to be determined as follows:

1. Where a boundary line is shown as binding along or superimposed upon a lot line, such lot line shall be deemed to be a boundary line.
2. Where the location of a boundary line is indicated by a designated number of feet, that distance controls.
3. Where a boundary line is shown as within or binding along a street, alley, waterway, or right-of-way, the boundary line is deemed to be in the center of the street, alley, waterway, or right-of-way except in the cases where the edge of the street, alley, waterway, or right-of-way is designated as the boundary line.
4. Where a boundary line is shown as binding along a railroad track, or as being located a designated number of feet from a railroad track, or where the location of a boundary line may be scaled from a railroad track, the nearest rail of the track designated controls.
5. Where a boundary line is superimposed on a topographic elevation line, the precise location of the boundary line must be determined by field survey of the topographic elevation line, unless the topographic elevation has been relocated through grading subsequent to establishment of the boundary line.
6. Where a boundary line does not coincide with the location of a street, alley, waterway, right-of-way, or railroad track, but do coincide with a lot line, the lot line shall be construed to be the boundary.
7. Where a boundary line is shown and its location is not fixed by any of the rules above, its precise location shall be determined by the use of the scale shown on the map.

Article 1.3. Zoning Districts

Sec. 1.3.1. General Use Zoning Districts

The following general use zoning districts are established and applied to property as set forth on the Official Zoning Map.

R-1	Residential-1
R-2	Residential-2
R-4	Residential-4
R-6	Residential-6
R-10	Residential-10
RX-	Residential Mixed Use
OP-	Office Park
OX-	Office Mixed Use
NX-	Neighborhood Mixed Use
CX-	Commercial Mixed Use
DX-	Downtown Mixed Use
IX-	Industrial Mixed Use
CM	Conservation Management
AP	Agricultural Productive
IH	Heavy Industrial
R-MP	Manufactured Home Park
CMP	Campus
PD	Planned Development

Sec. 1.3.2. Conditional Use Zoning Districts

The following conditional use zoning districts are established and applied to property as set forth on the Official Zoning Map. Each conditional use district (bearing the designated CU on the Official Zoning Map) corresponds to a general use district. All zoning requirements that apply to the general use district are also applicable to the corresponding conditional use district unless specifically stated otherwise in the conditional use district ordinance or in the text of this code.

R-1-CU	Residential-1
R-2-CU	Residential-2
R-4-CU	Residential-4
R-6-CU	Residential-6
R-10-CU	Residential-10
RX--CU	Residential Mixed Use
OP-CU	Office Park
OX-CU	Office Mixed Use
NX-CU	Neighborhood Mixed Use
CX-CU	Commercial Mixed Use
DX-CU	Downtown Mixed Use
IX-CU	Industrial Mixed Use
CM-CU	Conservation Management
AP-CU	Agricultural Productive
IH-CU	Heavy Industrial
R-MP-CU	Manufactured Home Park
CMP-CU	Campus

Sec. 1.3.3. Overlay Districts

The following overlay districts are established and applied to property as set forth on the Official Zoning Map.

-AOD	Airport Overlay District
-MPOD	Metro-Park Protection Overlay District
-WPOD	Reservoir Watershed Protection Area Overlay District
-UWPOD	Urban Water Supply Watershed Protection Area Overlay District
-SHOD-1	Special Highway Overlay District -1
-SHOD-2	Special Highway Overlay District -2
-HOD	Historic Overlay District
-HOD-2	Limited Historic Overlay District
-NCOD	Neighborhood Conservation Overlay District
-TOD	Transit Overlay District

Article 1.4. Building Types

Sec. 1.4.1. Building Type Descriptions

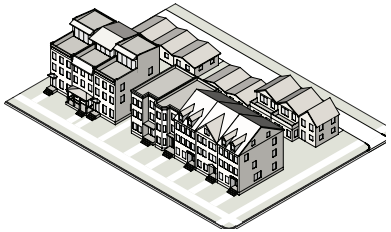
The following building types have been established to allow for detailed regulation of form applicable to development within each zoning districts. All graphic depictions of building types are for illustrative purposes only.

A. Detached House

A building type designed primarily to accommodate a one dwelling unit on an individual lot. In more intense districts, a detached house allows more than one dwelling unit and in certain settings may be used for nonresidential purposes.

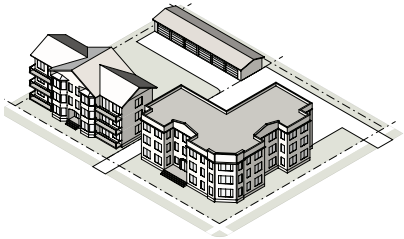
B. Attached House

A building type designed primarily to accommodate two dwelling units on an individual lot. In more intense districts, an attached house may used for nonresidential purposes.



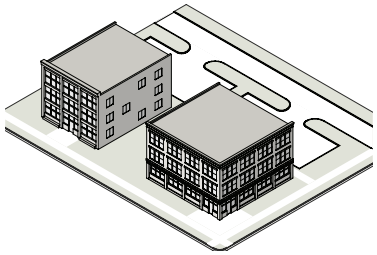
C. Townhouse

A building type designed primarily to accommodate two or more dwelling units consolidated side-by-side into a single structure. In more intense districts, a townhouse may be used for nonresidential purposes.



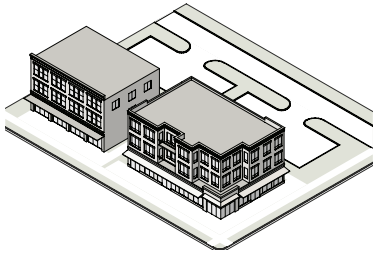
D. Apartment

A building type containing three or more dwelling units consolidated into a single structure. Units must be either situated wholly or partially over or under other units, or back to back with other units in the same structure.



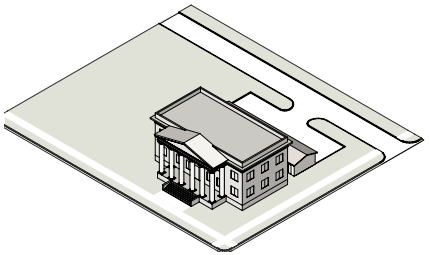
E. General Building

A building type intended primarily for commercial, office, manufacturing and employment uses.



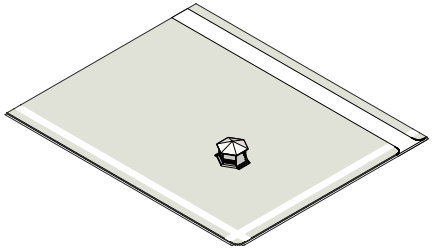
F. Mixed Use Building

A building type intended primarily for ground floor commercial uses with upper-story residential or offices uses.



G. Civic Building

A building type intended primarily for civic, institutional or public uses.

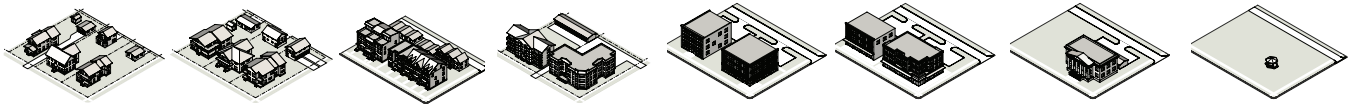


H. Open Lot

Open lots are used to accommodate uses with large outdoor or open areas. An open lot can also accommodate open space or natural areas worthy of preservation.

Sec. 1.4.2. Building Types Allowed by District

Building types are allowed by district as set forth below.



	Detached House	Attached House	Townhouse	Apartment	General Building	Mixed Use Building	Civic Building	Open Lot
Residential Districts								
Residential-1 (R-1)	■						■	■
Residential-2 (R-2)	■	□					■	■
Residential-4 (R-4)	■	□	□				■	■
Residential-6 (R-6)	■	■	□	□			■	■
Residential-10 (R-10)	■	■	■	■			■	■
Mixed Use Districts								
Residential Mixed Use (RX-)	■	■	■	■			■	■
Office Park (OP-)					■	■	■	■
Office Mixed Use (OX-)	■	■	■	■	■	■	■	■
Neighborhood Mixed Use (NX-)	■	■	■	■	■	■	■	■
Commercial Mixed Use (CX-)	■	■	■	■	■	■	■	■
Downtown Mixed Use (DX-)			■	■	■	■	■	■
Industrial Mixed Use (IX-)					■	■	■	■
Special Districts								
Conservation Management (CM)								■
Agricultural Productive (AP)	■				■			■
Heavy Industrial (IH)					■			

KEY: ■ = Allowed □ = Allowed as Part of an Approved Conservation Development Blank cell = Not allowed

Article 1.5. Measurement, Exceptions & General Rules of Applicability

Sec. 1.5.1. Site

A. Defined

A site is any lot or group of contiguous lots owned or functionally controlled by the same person or entity, assembled for the purpose of development.

B. Site Area

Site area is the area included within the rear, side and front lot lines of the site. Does not include existing or proposed right-of-way, whether dedicated or not dedicated to public use.

C. Site Width

Site width is the distance between the side lot lines of the site (generally running perpendicular to a street) measured at the primary street property line along a straight line or along the chord of the property line.

Sec. 1.5.2. Lot

A. Defined

1. A parcel of land either vacant or occupied intended as a unit for the purpose, whether immediate or for the future, of transfer of ownership, or possession, or for the purpose of development.
2. Except for a cottage court that meets the requirements of Sec. 2.4.1, all lots must front on a street that has a clear width of least 18 feet.
3. In the R-1, R-2, R-4, and R-6 districts only one principal structure is permitted per lot.

B. Lot Area

Lot area is the area included within the rear, side and front lot lines. Does not include existing or proposed right-of-way, whether dedicated or not dedicated to public use.

C. Lot Width

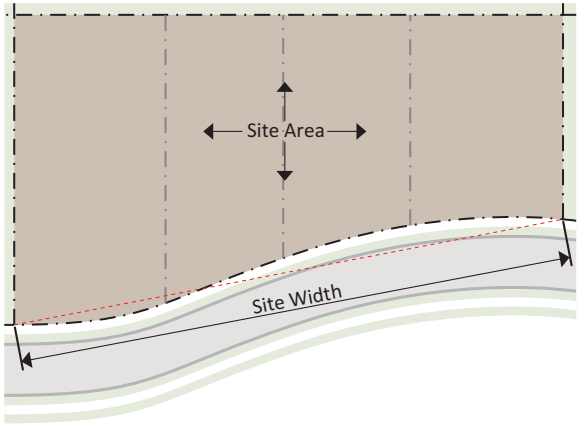
Lot width is the distance between the side lot lines (generally running perpendicular to a street) measured at the primary street property line along a straight line or along the chord of the property line.

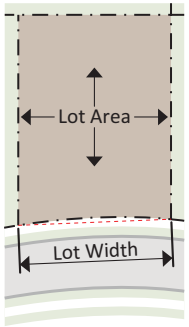
D. Lot Depth

Lot distance is the distance between the front and rear property lines measured along a line midway between the side property lines.

E. Density

1. Residential density is expressed in units per acre and is calculated by dividing the total number of dwelling units by the gross land area. Gross land area is the total area of a site or lot including any existing or proposed streets, highways, or other land required for public use that is attributable to the site or lot dedicated by the owner or a predecessor in title.
2. For purposes of residential density calculations, rooming units associated with group living facilities are equivalent to one-half of a dwelling unit.





Sec. 1.5.3. Coverage

A. Building Coverage

The maximum area of a lot that is permitted to be covered by buildings or structures. Building coverage does not include paved areas such as parking lots, driveways or pedestrian walkways.

B. Recreation Area

1. Required recreation area must be provided on-site and must be available for use by, or as an amenity for, the occupants of the development.

2. Required recreation area may be met in one contiguous open area or in multiple open areas on the site; however, to receive credit the area must be at least ten feet in width and length.
3. Required recreation area located at grade cannot be built, parked or driven upon, except for emergency access and permitted temporary events.
4. Required recreation area may be provided above ground through the use of an outside roof deck, roof top garden, pool area or similar type of outside common area.

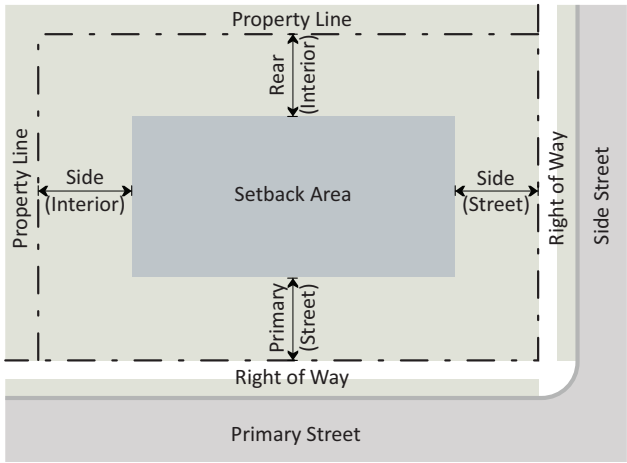
Sec. 1.5.4. Building Setbacks

A. Setback Types

There are four types of setbacks – primary street setback, side street setback, side setback and rear setback. Through lots are considered to have two primary street setbacks.

B. Measurement of Building Setbacks

1. Primary and side street setbacks are measured from the edge of the right-of-way.
2. Side setbacks are measured from the side property line.
3. Rear setbacks are measured from the rear property line or the edge of the right-of-way where there is an alley.



C. Corner Lots

A corner lot must designate at least one primary street. A lot may have more than one primary street. In determining the primary street, the following conditions must be considered:

1. The street with the highest street classification;
2. The established orientation of the block;
3. The street abutting the longest face of the block;
4. The street parallel to an alley within the block; and
5. The street that the lot takes its address from.

D. Setback Encroachments

All buildings and structures must be located at or behind required setback lines, except as listed below. Structures below and covered by the ground may encroach into a required setback.

1. Building Features

a. Porches, stoops, balconies, galleries and awnings as set forth in Sec. 1.5.11.

b. Chimneys or flues may extend up to four feet, provided that such extension is at least two feet from the vertical plane of any lot line.

c. Building eaves, roof overhangs and light shelves may extend up to five feet, provided that such extension is at least two feet from the vertical plane of any lot line.

d. Bay windows, entrances and similar features that are less than ten feet wide may extend up to four feet, provided that such extension is at least two feet from the vertical plane of any lot line.

e. Unenclosed fire escapes or stairways may extend up to four feet into a required side or rear setback, provided that such extension is at least five feet from the vertical plane of any lot line.

f. Unenclosed patios, decks or terraces may extend up to four feet into a required side setback, or up to eight feet into a required rear setback, provided that such extension is at least five feet from the vertical plane of any lot line.

g. Cornices, eaves, belt courses, sills, buttresses, or other similar architectural features may project up to 1½ feet.

h. Handicap ramps may project to the extent necessary to perform their proper function.

2. Mechanical Equipment and Utilities Lines

a. Mechanical equipment associated with residential uses, such as HVAC units and security lighting, may extend into a required rear or side setback, provided that such extension is at least five feet from the vertical plane of any lot line.

b. Sustainable energy systems may extend into a required rear or side setback, provided that such extension is at least three feet from the vertical plane of any lot line.

c. Rainwater collection or harvesting systems may extend into a required rear or side setback, provided that such extension is at least three feet from the vertical plane of any lot line.

d. Utility lines located underground and minor structures accessory to utility lines (such as hydrants, manholes, and transformers and other cabinet structures) may extend into a required rear or side setback.

E. Other Encroachments

1. Fence and walls as set forth in Sec. 7.2.5.
2. Signs as set forth in Article 7.3.
3. Driveways as set forth Sec. 7.1.9.
4. Transitional protective yards as set forth in Article 7.3.

Sec. 1.5.5. Parking Setbacks

A. Parking Setback Types

There are four types of parking setbacks – primary street setback, side street setback, side setback and rear setback. Through lots are considered to have two primary street setbacks.

B. Measurement of Parking Setbacks

1. Primary and side street setbacks are measured from the edge of the right-of-way.
2. Side setbacks are measured from the side property line.
3. Rear setbacks are measured from the rear property line or the edge of the right-of-way if there is an alley.

C. Parking Not Allowed

On-site surface and structured parking must be located behind the parking setback line. This requirement is not intended to restrict on-street parking.

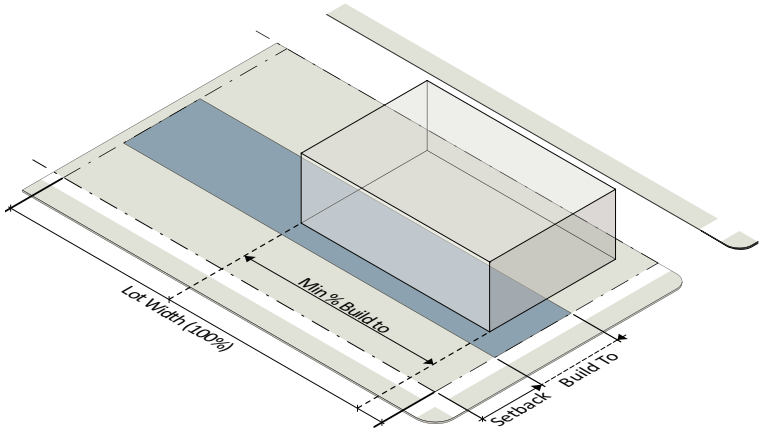
D. Parking in the Front Setback

For a detached or attached house located in residential district used for residential purposes, combined parking and driveway area shall not constitute more than 40% of the area between front building facade and the front property line.

Sec. 1.5.6. Build-to

A. Defined

1. The build-to is the area on the lot where a certain percentage of the front building facade must be located, measured as a minimum and maximum setback range from the edge of the right-of-way.
2. The required percentage specifies the amount of the front building facade that must be located in the build-to area, measured based on the width of the building divided by the width of the site or lot.



B. Corner Lots

On corner lots, a building facade must be placed within the build-to area for the first 30 feet along the street extending from the block corner.

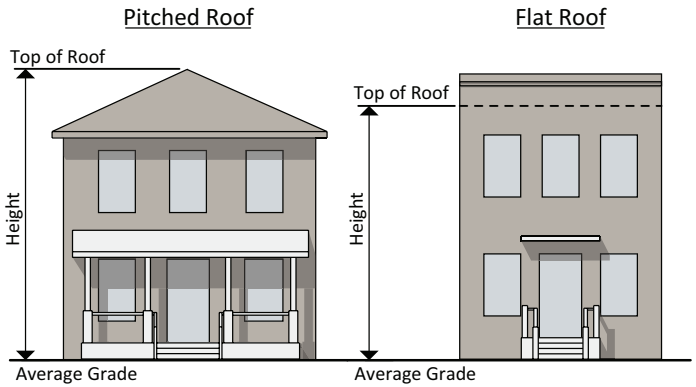
C. Encroachments

With the exception of parking areas, all structures and uses customarily allowed on the lot are permitted in the build-to area.

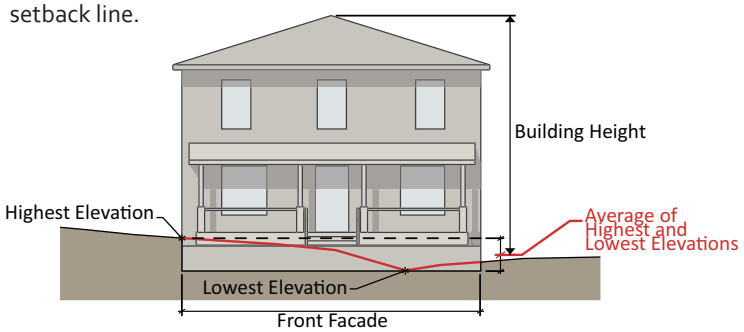
Sec. 1.5.7. Height

A. Building Height

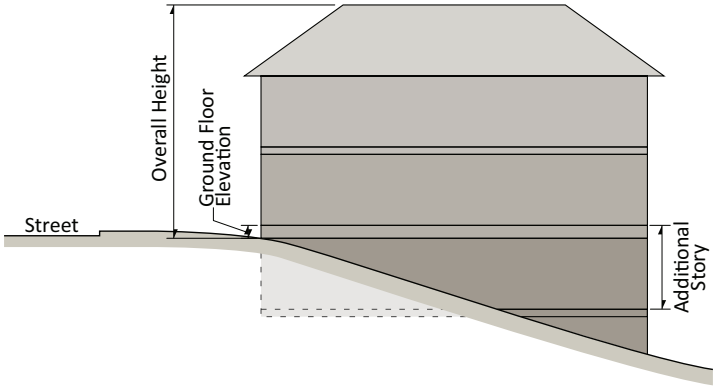
1. Building height is measured in both number of stories and feet to the top of the highest point of the roof.



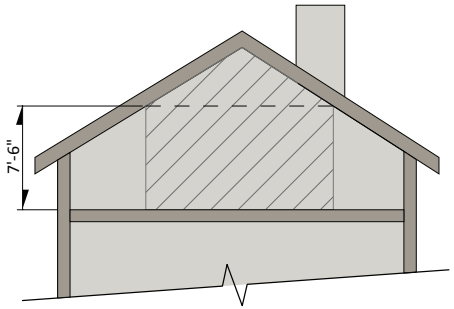
2. Average grade is determined by calculating the average of the highest and lowest elevation along natural or improved grade (whichever is more restrictive) along the front of the building parallel to the primary street setback line.



3. Where a lot slopes downward from the front property line, one story that is additional to the specified maximum number of stories may be built on the lower, rear portion of the lot.



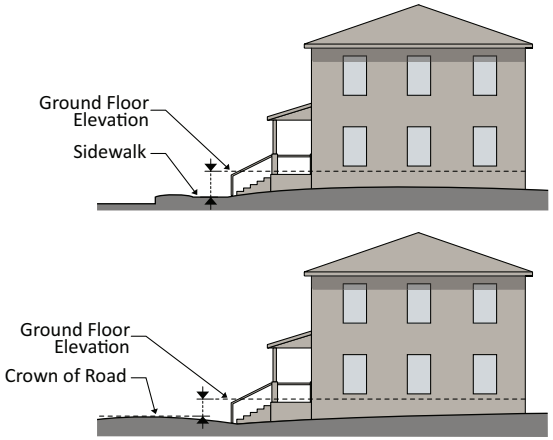
4. An attic does not count as a story where 50% or more of the attic floor area has a clear height of less than 7 1/2 feet; measured from the finished floor to the finished ceiling.



5. A basement with 50% or more of its perimeter wall area surrounded by natural grade is not considered a story.

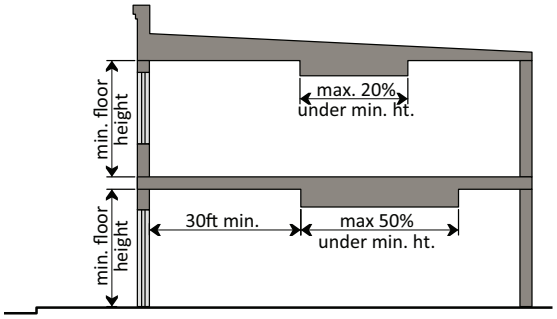
B. Ground Floor Elevation

Ground floor elevation is measured from the average curb level of the adjoining street, or if no curb exists, the average level of the center crown of the street to the top of the finished ground floor.



C. Floor Height

1. Floor height is measured from the top of the finished floor to the ceiling above.
2. Minimum ground story height applies to the first 30 feet of the building measured inward from the street facing facade.
3. At least 80% of each upper story must meet the minimum upper story height provisions.



D. Height Encroachments

Any height encroachment not specifically listed is expressly prohibited except where the Planning Director determines that the encroachment is similar to a permitted encroachment listed below.

1. The maximum height limits of the district do not apply to spires, belfries, cupolas, domes not intended for human occupancy; monuments, water tanks/towers or other similar structures which, by design or function, must exceed the established height limits.
2. The following accessory structures may exceed the established height limits,except when located within an Airport Overlay District, provided they do not exceed the maximum building height by more than 12 feet:
   a. Chimney, flue or vent stack;
   b. Deck, patio, shade structure;
   c. Flagpole;
   d. Garden, landscaping;
   e. Parapet wall, limited to a height of four feet;
   f. Rainwater collection or harvesting systems; and
   g. Sustainable energy systems.
3. The following accessory structures may exceed the established height limits, except when located within an Airport Overlay District, provided they do not exceed the maximum building height by more than 12 feet, do not occupy more than 25% of the roof area, and are set back at least ten feet from the edge of the roof:
   a. Amateur communications tower;
   b. Cooling tower;
   c. Elevator penthouse or bulkhead;
   d. Greenhouse;
   e. Mechanical equipment;
   f. Skylights;
   g. Elevator or stairway access to roof; and
   h. Tank designed to hold liquids.

4. An accessory structure located on the roof must not be used for any purpose other than a use incidental to the principal use of the building.

Sec. 1.5.8. Pedestrian Access

A. An entrance providing both ingress and egress, operable to residents or customers at all times, is required to meet the street facing entrance requirements. Additional entrances off another street, pedestrian area or internal parking area are permitted.

B. An angled entrance may be provided at either corner of a building along the street to meet the street facing entrance requirements.

Sec. 1.5.9. Transparency

A. The minimum percentage of windows and doors that must cover a ground story facade is measured between 0 and 12 feet above the adjacent sidewalk.

B. The minimum percentage of windows and doors that must cover an upper story facade is measured from top of the finished floor to the top of the finished floor above. When there is no floor above, upper story transparency is measured from the top of the finished floor to the top of the wall plate.

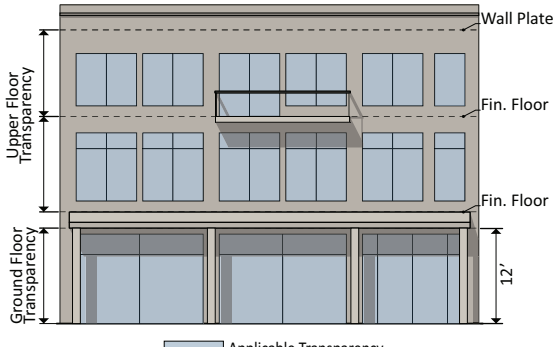
C. In a mixed use building, a minimum of 60% of the street-fronting, street-level window pane surface area must allow views into the ground story use for a depth of at least eight feet. Windows shall not be made opaque by window treatments (except operable sunscreen devices within the conditioned space).

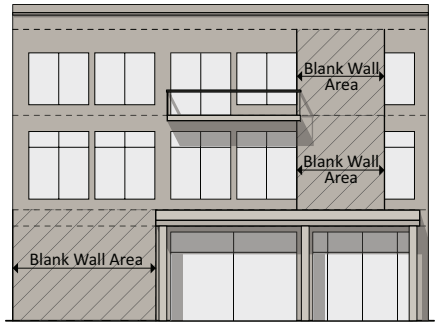
Sec. 1.5.10. Blank Wall Area

A. Blank wall area means a portion of the exterior facade of the building that does not include a substantial material change (paint color is not considered a substantial change); windows or doors; or columns, pilasters or other articulation greater than 12 inches in depth.

B. Blank wall area applies in both a vertical and horizontal direction.

C. Blank wall width applies to both ground and upper story primary and side street facing facades.



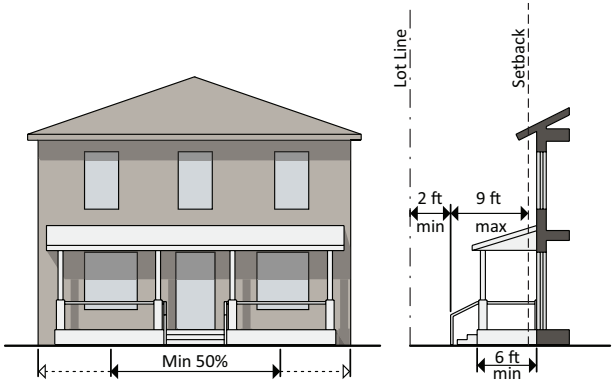


Sec. 1.5.11. Building Elements

A. Porch

A raised structure attached to a building, forming a covered entrance to a doorway.

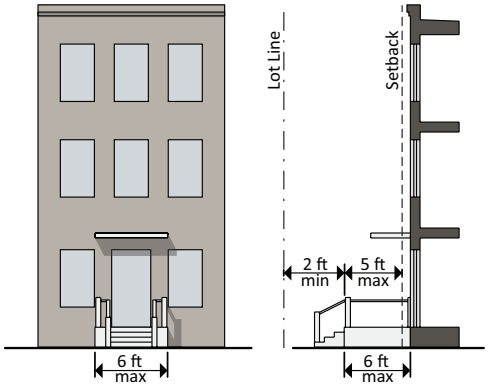
1. A porch must be at least six feet deep (not including the steps).
2. A porch must be contiguous with a width not less than 50% of the building facade from which it projects.
3. A porch must be roofed but cannot be fully enclosed.
4. A porch may extend up to nine feet, including the steps, into a required setback, provided that such extension is at least two feet from the vertical plane of any lot line.
5. A porch may not encroach into the public right-of-way.



B. Stoop

A small raised platform that serves as an entrance to a building.

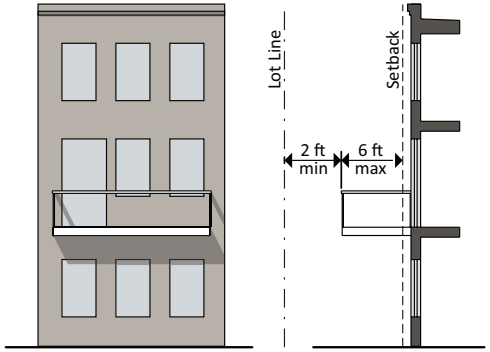
1. A stoop must be no more than six feet deep (not including the steps) and six feet wide.
2. A stoop may be covered but cannot be fully enclosed.
3. A stoop may extend a up to six feet into a required setback, provided that the landing is at least two feet from the vertical plane of any lot line.
4. A stoop may not encroach into the public right-of-way.



C. Balcony

A platform projecting from the wall of a building with a railing along its outer edge, often with access from a door or window.

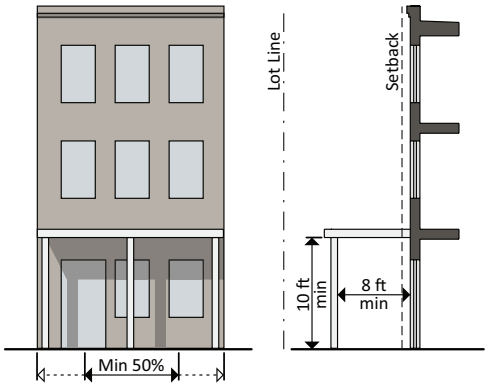
1. A balcony may extend up to six feet into a required setback, provided that such extension is at least two feet from the vertical plane of any lot line.
2. A balcony may be covered but cannot be fully enclosed.
3. A balcony may not encroach into the public right-of-way without a license for the use of public right-of-way.



D. Gallery

A covered passage extending along the outside wall of a building supported by arches or columns that is open on one side.

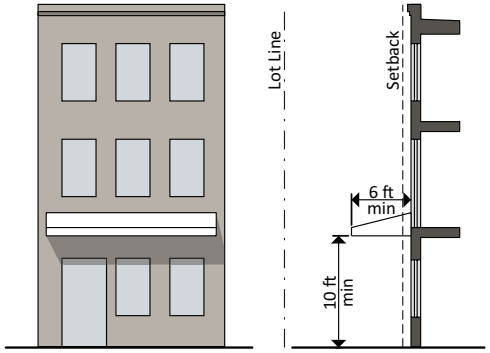
1. A gallery must have a clear depth from the support columns to the building's facade of at least eight feet and a clear height above the sidewalk of at least ten feet.
2. A gallery must be contiguous and extend over at least 50% of the width of the building facade from which it projects.
3. A gallery may extend into a required street setback.
4. A galley may not encroach into the public right-of-way without a license for the use of public right-of-way.



E. Awning

A wall-mounted, cantilevered structure providing shade and cover from the weather for a sidewalk.

1. An awning must be a minimum of ten feet clear height above the sidewalk and must have a minimum depth of six feet.
2. An awning may extend into a required street setback.
3. An awning may not encroach into the public right-of-way without a license for the use of public right-of-way.



Sec. 1.5.12. Residential Private Garage Parking Options

A. Applicability

In addition to the standards provided below, attached and detached garages must meet all applicable requirements for either principal buildings or accessory structures as set forth on the individual building type pages.

B. Detached House and Attached House

On lots of less than one acre, garage placement must match one of the following standards.

1. Semi-Flush

a. Garage doors are oriented towards the street.

b. Garage doors must be positioned between 5 and 20 feet behind the front wall plane of the house, extending no more than 30% of the width of the house.

c. No individual garage door may exceed 12 feet in width and a maximum of two garage doors are allowed.

2. Set Back

a. Garage doors are oriented towards the street.

b. Garage doors must be positioned at least 20 feet behind the front wall plane of the house.

3. Side-Loaded

a. Garage doors are oriented perpendicular to the street.

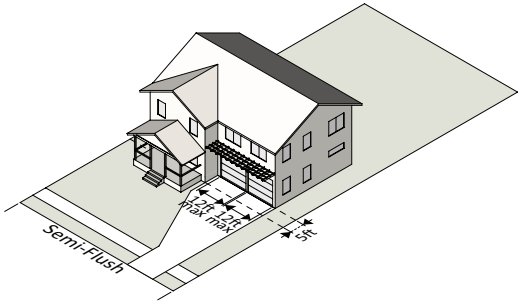
b. Any wall of the garage must be located at least three feet behind the front wall plane of the house.

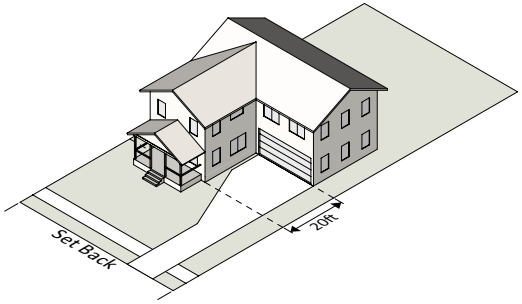
c. Windows must cover at least 15% of any wall of the garage that faces the street.

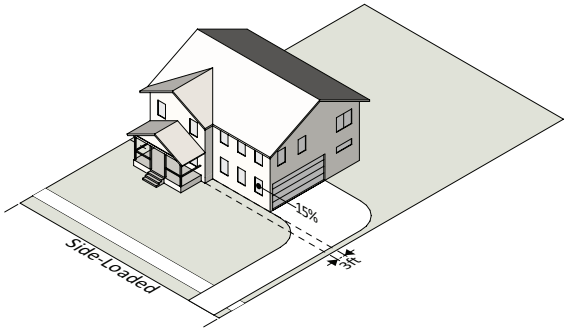
4. Carriage Court

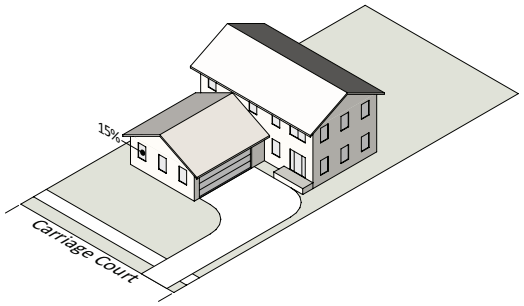
a. Garage doors are oriented perpendicular to the street. Garage is located entirely in front of the house.

b. Windows must cover at least 15% of any wall of the garage that faces the street.









5. Rear-Loaded

a. Garage is placed entirely to the rear of the house.

b. Garage doors can either face the street or be located perpendicular to street.

6. Alley-Loaded

a. Garage is placed entirely to the rear of the house and is alley-accessed.

b. Garage doors face the alley.

c. The front of the garage must be either located four feet from the edge of the alley right-of-way or be set back at least 20 feet.

7. Alternative Compliance

Alternative configurations may be approved by the Planning Director provided they meet the following criteria:

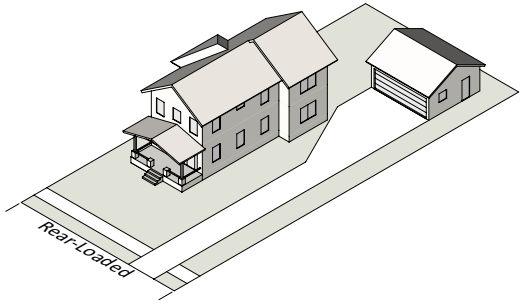
a. Garage doors that face the street are located behind the front wall plane of the house.

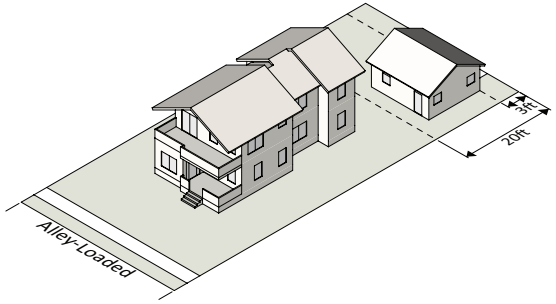
b. If garage doors can be seen from the street, then measures must taken to reduce the visual impact of the doors. Measures include increased garage door setback, architectural treatments, translucent garage doors, single doors, and limits on the total number of doors that face the street.

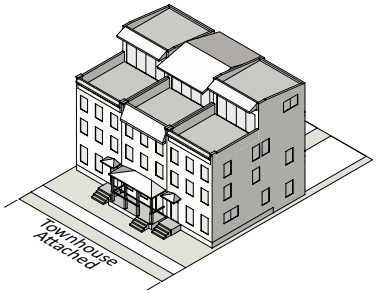
c. Garage doors perpendicular to the street must take measures to reduce the visual impact of the side wall that faces the street. Measures include architectural treatments, changes in material, landscaping, vegetation, and the installation of windows.

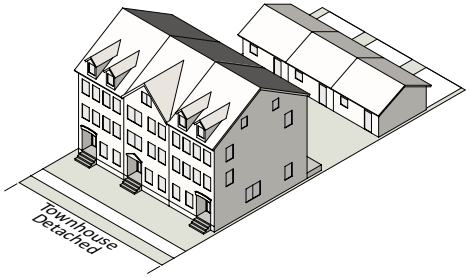
C. Townhouse

For all townhouses that incorporate individual garages, the garage must placed behind the townhouse and be rear-accessed. Front-loaded townhouses are not allowed.









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Chapter 2. Residential Districts

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Article 2.1. General Provisions

Sec. 2.1.1. District Intent Statements

A. General Purpose

1. The intent of the Residential Districts is to protect established residential neighborhoods as well as promote planned and efficient future residential developments.
2. The building type design and dimensional standards and allowed uses work together to promote desirable residential neighborhoods.
3. The district provisions discourage any use that would substantially interfere with the residential nature of the district. Compatible park, open space, utility and civic uses are permitted.

B. Residential-1 (R-1)

1. R-1 allows single-unit living in a detached house with a minimum lot size of 40,000 square feet.
2. R-1 also allows an accessory dwelling unit in the principal structure or in a detached accessory structure.
3. Smaller lot sizes and increased density in the form of a conservation development is allowed in exchange for protecting a significant amount of common open space.
4. R-1 is intended to implement the Rural Residential future land use category.

C. Residential-2 (R-2)

1. R-2 allows single-unit living in a detached house with a minimum lot size of 20,000 square feet.
2. R-2 also allows an accessory dwelling unit in the principal structure or in a detached accessory structure.
3. Additional building types, smaller lot sizes and increased density in the form of a conservation development is allowed in exchange for protecting a significant amount common open space.
4. R-2 is intended to implement the Low Density Residential future land use category.

D. Residential-4 (R-4)

1. R-4 allows single-unit living in a detached house with a minimum lot size of 10,000 square feet.
2. R-4 also allows an accessory dwelling unit in the principal structure or in detached accessory structure.
3. Additional building types, smaller lot sizes and increased density in the form of a conservation development is allowed in exchange for protecting a significant amount common open space.
4. R-4 is intended to implement the Low Density Residential future land use category.

E. Residential-6 (R-6)

1. R-6 allows single-unit living in a detached house with a minimum lot size of 6,000 square feet. R-6 allows an accessory dwelling unit in the principal structure or in a detached accessory structure.
2. R-6 also allows two-unit living in a attached house on a minimum lot size of 9,000 square feet.
3. R-6 is not intended to provide for large areas exclusively dominated by two-unit living but provide for neighborhoods that successfully integrate single-unit and two-unit living together.
4. Additional building types, smaller lot sizes and increased density in the form of a conservation development is allowed in exchange for protecting a significant amount common open space.
5. R-6 is intended to implement the Medium Density Residential future land use category.

F. Residential-10 (R-10)

1. R-10 allows single-unit living in a detached house with a minimum lot size of 4,000 square feet. The district allows an accessory dwelling unit in the principal structure or in a detached accessory structure.
2. R-10 allows two-unit living in an attached house on a minimum lot size of 6,000 square feet. Multi-unit living is also allowed in a townhouse or apartment.

3. R-10 is not intended to provide for large areas exclusively dominated by two-unit or multi-unit living but provide for neighborhoods that successfully integrate single-unit, two-unit and multi-unit living together.
4. Smaller lot sizes and increased density in the form of a conservation development is allowed in exchange for protecting a significant amount common open space.
5. R-10 is intended to implement the Medium Density Residential future land use category.

Sec. 2.1.2. Development Options

A. Intent

To encourage design innovation and flexibility, the Residential Districts allow two types of development options.

B. Conventional Development (see Article 2.2)

1. Conventional is a pattern of residential development that provides a majority of property owners with substantial yards on their own property.
2. Under the conventional option no preserved common open space is required and the minimum lot size is limited to the lot size for the respective district.
3. On projects under a certain size, an applicant can only use the conventional development option. On projects over certain size, an applicant may choose to use either the conventional or the conservation development options.
4. Size thresholds are based on residential zoning district and are listed in Article 2.3.

C. Conservation Development Option (see Article 2.3)

1. A conservation development trades smaller lot sizes (with smaller setbacks) and additional density in exchange for protecting a significant amount of open space. This allows more efficient layout of lots, streets, and utilities, promotes a mixture of housing, and protects the character of the area through the preservation of open space, recreation areas, environmental features and scenic vistas.
2. A conservation development must be a minimum size to ensure sufficient common open space can be incorporated into the subdivision design.
3. On projects under a certain size, an applicant can only use the conventional development option. On projects over certain size, an applicant may choose to use either the conventional or the conservation development options.
4. Size thresholds are based on residential zoning district and are listed in Article 2.3.
5. Applicants that choose to use the conservation development option must set aside 40% of the total project area as common open space. Requirements for the configuration, use and management of common open space are set forth in Sec. 2.3.8.

Sec. 2.1.3. Additional Housing Patterns

A. Intent

To encourage mixed housing options and rental opportunities in the Residential Districts, a series of additional housing patterns have been developed.

B. Cottage Court (See Sec. 2.4.1)

A cottage court is a group of small detached houses centered around a common open space or courtyard. The cottage court limits the scale of each house, providing an opportunity for more affordable units. The central court enhances the character of the area through the provision of consolidated open space.

C. Backyard Cottage (See Sec. 2.4.2)

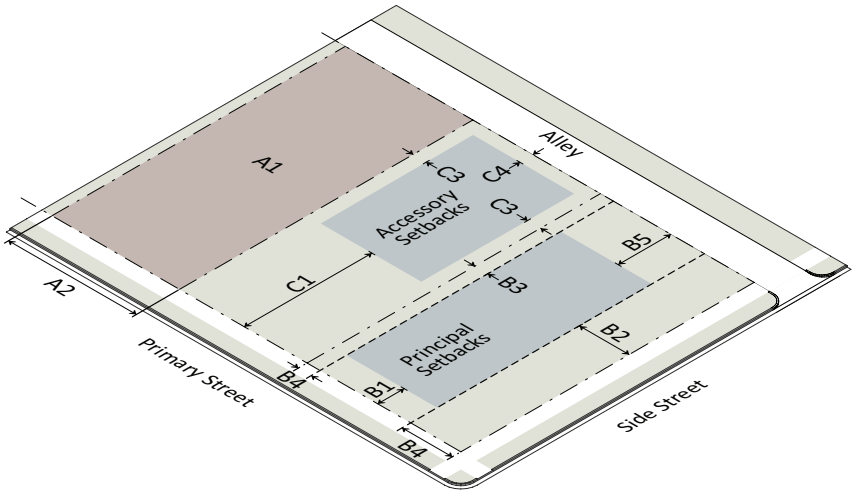
A backyard cottage is a small self-contained sharing dwelling unit located on the same lot as a detached house but is physically separated from the main house.

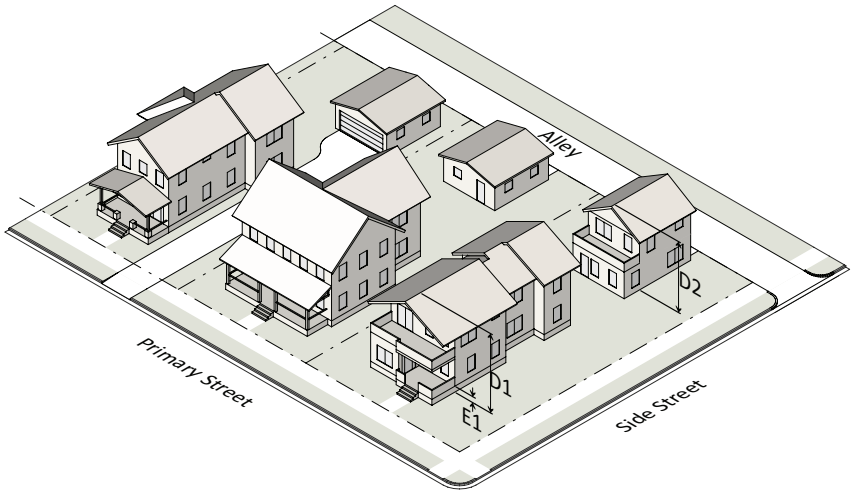
D. Accessory Apartment (See Article 6.6)

An accessory apartment is a small self-contained dwelling unit located within a detached house.

Article 2.2. Conventional Option

Sec. 2.2.1. Detached House



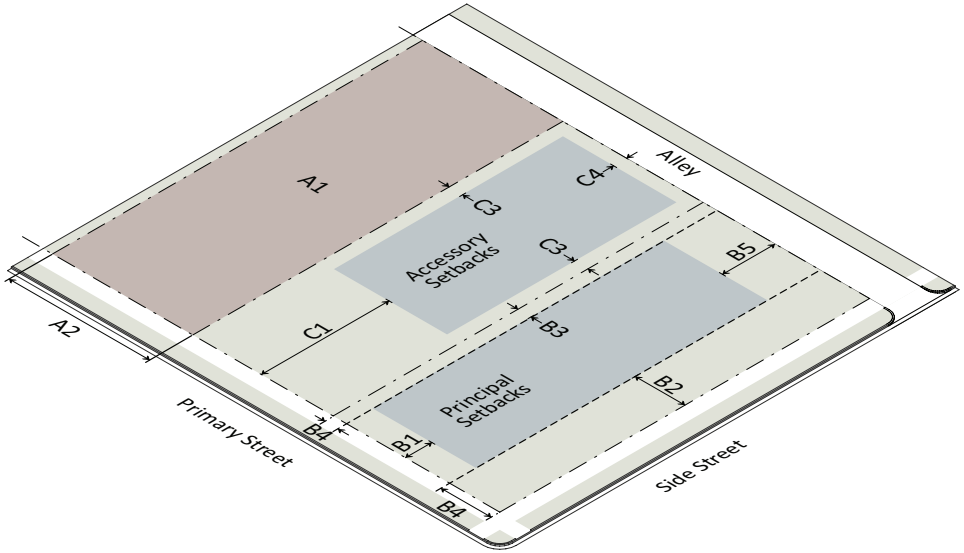


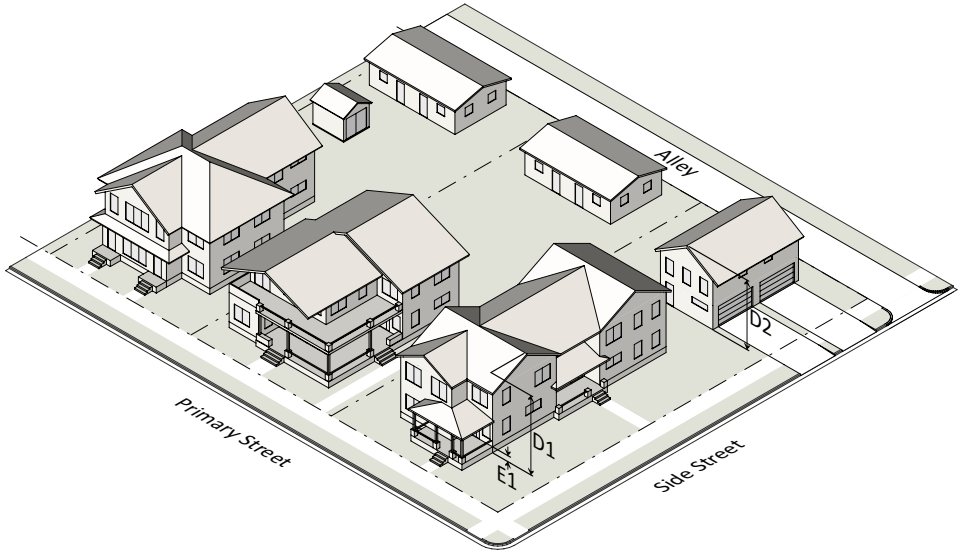
		R-1	R-2	R-4	R-6	R-10
A. Lot Dimensions						
A1	Area (min)	40,000 sf	20,000 sf	10,000 sf	6,000 sf	4,000 sf
A2	Width (min)	100'	80'	65'	50'	45'
A3	Density (max)	1 u/a	2 u/a	4 u/a	6 u/a	10 u/a
B. Principal Building Setbacks						
B1	From primary street (min)	20'	20'	20'	10'	10'
B2	From side street (min)	20'	20'	20'	20'	20'
B3	From side lot line (min)	10'	10'	10'	5'	5'
B4	Sum of side setbacks (min)	20'	20'	20'	15'	10'
B5	From rear lot line (min)	30'	30'	30'	20'	20'
B6	Residential infill rules may apply (see Sec. 2.2.7)	no	no	yes	yes	no
C. Accessory Structure Setbacks						
C1	From primary street (min)	20'	50'	50'	50'	50'
C2	From side street (min)	20'	20'	20'	20'	20'
C3	From side lot line (min)	10'	5'	5'	5'	5'
C4	From rear lot line (min)	10'	5'	5'	5'	5'
C4	From alley (min)	n/a	n/a	4' or 20'	4' or 20'	4' or 20'

		R-1	R-2	R-4	R-6	R-10
D. Height						
D1	Principal building (max)	40'/ 3 stories	40'/ 3 stories	40'/ 3 stories	40'/ 3 stories	40'/ 3 stories
D2	Accessory structure (max)	25'	25'	25'	25'	25'
D3	Residential infill rules may apply (see Sec. 2.2.7)	no	no	yes	yes	no
E. Ground Floor Elevation						
E1	20' or less from front property line (min)	2'	2'	2'	2'	2'
E1	More than 20' from front property line (min)	0'	0'	0'	0'	0'
F. Allowed Building Elements*						
	Porch, stoop					
	Balcony					

* see Sec. 1.5.11 for specific building element requirements.

Sec. 2.2.2. Attached House



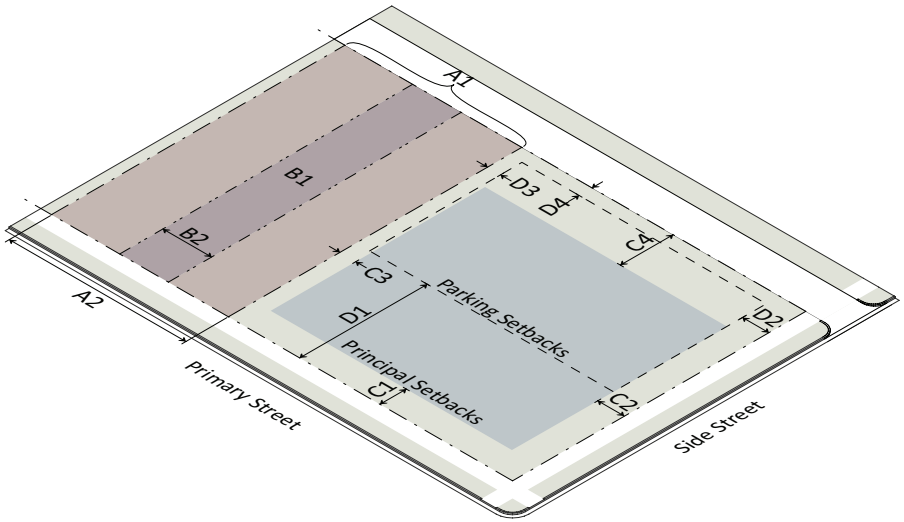


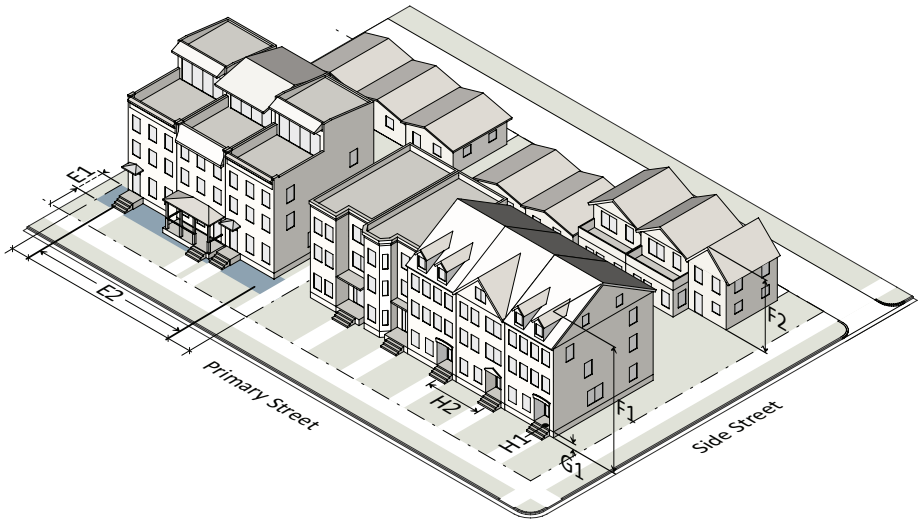
		R-6	R-10
A. Lot Dimensions			
A1	Area (min)	9,000 sf	6,000 sf
A2	Width (min)	60'	50'
A3	Density (max)	6 u/a	10 u/a
B. Principal Building Setbacks			
B1	From primary street (min)	10'	10'
B2	From side street (min)	20'	20'
B3	From side lot line (min)	5'	5'
B4	Sum of side setbacks (min)	15'	10'
B5	From rear lot line (min)	20'	20'
B6	Residential infill rules may apply (see Sec. 2.2.7)	yes	no
C. Accessory Structure Setbacks			
C1	From primary street (min)	50'	50'
C2	From side street (min)	20'	20'
C3	From side lot line (min)	5'	5'
C4	From rear lot line (min)	5'	5'
C4	From alley (min)	4' or 20'	4' or 20'

		R-6	R-10
D. Height			
D1	Principal building (max)	40'/3 stories	40'/3 stories
D2	Accessory structure (max)	25'	25'
D3	Residential infill rules may apply (see Sec. 2.2.7)	yes	no
E. Ground Floor Elevation			
E1	20' or less from front property line (min)	2'	2'
E1	More than 20' from front property line (min)	0'	0'
F. Allowed Building Elements*			
	Porch, stoop		
	Balcony		

* see Sec. 1.5.11 for specific building element requirements.

Sec. 2.2.3. Townhouse



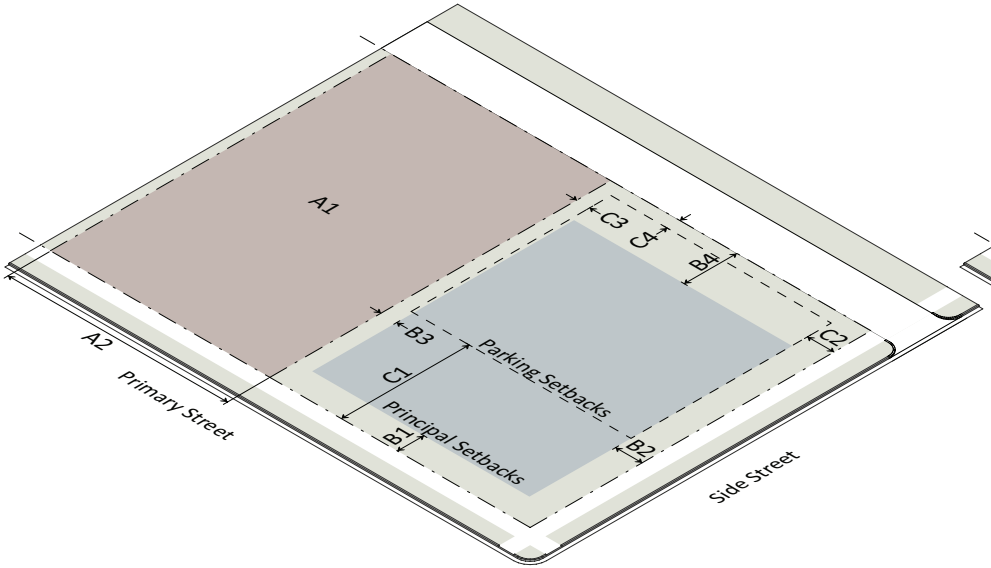


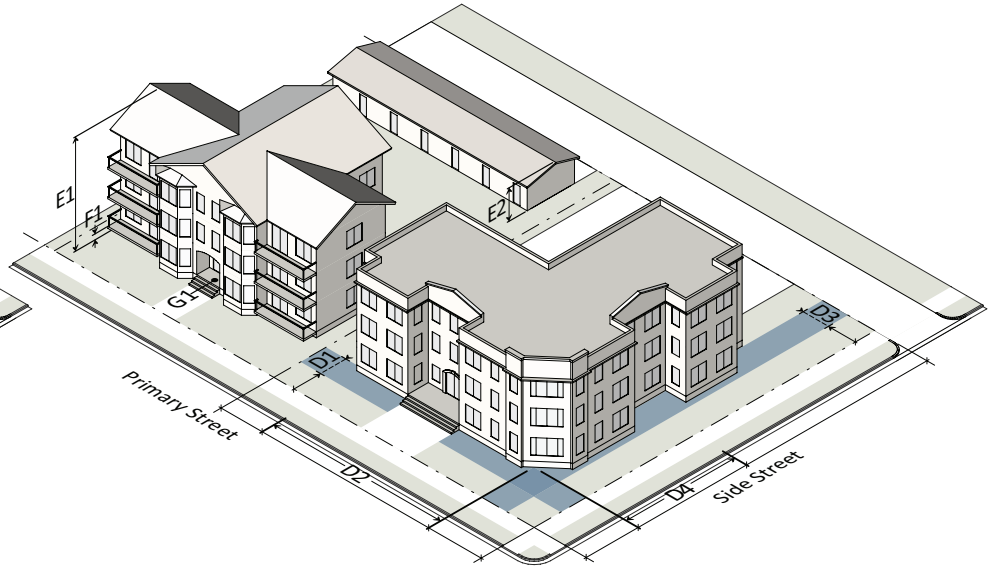
		R-10
A. Site Dimensions		
A1	Area (min)	4,000 sf
A2	Width (min)	52'
B. Lot Dimensions		
B1	Area (min)	1,600 sf
B2	Width (min)	20'
B3	Density (max)	10 u/a
C. Building/Structure Setbacks		
C1	From primary street (min)	10'
C2	From side street (min)	10'
C3	From side lot line (min)	0' or 6'
C4	From rear lot line (min)	20'
C4	From alley (min)	4' or 20'
D. Parking Setbacks		
D1	From primary street (min)	30'
D2	From side street (min)	10'
D3	From side/rear lot line (min)	3'
D4	From alley (min)	4'

		R-10
E. Build-to (Site)		
E1	Primary street build-to (min/max)	10'/20'
E2	Building width in primary build-to (min)	70%
F. Height		
F1	Principal building (max)	45'/3 stories
F2	Accessory structure (max)	25'
G. Ground Floor Elevation		
G1	20' or less from front property line (min)	2'
G1	More than 20' from front property line (min)	n/a
H. Pedestrian Access		
H1	Street-facing entrance required for units fronting the street	yes
H2	Street-facing entrance spacing (max)	25'
I. Allowed Building Elements*		
	Porch, stoop	
	Balcony	

* see Sec. 1.5.11 for specific building element requirements.

Sec. 2.2.4. Apartment



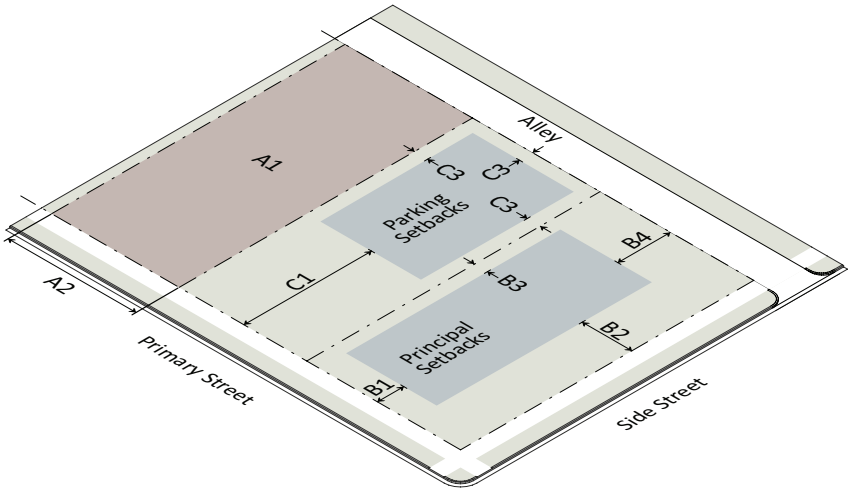


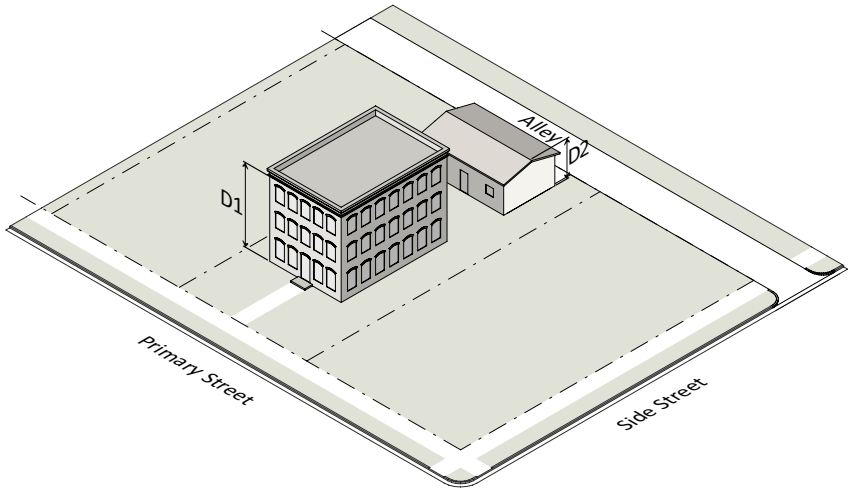
		R-10
A.	**Lot Dimensions**	
A1	Area (min)	10,000 sf
A2	Width (min)	100'
A3	Recreation area (min)	5%
A4	Density (max)	10 u/a
B.	**Building/Structure Setbacks**	
B1	From primary street (min)	10'
B2	From side street (min)	10'
B3	From side lot line (min)	0' or 6'
B4	From rear lot line (min)	20'
B4	From alley (min)	4' or 20'
C.	**Parking Setbacks**	
C1	From primary street (min)	30'
C2	From side street (min)	10'
C3	From side/rear lot line (min)	3'
C4	From alley (min)	4'

		R-10
D.	**Build-to (Site)**	
D1	Primary street build-to (min/max)	10'/20'
D2	Building width in primary build-to (min)	70%
D3	Side street build-to (min/max)	10'/20'
D4	Building width in side build-to (min)	35%
E.	**Height**	
E1	Principal building (max)	45'/3 stories
E2	Accessory structure (max)	25'
F.	**Ground Floor Elevation**	
F1	20' or less from front property line	2'
F1	More than 20' from front property line	n/a
G.	**Pedestrian Access**	
G1	Street-facing entrance required (min 1 per building)	yes
G2	Street-facing entrance spacing (max)	75'
H.	**Allowed Building Elements***	
	Porch, stoop	
	Balcony	

* see Sec. 1.5.11 for specific building element requirements.

Sec. 2.2.5. Civic Building



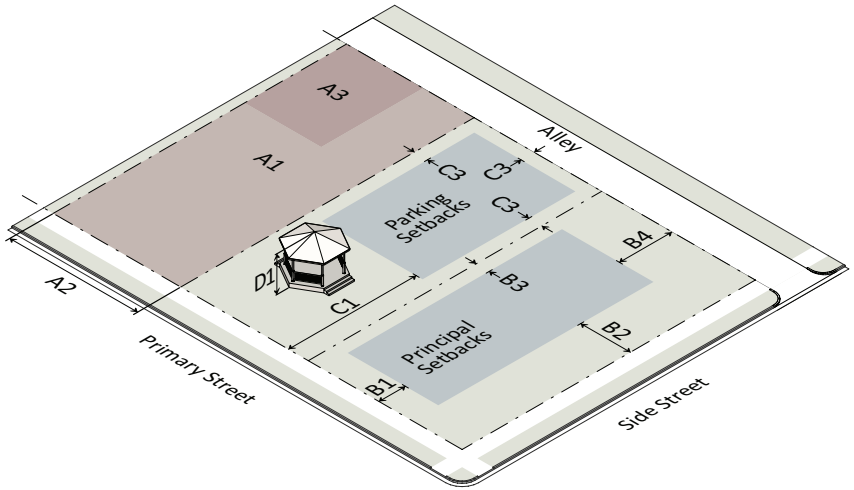


		R-1	R-2	R-4	R-6	R-10
A. Lot Dimensions						
A1	Area (min)	40,000 sf	20,000 sf	10,000 sf	6,000 sf	4,000 sf
A2	Width (min)	100'	80'	65'	50'	45'
B. Building/Structure Setbacks						
B1	From primary street (min)	20'	20'	20'	10'	10'
B2	From side street (min)	20'	20'	20'	20'	20'
B3	From side lot line (min)	15'	10'	10'	10'	10'
B4	From rear lot line (min)	30'	30'	30'	20'	20'
B5	Residential infill rules may apply (see Sec. 2.2.7)	no	no	yes	yes	no
C. Parking Setbacks						
C1	From primary street (min)	30'	30'	30'	30'	30'
C2	From side street (min)	10'	10'	10'	10'	10'
C3	From side/rear lot line (min)	10'	10'	10'	7'	5'

		R-1	R-2	R-4	R-6	R-10
D. Height						
D1	Principal building (max)	40'/ 3 stories	40'/ 3 stories	40'/ 3 stories	40'/ 3 stories	40'/ 3 stories
D2	Accessory structure (max)	25'	25'	25'	25'	25'
D3	Residential infill rules may apply (see Sec. 2.2.7)	no	no	yes	yes	no
E. Allowed Building Elements*						
	Porch, stoop					
	Balcony					
	Gallery, awning					

* see Sec. 1.5.11 for specific building element requirements.

Sec. 2.2.6. Open Lot



		R-1	R-2	R-4	R-6	R-10
A. Lot Dimensions						
A1	Area (min)	40,000 sf	20,000 sf	10,000 sf	6,000 sf	4,000 sf
A2	Width (min)	100'	80'	65'	50'	45'
A3	Building coverage (max)	10%	15%	17%	20%	22%
B. Building/Structure Setbacks						
B1	From primary street (min)	20'	20'	20'	10'	10'
B2	From side street (min)	20'	20'	20'	20'	20'
B3	From side lot line (min)	10'	10'	10'	10'	10'
B4	From rear lot line (min)	30'	30'	30'	20'	20'
C. Parking Setbacks						
C1	From primary street (min)	30'	30'	30'	30'	30'
C2	From side street (min)	10'	10'	10'	10'	10'
C3	From side/rear lot line (min)	10'	10'	10'	7'	5'
D. Height						
D1	All building/structures (max)	40'	40'	40'	40'	40'
E. Allowed Building Elements						
	None					

Sec. 2.2.7. Residential Infill Compatibility

A. Intent

The following compatibility standards are intended to accommodate the majority of infill development in existing residential neighborhoods. These standards are intended to encourage reinvestment in existing neighborhoods and reinforce the traditional character of established residential neighborhoods.

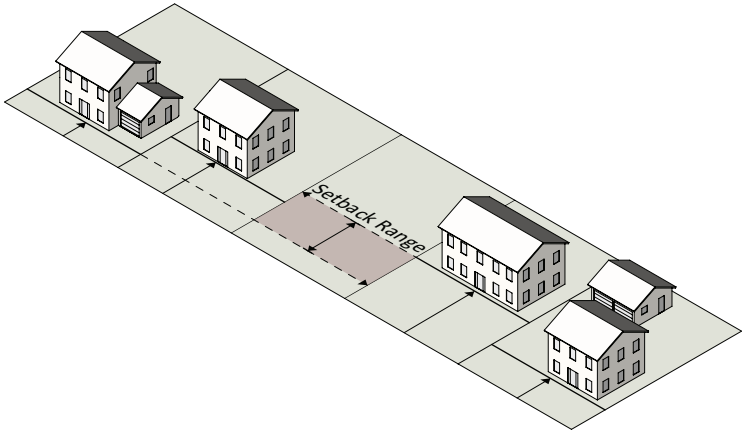
B. Applicability

The following standards apply to any building or structure in a R-4 or R-6 district where:

1. The total site area is five acres or less.
2. At least 50% of the side or rear property lines abut existing detached or attached houses used for single-unit or two-unit living.

C. Street Setback

1. The building must be located within the range of established front setbacks on the block.
2. The range of setbacks is measured on the basis of the four lots surrounding the subject lot (the two closest lots in either direction along the block).
3. The building must be located within the range of setbacks (no closer than the narrowest setback, no further than the deepest setback).
4. Where the calculation of a range of setbacks is not practicable, the building must meet the district standards.



D. Height

1. Side Setback Plane

Any building is subject to a side setback plane starting at 15 feet in height at the side property line (or the average height of the two abutting neighboring wall planes, whichever is greater), and extending upward one foot for every additional foot into the lot from the side property line.

2. Rear Setback Plane

Any building is subject to a rear setback plane starting at 15 feet in at the rear property line, and extending upward one foot for every additional foot into the lot from the rear property line.

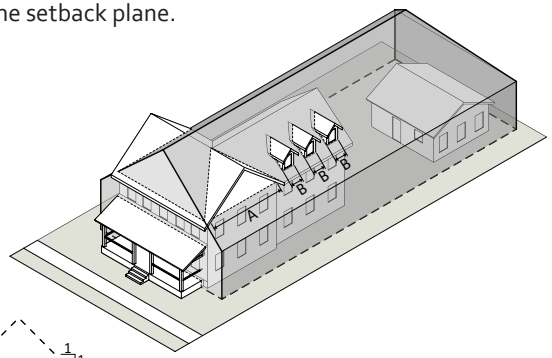
3. Exceptions to Setback Planes

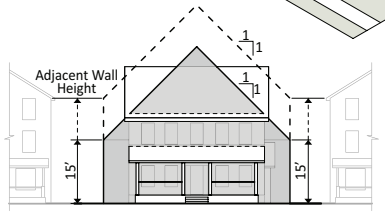
a. Side-Gabled Roof

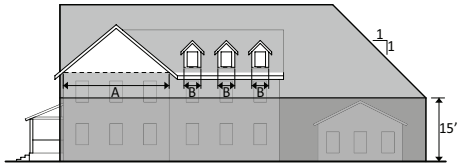
A side-gabled roof structure may extend above the side setback plane on each side of the building, for a total length of not more than 30 feet, measured from the street setback line along the intersection with the side setback plane.

b. Dormers

Dormers may extend above the side setback plane a total length of not more than 15 feet on each side of the house, measured along the intersection with the setback plane.



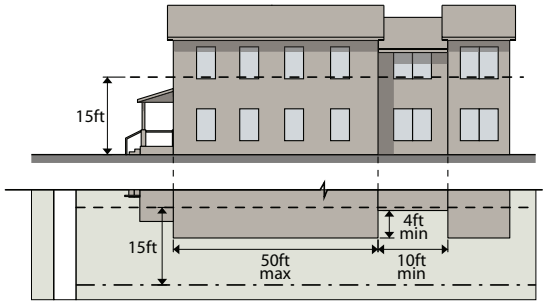




A= Not more than 30'
B+B+B+...= Not more than 15'

E. Side Wall Length

Articulation is required for side walls on additions or new construction that are 15 feet or taller and located within 15 feet of the side lot line. No wall may extend for more than 50 feet without a projection or recession of at least four feet in depth and ten feet in length.



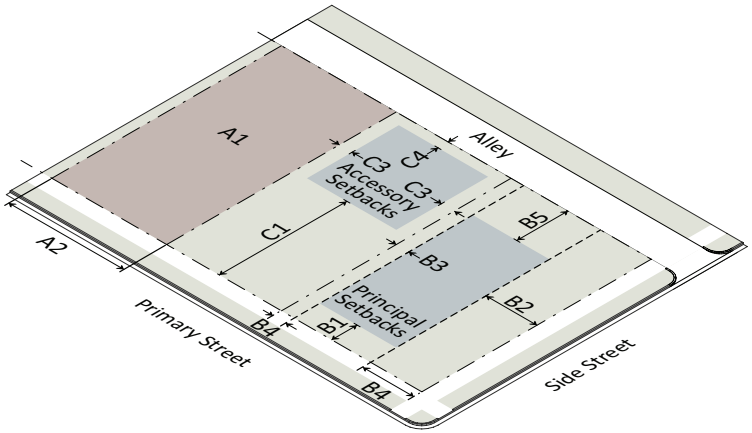
Article 2.3. Conservation Development Option

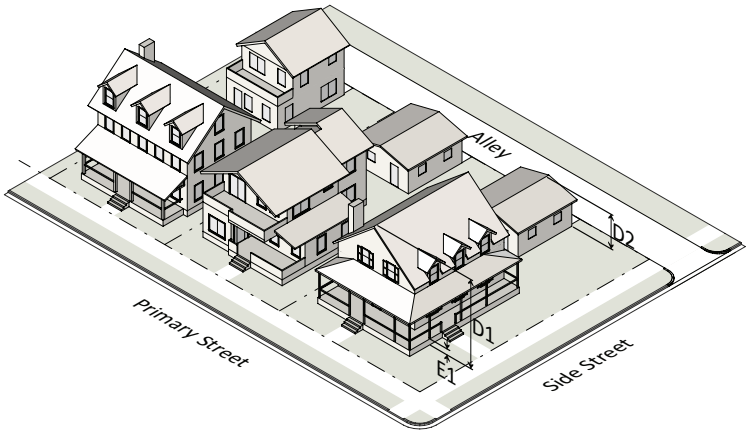
Sec. 2.3.1. General Requirements

		R-1	R-2	R-4	R-6	R-10
A. Site						
A1	Density (max)	2 u/a	4 u/a	6 u/a	10 u/a	15 u/a
A2	Area (min)	20 acres	15 acres	12 acres	10 acres	5 acres
B. Open Space						
B1	Open space required (min)	40%	40%	40%	40%	40%
B2	% of lots abutting open spaces (min)	60%	50%	40%	40%	30%
B3	Contiguous area (min)	60%	60%	60%	60%	60%
B4	Width of open space (min)	50'	50'	50'	50'	50'

		R-1	R-2	R-4	R-6	R-10
C. Perimeter Protective Yard						
C1	From major street (min)	60'	50'	40'	35'	35'
C2	From minor street (min)	50'	40'	30'	25'	25'
C3	From project boundary (min)	30'	30'	30'	25'	25'
D. Residential Unit Types (max)						
	Detached house	100%	100%	100%	100%	100%
	Attached house	n/a	35%	40%	45%	50%
	Townhouse	n/a	n/a	30%	35%	40%
	Apartment	n/a	n/a	n/a	30%	35%

Sec. 2.3.2. Detached House



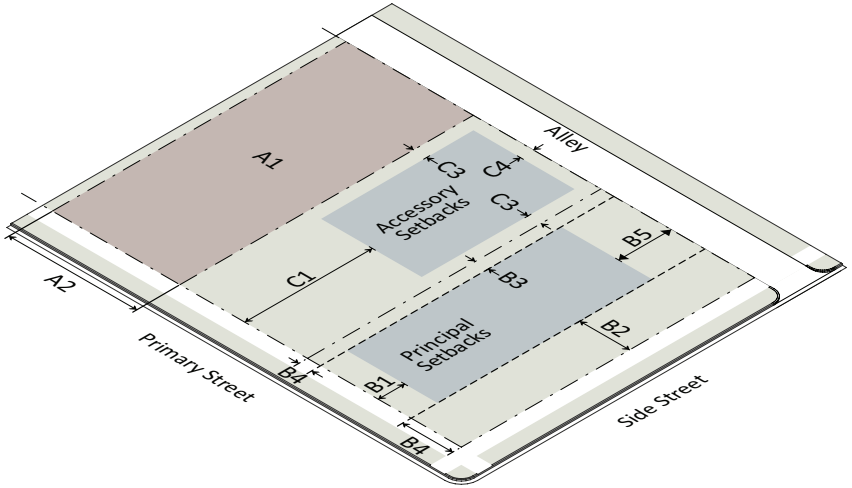


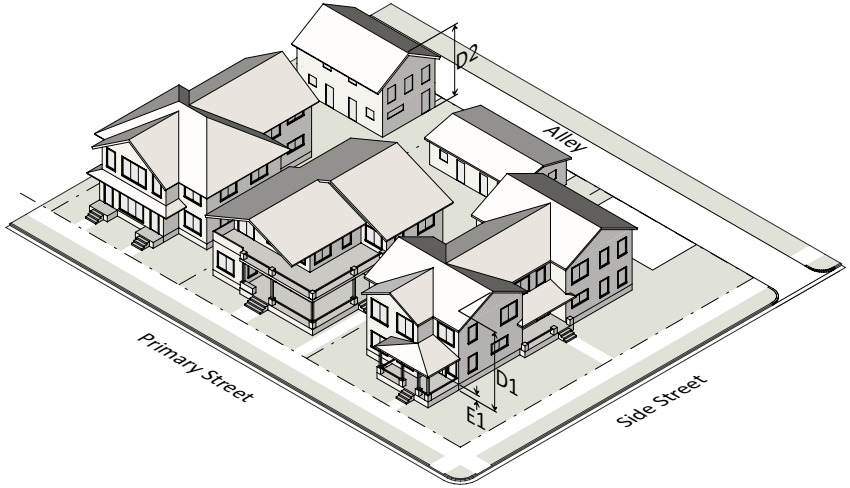
		R-1	R-2	R-4	R-6	R-10
A. Lot Dimensions						
A1	Area (min)	20,000 sf	10,000 sf	6,000 sf	4,000 sf	3,000 sf
A2	Width (min)	80'	65'	50'	45'	30'
B. Principal Building Setbacks						
B1	From primary street (min)	20'	20'	10'	10'	10'
B2	From side street (min)	20'	20'	20'	20'	20'
B3	From side lot line (min)	10'	10'	5'	5'	5'
B4	Sum of side setbacks (min)	20'	20'	15'	10'	10'
B5	From rear lot line (min)	30'	30'	20'	20'	15'
C. Accessory Structure Setbacks						
C1	From primary street (min)	50'	50'	50'	50'	50'
C2	From side street (min)	20'	20'	20'	20'	20'
C3	From side lot line (min)	5'	5'	5'	5'	5'
C4	From rear lot line (min)	5'	5'	5'	5'	5'
C4	From alley (min)	n/a	n/a	4' or 20'	4' or 20'	4' or 20'

		R-1	R-2	R-4	R-6	R-10
D. Height						
D1	Principal building (max)	40'/ 3 stories	40'/ 3 stories	40'/ 3 stories	40'/ 3 stories	40'/ 3 stories
D2	Accessory structure (max)	25'	25'	25'	25'	25'
E. Ground Floor Elevation						
E1	20' or less from front property line (min)	2'	2'	2'	2'	2'
E1	More than 20' from front property line (min)	0'	0'	0'	0'	0'
F. Allowed Building Elements*						
	Porch, stoop					
	Balcony					

* see Sec. 1.5.11 for specific building element requirements.

Sec. 2.3.3. Attached House



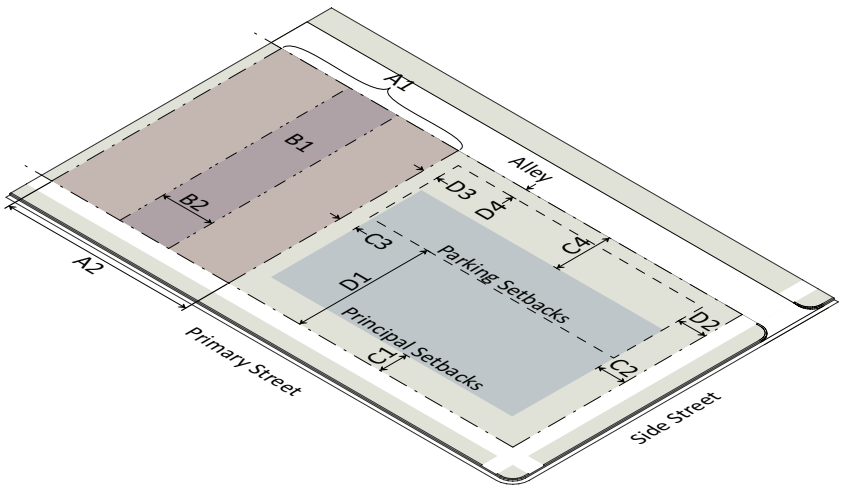


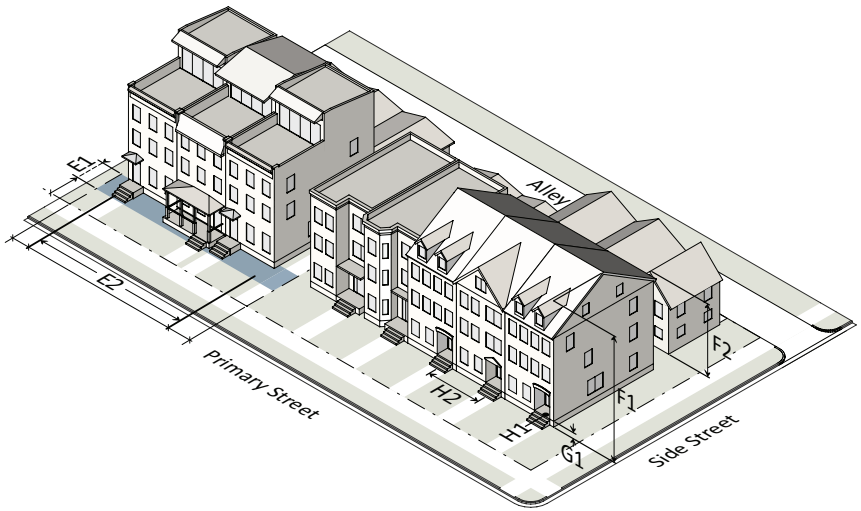
		R-2	R-4	R-6	R-10
A. Lot Dimensions					
A1	Area (min)	15,000 sf	9,000 sf	6,000 sf	4,500 sf
A2	Width (min)	65'	60'	50'	40'
B. Principal Building Setbacks					
B1	From primary street (min)	20'	10'	10'	10'
B2	From side street (min)	20'	20'	20'	20'
B3	From side lot line (min)	10'	5'	5'	5'
B4	Sum of side setbacks (min)	20'	15'	10'	10'
B5	From rear lot line (min)	30'	20'	20'	15'
C. Accessory Structure Setbacks					
C1	From primary street (min)	50'	50'	50'	50'
C2	From side street (min)	20'	20'	20'	20'
C3	From side lot line (min)	5'	5'	5'	5'
C4	From rear lot line (min)	5'	5'	5'	5'
C4	From alley (min)	n/a	4' or 20'	4' or 20'	4' or 20'

		R-2	R-4	R-6	R-10
D. Height					
D1	Principal building (max)	40'/ 3 stories	40'/ 3 stories	40'/ 3 stories	40'/ 3 stories
D2	Accessory structure (max)	25'	25'	25'	25'
E. Ground Floor Elevation					
E1	20' or less from front property line (min)	2'	2'	2'	2'
E1	More than 20' from front property line (min)	0'	0'	0'	0'
F. Allowed Building Elements*					
	Porch, stoop				
	Balcony				

* see Sec. 1.5.11 for specific building element requirements.

Sec. 2.3.4. Townhouse



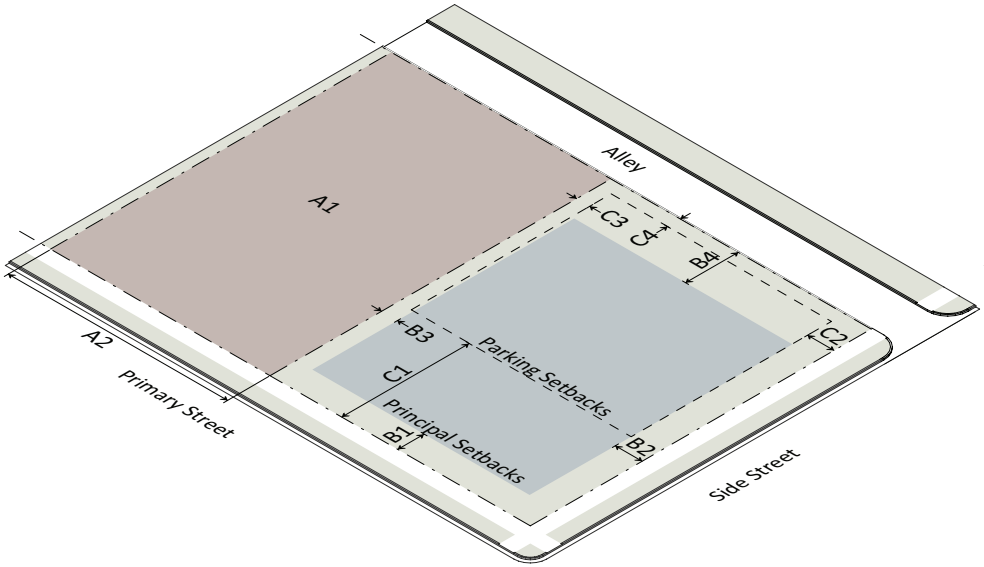


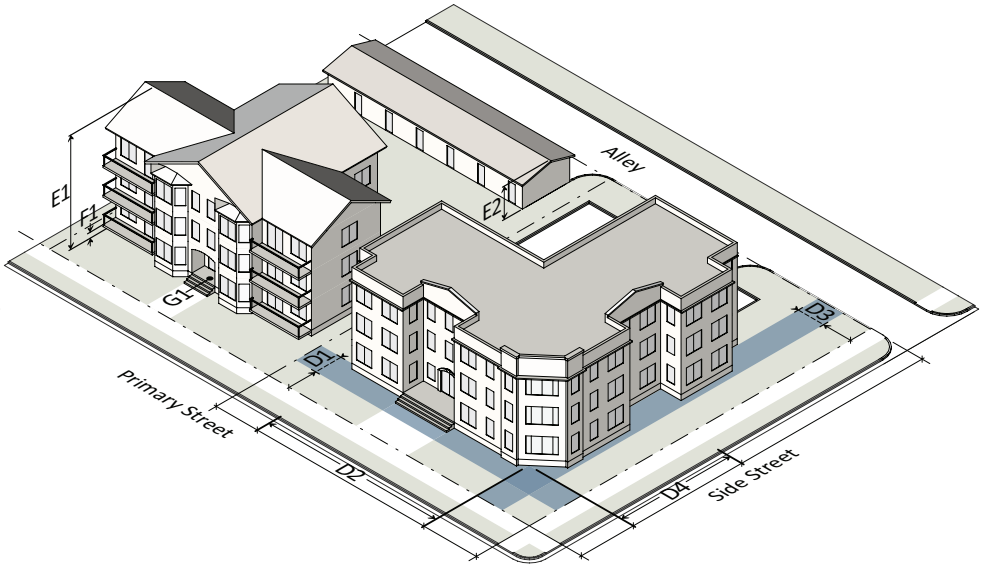
		R-4	R-6	R-10
A. Site Dimensions				
A1	Area (min)	4,800 sf	4,000 sf	3,600 sf
A2	Width (min)	60'	52'	48'
B. Lot Dimensions				
B1	Area (min)	2,100 sf	1,600 sf	1,400 sf
B2	Width (min)	24'	20'	18'
C. Building/Structure Setbacks				
C1	From primary street (min)	15'	10'	5'
C2	From side street (min)	10'	10'	10'
C3	From side lot line (min)	0' or 6'	0' or 6'	0' or 6'
C4	From rear lot line (min)	20'	20'	20'
C4	From alley (min)	4' or 20'	4' or 20'	4' or 20'
D. Parking Setbacks				
D1	From primary street (min)	30'	30'	30'
D2	From side street (min)	10'	10'	10'
D3	From side/rear lot line (min)	3'	3'	3'
D4	From alley (min)	4'	4'	4'

		R-4	R-6	R-10
E. Build-to (Site)				
E1	Primary street build-to (min/max)	15'/25	10'/20'	5'/15'
E2	Building width in primary build-to (min)	60%	70%	80%
F. Height				
F1	Principal building (max)	45'/ 3 stories	45'/ 3 stories	45'/ 3 stories
F2	Accessory structure (max)	25'	25'	25'
G. Ground Floor Elevation				
G1	20' or less from front property line (min)	2'	2'	2'
G1	More than 20' from front property line (min)	0'	0'	0'
H. Pedestrian Access				
H1	Street-facing entrance required for units fronting the street	yes	yes	yes
H2	Street-facing entrance spacing (max)	25'	25'	25'
I. Allowed Building Elements*				
	Porch, stoop			
	Balcony			

* see Sec. 6.1.11 for specific building element requirements.

Sec. 2.3.5. Apartment



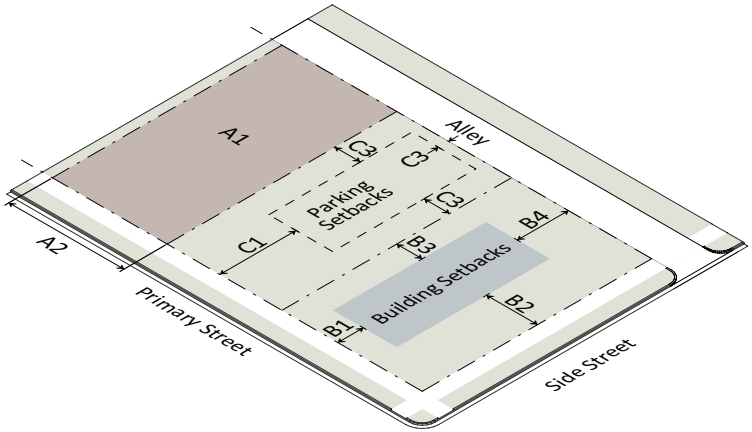


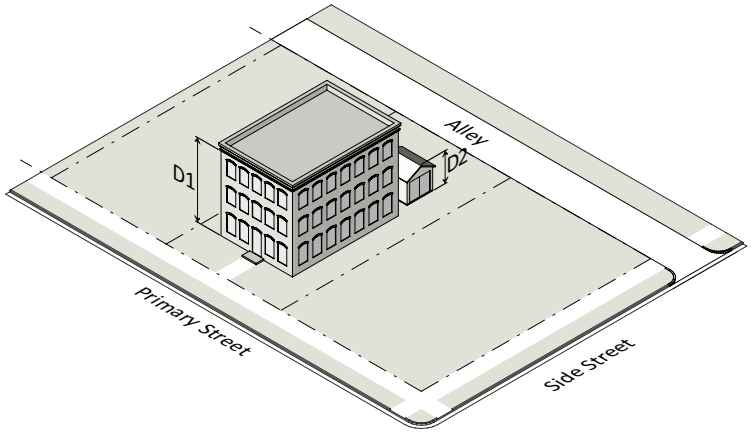
		R-6	R-10
A. Lot Dimensions			
A1	Area (min)	10,000 sf	10,000 sf
A2	Width (min)	100'	100'
B. Building/Structure Setbacks			
B1	From primary street (min)	10'	5'
B2	From side street (min)	10'	10'
B3	From side lot line (min)	0' or 6'	0' or 6'
B4	From rear lot line (min)	20'	20'
B5	From alley (min)	4' or 20'	4' or 20'
C. Parking Setbacks			
C1	From primary street (min)	30'	30'
C2	From side street (min)	10'	10'
C3	From side/rear lot line (min)	3'	3'
C4	From alley (min)	4'	4'

		R-6	R-10
D. Build-to (Site)			
D1	Primary street build-to (min/max)	10'/20'	5'/15'
D2	Building width in primary build-to (min)	70%	80%
D3	Side street build-to (min/max)	10'/20'	5'/15'
D4	Building width in side build-to (min)	35%	40%
E. Height			
E1	Principal building (max)	45'/3 stories	45'/3 stories
E2	Accessory structure (max)	25'	25'
F. Ground Floor Elevation			
F1	20' or less from front property line	2'	2'
F2	More than 20' from front property line	0'	0'
G. Pedestrian Access			
G1	Street-facing entrance required (min 1 per building)	yes	yes
G2	Street-facing entrance spacing (max)	75'	75'
H. Allowed Building Elements*			
	Porch, stoop		
	Balcony		

* see Sec. 1.5.11 for specific building element requirements.

Sec. 2.3.6. Civic Building



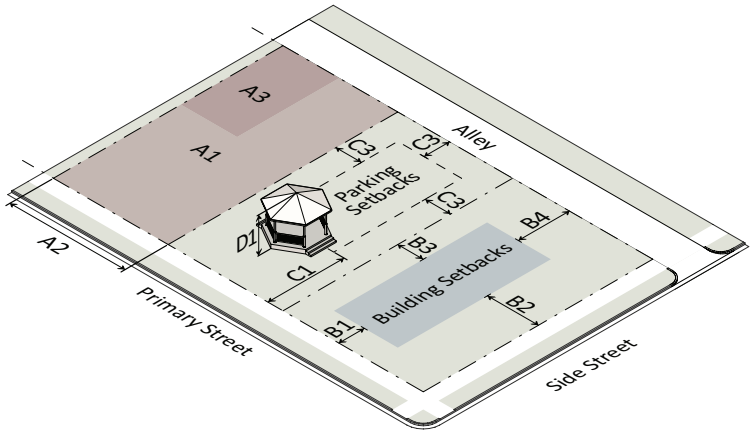


		R-1	R-2	R-4	R-6	R-10
A. Lot Dimensions						
A1	Area (min)	20,000 sf	10,000 sf	6,000 sf	4,000 sf	4,000 sf
A2	Width (min)	80'	65'	50'	45'	45'
B. Building/Structure Setbacks						
B1	From primary street (min)	20'	20'	10'	10'	10'
B2	From side street (min)	20'	20'	20'	20'	20'
B3	From side lot line (min)	10'	20'	10'	10'	10'
B4	From rear lot line (min)	30'	30'	20'	20'	20'
C. Parking Setbacks						
C1	From primary street (min)	30'	30'	30'	30'	30'
C2	From side street (min)	10'	10'	10'	10'	10'
C3	From side/rear lot line (min)	10'	10'	10'	10'	10'

		R-1	R-2	R-4	R-6	R-10
D. Height						
D1	Principal building (max)	40'/ 3 stories	40'/ 3 stories	40'/ 3 stories	40'/ 3 stories	40'/ 3 stories
D2	Accessory structure (max)	25'	25'	25'	25'	25'
E. Allowed Building Elements*						
	Porch, stoop					
	Balcony					
	Gallery, awning					

* see Sec. 1.5.11 for specific building element requirements.

Sec. 2.3.7. Open Lot



		R-1	R-2	R-4	R-6	R-10
A. Lot Dimensions						
A1	Area (min)	20,000 sf	10,000 sf	6,000 sf	4,000 sf	4,000 sf
A2	Width (min)	80'	65'	50'	45'	45'
A3	Building coverage (max)	15%	17%	20%	22%	22%
B. Building/Structure Setbacks						
B1	From primary street (min)	20'	20'	10'	10'	10'
B2	From side street (min)	20'	20'	20'	20'	20'
B3	From side lot line (min)	10'	20'	10'	10'	10'
B4	From rear lot line (min)	30'	30'	20'	20'	20'
C. Parking Setbacks						
C1	From primary street (min)	30'	30'	30'	30'	30'
C2	From side street (min)	10'	10'	10'	10'	10'
C3	From side/rear lot line (min)	10'	10'	10'	10'	10'
D. Height						
D1	All building/structures (max)	40’	40’	40’	40’	40’
E. Allowed Building Elements*						
	None					

Sec. 2.3.8. Common Open Space Requirements

A. Amount of Open Space

Applicants that choose to use the conservation standards must set aside 40% of the total project area as common open space. The amount of required common open space is calculated as a percentage of the gross site land area. Gross site area is the total area of the project including any existing or proposed streets, highways, right-of-way, or other land required for public use.

B. Open Space Allocation

In allocating land for required common open space, the following hierarchy of primary and secondary open space applies.

1. Primary Open Space

The following are considered primary open space areas and must be the first areas reserved as required open space.

a. Floodprone areas (see Article 11.3);

b. Natural resource buffers required along primary and secondary watercourses (see Sec. 11.2.3);

c. Slopes above 25% of at least 5,000 square feet contiguous area;

d. Jurisdictional wetlands under federal law (Sec. 404) that meet the definition applied by the Army Corps of Engineers;

e. Habitat for federally-listed endangered or threatened species;

f. Historic, archaeological and cultural sites, cemeteries and burial grounds; and

g. Significant natural features and scenic viewsheds such as ridge lines,field borders, meadows, fields, river views, natural woodlands that can be seen from roadways and serve to block the view of the project in whole or in part.

2. Secondary Open Space

The following are considered secondary open space areas and must be included as required open space once the primary open space areas are exhausted.

a. Tree conservation areas;

b. Existing healthy, native forests of at least one acre contiguous area;

c. Individual existing healthy trees greater than ten inches DBH and its critical root zone.

d. Areas that connect the site to neighboring open space, trails or greenways;

e. Soils with severe limitations due to drainage problems; and

f. Required permitter protective yards.

C. Configuration of Open Space

1. The minimum width for any required open space is 50 feet. Exceptions may be granted for items such as trail easements, mid-block crossings, and linear parks, when their purpose meets the intent of this section.

2. At least 60% of the required open space must be contiguous. For the purposes of this section, contiguous includes any open space bisected by a collector or local street, provided that:

   a. A pedestrian crosswalk provides access to the open space on both sides of the street; and

   b. The right-of-way area is not included in the calculation of minimum open space required.

3. Where feasible, the open space should adjoin any neighboring areas of open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of open space.

4. The required open space must be directly accessible to the largest practicable number of lots within the development. Non-adjoining lots must be provided with safe, convenient access to the open space (i.e. mid-block connections in logical locations).

5. No lot within the site can be further than a ¼-mile radius from the open space. This radius is measured in a straight line from the lot line, without regard for street, sidewalk or trail connections to the nearest point of the open space.

6. Access to the open space must be provided either by an abutting street or easement not less than 20 feet in width.

D. Allowed Uses of Open Space

Required open space may be used for the following:

1. Conservation areas for natural, archeological or historical resources;
2. Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
3. Pedestrian or multipurpose trails;
4. Passive recreation areas;
5. Active recreation areas, provided that impervious area is limited to no more than 25% of the total open space (active recreation areas in excess of this impervious area limit must be located outside of the required open space);
6. Golf courses (excluding clubhouse areas and maintenance facilities), provided the area does not exceed 50% of the required open space, and further provided that impervious area is limited to no more than 10% of the total open space;
7. Above-ground utility rights-of-way, provided the area does not exceed 50% of the required open space;
8. Water bodies, such as lakes and ponds, and floodways provided the total surface area does not exceed 50% of the required open space;
9. Restricted agriculture, silviculture or pasture uses;
10. Landscaped stormwater management facilities;and
11. Easements for drainage, access and underground utility lines; and
12. Other conservation-oriented uses deemed appropriate by the Planning Director.

E. Prohibited Uses of Open Space

Required open space cannot be used for the following:

1. Individual wastewater disposal systems;
2. Streets (except for street crossings as expressly provided) and impervious parking areas;
3. Other activities as determined by the applicant and recorded on the legal instrument providing for permanent protection.

F. Ownership and Management of Open Space

1. Ownership

Required open space may be owned by one of the following entities:

a. Land Conservancy or Land Trust

A bona fide land conservancy or land trust with the legal authority may own the open space. The responsibility for maintaining the open space and any facilities may be borne by a land conservancy or land trust.

b. Property Owners' Association

A property owners' association representing residents of the subdivision may own the open space. Membership in the association is mandatory and automatic for all property owners and their successors. The property owners' association must have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the open space, and any facilities is borne by the property owners' association.

c. Private Landowner

A private landowner may retain ownership of open space. The responsibility for maintaining the open space, and any facilities is borne by the private landowner.

2. Management Plan

Applicants must submit a plan for the management of open space and other common facilities that:

a. Allocates responsibility and guidelines for the maintenance and operation of the open space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;

b. Estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the open space and outlines the means by which such funding will be obtained or provided;

c. Provides that any changes to the plan be approved by the Planning Director; and

d. Provides for enforcement of the plan.

3. Maintenance of Open Space

a. Passive open space maintenance includes removal of litter and debris. Natural water courses are to be maintained as free-flowing. Stream channels must be maintained so as not to alter floodplain levels.

b. Typical maintenance is required for agricultural uses, provided that there exist no hazards, nuisances or unhealthy conditions.

c. Active open space areas must be accessible to all residents of the project. Maintenance is limited to ensuring that there exist no hazards, nuisances or unhealthy conditions.

4. Failure to Maintain Open Space

a. In the event the party responsible for maintenance of the open space fails to maintain all or any portion in reasonable order and condition, the city may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance.

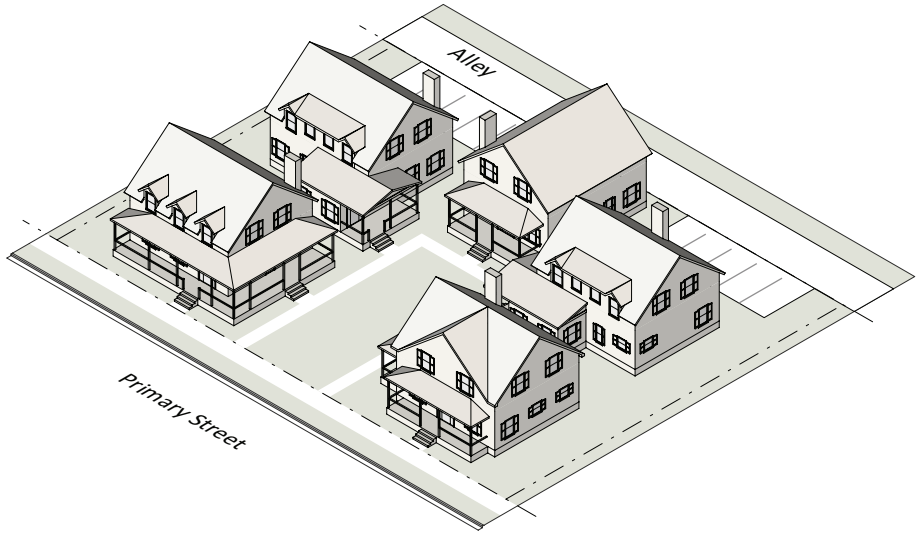
b. The costs of such maintenance may be charged to the owner of the property; or in the event that the owner is a property owners' association, to the individual property owners that make up the property owner's association. Costs for maintenance may include administrative costs and penalties. Such costs may become a lien on all properties in the subdivision.

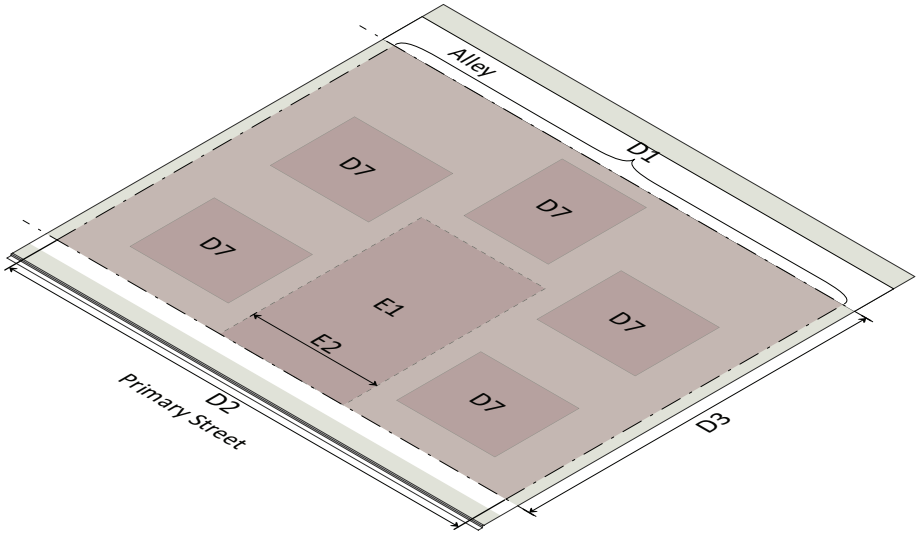
5. Permanent Protection

Required open space must be protected by a binding legal instrument and entity acceptable to the city and recorded in the Wake County register's office.

Article 2.4. Additional Housing Patterns

Sec. 2.4.1. Cottage Court





A. Description

A cottage court is a group of small houses centered around a common open space or courtyard. The cottage court limits the scale of each house, providing an opportunity for more affordable units. The central court enhances the character of the area through the provision of consolidated open space. Cottage courts are built on infill sites in established residential neighborhoods or in new neighborhoods. Residents may share common facilities such as open space, parking and storage areas.

B. Districts Allowed In

R-10, RX-, OX-, NX-, CX-

C. Building Types Allowed

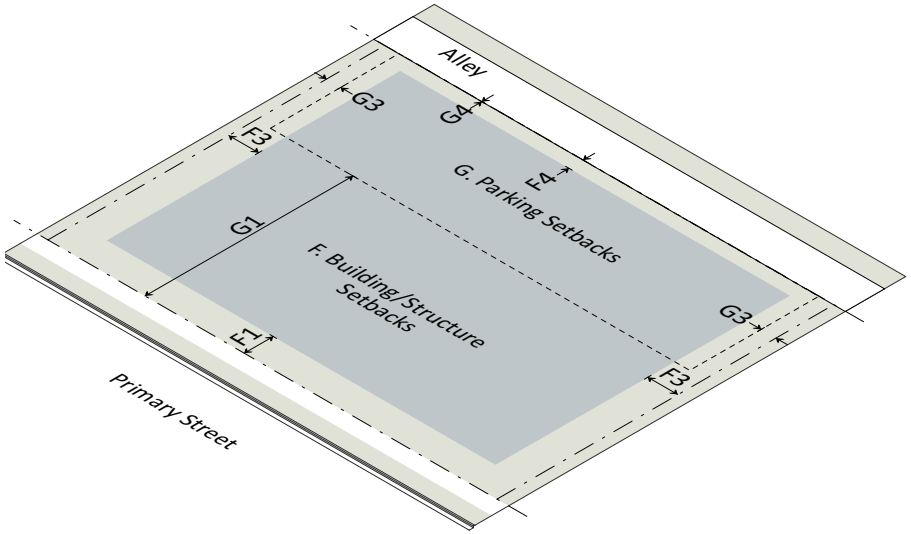
Detached house, attached house

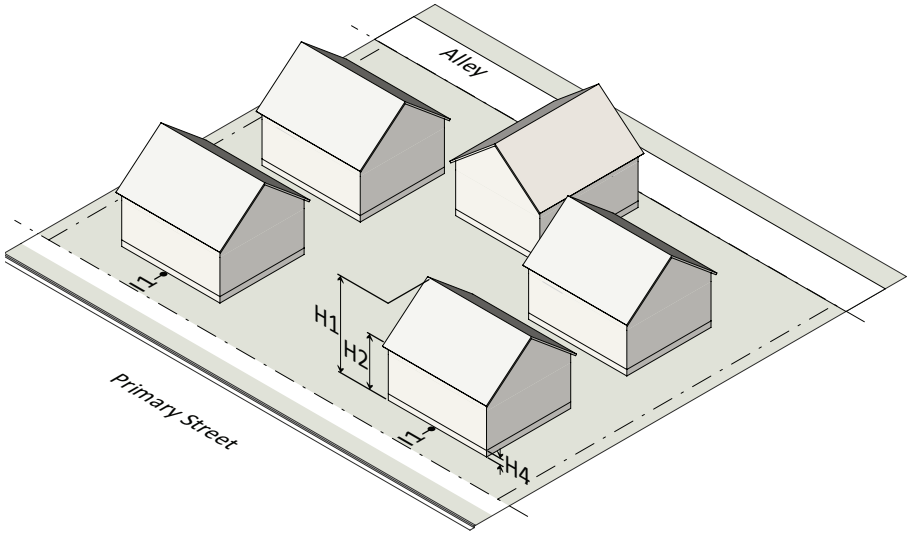
D. Site Dimensions

D1	Area (min)	18,000 sf
D2	Width (min)	150'
D3	Depth (min)	120'
D4	Dwelling units per min site area (max)	5
D5	Lot area per dwelling unit (min)	3,600 sf
D6	Dwelling units per project (max)	10
D7	Building footprint (max)	1,000 sf
D8	Detached accessory structure footprint (max)	450 sf

E. Internal Courtyard

E1	Area (min)	3,000 sf
E2	Width (min)	40'
E3	Additional area per unit (min)	600 sf



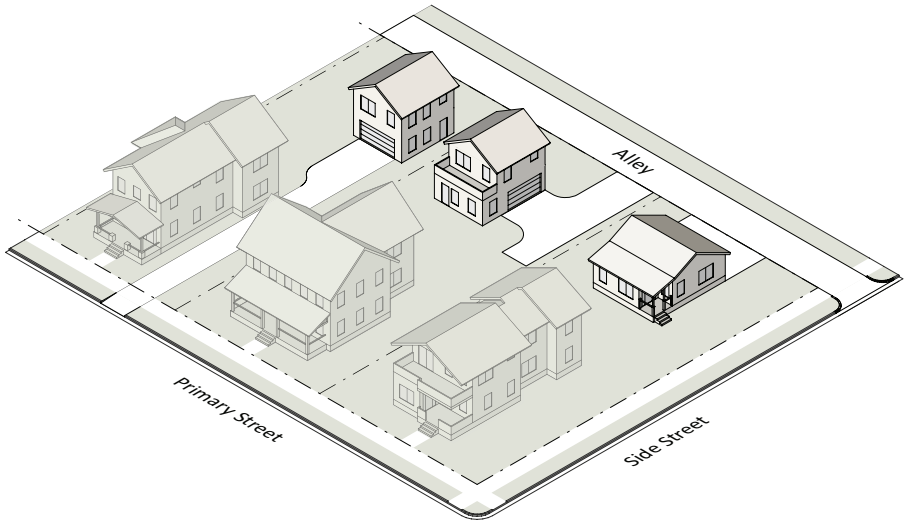


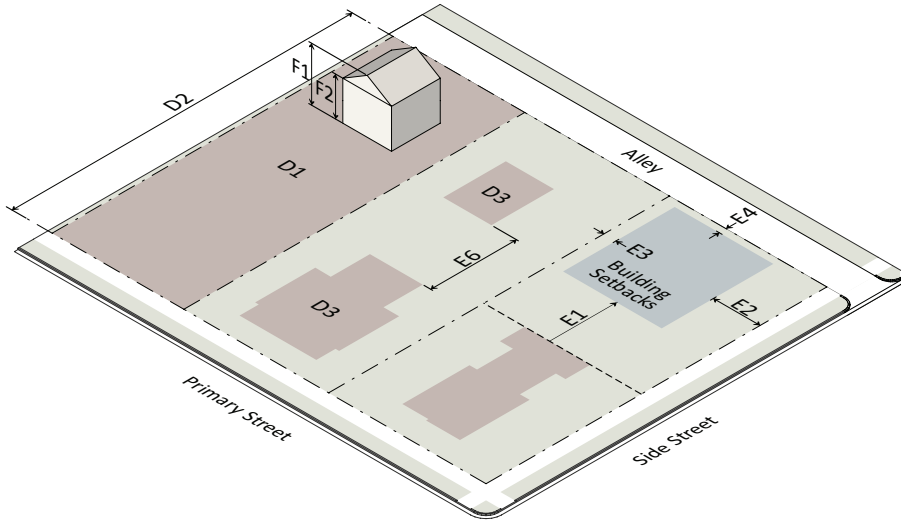
F.	**Building/Structure Setbacks**	
F1	From primary street (min)	10'
F2	From side street (min)	10'
F3	From side/rear lot line (min)	10'
F5	From alley (min)	5'
F6	Building separation (min)	6'
G.	**Parking Setbacks**	
G1	From primary street (min)	90'
G2	From side street (min)	10'
G3	From side lot line (min)	5'
G5	From alley (min)	0'

H.	**Height**	
H1	Building height (max)	25'
H2	Building wall plate height (min)	17'
H3	Accessory building height (max)	17'
H4	Ground floor elevation (min)	2'
I.	**Pedestrian Access**	
I1	Street-facing entrance or front porch required for end units	yes
J.	**Allowed Building Elements***	
	Porch, stoop	

* see Sec. 1.5.11 for specific building element requirements.

Sec. 2.4.2. Backyard Cottage





A. Description

A backyard cottage is a small self-contained dwelling unit located on the same lot as a detached house but is physically separated from the main house. Backyard cottages typically include a living room, sleeping area, kitchen, and bathroom and have a lockable entrance door. A backyard cottage may be located above garage.

B. Districts Allowed In

R-1, R-2, R-4, R-6, R-10, RX-, OX-, NX-, CX-

C. Building Types

A backyard cottage is allowed on a lot associated with a detached house provided the lot is at least 4,000 square feet in size.

	LOT SIZE	>40,000 sf	20,000 to 39,999 sf	10,000 to 19,999 sf	6,000 to 9,999 sf	4,000 to 5,999 sf
D. Lot Specifications						
D1	Area (min)	40,000 sf	20,000 sf	10,000 sf	6,000 sf	4,000 sf
D2	Depth (min)	150'	150'	150'	120'	100'
D3	Dwellings units per lot (max)	2	2	2	2	2
D4	Additional on-site parking	1 space	1 space	1 space	1 space	1 space
D5	Living area (max)	800 sf	800 sf	700 sf	550 sf	450 sf
E. Building Setbacks						
E1	From primary street (min)	Must be located to the rear of the house				
E2	From side street (min)	20'	20'	20'	20'	20'
E3	From side lot line (min)	10'	5'	5'	5'	5'
E4	From rear lot line (min)	10'	5'	5'	5'	5'
E5	From alley (min)	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4' or 20'
E6	Building separation (min)	35'	35'	20'	16'	16'
F. Height						
F1	Overall height (max)	25'	25'	25'	25'	25'
F2	Wall plate height (max)	15'	15'	15'	15'	15'

G. Vehicular Access

From alley; or street when no improved alley present

Chapter 3. Mixed Use Districts

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Article 3.1. General Provisions

Sec. 3.1.1. District Intent Statements

A. Residential Mixed Use (RX-)

1. RX- is a mixed residential district that allows a variety of residential building types and housing options. RX- allows detached houses, attached houses, townhouses and apartments on variety of minimum lot sizes
2. Unlike in the Residential Districts, there are no direct controls on density, however, the district has a default height limit of three stories. Additional height can be achieved when including a required frontage component.
3. RX- is not intended to provide for large areas exclusively dominated by multi-unit living but provide for neighborhoods that successfully integrate single-unit, two-unit and multi-unit living together.
4. RX- is also intended to serve as a land use transition between higher intensity mixed use areas and established residential neighborhoods.
5. RX- allows limited retail and services subject to use standards that limit the size and scale to the ground floor corner unit of an apartment building.
6. RX- is intended to implement the Medium and High Density Residential future land use categories.

B. Office Park (OP-)

1. OP- intended to preserve land for the predominantly for office and employment uses with limited service and retail activity intended to serve only users of the district.
2. OP- is also intended to serve a as land use transition between higher intensity mixed use areas and established residential neighborhoods.
3. There are no direct controls on density or floor area; however, the district has a default height limit of three stories. Additional height can be achieved when including a required frontage component.
4. OP- is intended to implement the Office/Research and Development future land use category.

C. Office Mixed Use (OX-)

1. OX- is intended for areas where the predominant land use pattern is office and employment but includes a mix of residential housing options or where such a pattern is desired in the future.
2. OX- is not intended to provide for areas exclusively dominated by office or employment but provide for developments that successfully integrate jobs and housing.
3. OX- is also intended to serve a as land use transition between higher intensity mixed use areas and established residential neighborhoods.
4. There are no direct controls on density or floor area; however, the district has a default height limit of three stories. Additional height can be achieved when including a required frontage component.
5. OX- is intended to implement the Office Residential - Mixed Use future land use category.

D. Neighborhood Mixed Use (NX-)

1. NX- is intended to intended to provided for a variety of neighborhood-serving retail, service and commercial uses all within a comfortable walking distance of established residential neighborhoods.
2. To limit the overall scale, NX- has a maximum lot size of ten acres and a height limit of three stories.
3. NX- is intended to implement the Neighborhood Mixed Use future land use category.

E. Commercial Mixed Use (CX-)

1. CX- is intended to accommodate a variety of retail, service and commercial uses and to ensure that mixed use areas are compatible with the character of established residential neighborhoods.
2. While the district primarily accommodates commercial uses, residential and employment uses are strongly encouraged in order to promote live-work and mixed use opportunities.
3. There are no direct controls on density or floor area; however, the district has a default height limit of three stories. Additional height can be achieved when including a required frontage component.
4. CX- is intended to implement the Commercial and Regional Mixed Use future land use categories.

F. Downtown Mixed Use (DX-)

1. DX- is intended to accommodate the most intense mixed use and mixed housing options in the city.
2. There are no direct controls on density or floor area; however, the district has a default height limit of three stories. Additional height can be achieved when including a required frontage component.
3. DX- is intended to implement the Central Businesses District future land use category.

G. Industrial Mixed Use (IX-)

1. IX- is intened for area where the predominant land use pattern is light industrial, manufacturing or research and development but includes opportunities for residential housing or where such a pattern is desired in the future.
2. IX- is not intended to provide for areas exclusively dominated by manufacturing or light industrial but successfully integrate higher intensity nonresidential uses with housing and limited service and retail activity.
3. To limit the overall amount of residential in the district, residential uses are only allowed in upper-stories of mixed use buildings.
4. IX- is also intended to provide a land use transition between heavy industrial areas and mixed use neighborhoods.
5. There are no direct controls on density or floor area; however, the district has a default height limit of three stories. Additional height can be achieved when including a required frontage component.
6. IX- is intended to implement the Business and Commercial Services future land use category.

Sec. 3.1.2. District Naming Convention

A. Each mixed use district is comprised of one or more of the following components:
   1. Maximum height (-3, -5, -7, -12, -20, -40); and
   2. Required frontage (-PK, -DE, -PL, -GR, -UL, -UG, -SH).

B. A variety of mixed use districts can be constructed by applying different height and frontage configurations as shown in the table below.

C. Each mixed use district must include a height designation, a frontage is optional unless it has already been applied to property and is designated on the Official Zoning Map.

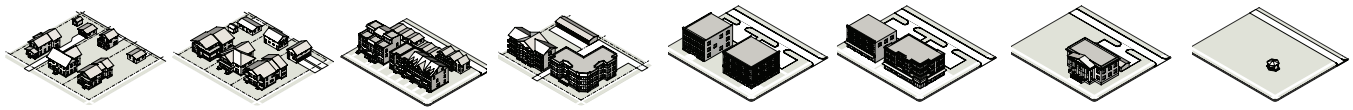
Base District	Height	Frontage	Examples
Specifies the range of uses allowed, see Chapter 6 for specific uses allowed in each district	*Sets the maximum allowed height for the district*	*Establishes how sites address the public realm in each district*	
RX = Residential Mixed Use OP = Office Park OX = Office Mixed Use NX = Neighborhood Mixed Use CX = Commercial Mixed Use DX = Downtown Mixed Use IX = Industrial Mixed Use	3 = 3 stories max 5 = 5 stories max 7 = 7 stories max 12 = 12 stories max 20 = 20 stories max 40 = 40 stories max	PK = Parkway DE = Detached PL = Parking Limited GR = Green UL = Urban Limited UG = Urban General SH = Shopfront	RX-3: Residential Mixed Use, up to 3 stories, no frontage required OX-5-SH: Office mixed use, up to 5 stories, shopfront frontage required CX-7-PK: Commercial mixed use, up to 7 stories, parkway frontage required

Article 3.2. Building Type Requirements

Sec. 3.2.1. General Provisions

A. Building Types Allowed by District

Building types are allowed by mixed use district as set forth below.



	Detached House	Attached House	Townhouse	Apartment	General Building	Mixed Use Building	Civic Building	Open Lot
Mixed Use Districts								
Residential Mixed Use (RX-)	■	■	■	■			■	■
Office Park (OP-)					■	■	■	■
Office Mixed Use (OX-)	■	■	■	■	■	■	■	■
Neighborhood Mixed Use (NX-)	■	■	■	■	■	■	■	■
Commercial Mixed Use (CX-)	■	■	■	■	■	■	■	■
Downtown Mixed Use (DX-)			■	■	■	■	■	■
Industrial Mixed Use (IX-)					■	■	■	■

KEY: ■ = Allowed □ = Allowed as Part of an Approved Conservation Development Blank cell = Not allowed

B. Base District Standards (Sec. 3.2.2 to Sec. 3.2.10)

The building type standards of Sec. 3.2.2 though Sec. 3.2.10 apply to all undesignated frontages. Designated frontages are shown on the Official Zoning Map.

C. Height Standards (Article 3.3)

Building type height requirements are set forth in Article 3.3.

D. Frontage Standards (Article 3.4)

Additional standards apply to designated frontages and are set forth in Article 3.4. Designated frontages are shown on the Official Zoning Map.

E. Neighborhood Transitions (Article 3.5)

The neighborhood compatibility standards of Article 3.5 may apply when adjacent to a residential district.

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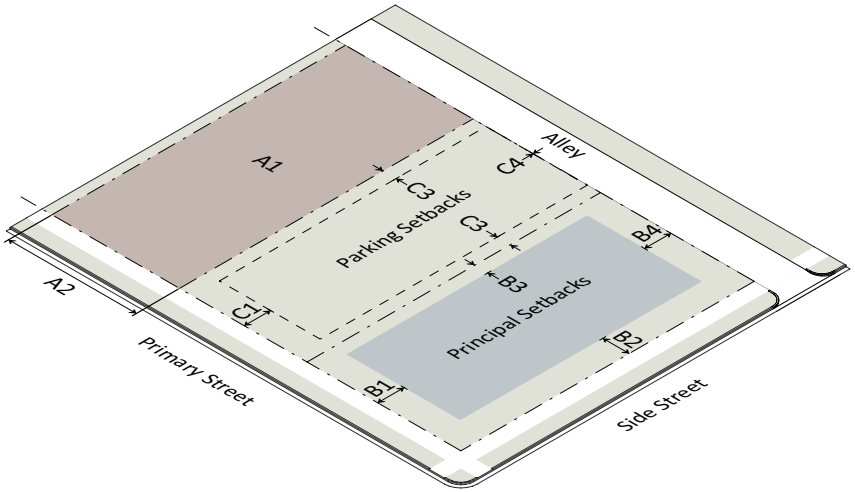
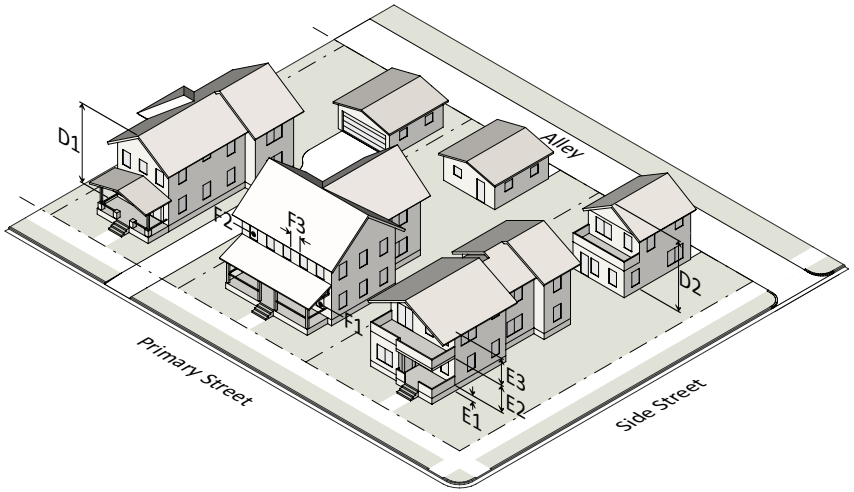
Sec. 3.2.2. Detached House



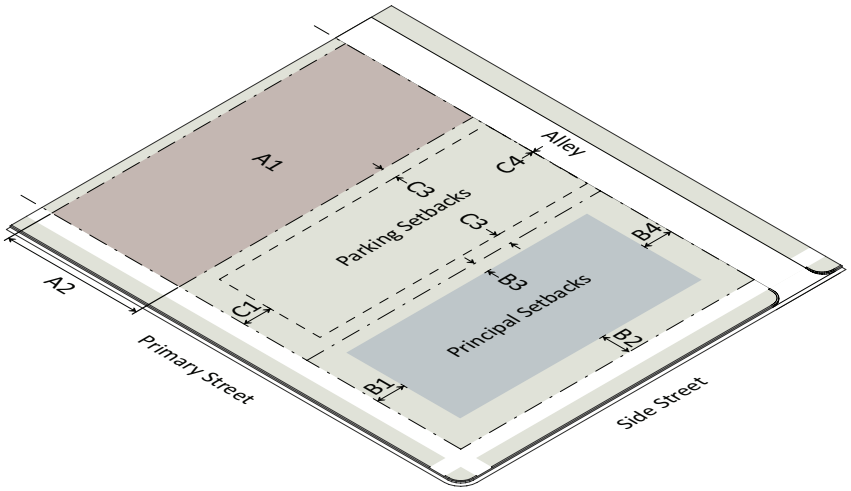


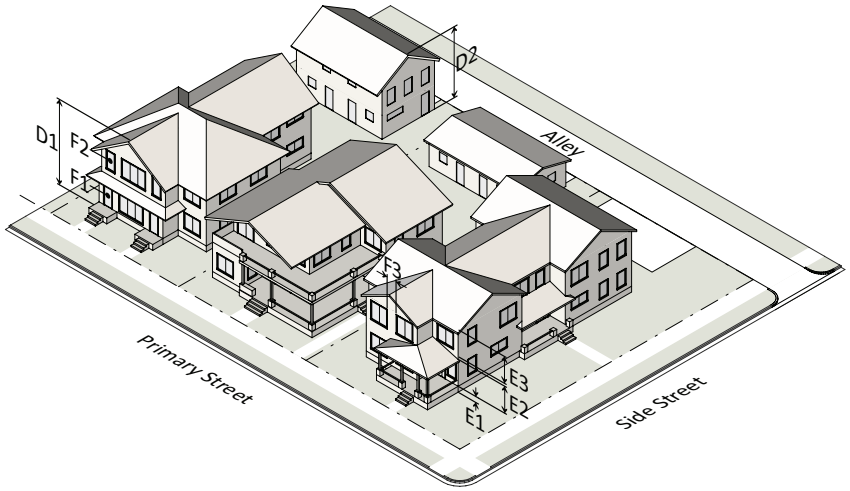
		RX-	OX-	NX-	CX-
A. Lot Dimensions					
A1	Area (min)	4,000 sf	6,000 sf	6,000 sf	6,000 sf
A2	Width (min)	45'	50'	50'	50'
B. Building/Structure Setbacks					
B1	From primary street (min)	10'	10'	10'	10'
B2	From side street (min)	10'	10'	10'	10'
B3	From side lot line (min)	5'	5'	5'	5'
B4	From rear lot line (min)	10'	10'	10'	10'
B4	From alley (min)	4' or 20'	4' or 20'	4' or 20'	4' or 20'
C. Parking Setbacks					
C1	From primary street (min)	10'	10'	10'	10'
C2	From side street (min)	10'	10'	10'	10'
C3	From side lot line (min)	3'	3'	3'	3'
C4	From rear lot line (min)	3'	3'	3'	3'
C4	From alley (min)	4'	4'	4'	4'

		RX-	OX-	NX-	CX-
D. Height					
D1	Principal building (max)	40'/ 3 stories	40'/ 3 stories	40'/ 3 stories	40'/ 3 stories
D2	Accessory structure (max)	25'	25'	25'	25'
E. Floor Heights					
E1	Ground floor elevation (min)	2'	2'	2'	2'
E2	Ground story height, floor to ceiling (min)	9'	9'	9'	9'
E3	Upper story height, floor to ceiling (min)	9'	9'	9'	9'
F. Transparency					
F1	Ground story (min)	20%	20%	20%	20%
F2	Upper story (min)	15%	15%	15%	15%
F3	Blank wall area (min)	35'	35'	35'	35'
G. Allowed Building Elements*					
	Porch, stoop				
	Balcony				

* see Sec. 1.5.11 for specific building element requirements.

Sec. 3.2.3. Attached House



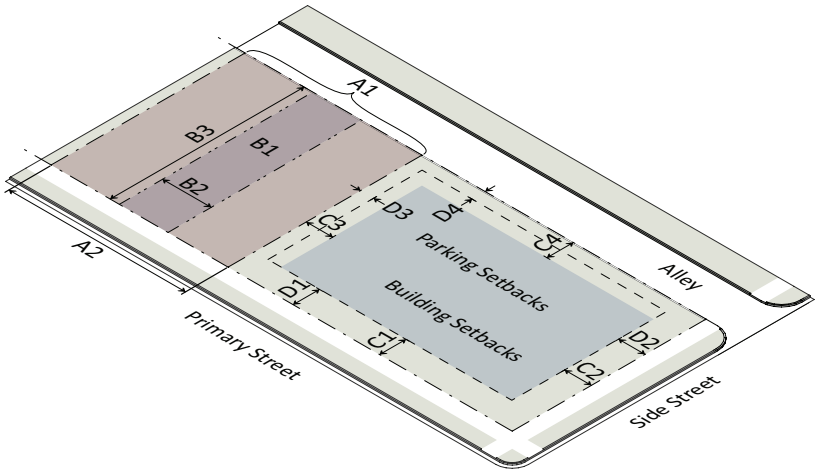


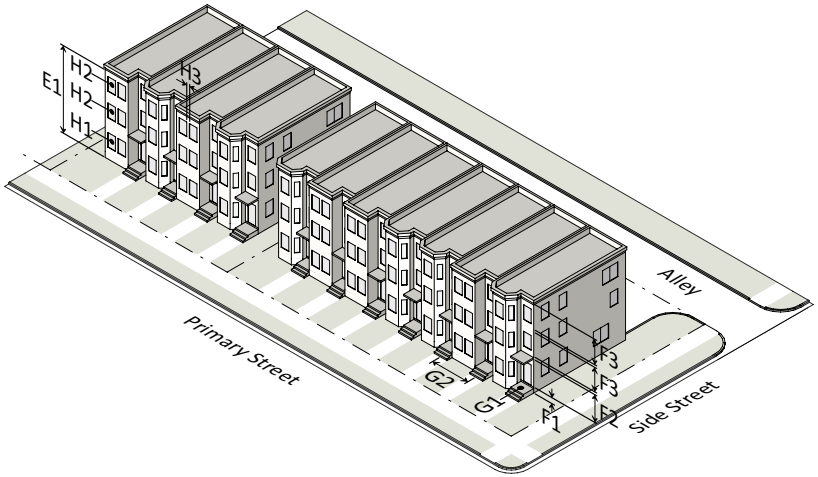
		RX-	OX-	NX-	CX-
A. Lot Dimensions					
A1	Area (min)	4,000 sf	6,000 sf	6,000 sf	6,000 sf
A2	Width (min)	45'	50'	50'	50'
B. Building/Structure Setbacks					
B1	From primary street (min)	10'	10'	10'	10'
B2	From side street (min)	10'	10'	10'	10'
B3	From side lot line (min)	5'	5'	5'	5'
B4	From rear lot line (min)	10'	10'	10'	10'
B4	From alley (min)	4' or 20'	4' or 20'	4' or 20'	4' or 20'
C. Parking Setbacks					
C1	From primary street (min)	10'	10'	10'	10'
C2	From side street (min)	10'	10'	10'	10'
C3	From side lot line (min)	3'	3'	3'	3'
C4	From rear lot line (min)	3'	3'	3'	3'
C4	From alley (min)	4'	4'	4'	4'

		RX-	OX-	NX-	CX-
D. Height					
D1	Principal building (max)	40'/ 3 stories	40'/ 3 stories	40'/ 3 stories	40'/ 3 stories
D2	Accessory structure (max)	25'	25'	25'	25'
E. Floor Heights					
E1	Ground floor elevation (min)	2'	2'	2'	2'
E2	Ground story height, floor to ceiling (min)	9'	9'	9'	9'
E3	Upper story height, floor to ceiling (min)	9'	9'	9'	9'
F. Transparency					
F1	Ground story (min)	20%	20%	20%	20%
F2	Upper story (min)	15%	15%	15%	15%
F3	Blank wall area (min)	35'	35'	35'	35'
G. Allowed Building Elements*					
	Porch, stoop				
	Balcony				

* see Sec. 1.5.11 for specific building element requirements.

Sec. 3.2.4. Townhouse



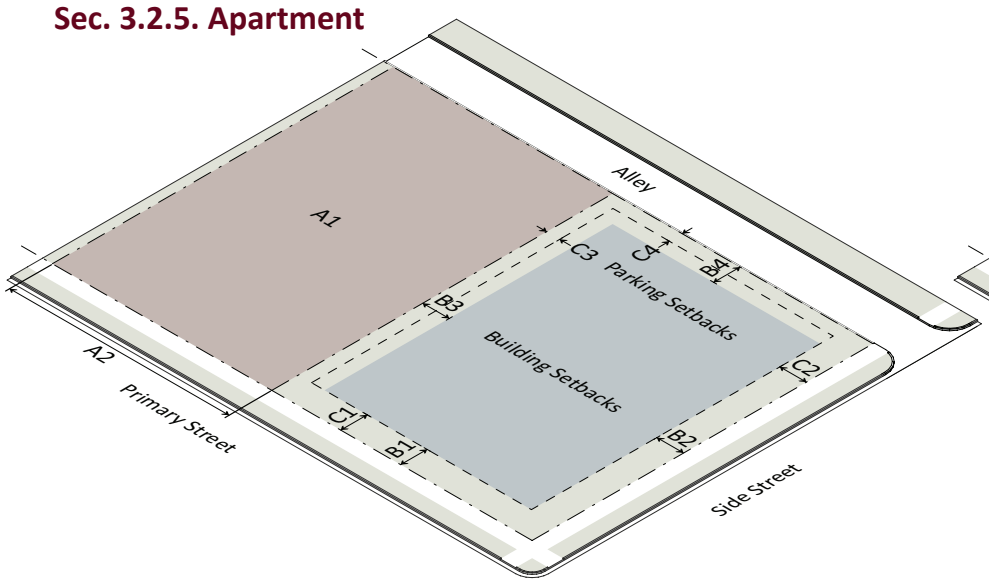


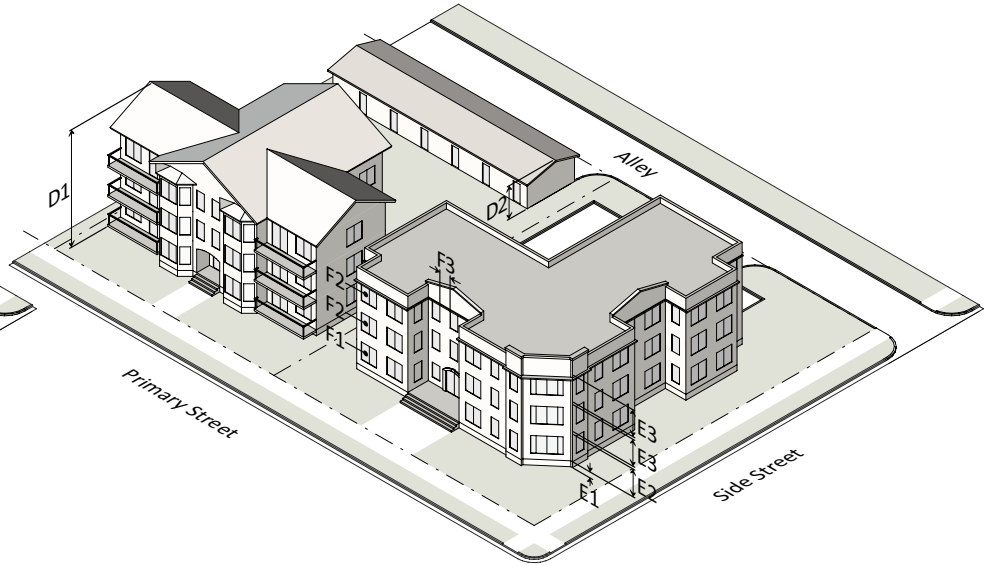
		RX-	OX-	NX-	CX-	DX-
A. Site Dimensions						
A1	Area (min)	4,800 sf	4,400 sf	4,000 sf	3,700 sf	2,400 sf
A2	Width (min)	60'	52'	48'	44'	44'
B. Lot Dimensions						
B1	Area (min)	2,000 sf	1,700 sf	1,500 sf	1,300 sf	850 sf
B2	Width (min)	24'	20'	18'	16'	16'
B3	Depth (min)	85'	85'	85'	85'	55'
C. Building/Structure Setbacks						
C1	From primary street (min)	10'	10'	10'	10'	5'
C2	From side street (min)	10'	10'	10'	10'	5'
C3	From side lot line (min)	0' or 6'	0' or 6'	0' or 6'	0' or 6'	0' or 6'
C4	From rear lot line (min)	20'	20'	20'	20'	0' or 6'
C4	From alley (min)	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4' or 20'
D. Parking Setbacks						
D1	From primary street (min)	10'	10'	10'	10'	10'
D2	From side street (min)	10'	10'	10'	10'	10'
D3	From side lot line (min)	3'	3'	3'	3'	3'
D4	From rear lot line (min)	3'	3'	3'	3'	3'
D4	From alley (min)	4'	4'	4'	4'	4'

		RX-	OX-	NX-	CX-	DX-
E. Height						
E1	Principal building (max)	Set by district	Set by district	Set by district	Set by district	Set by district
E2	Accessory structure (max)	25'	25'	25'	25'	25'
F. Floor Heights						
F1	Ground floor elevation (min)	2'	2'	2'	2'	2'
F2	Ground story height, floor to ceiling (min)	9'	9'	9'	9'	9'
F3	Upper story height, floor to ceiling (min)	9'	9'	9'	9'	9'
G. Pedestrian Access						
G1	Street-facing entrance required (min 1 per building)	yes	yes	yes	yes	yes
G2	Entrance spacing (max)	30'	30'	25'	25'	20'
H. Transparency						
H1	Ground story (min)	20%	20%	20%	20%	20%
H2	Upper story (min)	15%	15%	15%	15%	15%
H3	Blank wall area (min)	35'	35'	35'	35'	35'
I. Allowed Building Elements*						
	Porch, stoop					
	Balcony					

* see Sec. 1.5.11 for specific building element requirements.

Sec. 3.2.5. Apartment



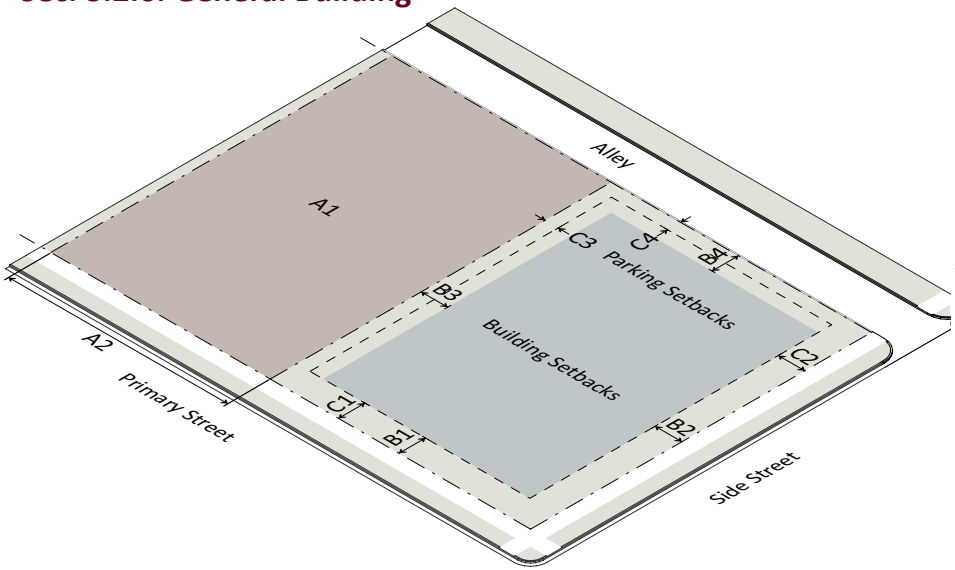


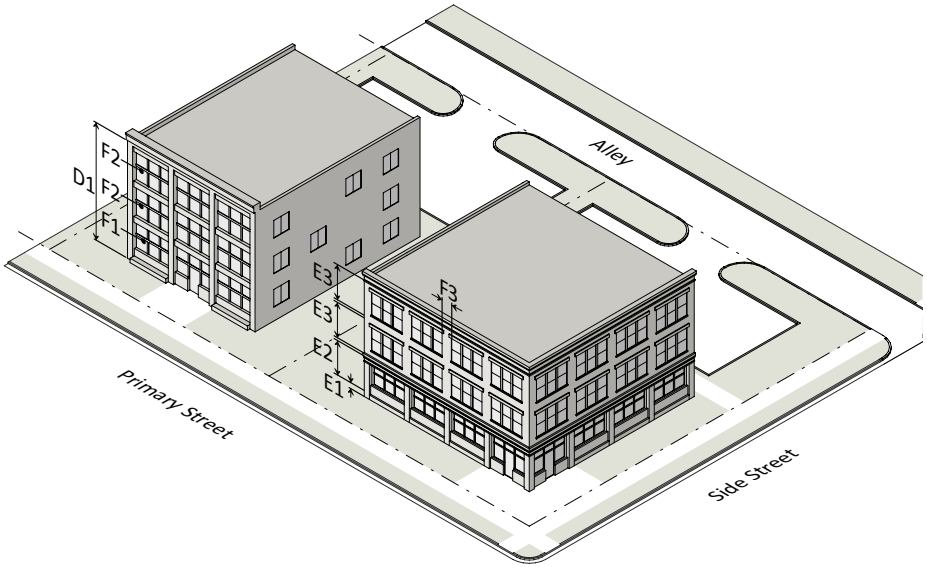
		RX-	OX-	NX-	CX-	DX-
A. Lot Dimensions						
A1	Area (min)	10,000 sf	10,000 sf	10,000 sf	10,000 sf	n/a
A2	Width (min)	100'	100'	100'	100'	n/a
A3	Recreation area (min)	5%	5%	5%	5%	5%
B. Building/Structure Setbacks						
B1	From primary street (min)	5'	5'	5'	5'	3'
B2	From side street (min)	5'	5'	5'	5'	3'
B3	From side lot line (min)	0' or 6'	0' or 6'	0' or 6'	0' or 6'	0' or 6'
B4	From rear lot line (min)	0' or 6'	0' or 6'	0' or 6'	0' or 6'	0' or 6'
B4	From alley (min)	4'	4'	4'	4'	4'
C. Parking Setbacks						
C1	From primary street (min)	10'	10'	10'	10'	10'
C2	From side street (min)	10'	10'	10'	10'	10'
C3	From side lot line (min)	3'	3'	3'	3'	3'
C4	From rear lot line (min)	3'	3'	3'	3'	3'
C4	From alley (min)	4'	4'	4'	4'	4'

		RX-	OX-	NX-	CX-	DX-
D. Height						
D1	Principal building (max)	50'/ 3 stories	50'/ 3 stories	50'/ 3 stories	50'/ 3 stories	50'/ 3 stories
D2	Accessory structure (max)	25'	25'	25'	25'	25'
E. Floor Heights						
E1	Ground floor elevation (min)	2'	2'	2'	2'	2'
E2	Ground story height, floor to ceiling (min)	9'	9'	9'	9'	13'
E3	Upper story height, floor to ceiling (min)	9'	9'	9'	9'	9'
F. Transparency						
F1	Ground story (min)	20%	20%	20%	20%	20%
F2	Upper story (min)	15%	15%	15%	15%	15%
F3	Blank wall area (min)	35'	35'	35'	35'	35'
G. Allowed Building Elements*						
	Porch, stoop					
	Balcony					

* see Sec. 1.5.11 for specific building element requirements.

Sec. 3.2.6. General Building



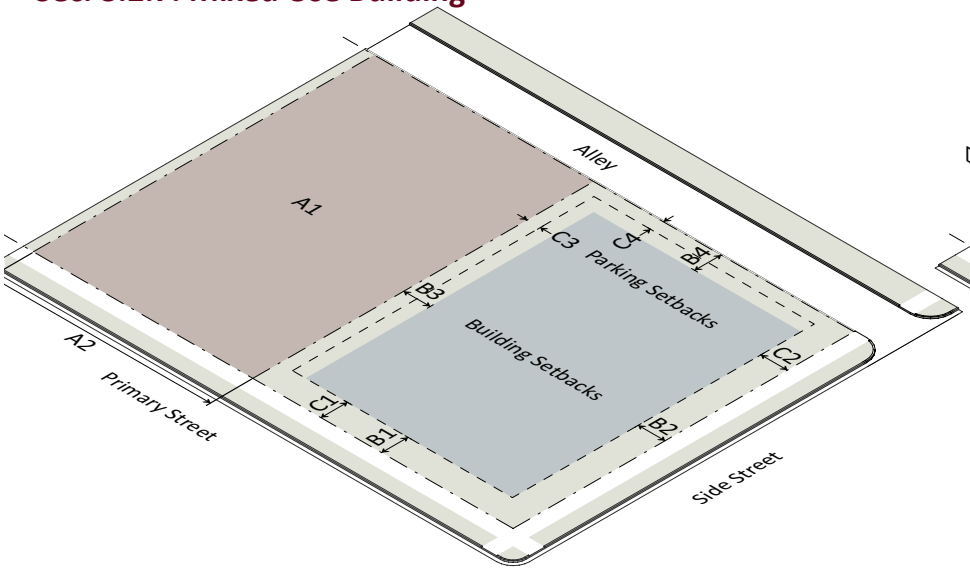


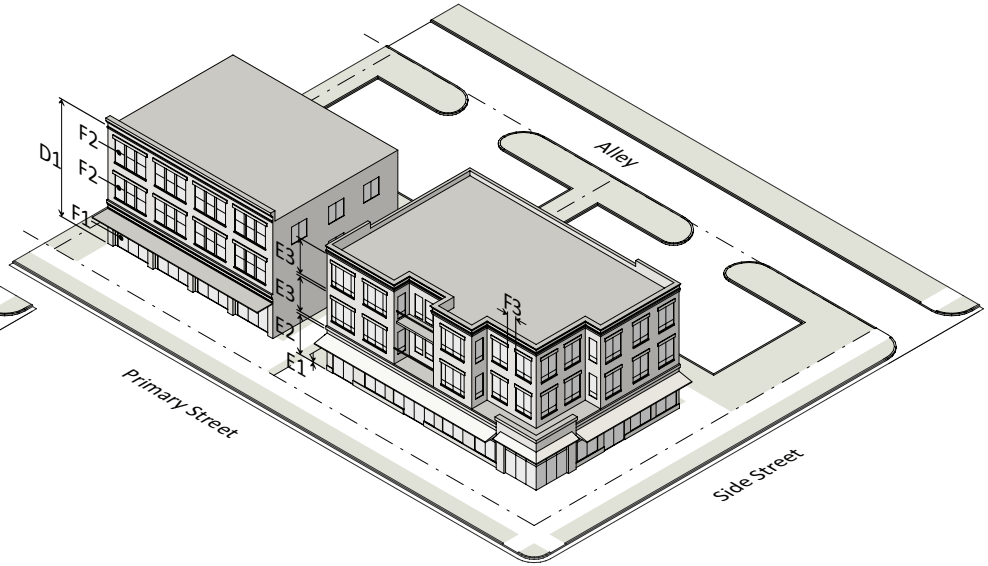
		OP-	OX-	NX-	CX-	DX-	IX-
A. Lot Dimensions							
A1	Area (min)	10,000 sf	10,000 sf	10,000 sf	10,000 sf	n/a	10,000 sf
A1	Area (max)	n/a	n/a	10 acres	n/a	n/a	n/a
A2	Width (min)	100'	100'	100'	100'	n/a	100'
A3	Recreation area (min)	5%	5%	5%	5%	5%	5%
B. Building/Structure Setbacks							
B1	From primary street (min)	10'	5'	5'	5'	3'	5'
B2	From side street (min)	10'	5'	5'	5'	3'	5'
B3	From side lot line (min)	0' or 6'	0' or 6'	0' or 6'	0' or 6'	0' or 6'	0' or 6'
B4	From rear lot line (min)	0' or 6'	0' or 6'	0' or 6'	0' or 6'	0' or 6'	0' or 6'
B5	From alley (min)	5'	5'	5'	5'	5'	5'
C. Parking Setbacks							
C1	From primary street (min)	10'	10'	10'	10'	10'	10'
C2	From side street (min)	10'	10'	10'	10'	10'	10'
C3	From side lot line (min)	3'	3'	3'	3'	3'	3'
C4	From rear lot line (min)	3'	3'	3'	3'	3'	3'
C4	From alley (min)	5'	5'	5'	5'	5'	5'

		OP-	OX-	NX-	CX-	DX-	IX-
D. Height							
D1	Principal building (max)	Set by district	Set by district	Set by district	Set by district	Set by districts	Set by district
D2	Accessory structure (max)	25'	25'	25'	25'	25'	25'
E. Floor Heights							
E1	Ground floor elevation (min)	0'	0'	0'	0'	0'	0'
E2	Ground story height, floor to ceiling (min)	11'	11'	11'	11'	13'	11'
E3	Upper story height, floor to ceiling (min)	9'	9'	9'	9'	9'	9'
F. Transparency							
F1	Ground story (min)	40%	40%	40%	40%	40%	40%
F2	Upper story (min)	20%	20%	20%	20%	20%	20%
F3	Blank wall area (min)	30'	30'	30'	30'	30'	30'
G. Allowed Building Elements*							
	Balcony						
	Gallery, awning						

* see Sec. 1.5.11 for specific building element requirements.

Sec. 3.2.7. Mixed Use Building



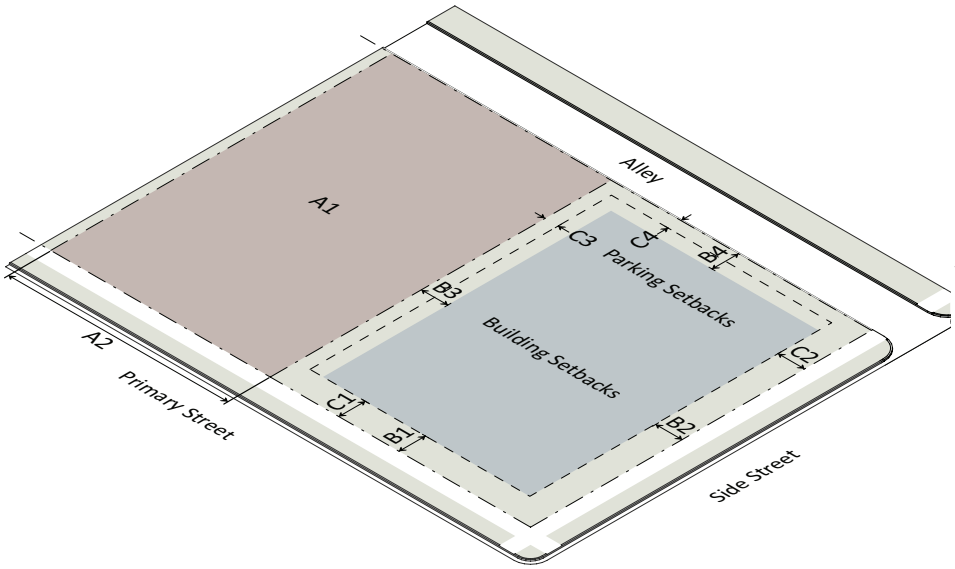


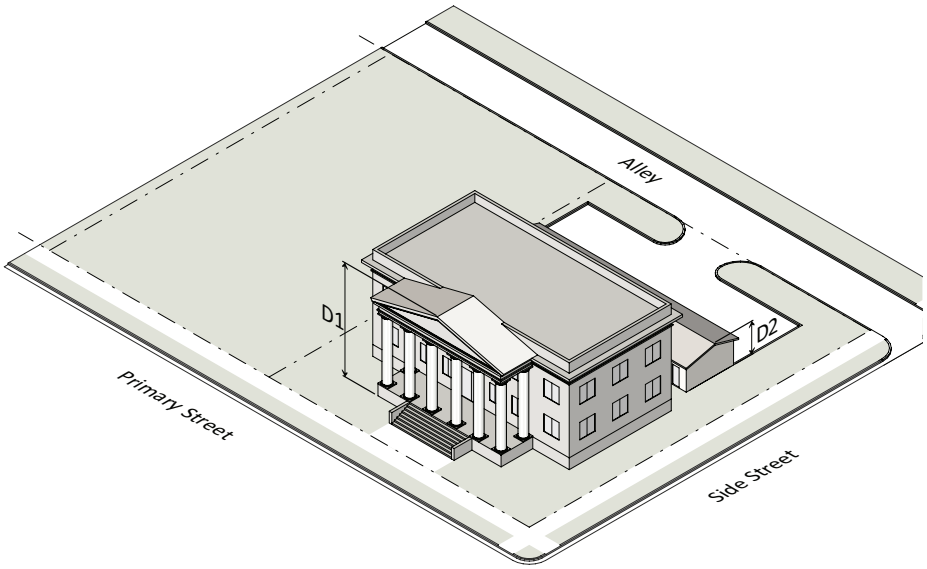
		OP-	OX-	NX-	CX-	DX-	IX-
A. Lot Dimensions							
A1	Area (min)	10,000 sf	10,000 sf	10,000 sf	10,000 sf	n/a	10,000 sf
A1	Area (max)	n/a	n/a	10 acres	n/a	n/a	n/a
A2	Width (min)	100'	100'	100'	100'	n/a	100'
A3	Recreation area (min)	5%	5%	5%	5%	5%	5%
B. Building/Structure Setbacks							
B1	From primary street (min)	10'	5'	5'	5'	3'	5'
B2	From side street (min)	10'	5'	5'	5'	3'	5'
B3	From side lot line (min)	0' or 6'	0' or 6'	0' or 6'	0' or 6'	0' or 6'	0' or 6'
B4	From rear lot line (min)	0' or 6'	0' or 6'	0' or 6'	0' or 6'	0' or 6'	0' or 6'
B4	From alley (min)	5'	5'	5'	5'	5'	5'
C. Parking Setbacks							
C1	From primary street (min)	10'	10'	10'	10'	10'	10'
C2	From side street (min)	10'	10'	10'	10'	10'	10'
C3	From side lot line (min)	3'	3'	3'	3'	3'	3'
C4	From rear lot line (min)	3'	3'	3'	3'	3'	3'
C4	From alley (min)	5'	5'	5'	5'	5'	5'

		OP-	OX-	NX-	CX-	DX-	IX-
D. Height							
D1	Principal building (max)	50'/ 3 stories	50'/ 3 stories	50'/ 3 stories	50'/ 3 stories	50'/ 3 stories	50'/ 3 stories
D2	Accessory structure(max)	25'	25'	25'	25'	25'	25'
E. Floor Heights							
E1	Ground floor elevation (min)	0'	0'	0'	0'	0'	0'
E2	Ground story height, floor to ceiling (min)	13'	13'	13'	13'	15'	13'
E3	Upper story height, floor to ceiling (min)	9'	9'	9'	9'	9'	9'
F. Transparency							
F1	Ground story (min)	60%	60%	60%	60%	60%	60%
F2	Upper story (min)	20%	20%	20%	20%	20%	20%
F3	Blank wall area (min)	20'	20'	20'	20'	20'	20'
G. Allowed Building Elements*							
	Balcony						
	Gallery, awning						

* see Sec. 1.5.11 for specific building element requirements.

Sec. 3.2.9. Civic Building



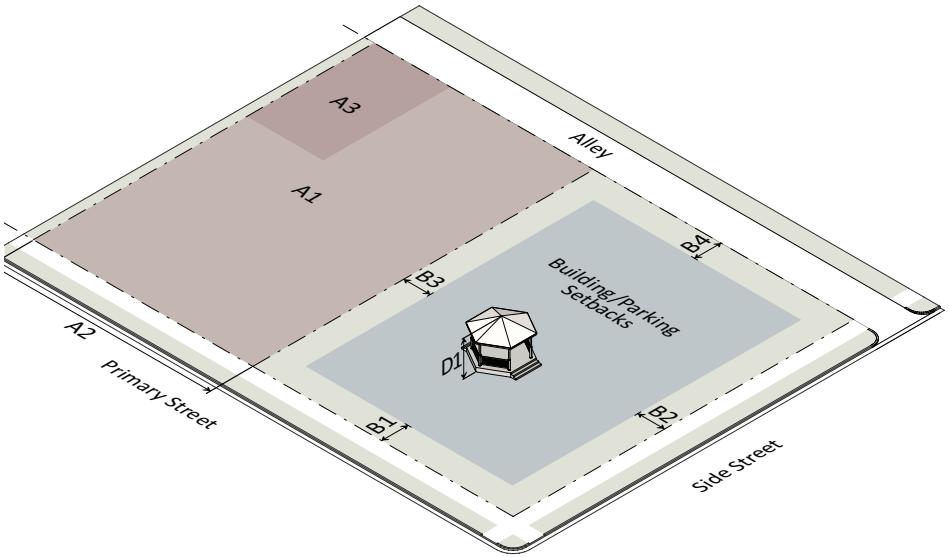


		RX-	OP-	OX-	NX-	CX-	DX-	IX-
A. Lot Dimensions								
A1	Area (min)	10,000 sf	10,000 sf	10,000 sf	10,000 sf	10,000 sf	n/a	10,000 sf
A2	Width (min)	100'	100'	100'	100'	100'	n/a	100'
A3	Recreation area (min)	5%	5%	5%	5%	5%	5%	5%
B. Building/Structure Setbacks								
B1	From primary street (min)	10'	10'	10'	10'	10'	5'	10'
B2	From side street (min)	10'	10'	10'	10'	10'	5'	10'
B3	From side lot line (min)	0' or 6'	0' or 6'	0' or 6'	0' or 6'	0' or 6'	0' or 6'	0' or 6'
B4	From rear lot line (min)	0' or 6'	0' or 6'	0' or 6'	0' or 6'	0' or 6'	0' or 6'	0' or 6'
B4	From alley (min)	5'	5'	5'	5'	5'	5'	5'
C. Parking Setbacks								
C1	From primary street (min)	10'	10'	10'	10'	10'	10'	10'
C2	From side street (min)	10'	10'	10'	10'	10'	10'	10'
C3	From side lot line (min)	3'	3'	3'	3'	3'	3'	3'
C4	From rear lot line (min)	3'	3'	3'	3'	3'	3'	3'
C4	From alley (min)	5'	5'	5'	5'	5'	5'	5'

		RX-	OP-	OX-	NX-	CX-	DX-	IX-
D. Height								
D1	Principal building (max)	Set by district	Set by district	Set by district	Set by district	Set by district	Set by district	Set by district
D2	Accessory structure (max)	25'	25'	25'	25'	25'	25'	25'
E. Allowed Building Elements*								
	Balcony							
	Gallery, awning							

* see Sec. 1.5.11 for specific building element requirements.

Sec. 3.2.10. Open Lot



		RX-	OP-	OX-	NX-	CX-	DX-	IX-
A.	**Lot Dimensions**							
A1	Area (min)	5,000 sf	5,000 sf	5,000 sf	5,000 sf	5,000 sf	n/a	5,000 sf
A2	Width (min)	50'	50'	50'	50'	50'	n/a'	50'
A3	Building coverage (max)	15%	15%	15%	15%	15%	15%	15%
B.	**Building/Parking Setbacks**							
B1	From primary street (min)	10'	10'	10'	10'	10'	10'	10'
B2	From side street (min)	10'	10'	10'	10'	10'	10'	10'
B3	From side lot line (min)	10'	10'	10'	10'	10'	10'	10'
B4	From rear lot line (min)	10'	10'	10'	10'	10'	10'	10'
B4	From alley (min)	10'	10'	10'	10'	10'	10'	10'
C.	**Height**							
C1	All building/structures (max)	40'	40'	40'	40'	40'	40'	40'
D.	**Allowed Building Elements***							
	None							

Article 3.3. Additional Height Requirements

Sec. 3.3.1. Applicability

Each mixed use district must include one of the following height designations. The designation establish the maximum height in stories for each mixed use district. For example, CX-7 has a maximum height limit of seven stories or 90 feet.

-3	3 stories / 50 feet max.
-5	5 stories / 75 feet max.
-7	7 stories / 90 feet max.
-12	12 stories / 150 feet max.
-20	20 stories / 250 feet max.
-40	40 stories / 500 feet max.

Sec. 3.3.2. Intent of Height Designations

A. 3 stories (-3)

1. The 3-story height designation is intended as the default limit for the mixed use districts.
2. The 3-story height designation is also intended to be used to transition between higher intensity height designations and established residential neighborhoods.

B. 5 stories (-5)

1. The 5-story height designation is intended for the core areas of the Medium Density Residential, Neighborhood Mixed Use, Office-Residential Mixed Use future land use categories.
2. The 5-story height designation is also intended for the edges of the High Density Residential, Office/Research and Development, Community Mixed Use, Regional Mixed Use and Central Business District future land use categories.
3. The 5-story height designation is appropriate a the edges of TOD areas and mixed use centers.

C. 7 stories (-7)

1. The 7-story height designation is intended for key portions of the High Density Residential, Community Mixed Use, Office-Residential Mixed Use, Office/Research & Development future land use categories.
2. The 7-story height designation may also be appropriate in TOD areas and mixed use centers.

D. 12 stories (-12)

1. The 12-story height designation is intended for the core areas of the High Density Residential, Office/Research and Development, Community Mixed Use, Regional Mixed Use and Central Business District future land use categories.
2. The 12-story height designation may also be appropriate in core areas of TODs and mixed use centers.

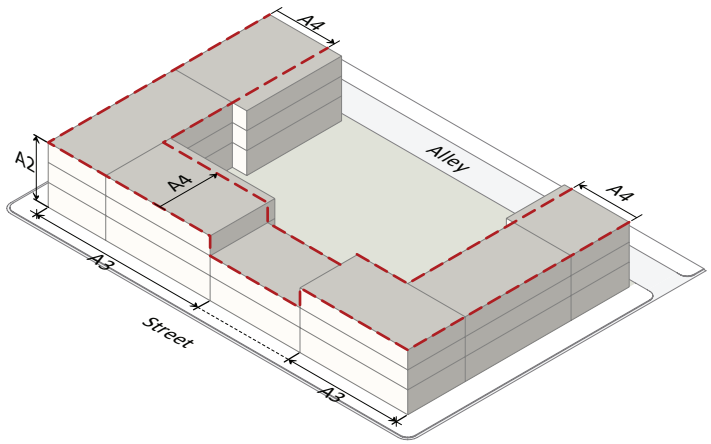
E. 20 stories (-20)

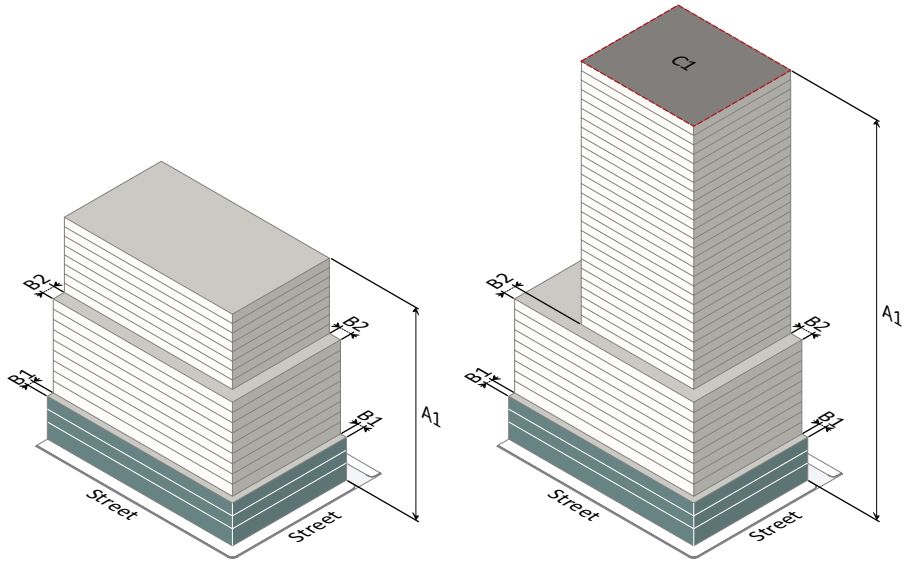
The 20-story height designation is intended for the Regional Mixed Use and Central Business District future land use categories and should only be used in the core of the district.

F. 40 stories (-40)

The 40-story height designation is intended for the core areas of the Central Business District future land use category.

Sec. 3.3.3. Building Height and Massing Requirements





District		-3	-5	-7	-12	-20	-40
A. Height							
A1	Building height (max stories)	3	5	7	12	20	40
A1	Building height (max feet)	50'	75'	90'	150'	250'	500'
A2	Building height (min stories)	1	2	3	4	7	9
A3	Street facing facade at min height (min % of lot width)	n/a	75%	75%	75%	75%	75%
A4	Depth of min height from front building facade into lot (min)	n/a	30'	30'	45'	60'	60'

Height of Building		Up to 3 Stories	4 to 5 Stories	6 to 7 Stories	8 to 12 Stories	13 to 20 Stories	21 to 40 Stories
B. Massing							
B1	3rd story stepback (min)	n/a	8'	10'	12'	15'	15'
B2	12th story stepback (min)	n/a	n/a	n/a	n/a	15'	15'
C. Towers							
C1	Floor plate size above 12 stories (max)	n/a	n/a	n/a	n/a	n/a	20,000 sf
C2	Spacing between towers (min)	n/a	n/a	n/a	n/a	n/a	100'

Article 3.4. Additional Frontage Requirements

Sec. 3.4.1. Purpose and Application

A. Purpose

1. Frontages link a desired development pattern with specific form requirements that mandate the type of development desired along the street edge and offer increased height and intensity opportunities.
2. A number of frontage designations have been prepared to address a variety desired development patterns. For the most part, frontages are intended to promote safe, active, and pedestrian-scaled commercial streets through the use of building placement and form standards that clearly define and activate the public street edge.

B. Building Type Standards Apply

Frontages place additional limitations on allowed building types and on the building type dimensional standards of Article 3.3. The frontages supplement the individual building type standards. Where there is a conflict between the building type standards and the frontage requirements, the frontage requirements control.

Sec. 3.4.2. Frontages

A mixed use district may include one of the following frontage designations.

A. Parkway (-PK)

The -PK Frontage provides for a heavily landscaped buffer between the roadway and adjacent development to ensure a continuous green corridor along the street edge.

B. Detached (-DE)

The -DE Frontage is for areas adjacent to major roadways transitioning from residential to office or commercial activity. The frontage is intended to maintain the residential character of the street (landscaped front yards, pitched roofs, porches, and raised ground floors) but accommodate neighborhood-scaled, low intensity commercial uses such as professional offices, banks, hair salons, and limited retail activity.

C. Parking Limited (-PL)

The -PL Frontage is for areas where easy access to buildings by automobile is desired but where some level of walkability is maintained. Permits a double loaded parking lot parallel to the street.

D. Green (-GR)

The -GR Frontage is for pedestrian-friendly areas where it is infeasible or impractical to pull buildings up to close to street edge, but where parking between the building and street is not desired.

E. Urban Limited (-UL)

The -UL Frontage is for mixed use, pedestrian-friendly areas where parking between the building and street is not desired but is allowed to the side or rear of buildings. Buildings still abut the street and sidewalk but to balance the needs of both the pedestrian and automobile greater spacing is allowed along the street wall.

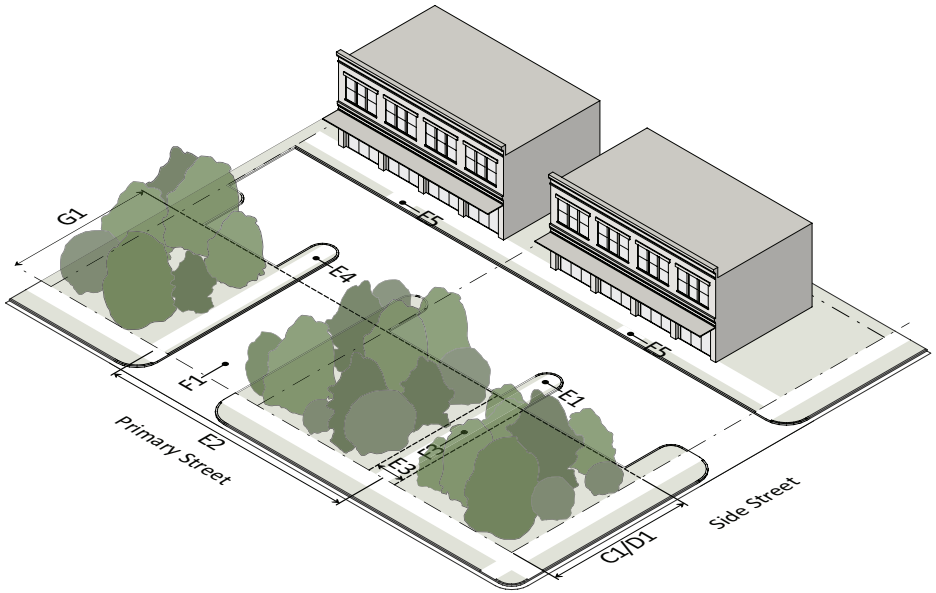
F. Urban General (-UG)

The -UG Frontage is for areas where parking between the building and street is not allowed. Parking areas are located to the rear of buildings. Requires buildings to be pulled up to the street edge.

G. Shopfront (-SH)

The -SH Frontage is for areas where the highest level of walkability is desired, consisting primarily of wide sidewalks and retail shopfronts pulled up to the street, creating a "main street" like environment. There is no on-site parking between the building and the street. On-site parking areas are located to the rear of buildings.

Sec. 3.4.3. Parkway (-PK)



A. Description

Provides for a heavily landscaped protective yard between the roadway and adjacent development to ensure a continuous green corridor along the street edge.

B. Building Types Allowed

Detached house (see Sec. 3.2.2)	General building (see Sec. 3.2.6)
Attached house (see Sec. 3.2.3)	Mixed use building (see Sec. 3.2.7)
Townhouse (see Sec. 3.2.4)	Civic building (see Sec. 3.2.8)
Apartment (see Sec. 3.2.5)	Open lot (see Sec. 3.2.9)

C. Additional Setbacks

C1	Building setback from primary street (min)	50'
C2	Parking setback from primary street (min)	50'

D. Pedestrian Access

D1	Pedestrian access required (minimum of one per lot)	yes
D2	Pedestrian access way spacing (max)	300'
D3	Width of pedestrian access way (min/max)	10'/20'
D4	A road or driveway with a sidewalk at least six feet in width may substitute for a required pedestrian access way	
D5	Direct pedestrian access is required from the public sidewalk to the primary entrance of the building	

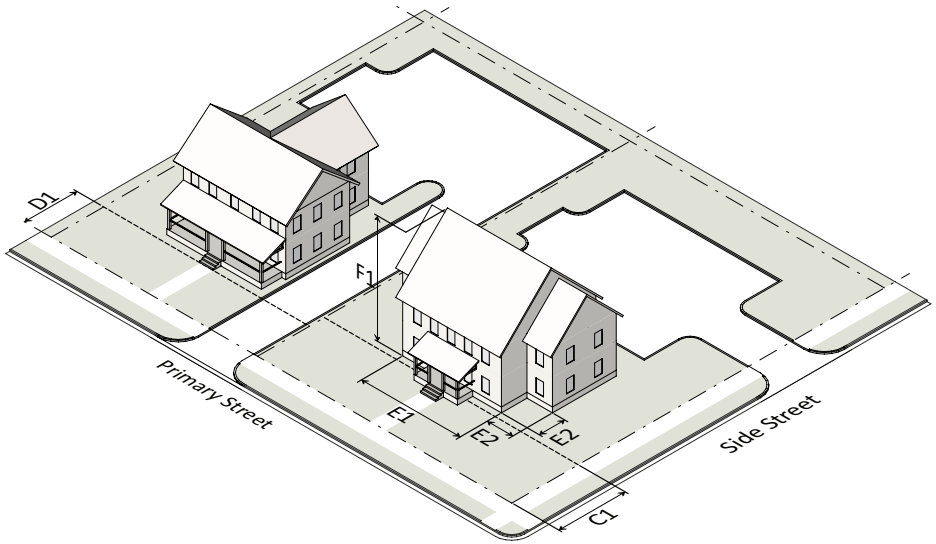
E. Protective Yard Landscaping

E1	The 50-foot protective yard must be landscaped in accordance with XXX

F. Protective Yard Encroachments

F1	Driveways as set forth in Sec. 8.1.9
F2	Ground signs as set forth in Article 8.3
F3	Pedestrian access way

Sec. 3.4.4. Detached (-DE)



A. Description

For areas adjacent to major roadways transitioning from residential to office or commercial activity. Intended to maintain the residential character of the street but accommodate neighborhood-scaled, low intensity commercial uses such as professional offices, banks, hair salons, and limited retail and service activity.

B. Building Types Allowed

Detached house (see Sec. 3.2.2)	Apartment (see Sec. 3.2.5)
Attached house (see Sec. 3.2.3)	Civic building (see Sec. 3.2.8)
Townhouse (see Sec. 3.2.4)	Open lot (see Sec. 3.2.9)

C. Additional Buildings Setbacks

C1 Average front setback applies (see Sec 2.2.7)

D. Additional Parking Limitations

D1 No on-site parking is permitted between the building and the street

E. Pedestrian Access

E1	Street-facing entrance required (min of one per building)	yes

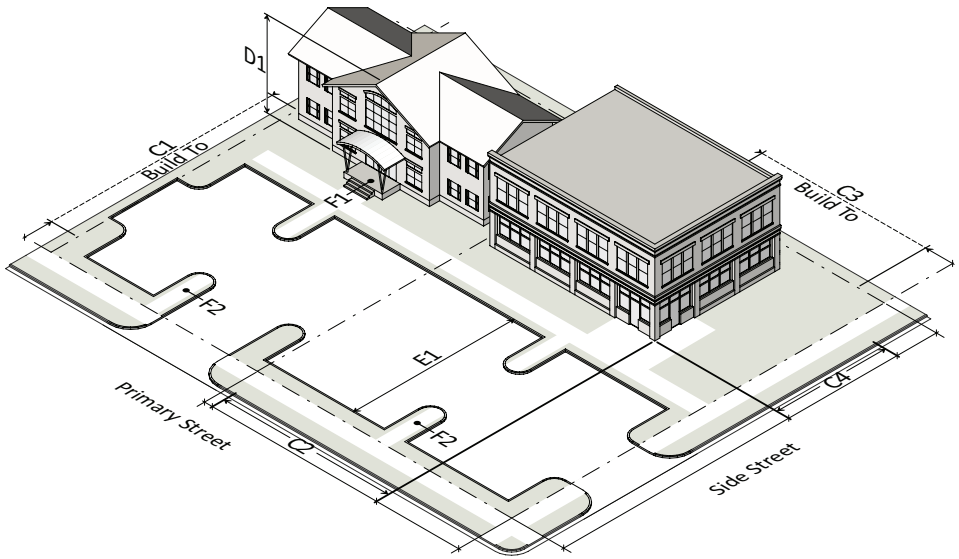
F. Facade Articulation

F1	Front wall length without offset (max)	40'
F2	Front wall offset length and depth (min)	10'

G. Height Limitations

G1	Height limit for frontage (max)	3 stories/50'

Sec. 3.4.5. Parking Limited (-PL)



A. Description

For areas where easy access to buildings by automobile is desired but where some level of walkability is maintained. Permits a double loaded parking lot parallel to the street.

B. Building Types Allowed

Townhouse (see Sec. 3.2.4)	Mixed use building (see Sec. 3.2.7)
Apartment (see Sec. 3.2.5)	Civic building (see Sec. 3.2.8)
General building (see Sec. 3.2.6)	Open lot (see Sec. 3.2.9)

C. Build-to

C1	Primary street build-to (min/max)	0'/100'
C2	Building width in primary build-to (min)	70%
C3	Side street build-to (min/max)	0'/100'
C4	Building width in side build-to (min)	35%

D. Height Limitations

D1	Height limit for frontage (max)	7 stories/90'

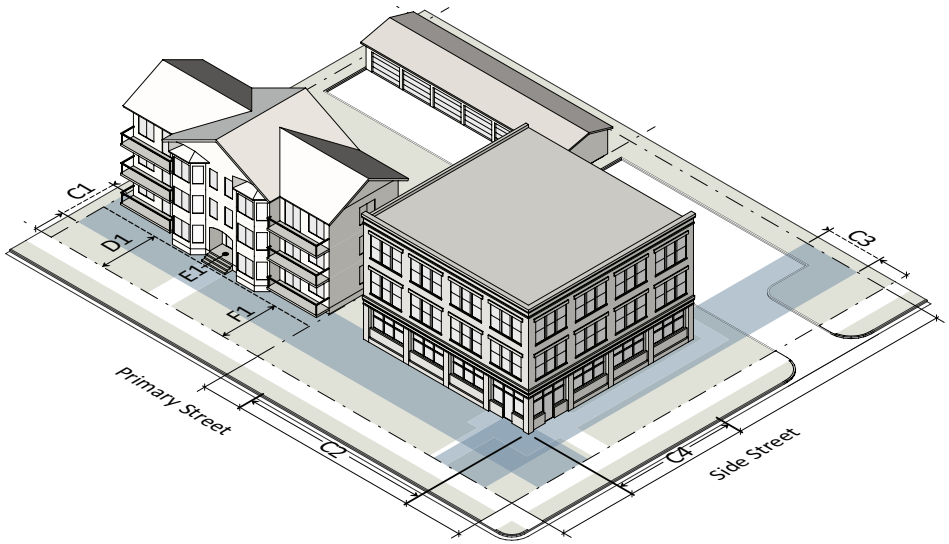
E. Additional Parking Limitations

E1	A maximum of two bays of on-site parking with a single drive aisle is permitted between the building and the street

F. Pedestrian Access

F1	Street-facing entrance required (min of one per building)	yes
F2	Direct pedestrian access is required from the public sidewalk to the primary street facing entrance of the building	

Sec. 3.4.6. Green (-GR)



A. Description

For pedestrian-friendly areas where it is infeasible or impractical to pull buildings up to close to street edge, but where parking between the building and street is not desired.

B. Building Types Allowed

Townhouse (see Sec. 3.2.4)	Mixed use building (see Sec. 3.2.7)
Apartment (see Sec. 3.2.5)	Civic building (see Sec. 3.2.8)
General building (see Sec. 3.2.6)	Open lot (see Sec. 3.2.9)

C. Build-to

C1	Primary street build-to (min/max)	0'/30'
C2	Building width in primary build-to (min)	70%
C3	Side street build-to (min/max)	0'/30'
C4	Building width in side build-to (min)	35%

D. Additional Parking Limitations

D1	No parking is permitted between the buiding and the street

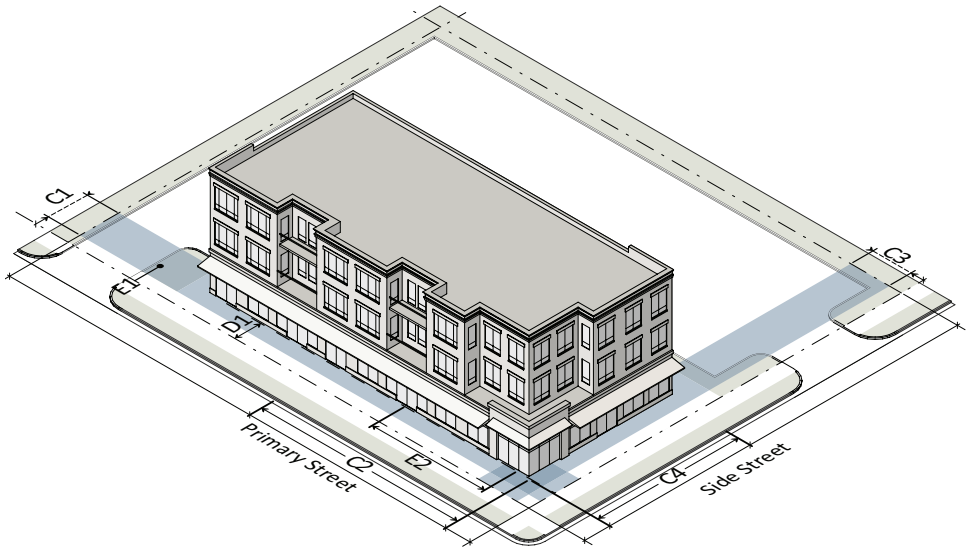
E. Pedestrian Access

E1	Street-facing entrance required (min of one per building)	yes
E2	Street-facing entrance spacing (max)	100'

F. Landscaping

F1	The setback area between the building and the front property line must be landscaped in accordance with XXX.

Sec. 3.4.7. Urban Limited (-UL)



A. Description

For mixed use, pedestrian-friendly areas where parking between the building and street is not desired but is allowed to the side of buildings. Buildings still abut the street and sidewalk but to balance the needs of both the pedestrian and automobile greater spacing is allowed along the street wall.

B. Building Types Allowed

Townhouse (see Sec. 3.2.4)	Mixed use building (see Sec. 3.2.7)
Apartment (see Sec. 3.2.5)	Civic building (see Sec. 3.2.8)
General building (see Sec. 3.2.6)	Open lot (see Sec. 3.2.9)

C. Build-to

C1	Primary street build-to (min/max)	0'/20'
C2	Building width in primary build-to (min)	50%
C3	Side street build-to (min/max)	0'/20'
C4	Building width in side build-to (min)	25%

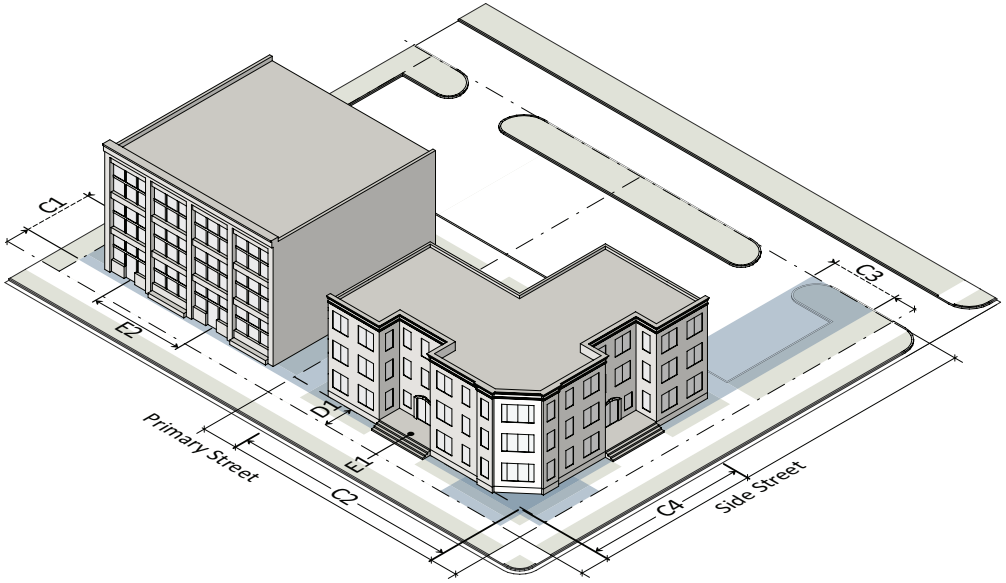
D. Additional Parking Limitations

D1	No parking is permitted between the buiding and the street

E. Pedestrian Access

E1	Street-facing entrance required (min of one per building)	yes
E2	Street-facing entrance spacing (max)	75'

Sec. 3.4.8. Urban General (-UG)



A. Description

Intended for areas where parking between the building and street is not allowed. Parking areas are located to the rear of buildings. Requires buildings to be pulled up to the street edge.

B. Building Types Allowed

Townhouse (see Sec. 3.2.4)	Mixed use building (see Sec. 3.2.7)
Apartment (see Sec. 3.2.5)	Civic building (see Sec. 3.2.8)
General building (see Sec. 3.2.6)	Open lot (see Sec. 3.2.9)

C. Build-to

C1	Primary street build-to (min/max)	0'/20'
C2	Building width in primary build-to (min)	70%
C3	Side street build-to (min/max)	0'/20'
C4	Building width in side build-to (min)	35%

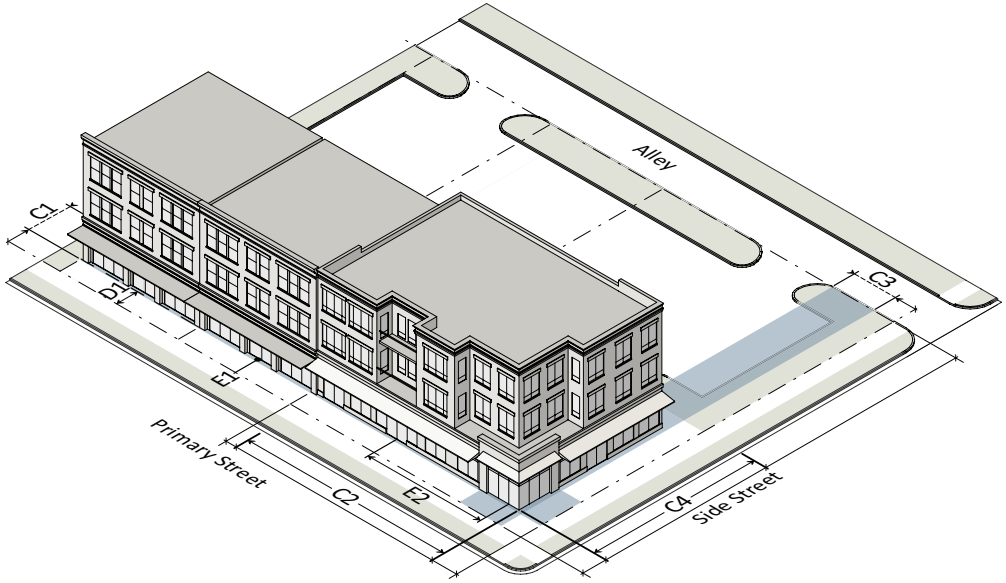
D. Additional Parking Limitations

D1	No parking is permitted between the buiding and the street

E. Pedestrian Access

E1	Street-facing entrance required (min of one per building)	yes
E2	Street-facing entrance spacing (max)	75'

Sec. 3.4.9. Shopfront (-SH)



A. Description

For areas where the highest level of walkability is desired, consisting primarily of wide sidewalks and retail shopfronts pulled up to the street, creating a "main street" like environment. There is no on-site parking between the building and the street. On-site parking areas are located to the rear of buildings.

B. Building Types Allowed

Mixed use building (see Sec. 3.2.7)

Civic building (see Sec. 3.2.8)

Open lot (see Sec. 3.2.9)

C. Build-to

C1	Primary street build-to (min/max)	5'/15'
C2	Building width in primary build-to (min)	80%
C3	Side street build-to (min/max)	5'/15'
C4	Building width in side build-to (min)	40%

D. Additional Parking Limitations

D1 No parking is permitted between the buiding and the street

E. Pedestrian Access

E1	Street-facing entrance required (min of one per building)	yes
E2	Street-facing entrance spacing (max)	75'

Article 3.5. Neighborhood Transitions

Sec. 3.5.1. Applicability

A. The following neighborhood compatibility standards apply in the mixed use districts when the following occurs:

1. The site immediately abuts or is within 50 feet of a district boundary of a R-1, R-2, R-4, R-6, R-10, or RX- district; and
2. The abutting or adjacent property is zoned to accommodate a detached house or an attached house that is zoned for residential purposes only.

B. Zone B does not apply to sites 50 feet or less in the depth. In such cases, Zone C starts at the inside edge of the Zone A protective yard (edge furthest from the district boundary line).

Sec. 3.5.2. Transition Zones

There are three types of transition zones.

A. Zone A: Protective Yard

1. Intent

Intended to buffer and screen the established residential neighborhoods from new development. Consists primarily of vegetative landscaping and wall or fence.

2. Location

Immediately abutting district boundary line.

3. Width

Varies (depends on protective yard type applied).

B. Zone B: Use Restricted

1. Intent

Intended for open areas and low intensity uses, such as surface parking, alleys, landscaping, playgrounds, outdoor dinning, community serving buildings and service-related structures.

2. Location

Located between Zone A and Zone C. Zone B starts at the inside edge of the Zone A protective yard (edge furthest from the district boundary line) and ends 50 feet from the district boundary line.

3. Width

50 feet from the district boundary line.

C. Zone C. Height and Form

1. Intent

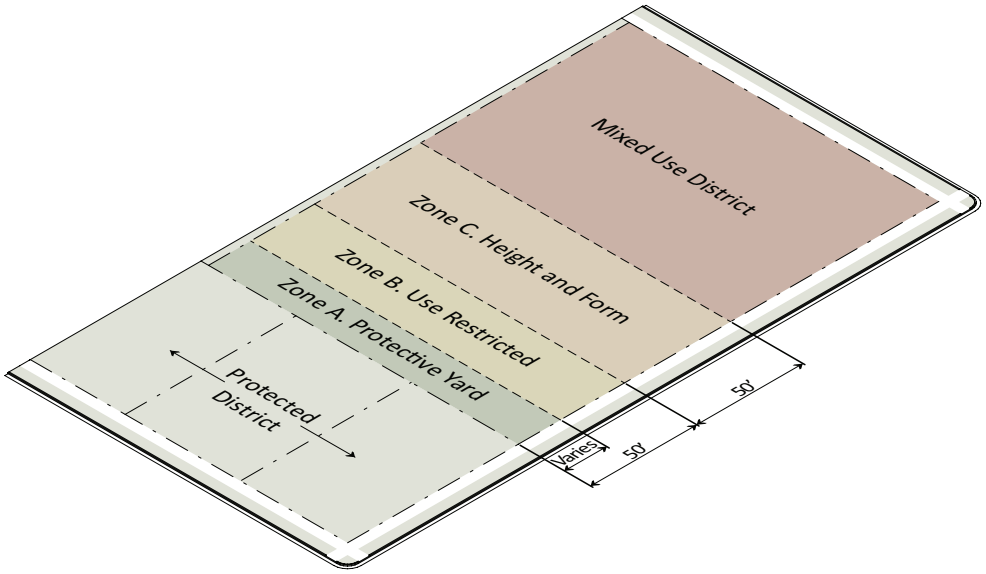
Intended to restrict the height and form of development so as to decrease the impact of new multi-story structures on established residential neighborhoods.

2. Location

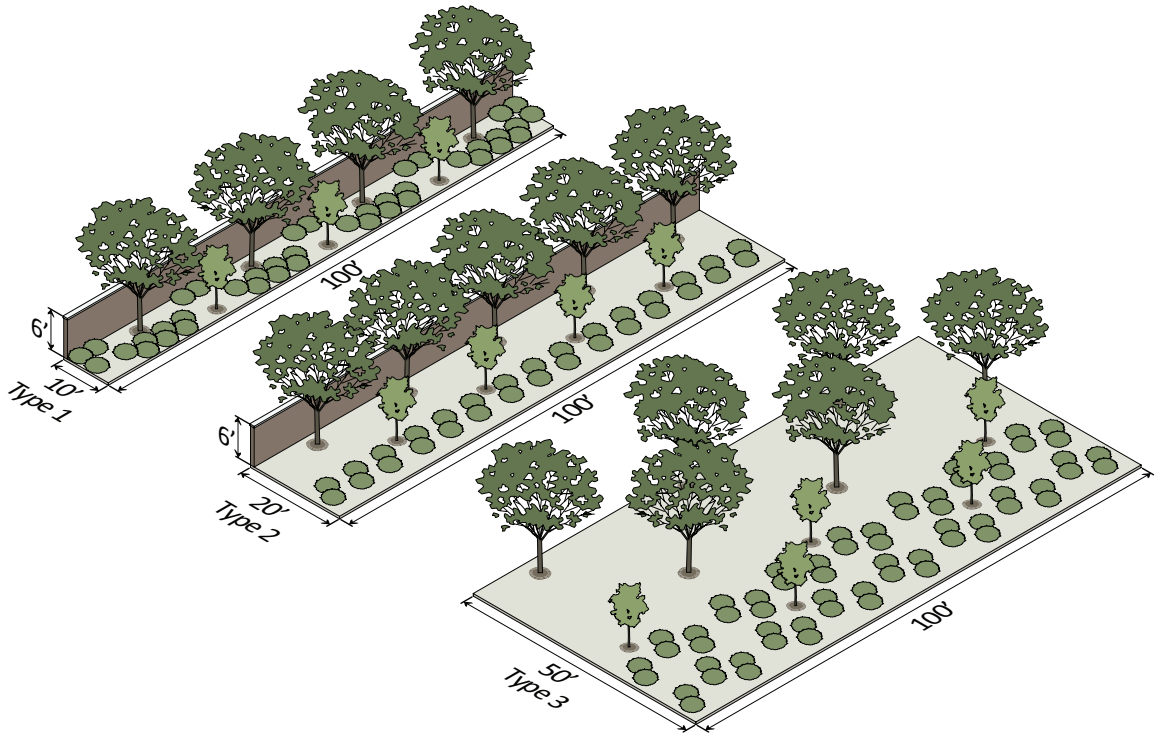
Located between Zone B and the more developed portion of the site. Zone C extends from 50 to 100 feet from district boundary line.

3. Width

50 to 100 feet from the district boundary line.



Sec. 3.5.3. Zone A: Protective Yard



A. Type 1: Narrow (10 feet)

1. **Width**

   Average width of 10 feet.

2. **Installation Requirements**

   a. A wall between six and eight feet in height.

   b. Four shade trees per 100 lineal feet.

   c. Three understory trees per 100 lineal feet.

   d. 40 shrubs per 100 lineal feet.

B. Type 2: Medium (20 feet)

1. **Width**

   Average width of 20 feet.

2. **Installation Requirements**

   a. A wall or fence between six and eight feet in height.

   b. Five shade trees per 100 lineal feet.

   c. Four understory trees per 100 lineal feet.

   d. 30 shrubs per 100 lineal feet.

C. Type 3: Wide (50 feet)

1. **Width**

   Average of width of 50 feet.

2. **Installation Requirements**

   a. Six shade trees per 100 lineal feet.

   b. Five understory canopy trees per 100 lineal feet

   c. 60 shrubs per 100 lineal feet.

3. **Optional Provisions**

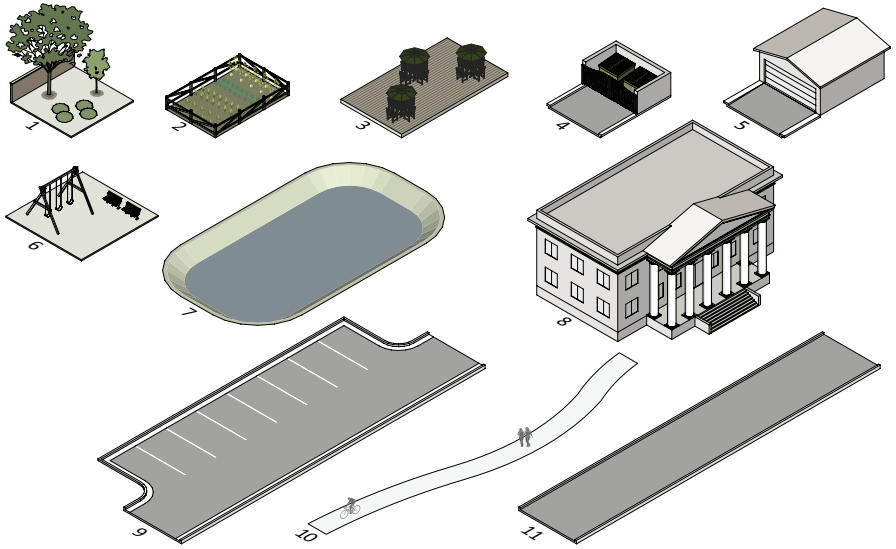
   a. A fence or wall between six and eight feet in height may be installed.

   b. In lieu of planting required shrubs, a berm with a minimum height of three feet may be installed.

Sec. 3.5.4. Zone B: Use Restrictions (50 feet)

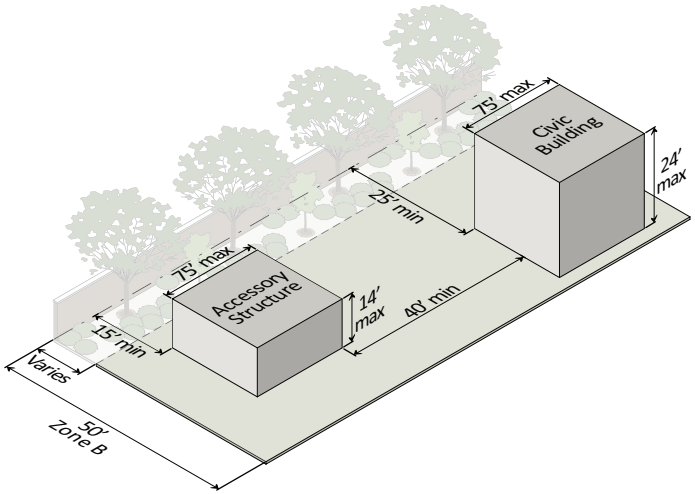
A. Permitted Activity

1. Protective yard, landscaping, fence, wall.
2. Garden.
3. Outdoor dining (not after 10:00 pm).
4. Service area.
5. Accessory garage, storage area.
6. Park, playground.
7. Stormwater detention.
8. Civic building, open lot.
9. Surface parking lot.
10. Path, walkway.
11. Alley.



B. Civic Building and Accessory Structures

1. A civic building can be no more than 24 feet in height and must be located at least 25 feet from the district boundary line.
2. An accessory structure can be no more than 14 feet in height and must be located at least 15 feet from the district boundary line.
3. A maximum length of 75 feet for buildings walls parallel to the district boundary line.
4. Multiple building and structures placed in Zone B must be spaced apart to maintain views. There must be a minimum of 40 feet between buildings and structures.



C. Service Areas

Trash collection, trash compaction, recycling collection and other similar service areas must be located at least 25 feet from the district boundary line.

Sec. 3.5.5. Zone C: Height and Form (100 feet)

A. Permitted Activity

All structures and uses customarily allowed on the site are permitted in Zone C.

B. Height

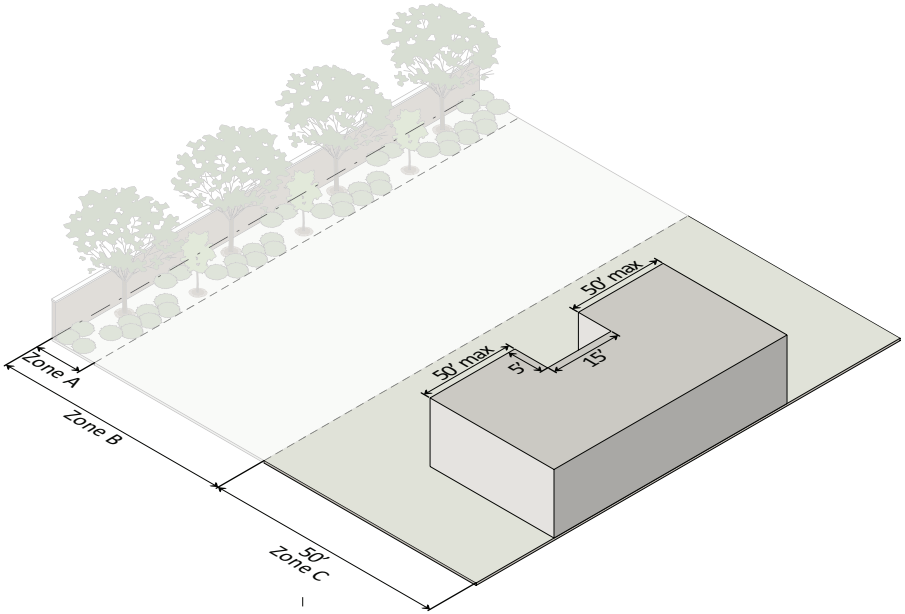
1. No building or structure can be more than 40 feet in height at the Zone C line (50 feet from district boundary line).
2. Height can increase subject to a bulk plane starting at 40 feet in height at the Zone C line, and extending upward one foot for every additional foot into the site.
3. The required bulk plane applies up to 100 feet from the district boundary line of the protected area.

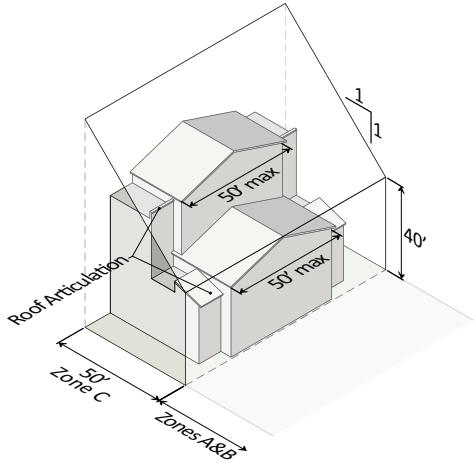
C. Wall Articulation

Any portion of a rear wall plane cannot exceed 50 feet in length unless the wall is offset a minimum of five feet for minimum distance of 15 feet.

D. Roof Form

1. Articulate individual units or articulate roof form at 50 feet maximum increments.
2. Require minimum of 50% of roof in plan to be a sloping roof form, for all structures greater than 20,000 structures in overall plan area.





Sec. 3.5.6. Neighborhood Connections

A. For mixed use sites less than 300 foot in length, provide a minimum of one publicly accessibly pedestrian connections to the protected area.

B. For mixed use sites 300 feet in length and more, provide a minimum of two publicly accessibly pedestrian connections to the protected area.

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Article 4.1. General Provisions

Sec. 4.1.1. District Intent Statements

A. Conservation Management (CM)

1. CM is intended to create, preserve, and enhance land as permanent open space to meet the passive recreational needs of city.
2. All property within the district must be unoccupied or predominately unoccupied by buildings or other impervious surfaces.

B. Agriculture Productive (AP)

1. AP is intended to conserve agricultural land and undeveloped natural amenities while preventing the encroachment of incompatible land uses on farm land and other undeveloped areas.
2. The types, area and intensity of land uses in AP are designed to encourage and protect agricultural uses and the conservation of undeveloped areas.
3. AP allocates one dwelling unit per agricultural tract with a buildable lot area of 80,000 square feet.

C. Heavy Industrial (IH)

IH is intended to accommodate high-impact manufacturing, industrial or other uses, including extractive and waste-related uses, that by their nature create a nuisance, and which are not properly associated with or are compatible with nearby residential, mixed use or special districts.

D. Manufactured Home Park (R-MP)

1. R-MP permits manufactured, modular and mobile homes in manufactured home parks.
2. R-MP is provided to ensure a suitable living environment in manufactured home parks and to ensure the compatibility of such developments with adjacent property.

E. Campus (CMP)

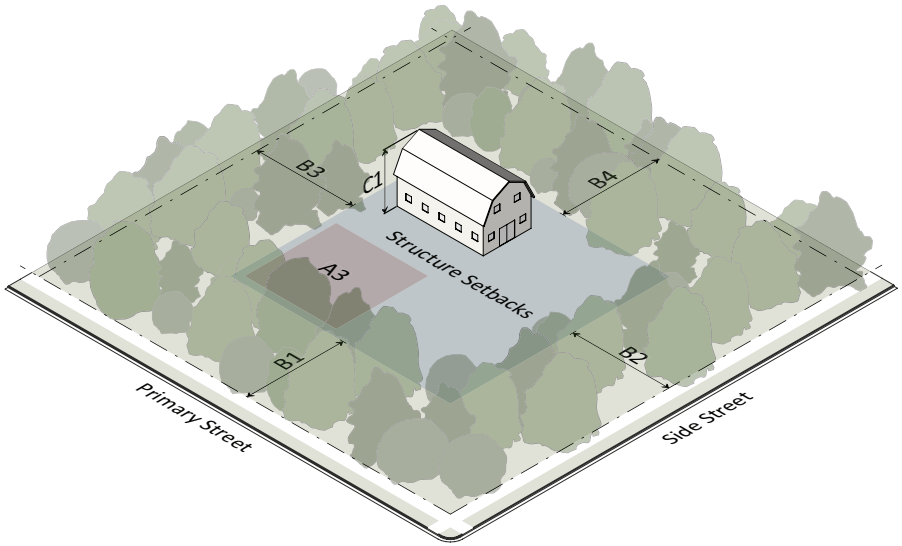
1. CMP is established to allow for growth and development of colleges and universities and other campus-like uses such hospitals while protecting the larger community, nearby neighborhoods, and the environment from impacts accompanying major new development.
2. CMP allows for flexible placement of buildings, and unified treatment of signs, open space, landscaping and other site elements that may be recognized through a master plan.
3. CMP has transitional areas that taper off in intensity towards adjacent residential neighborhoods, but can also incorporate and be adjacent to more intense development.
4. Limited retail, restaurant and commercial uses are allowed, provided that such uses are primarily for the convenience of employees or users of the district.
5. Development is encouraged to reduce auto use, mitigate environmental impacts, conserve energy resources and achieve visual continuity in the siting and scale of buildings.

F. Planned Development (PD)

1. The PD District is intended to encourage innovative land planning and site design concepts that achieve a high level of environmental sensitivity, energy efficiency, aesthetics, high-quality development, and other community goals.
2. The district is intended to reduce or eliminate the inflexibility that sometimes results from strict application of zoning standards that were designed primarily for individual lots and not master-planned development.

Article 4.2. Conservation Management (CM)

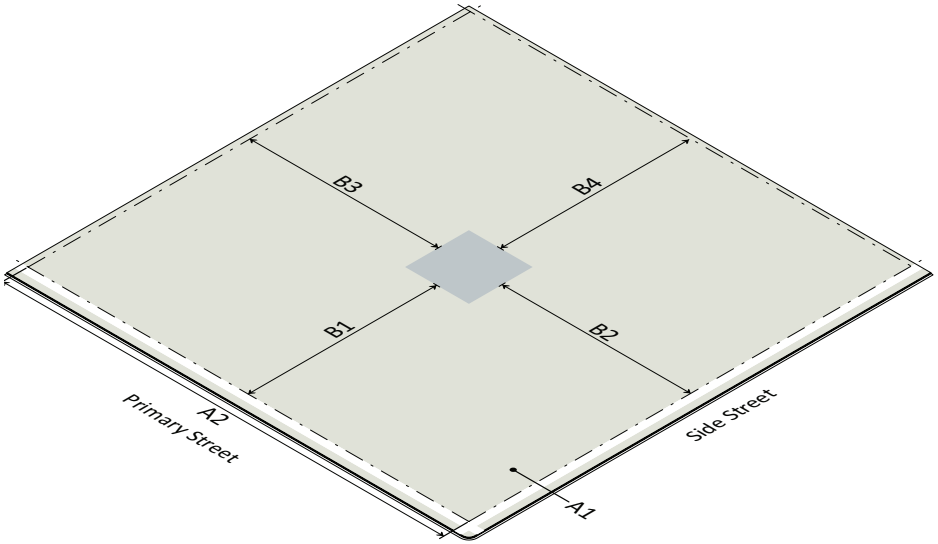
Sec. 4.2.1. Open Lot

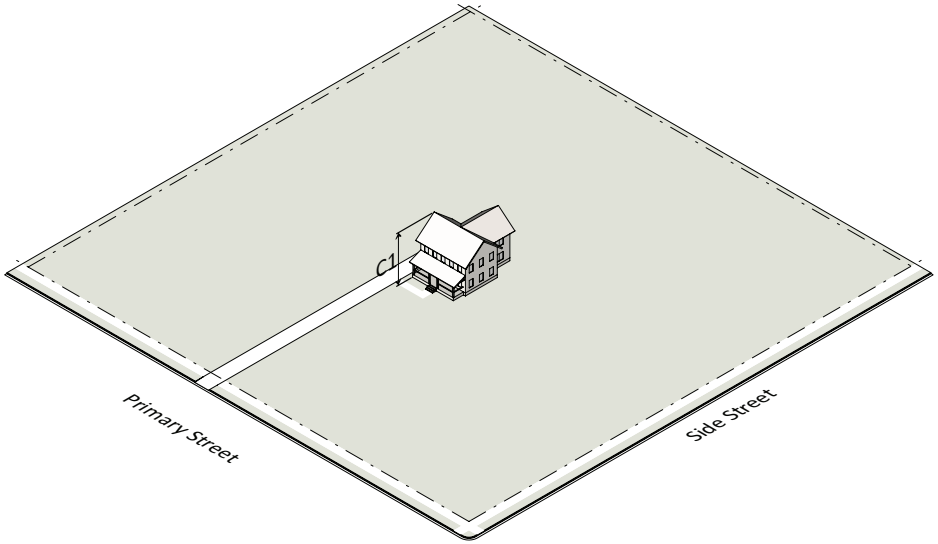


		CM
A. Lot Dimensions		
A1	Area (min)	no minimum
A2	Width (min)	no minimum
A3	Building coverage (max)	5%
B. Building/Structure Setbacks		
B1	From primary street (min)	50' protective yard
B2	From side street (min)	50' protective yard
B3	From side lot line (min)	50' protective yard
B4	From rear lot line (min)	50' protective yard
C. Height		
C1	All building/structures (max)	40'
D. Allowed Building Elements		
	None	

Article 4.3. Agriculture Productive (AP)

Sec. 4.3.1. Detached House



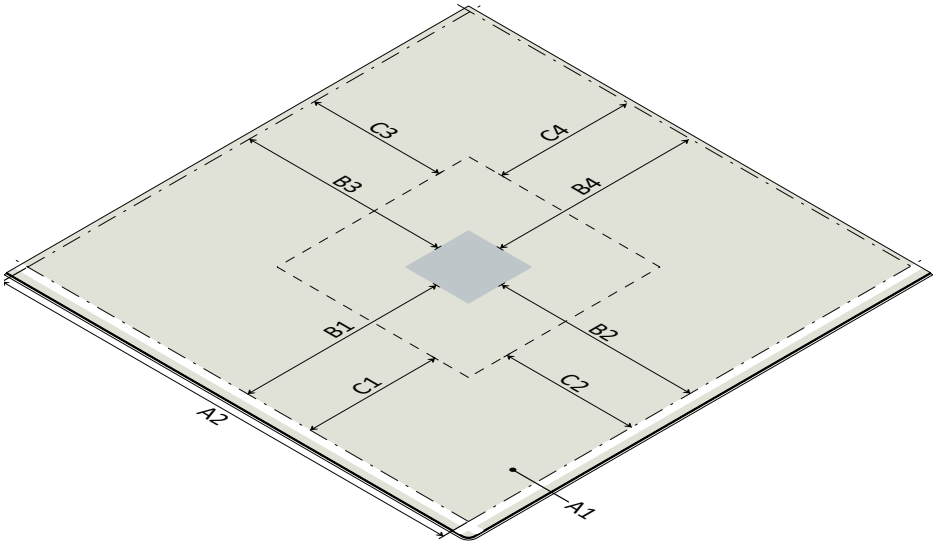


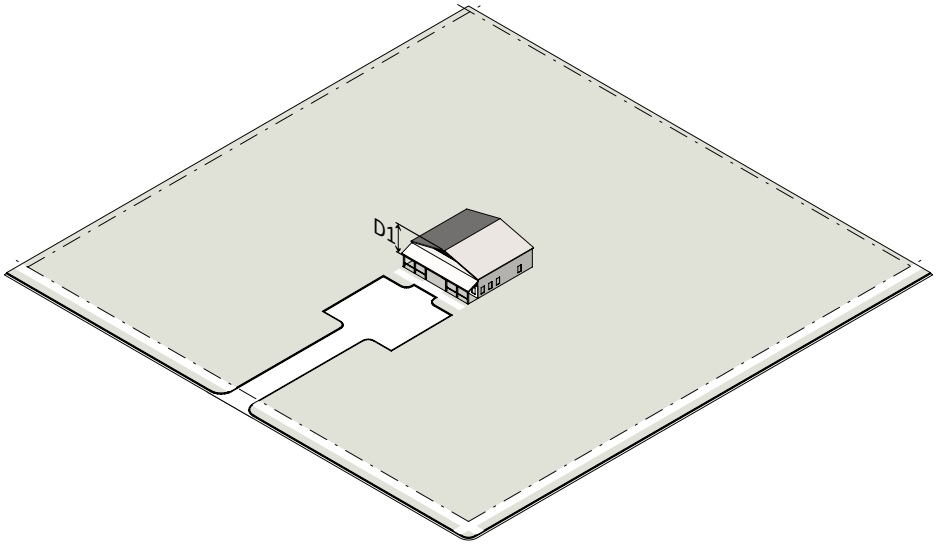
		AP
A. Lot Dimensions		
A1	Area (min)	125,000 sf
A2	Width (min)	350'
A3	Density (max)	1 unit per agriculture tract
B. Building/Structure Setbacks		
B1	From primary street (min)	150'
B2	From side street (min)	150'
B3	From side lot line (min)	150'
B5	From rear lot line (min)	150'

		AP
C. Height		
C1	All structures (max)	40' / 3 stories
D. Allowed Building Elements*		
	Porch, stoop	
	Balcony	

* see Sec. 1.5.11 for specific building element requirements.

Sec. 4.3.2. General Building





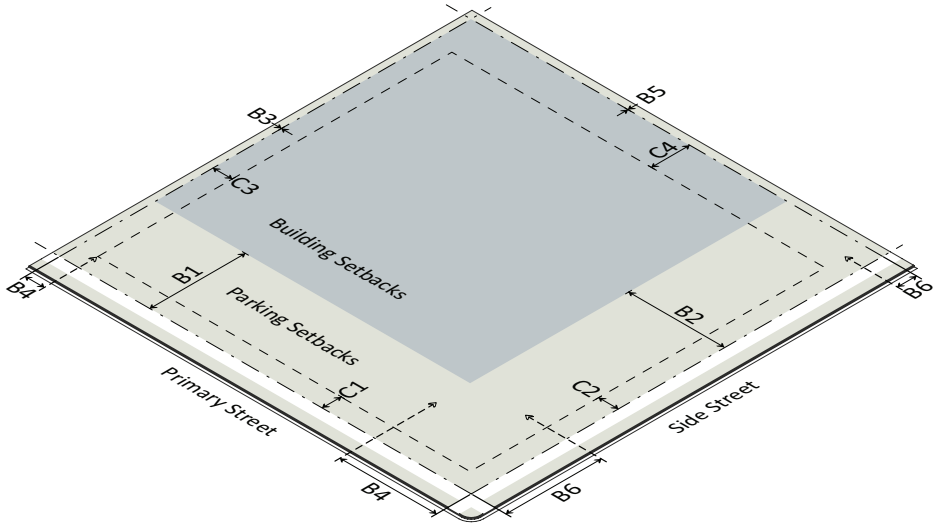
		AP
A. Lot Dimensions		
A1	Area (min)	100,000 sf
A2	Width (min)	100'
B. Building/Structure Setbacks		
B1	From primary street (min)	150'
B2	From side street (min)	150'
B3	From side lot line (min)	150'
B4	From rear lot line (min)	150'
C. Parking Setbacks		
C1	From primary street (min)	100
C2	From side street (min)	100
C3	From side lot line (min)	100
C4	From rear lot line (min)	100'

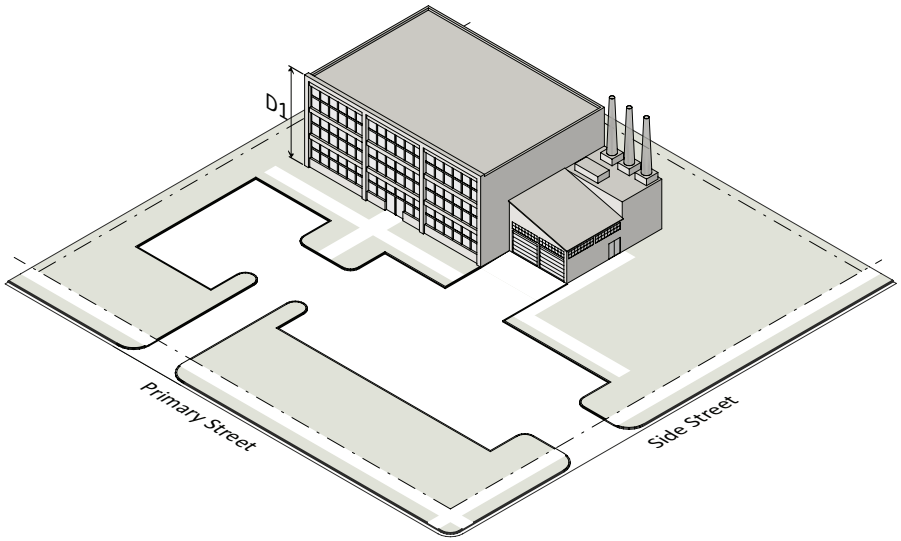
		AP
D. Height		
D1	Principal building (max)	40' / 3 stories
D2	Accessory structure (max)	40'
E. Allowed Building Elements*		
	Balcony	
	Gallery, awning	

* see Sec. 1.5.11 for specific building element requirements.

Article 4.4. Heavy Industrial (IH)

Sec. 4.4.1. General Building





		IH
A. Lot Dimensions		
A1	Area (min)	no minimum
A2	Width (min)	no minimum
B. Building/Structure Setbacks		
B1	From primary street (min)	50'
B2	From side street (min)	50'
B3	From side lot line (min)	0'
B4	Sum of side setbacks (min)	40'
B5	From rear lot line (min)	0'
B6	Sum of rear and front setbacks (min)	70'
C. Parking Setbacks		
C1	From primary street (min)	10'
C2	From side street (min)	10'
C3	From side lot line (min)	10'
C4	From rear lot line (min)	20'

		IH
D. Height		
D1	All structures (max)	50' / 3 stories
E. Allowed Building Elements*		
	Balcony	
	Gallery, awning	

F. Transitional Protective Yards

A Type B1 or B2 transitional protective yard (see Sec. 7.2.2) must be established along all property lines abutting a residential, mixed use or special district (not including the IH district).

* see Sec. 1.5.11 for specific building element requirements.

Article 4.5. Manufactured Home Park (R-MP)

Sec. 4.5.1. Site Size, Residential Density and Land Use

A. A manufactured home park must be at least ten acres in size and be devoted to the following uses:

1. Leasing of space for manufactured homes;
2. Manufactured homes for rent or sale for use within the manufactured home park, provided that the sold manufactured home is connected to on-site utilities and the manufactured home remains on the site for a minimum of one year; and
3. Unit ownership (condominium) pursuant to Chapter 47C of the North Carolina General Statutes.

B. A manufactured home park may not exceed a density of six units per acre.

C. A manufactured home park may contain accessory uses subject to the standards of Article 6.7.

Sec. 4.5.2. Site Development Standards

A. Phasing

Every manufactured home park must contain at least ten manufactured home spaces in each phase.

B. Streets, Sidewalks and Street Yards

1. All manufactured home spaces and lots containing uses permitted in a manufactured home park must front a street meeting the applicable standards of Chapter 8.
2. Streetscapes meeting the requirements of Chapter 8 shall be required. Sidewalks must provide pedestrian access within the development served and shall connect with public sidewalks, public streets and greenway access points.
3. A protective yard adjoining all street rights-of-ways shall be provided in accordance with Sec. 7.2.2, option c.1 or c.2.

C. Open Space Standards

1. Minimum Acreage Required

a. The required minimum outdoor open space provided for a manufactured home park shall be the greater of either:

i. 10% of the land area of the development, excluding dedicated rights-of-way unless density transfer is allowed from that right-of-way; or

ii. 435.6 square feet per unit.

b. Required minimum open space may be conveyed to the government without reimbursement as part of a greenway easement.

c. No off-street parking, drives or buildings shall be located in the open space, except for recreational facilities.

d. Facilities including driveways and off-street parking required to serve recreation facilities, may be placed within the required open space, in accordance with Sec. 6.7.2.I.

2. Open Space Configuration

a. With the exception of parks and greenways dedicated to the city, the minimum average open space quotient may not be less than 75 feet.

b. A minimum of one-third or two acres, whichever is less, of the required open space must be in one continuous part with a maximum average slope of eight percent or less.

3. Location

a. The required open space must be contiguous to the manufactured home park.

b. In the event that a manufactured home park is divided by a thoroughfare, the amount of required open space for the tracts created by the thoroughfare shall be allotted to those tracts in the same proportion as the units approved to be located on each tract.

D. Clearing of Drainage Ways

During the construction, preparation, arrangement and installation of improvements and facilities in a manufactured home park, the stream bed of each stream, creek or backwash channel contiguous to the manufactured

home park shall be maintained in an unobstructed state and the channel and banks of the stream shall be kept free of all debris, logs, timber, junk, and other accumulations of a nature that would, in time of flood, clog or dam the passage of waters in their downstream course. Installation of appropriately sized stormwater drains, culverts, bridges or dams for water impoundments shall not be construed as obstructions in the stream.

E. Floodplain Evacuation Plan

An evacuation plan must be filed with the Wake County Office of Emergency Preparedness indicating alternative vehicular access and escape routes from manufactured home parks located within floodprone areas.

F. Utilities and Sanitary Services

All utility installations shall comply with applicable codes of the City, Wake County and the State of North Carolina, and the requirements of the North Carolina Utilities Commission.

1. Each manufactured home space shall be connected to all utilities provided including water and sanitary sewer.
2. Each manufactured home park shall connect to the city water system, and either the city sewer system if available or a community sewer system. All sewage wastes from each manufactured home park including wastes from toilets, showers, bathtubs, lavatories, wash basins, refrigerator drains, sinks, faucets, and water-using appliances not mentioned here shall be piped into the manufactured home park sewage disposal system or city utility system.

Sec. 4.5.3. Manufactured Home Space Standards

A. Preparation of Spaces

The surface of each manufactured home space shall have a manufactured home stand or pad graded for proper drainage and shall be covered by a paved slab or compacted earth, gravel or crushed stone adequate to meet Building Code requirements for foundation footings for manufactured homes. The remainder of the space shall be graded for drainage and graded areas grassed or otherwise provided with protective cover to prevent erosion.

B. Grading and Drainage Plan

A grading and drainage plan allowing positive drainage away from the manufactured home pad shall be approved by the city prior to any grading around any manufactured home pad.

C. Setbacks

1. Manufactured Home

Each manufactured home shall comply with the following space setbacks. The side setback and the front setback shall be measured from the existing or proposed street right-of-way or if none exists from the edge of street pavement.

a. Minimum front and side setbacks adjoining any street shall be 20 feet.

b. Building to building separation may be no less than 20 feet.

c. Perimeter protective yard equal to the minimum yard area setback required by the adjacent zoning district, but not less than 20 feet.

2. Other Buildings and Uses

Buildings and uses located in a manufactured home park, other than manufactured homes, shall not locate within 30 feet of a manufactured home or 20 feet of a public right-of-way.

D. Skirting

1. Foundation skirting shall be installed around all sides of a manufactured home and shall be uninterrupted except for required ventilation and access.
2. Foundation skirting shall consist of brick, stone, siding material consistent with the siding material used on the structure, or any rigid weatherproof

material providing a solid barrier between the underside of the manufactured home and the stand.

E. Accessory Detached Structures and Uses

1. A detached accessory structure, including but not limited to storage shed, storage tank, greenhouse, horse stall, or gazebo, may be located within ten feet of the manufactured home it is an accessory to but may not exceed 100 square feet in size.
2. No detached accessory structure may be located within ten feet of any other structure, including other manufactured homes.
3. Open structures, including but not limited to a deck, porch, stairway or any noncombustible awning, eave or carport, that exceed three and one-half feet in height shall not be located within ten feet of another manufactured home or ten feet of another open structure associated with another manufactured home.
4. Garages may not exceed 300 square feet in size and may not be located within 20 feet of another manufactured home or ten feet of an open structure associated with another manufactured home.
5. Garage and carport placement must comply with the standards of Sec. 1.5.12.
6. No structure that exceeds three and one-half feet in height is allowed to be located in the space between the manufactured home and the public right-of-way or private street.

F. Unit Numbering

Unit numbers for each manufactured home shall be installed in accordance with Sec. 7.3.12.L

Article 4.6. Campus (CMP)

Sec. 4.6.1. Campus Areas

A. Single Entity

Each Campus District must be under the control of a single entity, whether a private developer or landowner or a governmental or other non-profit institution. This entity shall be charged with creating and maintaining the master plan required in the Campus District.

B. Transitional Area

1. A 200 foot wide Transitional Area shall be established at the boundaries of the Campus District.
2. The Transitional Area shall be designed to establish standards at the edges of the campus area that minimize any adverse impacts of proposed development on adjacent properties.
3. Where applicable, the Transitional Area shall be measured from the edge of the public right-of-way adjacent to the district. Where there is no public right-of-way, the Transitional Area shall be measured from the property line.

C. Internal Campus

Any area of the Campus District not included within a Transitional Area shall be considered to be within the Internal Campus.

Sec. 4.6.2. Development Standards

A. Height

1. Transitional Area

a. The maximum height of a structure shall not exceed 150% of the average height of buildings on adjacent properties, including those directly across a public right-of-way.

b. In calculating the average height for adjacent buildings, the following considerations shall be included:

i. Maximum permitted heights for developable vacant lots;

ii. The taller of buildings in front or behind each other and included within 200 feet of the Campus District transitional area.

c. Heights may not be increased beyond 150% of average surrounding heights unless a special use permit is approved in accordance with Sec. 11.2.10.

2. Internal Campus

The maximum height of a structure shall be XX feet, unless a special use permit is approved in accordance with Sec. 11.2.10, in which case the height may be increased up to a maximum of XX feet.

B. Outdoor Lighting

1. Transitional Area

Within a Transitional Area, all outdoor lighting standards of Article 7.4, shall apply except that new athletic fields shall not be illuminated after 11:00 PM.

2. Internal Campus

The outdoor lighting standards of Article 7.4 do not apply to areas within the Internal Campus.

C. Vehicular Use Areas

Surface parking lots in the Transitional Area shall not be located immediately adjacent to or across from properties zoned for single-unit living development unless separated from the street by a landscaped area equivalent to the average street yard of existing buildings or parking lots on adjacent properties.

D. Parking

1. Campus Districts are required to comply with the parking requirements of Sec. 7.1.2.
2. The entire Campus District may be treated as a single mixed use development for the purposes of calculating a shared parking plan.
3. Parking may include spaces located outside the Campus District, but within 600 feet of the Campus District, provided the spaces are controlled by the campus entity.

E. Signs

1. Transitional Area

All applicable standards of Article 7.3, shall apply.

2. Internal Campus

a. Where signs are not visible from areas outside the Campus District, the standards related to sign type, area and placement in Article 7.3 do not apply.

b. Sign construction standards and maintenance obligations of Article 8.3 apply.

F. Traffic Impact Analysis

The entire Campus District may be treated as a single mixed use development for the purposes of calculating traffic impact.

G. Sidewalks, Paths and Trails

The campus entity may propose an alternative to typical sidewalk treatments in their master plan. Alternatives may include path or trail systems that provide more efficient or scenic pedestrian routes than a traditional sidewalk system.

H. Stormwater

The entire Campus District may be treated as a single mixed use development for the purposes of calculating stormwater requirements.

Article 4.7. Planned Development (PD)

Sec. 4.7.1. Intent

The PD District is intended as a relief mechanism from the prescriptive standards of a general use zoning district and is intended to be used to achieve a higher quality of project design than could be accomplished through the strict application of a general use district or set of general use districts.

Sec. 4.7.2. Establishment of a PD District

A. A PD District is a customized general use zoning district or set of general use zoning districts.

B. The PD District allows district dimensional standards, use regulations, general development standards, and street and block standards to be modified subject to approval by the City Council in accordance with Sec. 11.2.4.

Sec. 4.7.3. Modification of Standards

A. Modifications may not be requested from the following:

1. Chapter 5. Overlay Districts.
2. Chapter 9. Public Improvements.
3. Chapter 10. Natural Resource Protection.

B. Proposed density modifications in the AP, R-1, R-2, R-4, R-6 and R-10 districts may only be more restrictive (applicant may propose lower maximum densities than the district currently allows, but cannot propose densities that exceed the district maximum).

C. Proposed use changes to a general use zoning district may only be more restrictive (applicant may remove a use or convert a permitted or limited use to a special use, but cannot add a use or make a special use a permitted or limited use).

Sec. 4.7.4. Application Requirements

A. In addition to a rezoning application, a Master Plan Application must include the following:

1. Vicinity Map.
2. Existing Conditions Map.
3. Illustrative Plan
4. Subdistrict Map, including height and frontage designations (if any).
5. Street and Block Plan.
6. Pedestrian Circulation Plan.
7. Open Space Plan.
8. Tree Conservation Area Plan.
9. Major Utilities Plan.
10. Framework Stormwater Plan.
11. Phasing Plan.

B. Each application must also include the following:

1. The specific standards intended to be modified as part the approval process. If a standard of this code is not listed as being modified, then the standard is considered applicable and must be adhered to. However, subsequent requests for alternative compliance and variances may still be submitted.
2. The proposed maximum number of dwelling units by building type for each PD subdistrict.
3. The proposed maximum square footage of nonresidential floor area by building type for each PD subdistrict.
4. A general description of how the PD District complies with the Urban Design Guidelines for Mixed Use Developments and the General Design Principles for PD Districts listed below.
5. A general description of how the PD District complies with the 2030 Comprehensive Plan.

Sec. 4.7.5. General Design Principles

The following general design principles will be considered when reviewing an application for a PD District:

A. The project includes a variety of housing stock that serves a range of incomes and age groups, and may include detached houses, attached houses, townhouses, apartments, backyard cottages, and dwelling units above first floor commercial spaces.

B. The project includes a horizontal and vertical mix of land uses that promotes ease of access to home, work, services and shopping, entertainment and recreation facilities.

C. The project's uses are compact and well-integrated, rather than widely separated and buffered.

D. Compatibility between different uses is achieved through effective site planning, architectural design, and landscaping and screening of parking lots and service functions.

E. A variety of business types are accommodated, from retail and professional offices to live-work. Office uses vary from space for home occupations to conventional office buildings. Retail uses range from corner stores to larger format supermarkets.

F. Special sites, such as those at a terminated vista, are reserved for civic buildings and spaces that serve as symbols of the community, enhancing community identity.

G. The project includes a variety of street types designed to be accessible to the pedestrian, bicycle and automobile. Streets are connected in a way that encourages walking and reduces the number and length of automobile trips.

H. Bicycle circulation is accommodated on streets and on dedicated bicycle paths, greenways or trails.

I. Building facades spatially delineate the streets and civic spaces, and mask parking lots.

J. The project includes a compatible mix of buildings and other improvements (as determined by their arrangement, bulk, form, character, and landscaping) that establish a livable, harmonious and diverse environment.

K. Architecture and landscape design are based on the local climate, topography, history and building practice.

L. The project includes open space as a significant element of the project's design. Formal and informal, active and passive open spaces are included. Open spaces may include, but are not limited to, squares, plazas, greens, preserves, farmers markets, greenways and parks.

M. The project is compatibly integrated into established adjacent areas, and considers existing development patterns, scale and use.

N. The project is a clearly identifiable or legible place with a unique character or unique tradition.

O. Public art, including but not limited to monuments, sculpture and water features, is encouraged.

P. Entertainment facilities, including but not limited to live music venues and theatres, are encouraged.

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Article 5.1. General Provisions

Sec. 5.1.1. District Intent Statements

A. General Purpose

1. The intent of the Overlay Districts is to apply additional regulations that achieve a specific purpose to a targeted area.
2. If a use is prohibited in either an applicable overlay district or the underlying district, then that use is prohibited, even though one of the districts allows the use.
3. The enumeration of expressly prohibited uses shall not be deemed either exclusive or all-inclusive.

B. Environmental Overlays

1. Airport Overlay District (-A)

The Airport Overlay District is intended to protect the efficiency and long term usefulness of area aviation facilities, highways, arterials, and major streets by controlling the type and design of land uses in proximity to such facilities. Provisions are made to ensure the attractiveness of this significant gateway to the city, and to protect the public from adverse health effects and annoyance by aircraft noise. To this end, dwellings and similar uses are prohibited in the Airport Overlay District. The uses permitted are better able to protect themselves from aircraft noise, and implement the functions of the airport.

2. Metro Park Protection Overlay District (-MP)

The Metro-Park Protection Overlay District is intended to preserve and protect the integrity of large natural parks which serve the citizens of Raleigh, the region and the state. These fragile parks are protected from incompatible uses and intensive developments, by the application of impervious surfaces and building height limits near the boundaries of any metro-park. In general, land in this overlay district is approximately 1,000 to 1,500 feet deep, as measured from the boundaries of the metro-park, and follows identifiable features or boundaries, wherever possible.

3. Reservoir and Urban Water Supply Watershed Protection Area Overlay Districts (-WP and -UWP)

The Reservoir and Urban Water Supply Watershed Protection Area Overlay Districts are intended to protect the integrity of drinking water for Raleigh and surrounding communities, so as to provide clean and safe water for residents, businesses, industries, plant and animal life at a reasonable cost. The overlay districts are divided into two areas: a primary protection area and a secondary protection area. Regulations in these overlay district include impervious surface limitations and natural resource buffer yards. Along watercourses, additional design standards are applied. Use limitations are imposed by these districts.

C. Corridor Overlays

1. Special Highway Overlay Districts (-SHOD-1 and -SHOD-2)

The Special Highway Overlay Districts are intended to protect and preserve the natural scenic beauty along designated major access corridors and specified principal arterials which are located now or will be constructed within this overlay district. Maintaining the attractiveness of these roadway corridors will enhance the economic value of the community by encouraging tourism and trade. These overlay districts are established also for the purpose of:

a. Protecting the public investment in and lengthening the time during which highways can continue to serve their functions without expansion or relocation by expediting the free flow of traffic and reducing the hazards arising from unnecessary points of ingress and egress and cluttered roadside development;

b. Reducing the costs of future highway expansions by requiring that buildings and structures be sufficiently set back from the right-of-way to provide adequate storage for vehicles until they can safely enter the highway;

c. Reserving adequate roadside space through which neighborhood traffic may be admitted to and from the highway system in a manner that avoids undue traffic concentrations, sudden turning and stopping, and other hazards; and

d. -SHOD-2 is also intended to achieve a common unified appearance along a roadway with other jurisdictions of the county.

e. In contrast to -SHOD-1, -SHOD-2 contains no additional height nor gross site size requirements than as may be required by the underlying district. -SHOD-2 requires narrower yards and less streetscape planting than -SHOD-1.

D. Character Protection Overlays

1. Historic Overlay District (-H)

The Historic Overlay District is intended to preserve and protect certain areas, structures, buildings and objects within the City's zoning jurisdiction that are considered to be a valued and important asset and have special significance in terms of one or more of the following: history, prehistory, archaeology, architecture and culture and possess integrity of design, setting, materials, feeling and association. Regulations in this district promote the use of and conservation of Historic Districts for education, pleasure and enrichment of the residents of Raleigh, Wake County and the State of North Carolina.

2. Limited Historic Overlay District (-HL)

The Limited Historic Overlay District is intended to preserve and protect certain areas, structures, buildings and objects within the City's zoning jurisdiction that are considered to be a valued and important asset and have special significance in terms of one or more of the following: history, prehistory, archaeology, architecture and culture and possess integrity of design, setting, materials, feeling and association. Regulations in this district promote the use of and conservation of Historic Districts for education, pleasure and enrichment of the residents of Raleigh, Wake County and the State of North Carolina. In contrast to the Historic Overlay District, a Limited Historic Overlay District is not applied to Historic Landmarks, has reduced scrutiny of changes to the exterior of buildings, and limited instances where a certificate of appropriateness is required.

3. Neighborhood Conservation District (-NC)

The Neighborhood Conservation Overlay District is intended to preserve and enhance the general quality and appearance of older neighborhoods, for it is recognized that built environmental characteristics are a major part of the identity and positive image of the city. Through the regulation of street design, greenways, rights-of-way and built environmental characteristics, the overlay district stabilizes and improves property values and promotes local design qualities. By respecting the context of existing built environmental characteristics, the Neighborhood Conservation Overlay District reduces conflicts between new construction and existing development, and it encourages compatible infill development

E. Transit Overlays

1. Transit Oriented Development (-TOD)

[Editor's Note: Add District Intent Statement.]

Article 5.2. Environmental Overlays

Sec. 5.2.1. Airport Overlay District (-A)

A. Uses

1. Allowed Uses Subject to Use Standards

The following uses are allowed in the Airport Overlay District subject to use standards for allowed uses.

a. Allowed outdoor storage, which may include without limitation: building materials or contractor's construction equipment, coal yard, lumber yard, lumber mill, stone, minerals, sand, gravel, earth ores and oxides either as a principal or accessory use; farm and lawn care products including seeds, feed, machinery; produce or grocery products; furniture; vehicular parts; paper; and

b. Bituminous concrete facilities and concrete and cement mixing plants, including their outdoor storage of materials used in production.

[Editor's Note: Update to match use table?]

2. Use Standards for Allowed Uses

The following use standards apply to those uses identified in Sec. 5.2.1.A.1 above.

a. Uses shall be fully shielded with either a permanent overhead cover or a canopy of shade trees that meets all of the following:

i. There must be at least one locally-adapted shade tree for every 2,000 square feet of total site area.

ii. The shade trees must be adequately protected from damage due to activities performed or materials stored on the site.

iii. The shade trees must be distributed within the site area so that at maturity the expected combined tree canopy covers at least 35 percent of the site area.

iv. If the site area is greater than five acres, the site must be divided in segments of no greater than five acres in size and all segments must be separated from one another by an expected canopy of shade trees at least 100 feet wide.

v. Compliance with all the above conditions must be achieved without including trees located in a protective yard.

b. No conditional use shall be deemed a lawful use and allowed to remain on the premise after it fails to meet fully any applicable special regulation, except as otherwise allowed as a nonconforming use.

c. The special regulations established for conditional uses are in addition to other applicable regulations which this Article applies. These conditional uses are also subject to the regulations included in any applicable overlay or conditional use zoning district or other zoning district. If there are conflicts between code provisions, the more restrictive shall apply.

3. Prohibited Uses

Prohibited uses include:

a. Above-ground bulk storage as a principal use of: flammable and combustible liquids, explosives, hazardous materials and wastes, gasoline or fuel oil distribution facilities or operations which could pose threats to the public health, safety and welfare in the event of aircraft crashes or mishaps.

b. Any dwelling or rooming unit unless part of a hotel or motel, and any equivalent dwelling unit, congregate care or congregate living structure, guest house, residential structure, or transitional housing.

c. Any residential-related use including day care facilities, special care facilities, schools of all kinds, correctional/penal facilities, hospitals, and churches.

d. Library, art gallery, museum, or civic club.

e. Mining, quarrying, and landfills that are initiated after the initial application of this Airport Overlay District.

f. Off-premise signs.

g. Storage of wrecked, crushed, dismantled or partially dismantled automotive vehicles.

h. Uses which are susceptible to fire and explosions such as oil recycling facilities.

[Editor's Note: Update to match use table?]

B. Setbacks and Height

1. Setbacks

The minimum setbacks, unless otherwise required by this Article, are:

a. A minimum setback of 50 feet is required from all primary street, side street, and rear lot lines.

b. All other setbacks shall be the same as the underlying zoning district.

2. Height

a. Buildings and structures may be constructed to the height limits of the current airspace regulations adopted by the Raleigh-Durham Airport Authority wherever such regulations contain more stringent height requirements than the underlying zoning district.

b. If height requirements of the underlying zoning district contain more stringent requirements than the regulations adopted by the Raleigh-Durham Airport Authority, the height requirements of the underlying zoning district shall control.

C. Supplemental Regulations

1. Lighting

All outdoor lighting shall be shielded so that no direct glare from the light can be seen from above. Publicly approved warning lights to mark obstructions to aircraft are exempted from this regulation.

2. Airspace Regulations

The current airspace regulations adopted by the Raleigh-Durham Airport Authority are incorporated by reference into the Airport Overlay District and are made a part of this Chapter. A copy of these regulations is on file with the City Clerk.

3. Rooftops

Rooftops shall be uniform in color and made of non-reflective material.

Sec. 5.2.2. Metro-Park Overlay District (-MP)

A. General Provisions

The general characteristics desires of the land placed in the Metro-Park Protection Overlay District are the following:

1. The property is approximately 1,000 to 1,500 feet from the boundary of the metro-park; and
2. The overlay district surrounds the metro-park and follows identifiable features or boundaries wherever possible.

B. Prohibited Uses and Activities

Prohibited uses and activities include:

1. Any establishment, use or trade that emits detectable odor at the metro-park boundary more than 15 minutes in any one day or more than two days out of the calendar month.
2. Above-ground storage of hazardous waste, as defined in the Code of Federal Regulations 2161.3 and 263.33, or as the same may be amended by law [Define generally?], except up to 55 gallons which shall be stored inside a fully impervious structure. This prohibition does not include underground storage in tanks which meet applicable fire prevention standards and federal and state regulations and otherwise comply with the City Code.
3. Use of outdoor speakers.

C. Setbacks, Buffers and Height

1. Separation and Protective Yards

a. No land disturbing activity, structure or vehicular surface area, may be located closer than 20 feet from the edge of the park.

b. The minimum district setbacks of the underlying district apply except a protective yard, separating buildings, structures, storage, loading, service, display, and vehicular surface areas from the boundary of the metro-park, meeting the requirements of Sec. 7.2.2 option B1 or B2 is required.

2. Natural Resource Buffer Areas

All watercourses that both drain into the metro-park and have concentrated flow from a drainage area of at least five acres must contain a natural resource buffer yard in accordance with Sec. 10.2.3.

3. Height

a. Buildings, structures and lighting located within 1,000 feet from the park unless otherwise restricted to a lower height by this section, may be constructed to maximum of 45 feet in height, provided that no building may be greater than two and one-half stories.

b. Buildings, structures and lighting not otherwise restricted to a lower height by this code and located further than 1,000 feet from the park, which are more than 45 feet high or contain more than two and one-half stories must add 25 feet of additional setback from the 1,000 foot distance from the edge of the metro-park boundary for each foot of height greater than 45 feet high.

D. Supplementary Regulations

1. Lighting

a. No exterior lighting may cause illumination in excess of four-tenths footcandle measured at the metro-park boundary line.

b. Full-cutoff lights must be used for area lighting instead of globe area lighting or similar type of lighting which illuminates in all directions.

c. Exterior lights may not be unshaded, unshielded or directed toward the metro-park.

d. No external illumination of buildings that face the metro-park is allowed except for the exterior lighting of building entrances, exits or loading docks.

e. No provision of this overlay district shall be interpreted to be in conflict with applicable FAA lighting regulations.

2. Impervious Surface Coverage

Excluding public and private streets, impervious surface areas may not be added so that the impervious surface lot coverage exceeds 60 percent of the

lot. Impervious surface coverage greater than 30 percent of the lot but less than 60 percent of the lot is allowed when all of the following are met:

a. Tree Inventory

i. An inventory of existing trees, 15-5/8 inches DBH or greater, is shown on the site plan when trees are located within:

a) A required protective yard;

b) 50 feet of the park boundary; and

c) Any protective yard.

ii. At a minimum, the inventory must contain the scientific name and caliper of all trees identified on the inventory.

b. Report

A written report is submitted with the site plan identifying any tree on the inventory which is to be removed.

c. Replacement

i. If grading or tree removal is proposed to occur, a specific planting plan using primarily indigenous species of at least one-half the caliper of the tree removed or graded, but not less than 3.5 inch caliper or more than 6 inch caliper must first be submitted to and approved by the City.

ii. The plan must provide equal or greater reduction of the perceived intensity of the site or surrounding area than that which would have been achieved if grading, tree removal, and impervious surfaces in excess of 30 percent were not undertaken.

iii. When replacements would overcrowd the particular area to be replanted, the owner may submit alternative measures for consideration for:

a) Replacing elsewhere on the site where more appropriate; or

b) Replacing off-site where reforestation in the Metro-Park Protection Overlay District is desired, and easements can be obtained.

c) No alternative measure shall lessen any other landscaping requirement of this Code.

d) The provisions of this subsection do not apply to the removal of dead, damaged, or diseased trees caused by natural conditions.

e) Trees which are installed in accordance with this section must be maintained in the same manner as provided for in Sec. 7.2.4.D.

E. Hardships

In those instances in which the Planning Commission determines that the application of these regulations would deprive the landowners of reasonable use of their land, the Planning Commission may alter impervious surface coverage limits, increase height restrictions, and reduce the widths of the natural resource buffer yards of the Metro-Park Protection Overlay District as determined necessary. Maintenance of the natural resource buffer yards should be given the highest priority by the Planning Commission when making its determination to modify one or more of these regulations.

F. Existing structures, uses and impervious surfaces

Structures, uses and impervious surfaces existing at the time that the Metro-Park Protection Overlay District is first applied to the property shall not be deemed a zoning nonconformity solely because of this overlay district. All additions, changes, expansions, and alterations to such structures, impervious surfaces and uses must comply with the regulations of the Metro-Park Protection Overlay District, unless the Board of Adjustment in accordance with Article 11.3 approves the addition, change, expansion, or alteration as if the existing structure or use were made nonconforming by the Overlay District. Substitution of impervious surfaces done in accordance with Sec. 11.3.5 shall not require the approval of the Board of Adjustment.

Sec. 5.2.3. Reservoir Watershed Protection Area Overlay District (-WP)

A. Natural Resource Buffer Yards

The establishment of and the uses permitted in the natural resource buffer yards are set forth in Sec. 10.2.3.

B. Impervious Surface Coverage

1. All lots or portions of lots in existence prior to March 1, 1988 or lots established outside the subdivision process after that date, no additional impervious surface may be added to the property which would result in greater coverage by impervious surface than allowed by the following table:

Area	No Stormwater Control Measures	Retention Detention, or Capture First Half Inch of Runoff	Wet Ponds Capturing First Inch of Rainfall
Primary water supply watershed protection areas	6%; or 3,500 sq. ft. if this is not more than 12%	N/A	N/A
Secondary water supply watershed protection areas not connected to both City water and sewer utilities	12%; or 3,500 sq. ft. if this is not more than 24%	N/A	N/A
Secondary water supply watershed protection areas with connections to both City water and sewer utilities	12%; or 3,500 sq. ft. if this is not more than 24%	24%	30% or 3,500 sq. ft. if this is not more than 50%; 70% in areas designated in the Comprehensive Plan for higher impervious surfaces

2. Impervious surfaces include all proposed public and private streets within the development approved after June 20, 1993, and all impervious surfaces on any lot and common area.
3. Calculation of the area of the development includes all subdivision lots, new street rights-of-way established after June 20, 1993, and common areas within the watershed. Calculation of the area of the development excludes any widening of existing street rights-of-way, existing street rights-of-way and new street rights-of-way reserved in accordance with the Roadway Corridor Official Map Act, Chapter 136 Article 2E of the General Statutes.
4. All lots established under the subdivision ordinance after June 20, 1993 must comply with the impervious surface coverage standards in Sec. 5.2.3.B.
5. Substitutions of impervious surfaces done in accordance with Sec. 11.3.5 are allowed.

C. Required Stormwater Measures

1. Stormwater Retention, Detention and Capture

a. Within any secondary watershed protection area, lots which are connected to both City water and sewer utilities and have a total maximum impervious surface of more than 3,500 square feet may have an impervious coverage of more than 12 percent and less than 24 percent; provided that the first one-half inch of stormwater which directly or indirectly runs off the surfaces in excess of 12 percent, from the lot is:

i. Retained for either infiltration into the soil or for evaporation into the air;

ii. Detained for at least a twelve-hour period; or

iii. Captured by a wet pond.

b. Additional impervious surface coverage is allowed in secondary reservoir watershed protection areas when the first inch of rainfall (including the amount from the first 24 percent impervious surface coverage) is captured by a wet pond.

2. Stormwater Runoff From Streets

a. Where impervious surface coverage is equal to or less than 12 percent in any primary water supply watershed protection area or equal to or less than 24 percent in any secondary water supply watershed protection area, the first one-half inch of stormwater which runs off any street must be contained within the development capture methods set forth in Sec. 5.2.3.C.1 above.

b. Where impervious surface coverage is greater than 12 percent in any primary water supply watershed protection area, or greater than 24 percent in any secondary water supply watershed protection area, the first inch of rainfall from streets must be captured in a wet pond in accordance with Sec. 5.2.3.C.3 below.

3. Wet Ponds

a. When impervious surfaces exceed 24 percent in secondary reservoir watershed protection areas, the first inch of rainfall within an entire development shall be captured in a wet pond of standing water.

b. Except where located in areas designated in the Comprehensive Plan for higher impervious surfaces, the maximum percent of impervious surface coverage in those portions of the secondary reservoir watershed protection areas connected to both City water and sewer utilities shall not exceed 30 percent unless the impervious surface coverage is 3,500 square feet per lot or less; in such instances the maximum impervious surface coverage allowed shall not exceed 50 percent.

c. When the development is located in portions of secondary reservoir watershed protection areas that are specifically designated in the Comprehensive Plan for higher impervious surfaces, the maximum impervious surface coverage may not exceed 70 percent; provided that the property is connected to both City water and sewer utilities. No more than five percent of the land area within any one secondary reservoir watershed protection area may be developed with an impervious surface coverage in excess of 50 percent unless approved by the North Carolina Environmental Management Commission.

d. The design of wet ponds must meet the specifications and requirements found within the City of Raleigh Stormwater Design Manual.

D. Nitrogen and Phosphorous Loading

1. New Development

a. Applicability

i. The following regulations apply to new development and expansions to impervious surfaces occurring on or after June 1, 2011 unless the development is otherwise exempted pursuant to Chapter 406 of the 2009 Session Laws of the State of North Carolina.

ii. Substitutions of impervious surface done in accordance with Sec. 11.3.5 are allowed provided there is no net increase in impervious surface and equal or greater stormwater control is provided.

iii. Lots and structures existing prior to June 1, 2011 are not to be considered nonconforming solely because of the application of these regulations. Additions and expansions to existing impervious surfaces, uses and structures must comply with the requirements of these regulations; however, impervious surfaces existing prior to the initial application of these regulations are not to be included in the nitrogen and phosphorous loading calculations.

iv. All stormwater management plans required for new development on properties located within a Reservoir Watershed Protection Area Overlay District must comply with the following regulations.

b. Requirement

i. Nitrogen and phosphorous loads contributed by the proposed new development activity may not exceed the unit-area mass loading rates as follows:

a) Nitrogen: two and two-tenths pounds per acre per year; and

b) Phosphorus: thirty-three hundredths of a pound per acre per year.

ii. The developer's stormwater management plan must determine the load reductions necessary to comply with the above maximums by utilizing the loading calculation method prescribed in the Raleigh Stormwater Control and Watercourse Buffer Manual.

iii. Developments that comply with the watershed stormwater control master plan approved for its watershed protection area are exempted from the requirements of this section. Compliance with watershed stormwater control master plan must include:

a) The installation within the development of all stormwater control measures shown on the watershed stormwater control master plan;

b) The payment of fees in lieu of installation, when allowed by the State; and

c) The payment of any applicable drainage fees if the facilities prescribed by the master plan are constructed.

c. Option for Offsetting a Portion of Nutrient Loading

i. The developer shall have the option of offsetting a portion of the nitrogen and phosphorous load by implementing or funding off-site management measures. Prior to utilizing any off-site option, the developer's stormwater management plan must implement structural stormwater controls that attain a minimum of 60 percent reduction in increased post-construction nitrogen loading rate and a minimum of 60 percent in increased post-construction phosphorus loading rate on-site and, when applicable, implementing all engineered stormwater controls for compliance with National Pollutant Discharge Elimination System requirements and any other State-mandated stormwater regulation.

ii. Offsetting measures provided off-site by the developer must achieve at least equivalent reductions in nitrogen and phosphorus loading as needed on-site to comply with the maximum loading rates specified above. Offsetting measures provided off-site must meet the requirements of State Administrative Rule 15A NCAC 02B .0282, which may include the following:

a) When within the Falls Basin, payments to the NC Ecosystem Enhancement Program contingent upon acceptance of payments by that program;

b) When within the Swift Creek Basin, payments to the City of Raleigh to implement the City-approved offset program;

c) A City of Raleigh approved offset program prescribed in the Raleigh Stormwater Control and Watercourse Buffer Manual; or

d) An offset program proposed by the property owner which is located within the applicable reservoir watershed protection area basin subject to final approval by the City's Public Works Director, or designee.

d. Maintenance of Stormwater Control Measures and Devices

The land owner or person in possession or control of the land must maintain, repair, reconstruct, replace and make payments for all stormwater control measures and devices and open space areas required by the stormwater control plan in accordance with Sec. 10.2.2.G, unless those measures, devices, and open space areas are accepted for maintenance by a governmental agency.

2. Existing Development

[RESERVED]

E. Maintenance of Stormwater Control Measures

1. When retention devices, detention devices, or wet ponds serve more than one lot and are located on private property, a maintenance covenant which complies with Sec. 10.2.2.G for sharing the maintenance costs must be recorded. After approval by the City, a map must be recorded in the Wake County Registry, showing the location of the retention device, detention device, or wet pond on the lot; the map must bear the following note:

   "The stormwater control facilities, which serve more than one lot, that are not accepted for maintenance by a governmental agency are required by the Raleigh City Code to be owned and maintained by a property owners association for which all lot owners shall be a member."

2. In addition to the required maintenance covenant, any person who installs stormwater control facilities which serves more than one lot must execute and record a form declaration approved by the City Attorney containing provisions for developments with common elements and common expenses as well as a subsequent recorded property owners association declaration conforming to either G.S. 47C or 47F or any successor statute.

F. Exemptions

1. The impervious surface coverage limitations and stormwater retention, detention, and capture requirements within the secondary watershed protection area of the Reservoir Watershed Protection Area Overlay District are inapplicable to any street, right-of-way, lot, or improvement where its stormwater runoff flows by gravity to a watercourse located outside the Overlay District. All gravity flow drainage plans must be approved by the Soil Conservation Division of the City.

2. The impervious surface coverage limitations and stormwater retention, detention, and capture requirements are inapplicable to a lot separated by deed conveyance prior to June 20, 1993; provided that, the lot is developed

for a single-family dwelling with no more than 3,500 square feet of impervious surfaces and the owner does not own any other contiguous real property which could be recombined in accordance with Sec. 11.2.5.B.

G. Forestation of Lots

1. Except as otherwise provided below, every lot within a Reservoir Watershed Protection Area Overlay District must provide and maintain a Tree area that meets the following requirements.
   a. The tree area must be equal to at least 40 percent of the lot area.
   b. Trees may be located in one contiguous area or scattered areas throughout the lot, but no required tree area may be less than one-fifth of the total required tree area.
   c. Tree areas may consist of either areas where active tree preservation is observed or tree planting areas.
   d. Each active tree preservation area must contain a minimum of two inches of tree caliper per every 100 square feet.
   e. Areas that are set aside for trees that do not meet the standards for active tree protection areas must be planted with shade trees.
   f. The minimum size of new trees used to fulfill this requirement shall be 3/8-inch caliper, and such trees shall be planted at a rate of two caliper inches per every 100 square feet.
2. Lots located within areas designated "New Urban Residential" by the Swift Creek Land Management Plan of the City's Comprehensive Plan, the regulations for paragraph 1. above shall apply with the exception that lots shall provide and maintain an area set aside for trees equal to at least 25 percent of the lot area.
3. For lots located within cluster unit developments, areas set aside for trees may in lieu of being situated on the individual dwelling lots may instead be located within open space lots which are common areas of the homeowners association, provided that the overall acreage set aside for trees is not diminished.
4. The requirements of this paragraph shall not apply to lots devoted exclusively to stormwater control measures or to those lots located in those areas of the Comprehensive Plan designated for impervious surfaces in excess of 30 percent.

Sec. 5.2.4. Urban Water Supply Watershed Protection Area Overlay District (-UWP)

A. Natural Resource Buffer Yards

Natural resource buffer yards consistent with Sec. 10.2.3.A are established along all perennial watercourses within the Urban Water Supply Watershed Protection Area Overlay District.

B. Impervious Surface Coverage

1. All lots or portions of lots in existence prior to April 19, 2005, or lots established outside the subdivision process after that date, no additional impervious surface may be added to the property, which would result in greater coverage by impervious surface than allowed by the following table:

Area	No Stormwater Control Measures	Retention, Detention or Capture First 1/2 Inch of Runoff
Primary water supply watershed protection areas	24% or two units of a single-unit living per acre, or 20,000 square foot lot.	50%
Secondary water supply watershed protection areas	24% or two units of a single-unit living per acre, or 20,000 square foot lot, or three dwellings per acre or 36% built upon area for projects without curb and gutter street systems.	70%

2. Land will be deemed compliant with the intensity requirements if the intensity of all existing development at the time of reclassification does not exceed the density requirement when densities are averaged throughout the area.
3. Impervious surfaces include all proposed streets within the development approved after April 19, 2005, and all impervious surfaces on any lot and common area.
4. Calculation of the area of the development includes all lots, street rights-of-way, and common areas within the watershed. Calculation of the area of the development must exclude any widening of existing street rights-of-way, existing street rights-of-way and new street rights-of-way reserved in accordance with the Roadway Corridor Official Map Act, Chapter 136 Article 2E of the General Statutes.
5. Redevelopment is permitted when the activity does not result in a net increase of impervious surface and provides equal or greater stormwater control than the previous development and substitutions of impervious surfaces is done in accordance with Sec. 11.2.5.B.
6. Any lot of record existing prior to October 12, 2008, that does not conform to the area or impervious surface coverage regulations of this section and which contains a detached house is exempt from the regulations of this overlay district, except there may be no exemption if the lot is contiguous to any other lot owned by the same person. Additions and expansions to existing structures must comply with the requirements of this overlay district, however, impervious surfaces existing prior to the initial application of these regulations must not be included in the impervious surface coverage calculations.

C. Required Stormwater Measures

1. Stormwater Retention, Detention and Capture

Within any primary or secondary watershed protection area, lots which are connected to both City water and sewer utilities and have a total maximum impervious surface coverage of more than 24 percent; provided that the first one-half inch of stormwater which directly or indirectly runs off the surfaces in excess of 24 percent, from the lot is:

a. Retained for either infiltration into the soil or for evaporation into the air;

b. Detained for at least a twelve-hour period; or

c. Captured by a wet pond.

2. Stormwater Runoff From Streets

Where impervious surface coverage is greater than 24 percent, the first inch of stormwater which directly or indirectly runs off any street must be contained within the development in accordance with the retention, or detention, or capture methods set forth above.

D. Maintenance of Stormwater Control Measures

1. When retention devices, detention devices, or wet ponds serve more than one lot and are located on private property, a maintenance covenant which complies with Sec. 11.2.2.G for sharing the maintenance costs must be recorded. After approval by the City, a map must be recorded in the Wake County Registry, showing the location of the retention device, detention device, or wet pond on the lot; the map must bear the following note:

   "The stormwater control facilities, which serve more than one lot, that are not accepted for maintenance by a governmental agency are required by the Raleigh City Code to be owned and maintained by a property owners association for which all lot owners shall be a member."

2. In addition to the required maintenance covenant, any person who installs stormwater control facilities which serves more than one lot must execute and record a form declaration approved by the City Attorney containing provisions for developments with common elements and common expenses as well as a subsequent recorded property owners association declaration conforming to either G.S. 47C or 47F or any successor statute.

E. Exemptions

1. The impervious surface coverage limitations and stormwater retention, detention, and capture requirements within the secondary water supply watershed protection area of the Urban Water Supply Watershed Protection Area Overlay District are inapplicable to any street, right-of-way, lot, or improvement thereon if its stormwater runoff flows by gravity to a watercourse located outside the Overlay District. All gravity flow drainage plans shall be approved by the Stormwater Services Division of the City.

2. Any lot of record existing prior to October 12, 2008, that does not conform to the area and/or impervious coverage regulations contained in the schedule of Maximum Impervious Surface Limits in Urban Water Supply Watershed Protection Area Overlay District and Required Measures and which lot contains a detached single family dwelling is exempt from the regulations of this overlay district, except there shall be no exemption if the lot is contiguous to any other lot owned by the same person. Additions and expansions to existing structures shall comply with the requirements of this overlay district, however, impervious surfaces existing prior to the initial application of these regulations shall not be included in the impervious surface coverage calculations.

3. For all lots or portions of lots in existence prior to October 12, 2008, or lots established outside the subdivision process after that date, the impervious surface coverage limitations and stormwater retention, detention, and capture requirements within the Urban Water Supply Watershed Protection Area Overlay District are inapplicable to any single development that disturbs less than one acre.

Article 5.3. Corridor Overlays

Sec. 5.3.1. Special Highway Overlay Districts

A. Designation Districts

1. Designation of -SHOD-1

a. The general characteristics desired of land placed in the Special Highway Overlay District-1 are the following:

i. It should generally be located along limited access interstate or divided highway approaches to the city, near or adjacent to metro-parks, airports, research parks, or Wake County Special Highway Overlay Districts.

ii. It should generally be located where sites less than two acres in size and buildings over five stories in height are not appropriate.

b. In general, the overlay district is located on either side of an existing or proposed major access corridor, thoroughfare, or arterial, beginning at the outer edge of the right-of-way. The district should be 1,000 to 1,500 feet deep, except a lesser distance should be applied where identifiable conditions exist to screen the visibility of motorists. The overlay district shall follow identifiable boundaries whenever possible. However, when a new right-of-way has been established by the approved Thoroughfare Plan, the district boundaries shall be calculated from the newly established right-of-way line.

2. Designation of -SHOD-2

a. The general characteristics desired of land placed in the Special Highway Overlay District-2 are the following:

i. It should be generally located along limited access interstate or divided highway approaches to the city, near or adjacent to metro-parks, airports, research parks or Wake County Special Highway Overlay Districts.

ii. It should generally be located where buildings taller than five stories in height or where sites less than two acres in size are appropriate.

b. In general, the Overlay District is located on either side of an existing or proposed major access corridor and should begin at the outer edge of the existing or proposed right-of-way. The Overlay District shall follow identifiable boundaries whenever possible. However, when a new right-of-way has been established by an approved Thoroughfare Plan, the district boundaries shall be calculated from the newly established right-of-way line.

B. Prohibited Uses

Off-premise signs are prohibited.

C. Lot Area and Subdivision

1. The minimum gross site size for all new uses and lots, except dwellings and equivalent dwelling units, congregate care and congregate living structures, is two acres.
2. Uses and lots must be developed in accordance with a unified plan for landscaping and buffering, access points, parking and loading, lighting, noise, and siting of buildings.
3. Lots and uses established prior to August 3, 1999, that are less than two acres in size are not to be deemed nonconforming by virtue of this regulation, nor shall this regulation prevent the subdivision of tracts into lots of less than two acres if a unity of development plan is approved by the City for the entire subdivision prior to its subdivision.

D. Protective Yards

1. In General

a. If there is a conflict between the yard widths required by this overlay district and those established by the underlying district, the greater widths control.

b. Where necessity requires the location of a public utility easement adjacent to the major access corridor which prohibits locating the required planting of the protective yard immediately adjacent to the corridor right-of-way, the required protective yard must be provided adjacent to the utility easement.

c. The protective yards required in this paragraph may be reduced in width and planting if approved as an alternate method of compliance in accordance with §10-2082.4; or, if approved as a special use permit

in accordance with §10-2145(b) . [Editor's Note: Discuss alternative compliance]

2. Protective Yards in -SHOD-1

a. Any portion of a lot abutting a major access corridor requires a 50-foot protective yard landscaped in accordance with this section. When two major access corridors intersect, this 50-foot wide protective yard must apply for the entire length adjoining the major access corridor inside the Overlay District.

b. Any portion of a lot abutting a major access corridor where the property both adjoins and gains access from a public marginal access street and parallel to the major access corridor requires a 25-foot protective yard landscaped in accordance with this section.

c. Any portion of a lot abutting a thoroughfare or commercial street, other than a major access corridor, that intersects with and gains access from a major access corridor requires a 50-foot protective yard for a distance of 200 feet from the intersection of the rights-of-way. All protective yards must be landscaped in accordance with this section.

3. Protective Yards in -SHOD-2

a. Any portion of a lot abutting a major access corridor requires a 25-foot protective yard landscaped in accordance with this section. When two major access corridors intersect, this 25-foot wide protective yard must apply for the entire length adjoining the major access corridor inside the Overlay District.

b. Any portion of a lot abutting a major access corridor where the property both adjoins and gains access from a public marginal access street and parallel to the major access corridor requires a 25-foot protective yard landscaped in accordance with this section.

c. Any portion of a lot abutting any thoroughfare or commercial street, other than a major access corridor, that intersects with and gains access from a major access corridor requires a 25-foot protective yard for a distance of 200 feet from the intersection of the rights-of-way. All protective yards must be landscaped in accordance with this section.

E. Height

1. Height in -SHOD-1

Buildings and structures not otherwise restricted to a lower height by this section may be constructed to a height not to exceed five stories.

2. Height in -SHOD-2

Buildings may be constructed to the height of the underlying district, unless otherwise restricted by this Code.

F. Planting Requirements in Protective Yards

1. Required Plant Materials

Unless approved as an alternate method of compliance per §10-2082.4 or as a special use permit per §10-2145(b), all protective yards required above shall contain all of the vegetation shown in the following table.

	Planting per 100 Lineal Feet	
	50-Foot Yard	**25-Foot Yard**
Shade Trees		
Deciduous	7	3
Evergreen	3	2
Understory Trees	6	3
Shrubs	32	16
% Deciduous (max)	40%	40%
Shrub Alternates	Wall or Solid Fence Berm	Wall or Solid Fence Berm

2. Shade Trees

a. All required trees must be a locally adapted species with an expected mature height of 35 feet or greater and an expected mature crown spread of at least 30 feet or greater unless subject to an overhead power line in which case the mature height may be less.

b. All evergreen trees must be a at least eight feet tall and the minimum of six and one-fourth caliper inches at the time of planting.

c. Two locally-adapted evergreen trees a minimum of four and one-half feet in height when planted may be substituted for each required evergreen tree.

d. Each deciduous tree, either existing or planted, must be at least 14 feet in height and three-and-one-half-inch caliper.

e. Trees must be planted at least ten feet from any other tree and no further than 50 feet from any other tree.

3. Understory Trees

a. Understory trees must be a locally-adapted species with an expected mature height of at least 15 feet an expected mature crown spread of at least 15 feet as determined by The American Standards of Nursery Stock (latest edition) published by the American Association of Nurserymen.

b. Each understory tree must be a minimum height of six feet tall at planting. Trees must be planted at least ten feet from any other tree.

4. Shrubs

a. All shrubs must be locally-adapted species, and when planted shall be a minimum height of 24 inches tall. The expected maintained minimum height of the shrubs must be five feet tall within three years of planting.

b. Shrub planting must form at least one continuous row of shrubs spaced five feet on center across the entire yard except for driveways.

c. Either a wall or a solid fence at least five feet high may be erected in lieu of the required shrubs. The wall or fence in terms of appearance, texture, and quality, must be made of the same or compatible material and color as the principal building. The erected wall or fence must be landscaped so that no more than two-thirds of its surface area will be visible within three years after the erection of the structure; 40 percent of the plant material may be deciduous. No planting is required for decorative fences.

d. A man-made earthen berm with a minimum height of three feet, measured perpendicular to the center of the crown, may be substituted for the required shrubs. The earthen berm must contain a rounded crown suitable for planting, and a stabilized side slope of no greater than three-to-one. A steeper side slope may be used in exceptional cases when all of the following are met:

i. This steeper slope is sufficiently stabilized; and

ii. The landscape objectives of the overlay district are better achieved; and

iii. Physical constraints of the site prevent the use of a flatter slope. The earthen berm shall be planted with three-fourths of the required number of shrubs. Shrubs planted on the man-made earthen berm may have a lesser mature height; provided that the combined height of the berm and planting after three years is five feet.

5. General

a. The yard area required in Sec. 5.3.1.D, above must in all other respects conform to the landscape standards of Sec. 7.2.4.

b. No yard space may remain denuded or exposed with bare soil.

c. The location of required landscaping may not obstruct the views of motorists using any street, private driveway, or the approach to any street intersection so as to constitute a traffic hazard, a condition dangerous to the public safety, or violate the guidelines set forth in the Streets, Sidewalks and Driveway Access Handbook.

G. Existing Vegetation

1. General

Existing vegetation which meets or exceeds the quantity, spacing, and height standards, may be used to satisfy the requirements above.

2. Tree Preservation Credit

Preservation of existing live natural trees between the principal building and the public street right-of-way can be credited towards the tree planting requirements of this section.

a. Method of Calculation and Minimum Size

The credit toward the required number of trees must be a number equal to one-sixth of the sum in inches of the circumference of each preserved tree, but no fraction thereof, as measured at a height of four and one-half feet above grade level. Each preserved tree must be at least six and one-fourth inches in circumference.

b. Protected Ground Area

i. Each preserved tree must be uniformly encircled by a protected ground area the size of which must be at least the size of the critical root zone of the tree. Trees in parking lots which are already located inside planting areas with a minimum dimension of seven feet also may be used.

ii. During construction, the protected ground area shall be clearly marked in the field. Credit authorized by this section may not be allowed if there is any tree disturbing activity or encroachments into the protected ground area.

c. Diseased Trees

No credit is allowed for any tree if the tree is unhealthy or dead. The death of or replacement of any preserved tree which was used for credit requires the owner to plant new trees equal to the number of credited trees; such plantings must meet the requirements of this section.

d. Minimum Tree Requirements

In no case may credits for preserved trees eliminate the shade and understory tree spacing requirement above; no protective yard may contain less than one tree.

3. Reduction of Shrubs

The amount of required shrubs in the major access corridor yard may be reduced by 50 percent if existing trees located in the protective yard that meet the space, quantity, and specification requirements above and are at least 25 feet tall are preserved and protected from encroachments in accordance with Sec. 5.3.1.G.2.

4. Supplemental Planting

Supplemental plantings may be required, if it can be reasonably inferred that after five years, the existing vegetation will not meet the requirements of this section. Where such supplemental plantings are required, the plantings must meet the requirements of Sec. 5.3.1.F.

H. Landscaping for Expansions or Change of Use

1. Landscaping for Existing Facilities

The planting requirements of Sec. 5.3.1.F do not apply to expansions or change of use for major access corridor yards except as provided below.

2. General Requirements for New and Expanded Facilities

Any new and expanded loading, utility service, and display area, building, structure, surface area of the use, or vehicular surface may not locate in any protective yard, including major access corridor yards. The landscaping required for these facilities must comply with Article 7.2.

3. Expansions and Additions

a. In -SHOD-1

i. A protective yard at least 12 feet wide and containing 25 percent of the plantings required in Sec. 5.3.1.F, must be provided on the property if the gross floor area, surface area, vehicular surface area, or any combination is increased by 25 percent of the existing area.

ii. For each additional percent of expansion greater than 25 percent, an additional one and one-half foot of yard width and three percent of additional planting material of the major access corridor yard must be added to the initial requirements until 100 percent of the yard and planting requirements are met.

b. In -SHOD-2

i. A protective yard at least ten feet wide and containing 40 percent of the plantings required in Sec. 5.3.1.F, must be provided on the property if the gross floor area, surface area, vehicular surface area, or any combination is increased by 25 percent of the existing area.

ii. For each additional percent of expansion greater than 25 percent, an additional factor of six-tenths foot of yard width and two and four tenths percent of additional planting material of the major access corridor yard must be added to the initial requirements until 100 percent of the yard and planting requirements are met.

4. Special Requirements in Resource Management Zoning Districts

All outdoor lighting must be shielded in such a manner that no glare from the light can be seen from the arterial roads, major access corridors, or thoroughfares located in the overlay district. No exterior lighting located in the overlay district may cause illumination in excess of four-tenths maintained footcandle on any lot containing a dwelling, congregate care or congregate living structure, or zoned a residential district boundary.

I. Outdoor Service Facilities

Any outdoor pay window, drive-in facility, drive-thru facility, automated teller machine, or any other outdoor service facility that is located on a lot which abuts a dwelling, a congregate care or congregate living structure, or a boundary line of a residential district, other than in a street, must be located at least 100 feet away from the abutting property line.

Article 5.4. Character Protection Overlays

Sec. 5.4.1. Historic Overlay District (-HOD)

A. Applicability

This section shall apply to all individual Historic Landmarks and each Historic Overlay District designated by the City Council.

B. Purpose and Objectives

1. The Historic Overlay District is intended to preserve the historic significance of properties that are formally designated by the city. Locally designated historic districts are places that contain a substantial percentage of properties that are found to be "contributing" in a survey of cultural resources. The Historic Overlay District seeks to preserve the overall historic character of the district, as well as the key, character-defining details of each of the contributing resources, and to assure that new construction is compatible with this historic context.
2. The Historic Overlay District has the following objectives:
   a. To promote the preservation and continued use of individual properties and districts of historic significance;
   b. To preserve the integrity of historically significant resources;
   c. To support sustainability by reusing existing built resources; and
   d. To assure that new construction is compatible with the historic context of landmark properties and historic districts.

C. Certificate of Appropriateness Required

1. In addition to all other approval processes, within the Historic Overlay District, and for any Historic Landmark, no portion of the exterior features of any building or other structure (including walls, fences, light fixtures, steps, pavement, path, or any other appurtenant features), trees, nor above ground utility structure nor any type of outdoor advertising sign, or portion of the designated interior features of a Historic Landmark is to be erected, altered, restored, demolished, or moved unless and until after an application for a certificate of appropriateness as to the exterior features, or portion of the designated interior features of a Historic Landmark, has been submitted to and approved by the Historic Districts Commission.
2. A certificate of appropriateness shall be issued prior to any application for a building permit or other permit granted for the purpose of constructing, altering, moving or demolishing structures or appurtenant features being made, and shall be issued or denied, subject to such reasonable conditions as the Historic Districts Commission may impose, according to such procedures as may be set forth elsewhere in this section or adopted by the Historic Districts Commission.
3. A certificate of appropriateness shall be required for all activities specified in this section whether a building permit or other permit is otherwise required or not; except that no certificate of appropriateness shall be required for:
   a. The ordinary maintenance or repair of any features which do not involve a change in:
      i. Design;
      ii. Material;
      iii. Color; or
      iv. Outer appearance.
   b. The construction, reconstruction, alteration, restoration, moving, or demolition of any feature which the Director of Inspections certify is required by the public safety because of an unsafe or dangerous condition.
   c. In the event of equipment failure, accidental damage or natural occurrences such as electrical storms, tornadoes, ice storms and the like), the ordinary maintenance or repair of:
      i. Streets;
      ii. Sidewalks;
      iii. Pavement markings;
      iv. Above-ground utility service lines;
      v. Street signs, traffic signs or replacement of streetlight fixtures.
4. All of the provisions of this section are applicable to construction, alteration, restoration, moving, and demolition by the State of North Carolina, its political subdivisions, agencies, instrumentalities, and public utilities.
5. Individual certificates of appropriateness for each change may be requested, or if the activity is of the same character and involves a number of objects,

as is the case with utility pole replacement, a programmatic certificate of appropriateness may be requested.

D. Prohibited Activities

Prohibited activities within a Historic Overlay District, any Historic Landmark, or any portion of the designated interior features of a Historic Landmark include any of the following when conducted without an approved certificate of appropriateness:

1. The erection, alteration, restoration or moving of the exterior features of:
   a. Any building or structure;
   b. Any site features (including walls, fences, light fixtures, steps, pavement, paths, or any other appurtenant features);
   c. Trees;
   d. An above-ground utility structure; or
   e. Any type of outdoor advertising sign.
2. The changing of the exterior features of:
   a. Any building or structure;
   b. Any site features (including walls, fences, light fixtures, steps, pavement, paths, or any other appurtenant features);
   c. Trees;
   d. An above-ground utility structure; or
   e. Any type of outdoor advertising sign.
3. The demolition during the pending designation of an Historic Overlay District or Historic Landmark of:
   a. Any historically significant building or structure;
   b. Site features (including walls, fences, light fixtures, steps, pavement, paths, or any other appurtenant features);
   c. Trees;
   d. An above-ground utility structure; or
   e. Any type of outdoor advertising sign.

   Such demolition shall be prohibited for a period up to 180 days (unless the Commission votes to shorten it) or until the City Council takes final action, whichever occurs first.
4. The demolition by neglect of:
   a. Any historically significant building or structure;
   b. Site features (including walls, fences, light fixtures, steps, pavement, paths, or any other appurtenant features); or
   c. Any historically significant outdoor advertising sign.
5. The removal of any significant trees associated with a historic resource.

E. Yards

1. The minimum and maximum yard setbacks within the Historic Overlay District and for Historic Landmarks shall be congruous with setbacks of typical well-related nearby buildings in the overlay district, and congruous with the character of the Historic Landmark, as set forth in the development standards below or as defined in the designation documents or nomination.
2. Where the yard setbacks or allowed yard encroachments of the underlying district conflict with these yard setbacks, the yard setbacks of the development standards shall control.

F. Height

1. Buildings and structures shall be congruous with the height of well-related nearby buildings and structures in the Historic Overlay District.
2. Where the height regulations or allowed height encroachments of the underlying district conflict with these height regulations, the height regulations of the Historic Overlay District shall control.

G. Signs

Signs in the Historic Overlay District and for Historic Landmarks are regulated by areas of special control, §10-2083.1(b)(2). No sign shall be erected, altered, restored or moved except in compliance with a certificate of appropriateness.

H. Development Standards

1. See documents entitled: "Design Guidelines for Raleigh Historic Districts" and "The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings." These documents are incorporated by reference as authorized by G.S. 160A-76, are made a part of this Chapter and are on file in the Planning Department. These documents

contain architectural guidelines and design standards that will be applied in considering applications for certificates of appropriateness to ensure as far as possible that the exterior features of buildings, structures, and their appurtenant features located within an Historic Overlay District, and designated as a Historic Landmark, remain in harmony with other buildings, structures and appurtenant features in the District, and the character of the Historic Landmark.

2. The current edition of "The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" shall be the sole standards and guidelines used in reviewing applications submitted by the State of North Carolina for certificates of appropriateness.
3. The issuance of a certificate of appropriateness shall not be prohibited in situations where, owing to special conditions affecting the structure (such as availability of materials and lot size) but not affecting the Historic Overlay District or Historic Landmarks generally, compliance with the development standards would cause an unusual and unnecessary hardship on the property owner beyond that which other property owners in the Historic Overlay District or of Historic Landmarks would meet.

Sec. 5.4.2. Limited Historic Overlay District (-LHOD)

A. Purpose and Objectives

1. The Limited Historic Overlay District is established to provide for protection of the traditional development patterns of an area and to preserve historic resources found in it. The focus is on maintaining that character and on preserving those key character-defining features of individual historic resources within the district, as seen from the adjacent public way (as further described below). A Limited Historic Overlay District may have a lesser percentage of properties that are individually rated as "contributing" than a Historic Overlay District, but must still have a sufficient number to contribute to the predominant characteristics of the area.
2. The Limited Historic Overlay District has the following objectives:
   a. To promote the preservation and continued use of areas that contain a number of properties of historic significance;
   b. To preserve the integrity of historically significant resources found in the area;
   c. To support sustainability by reusing existing built resources; and
   d. To assure that new construction is compatible with the broader characteristics of the historic context of area, as seen from the public right-of-way.

B. Certificate of Appropriateness Required

1. In addition to all other approval processes, within the Limited Historic Overlay District, no portion of the exterior features of any building or of any site features that are specifically identified as key features of the district in the formal designation documentation is to be erected, altered, restored, demolished, or moved unless and until after an application for a certificate of appropriateness as to the exterior features visible from the adjacent public right-of-way has been submitted to and approved by the Historic Districts Commission. For the purpose of this paragraph, the limits of major work shall be considered:
   a. Any significant trees, site features (including walls, fences, light fixtures, steps, pavement, paths, or any other appurtenant features) or above-ground utility structure located between the building facade and the adjacent street right-of-way;
   b. The changing of the exterior features on the front and side (or visible from the public right-of-way adjacent to the site) of:
      i. Any building or structure; or
      ii. Any type of outdoor advertising sign.
   c. The demolition of:
      i. Any historically significant building or structure;
      ii. Significant trees, site features (including walls, fences, light fixtures, steps, pavement, paths, or any other appurtenant features) or above-ground utility structures located between the building facade and the adjacent street right-of-way; or
      iii. Any type of outdoor advertising sign.

      Such demolition shall be prohibited for a period up to 180 days (unless the Commission votes to shorten it) or until the City Council takes final action, whichever occurs first.
   d. The demolition by neglect of:
      i. Any historically significant building or structure;
      ii. Significant trees, site features (including walls, fences, light fixtures, steps, pavement, paths, or any other appurtenant features) or above-ground utility structures located between the building facade and the adjacent street right-of-way; or
      iii. Any historically significant outdoor advertising sign.
2. All other work not described in paragraph 1. above shall be considered minor work.
3. A certificate of appropriateness shall be issued prior to any application for a building permit or other permit granted for the purpose of constructing, altering, moving or demolishing structures or appurtenant features being made, and shall be issued or denied, subject to such reasonable conditions as the Historic Districts Commission may impose, according to such procedures as may be set forth elsewhere in this section or adopted by the Historic Districts Commission.
4. A certificate of appropriateness shall be required for all activities specified in

this section whether a building permit or other permit is otherwise required or not; except that no certificate of appropriateness shall be required for:

a. The ordinary maintenance or repair of any feature which does not involve a change in:

i. Design,;

ii. Material;

iii. Color; or

iv. Outer appearance.

b. The construction, reconstruction, alteration, restoration, moving, or demolition of any feature which the Director of Inspections certify is required by the public safety because of an unsafe or dangerous condition.

c. In the event of equipment failure, accidental damage or natural occurrences such as electrical storms, tornadoes, ice storms and the like), the ordinary maintenance or repair of:

i. Streets;

ii. Sidewalks;

iii. Pavement markings;

iv. Above-ground utility service lines;

v. Street signs, traffic signs or replacement of streetlight fixtures.

5. All of the provisions of this section are applicable to construction, alteration, restoration, moving, and demolition by the State of North Carolina, its political subdivisions, agencies, instrumentalities, and public utilities.

6. Individual certificates of appropriateness for each change may be requested, or if the activity is of the same character and involves a number of objects, as is the case with utility pole replacement, a programmatic certificate of appropriateness may be requested.

C. Prohibited Activities

Prohibited activities within a Limited Historic Overlay District include any of the following when conducted without an approved certificate of appropriateness:

1. The erection, alteration, restoration or moving of the exterior features of:

a. Any building or structure;

b. Any site features (including walls, fences, light fixtures, steps, pavement, paths, or any other appurtenant features);

c. Trees;

d. An above-ground utility structure; or

e. Any type of outdoor advertising sign.

2. The changing of the exterior features of:

a. Any building or structure;

b. Any site features (including walls, fences, light fixtures, steps, pavement, paths, or any other appurtenant features);

c. Trees;

d. An above-ground utility structure; or

e. Any type of outdoor advertising sign.

3. The demolition during the pending designation of a Limited Historic Overlay District of:

a. Any historically significant building or structure;

b. Site features (including walls, fences, light fixtures, steps, pavement, paths, or any other appurtenant features);

c. Trees;

d. An above-ground utility structure; or

e. Any type of outdoor advertising sign.

Such demolition shall be prohibited for a period up to 180 days (unless the Commission votes to shorten it) or until the City Council takes final action, whichever occurs first.

4. The demolition by neglect of:

a. Any historically significant building or structure;

b. Site features (including walls, fences, light fixtures, steps, pavement, paths, or any other appurtenant features); or

c. Any historically significant outdoor advertising sign.

5. The removal of any significant trees associated with a historic resource.

D. Yards

The minimum and maximum yard setbacks, along with the allowed yard encroachments, within the Limited Historic Overlay District shall be as established in the underlying district. [Assumes infill compatibility standards apply]

E. Height

1. Buildings and structures shall be congruous with the height of well-related nearby buildings and structures in the Limited Historic Overlay District, , as defined is survey materials or other documentation that is a part of the district nomination.
2. Where the height regulations or allowed height encroachments of the underlying district conflict with these height regulations, the height regulations of the Limited Historic Overlay District shall control.

F. Signs

Signs in the Limited Historic Overlay District are regulated by areas of special control, §10-2083.1(b)(2) only when such signs are specifically listed as significant in the designation of the landmark or overlay district. No sign shall be erected, altered, restored or moved except in compliance with a certificate of appropriateness.

G. Development Standards

1. See documents entitled: "Design Guidelines for Raleigh Historic Districts" and "The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings." These documents are incorporated by reference as authorized by G.S. 160A-76, are made a part of this Chapter and are on file in the Planning Department. These documents contain architectural guidelines and design standards that will be applied in considering applications for certificates of appropriateness to ensure as far as possible that the exterior features of buildings, structures, and their appurtenant features located within a Limited Historic Overlay District remain in harmony with other buildings, structures and appurtenant features in the district.
2. The current edition of "The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" shall be the sole standards and guidelines used in reviewing applications submitted by the State of North Carolina for certificates of appropriateness.
3. The issuance of a certificate of appropriateness shall not be prohibited in situations where, owing to special conditions affecting the structure (such as availability of materials and lot size) but not affecting the Limited Historic Overlay District, compliance with the development standards would cause an unusual and unnecessary hardship on the property owner beyond that which other property owners in the Limited Historic Overlay District would meet.

Sec. 5.4.3. Neighborhood Conservation District (-NCOD)

A. Applicability

1. The regulations contained in this section for the specific adopted Neighborhood Conservation Overlay District may contain standards which are more stringent or less stringent than the underlying district.
2. No building, structure, street, right-of-way, or greenway shall be constructed, moved, altered, changed, or increased in size within a Neighborhood Conservation Overlay District except in conformity with the regulations contained in this section for the specific adopted Neighborhood Conservation Overlay District.
3. Where the underlying district standard conflicts with the standard contained in this section, this section shall control. Where this section fails to contain a standard for the specific adopted Neighborhood Conservation Overlay District, the minimum standard of the underlying zoning district applies.
4. All lots and structures existing at the time that the Neighborhood Conservation Overlay District is first applied to the property shall not be deemed nonconforming solely because of this overlay district. For example, replacement of existing structures with like structures that otherwise conform to the requirements of the underlying district are allowed. All additions, changes, expansions, and alterations to such existing structures must comply with the regulations of the Neighborhood Conservation Overlay District contained in this section unless the Board of Adjustment approves the addition, change, expansion or alteration, as if the existing structure were made nonconforming by the overlay district.

B. Designation of a Neighborhood Conservation Overlay District

1. Locational Guidelines

The general characteristics desired of land placed in the Neighborhood Conservation Overlay District are the following:

a. It is located in an area in which development began at least 25 years prior to application of the Neighborhood Conservation Overlay District.

b. At least 75% of the land within the area is developed.

c. The area contains at least 15 contiguous acres, unless either it is an extension of an existing Neighborhood Conservation Overlay District, or the Planning Department is specifically authorized by City Council to amend the Official Zoning Map to the Neighborhood Conservation Overlay District. The properties for the following uses may be included within the boundaries of a Neighborhood Conservation Overlay District, however, such uses shall not be included in the calculation for establishing the minimum 15-acre requirement: parks and open space, or civic use in a residential district.

d. The area possesses unifying distinctive elements of built environmental characteristics and regulations that create an identifiable setting, character and association.

2. Built Environmental Characteristics and Regulations

No application to zone or rezone property to a Neighborhood Conservation Overlay District shall be accepted by the Planning Department until the City Council has adopted specific neighborhood built environmental characteristics and regulations into this section in accordance with the following process.

a. Submittal of a petition to the City Clerk requesting City Council consideration for a neighborhood built environmental characteristics and regulations analysis. The petition shall define the study area, provide evidence to support that the area complies with the locational guidelines stated above, identify the specific built environmental characteristics and regulations to be analyzed, and be signed by a minimum of three persons owning different lots within the study area. Prior to the petition being scheduled for the City Council meeting, the Planning Department shall be granted a two-week period to review the adequacy of the petition and prepare a compliance report consistent with this paragraph B. to accompany the City Council's receipt of the petition.

b. Following City Council's review of the petition, the City Council shall determine whether to direct the Planning Department to complete the neighborhood built environmental characteristics and regulations analysis.

c. In accordance with City Council's directive, the Planning Department shall complete an analysis of the specific built environmental characteristics and regulations for the neighborhood study area and identify the specific built environmental characteristics and regulations that reflect the predominant representation of the lots within the neighborhood study area. For the purposes of this paragraph, predominant shall mean greater than 75%. Upon completion of the analysis, the Planning Department shall by first class mail notify all persons owning property within the study area the results of the analysis and the date, time and location of a meeting to be held for the neighborhood. Said notice shall be mailed between 14 and 21 days prior to the date of the scheduled neighborhood meeting. Following the neighborhood meeting, the neighborhood built environmental characteristics and regulations analysis and summary of the neighborhood meeting shall be presented to the City Council.

d. Upon receiving the neighborhood built environmental characteristics and regulations analysis, the City Council shall review the results of the analysis and determine whether to authorize a public hearing to propose any specific neighborhood built environmental characteristics and regulations into this section. If the City Council proposes that specific built environmental characteristics and regulations for the neighborhood study area be considered for inclusion in this section, a text change public hearing shall be held.

e. If the City Council adopts a text change incorporating specific neighborhood built environmental characteristics and regulations into this section, an application to zone or rezone property within the designated neighborhood study area to a Neighborhood Conservation Overlay District in order to apply the adopted built environmental characteristics and regulations, may be accepted by the Department of City Planning within a four-year period following the adoption of

said regulations. Following the adoption of the initial Neighborhood Conservation Overlay District zoning, the Department of City Planning may accept an application to expand the specific Neighborhood Conservation Overlay District zoning and applicable built environmental characteristics and regulations for properties either located within the original neighborhood study area or contiguous to it.

f. Following the original adoption of specific neighborhood built environmental characteristics and regulations into this section, any subsequent text change proposal to revise the specific neighborhood built environmental characteristics and regulations in this section, having first been authorized by City Council, shall require the applicant to notify by first class mail all persons owning property (mailing addresses as shown on the County tax abstract at the time of the City Council's authorization of the public hearing) within the original neighborhood study area. The notification shall identify the proposed changes and inform the property owners of the date, time and location of the scheduled public hearing. Within a period of no more than 25 days nor less than 15 days prior to the date of the scheduled public hearing, the applicant shall deliver a copy of the letter and the sealed, addressed, stamped envelopes to the Department of City Planning.

3. Designation of a Neighborhood Conservation Overlay Zoning District

a. Within four years following the City Council adoption of specific neighborhood built environmental characteristics and regulations into this section, the Planning Department may accept an application to zone or rezone property to a Neighborhood Conservation Overlay District.

b. In accordance with §10-2131 and §10-3006, following the City's official acceptance of an application to zone or rezone property to a Neighborhood Conservation Overlay District, no construction permit shall be issued nor subdivision or recombination be approved by the City during the pendency of the application to amend the Official Zoning Map unless the proposed construction or the proposed subdivision or recombination meets all of the provisions of the existing zoning districts, and also the adopted neighborhood built environmental characteristics and regulations contained in this section for the proposed overlay district.

C. Development Standards in Neighborhood Conservation Districts

Subject to any other applicable overlay district, the development standards listed below shall apply as stated in this section for the specific adopted Neighborhood Conservation Overlay District:

1. Required minimum net area for any dwelling unit and equivalent dwelling unit;
2. Maximum residential density per net acre;
3. Yard setbacks;
4. Height; and
5. Vehicular surface areas.

D. Neighborhood Built Environmental Characteristics and Regulations

Following the adoption of both neighborhood built environmental characteristics and regulations by the City Council and the approval of a Neighborhood Conservation Overlay District in accordance with this section for properties located within the specifically designated neighborhood listed below, the following neighborhood built environmental characteristics and regulations for properties located within the applicable neighborhood shall control notwithstanding any contrary regulation of the underlying districts.

1. Avent West Neighborhood

[Not applicable unless an Official NCOD Zoning Map Amendment is submitted by July 1, 2012 and subsequently approved]

a. Minimum lot size: 14,526 square feet (0.33 acre)

b. Maximum lot size: 21,779 square feet (0.49 acre)

c. Minimum lot width: Within ten percent of the median lot width on the block face, but not less than 40 feet.

d. Lot arrangement: Lot lines shall be angled from the street in a similar manner to the angle that is typical of the surrounding peripheral lots and consisting of no more than five sides. Lots shall not be configured in such a way that building envelopes for houses are placed one behind the other when viewed from the street.

e. Front yard setback: Within ten percent of the median front yard setbacks on the opposite block face and the block face containing the subject property, but not less than 30 feet.

f. Side yard setbacks: A minimum of 20 feet from the adjacent property line where possible but otherwise within ten percent of the median side yard and corner side yard setbacks on the opposite block face and the block face containing the subject property, but not less than ten feet.

g. Maximum building height: 30 feet from natural grade to one-half of the roof pitch or no greater than one story (12 feet) taller than the shortest adjacent house.

h. Building entrance: The main entry of a house is to face the street of its address with the exception of corner lots.

i. Vehicular surface areas: Parking in front yards and corner side yards is to be restricted to paved parking within driveway areas, garages and carports only. Individual lots shall be limited to a single curb cut and driveways shall be a maximum of ten feet in width at the curb and within the required front yard setback and a maximum of 18 feet in width on all other portions of the property. In no instance may more than 25 percent of the front house width be paved for parking, driveway or garage use. For multifamily dwellings, parking lots are to be paved and located to the rear or side of the primary structure or structures as viewed from a public street. If located on the side of the structure or structures, parking lots may not abut a public street for more than 40 percent of the primary frontage of the property.

2. Brookhaven Neighborhood (Zoning Case Z-28-93)

a. South District (Z-28-93, south of Millbrook Road)

i. Minimum lot size: 20,000 square feet (0.45 acre)

ii. Lot width at the building setback line: Minimum of one hundred (100) feet

iii. Front yard setback: Minimum of fifty (50) feet

iv. Maximum building height: Two and one-half (2″) stories

b. North District (Z-28-93, north of Millbrook Road)

i. Minimum lot size: 14,000 square feet (0.32 acre)

ii. Maximum building height: Two and one-half (2″) stories

3. Cameron Park Neighborhood

a. Core Area (Zoning Case Z-62-05)

i. Maximum lot size: 21,779 (0.49 acre)

ii. Front yard setback: Within ten percent of the average front yard setback of houses on the same block face.

iii. Side yard setback: Within five feet of the average side yard setback and corner side yard setback of other properties on the block face, but no less than five feet.

iv. Setback for accessory structure: Side and rear yard setbacks for accessory structures, including those greater than 150 square feet shall be a minimum of three feet.

v. Maximum building height: If a new two story house or additional story on a one story house is taller than 30 feet, it shall be no more than 20 percent taller than the average residential building height on the block face.

vi. Building placement and building entrance: The orientation of the building and entry level of the main entrance to the building shall be located in a manner that is the same as the majority of the buildings on the block face.

vii. Vehicular surface areas: New driveways onto streets shall not be allowed for lots that have access onto an alley.

b. Transition Area A

[Not applicable unless an Official NCOD Zoning Map Amendment is submitted by July 1, 2012 and subsequently approved]

i. Front yard setback: Minimum of 20 feet.

ii. Maximum building height: 40 feet when located within 75 of an adjacent Core Area lot. No building shall be permitted to cast any shadow measured at a 32-degree angle due north (approximate noon winter solstice sun angle), beyond the minimum required setback line of any adjacent residential use.

iii. Vehicular surface areas: No parking shall be permitted within the front yard area.

c. Transition Area B (Zoning Case Z-62-05)

i. Maximum building height: 40 feet when located within 75 feet of an adjacent Core Area lot.

4. Five Points East Neighborhood

a. Core Area (Zoning Case Z-50-04)

i. Maximum lot size: 13,067 square feet (0.3 acre)

ii. Front yard setback: Within ten percent of the average front yard setback of houses on the same block face as the new construction

iii. Maximum building height: Two stories, 35 feet. Buildings may exceed 35 feet when the average height of houses on the same block face as the new construction exceeds 35 feet, and then the allowed height shall be within ten percent of the average height of houses in the same block face as the new construction.

b. Transition Area A

[Not applicable unless an Official NCOD Zoning Map Amendment is submitted by July 1, 2012 and subsequently approved]

i. Front yard setback: Within 20 percent of the average front yard setback of buildings on the same and opposite block faces as the new construction.

ii. Maximum building height: Two stories, 35 feet. Buildings may exceed 35 feet when the average height of houses on the same block face as the new construction exceeds 35 feet, and then the allowed height shall be within 20 percent of the average height of houses in the same block face as the new construction.

iii. Vehicular surface areas: Vehicular surface areas for nonresidential and multifamily structures, even if located on a separate lot, shall be located behind the principle building, and/or may be located at the side of a building if: 1) it does not extend in front of the building facade line; and 2) for any lot with street frontage in excess of 100 feet, the linear frontage of vehicular surface area facing the street, on the side of the building, does not exceed 25 percent of the linear street frontage of the lot. Ramp type driveways shall be used to maintain a continuous sidewalk along the block face.

5. Foxcroft Neighborhood (Zoning Case Z-46-02)

a. Minimum lot size: 108,900 square feet (2.5 acres)

b. Minimum lot width: 200 feet as measured at the required front yard setback.

c. Front yard setback: Minimum of 50 feet.

d. Side yard setback: Minimum of 40 feet.

e. Rear yard setback: Minimum of 40 feet.

f. Setbacks for accessory structures: Side and rear yard setbacks for accessory structures shall be a minimum of 20 feet.

g. Maximum building height: 40 feet for the principal building and 25 feet for accessory structures.

6. Glen Forest Neighborhood (Zoning Case Z-2-95)

a. Minimum lot size: 17,424 square feet (0.4 acre)

b. Minimum lot frontage: 100 feet.

c. Maximum building height: 35 feet.

7. King Charles Neighborhood

a. South District (Zoning Case Z-73-04 - south of New Bern Avenue, south of Bertie Drive and Albemarle Avenue, frontage lots on north side of Bertie Drive and Albemarle Avenue east of Locke Lane)

i. Minimum lot size: 33,541 square feet (0.77 acre)

ii. Minimum lot width: 144 feet

iii. Front yard setback: Minimum of 76 feet

iv. Maximum building height: Two stories

b. North/Central District

[Not applicable unless an Official NCOD Zoning Map Amendment is submitted by July 1, 2012 and subsequently approved ; other parcels north of Bertie Drive and Albemarle Avenue]

i. Minimum lot size: 12,632 square feet (0.29 acre)

ii. Minimum lot width: 84 feet

iii. Front yard setback: Minimum of 39 feet

iv. Maximum building height: Two stories

8. Laurel Hills Neighborhood (Zoning Case Z-1-98)

a. Minimum lot size: 21,780 square feet (0.5 acre)

b. Minimum lot frontage: 45 feet

c. Minimum lot width: 100 feet as measured 80 feet from the front property line.

d. Front yard setback: Minimum of 50 feet.

e. Maximum building height: 35 feet

9. Mordecai Neighborhood (Zoning Case Z-61-05, Z-73-94)

a. Conservation District 1 (Z-61-05, Z-73-94; west of Wake Forest Road and north of Cedar Street, except for part of the north side of Courtland Drive - see Mordecai Plan boundaries)

i. Minimum lot size: 7,260 square feet (0.16 acre)

ii. Maximum lot size: 14,520 square feet (0.33 acre)

iii. Minimum lot width: 50 feet

iv. Maximum lot width: 100 feet

v. Front yard setback: Minimum of 35 feet

vi. Maximum building height: 35 feet

b. Conservation District 2 (Z-61-05, Z-73-94); east of Wake Forest Road, south of Cedar Street and portions of Courtland Drive - see Mordecai Plan boundaries)

i. Minimum lot size: 7,260 square feet (0.16 acre)

ii. Maximum lot size: 14,520 square feet (0.33 acre)

iii. Minimum lot width: 50 feet

iv. Maximum lot width: 100 feet

v. Front yard setback: Minimum of 15 feet; maximum of 25 feet.

vi. Maximum building height: 35 feet

10. New Bern - Edenton Neighborhood (Zoning Case Z-33-92)

a. Minimum lot size: 4,000 square feet (0.09 acre)

b. Minimum lot frontage: 30 feet

c. Front yard setback: Minimum of ten feet, maximum of 25 feet.

d. Side yard setback: Minimum of zero feet when minimum building separation is met.

e. Building separation: Minimum of ten feet.

f. Maximum building height: 35 feet.

11. North Boylan Neighborhood (Zoning Case Z-63-98)

a. Front Yard Setback: Within ten percent of the average front yard setbacks established by buildings on the same side of the block face as the proposed building, but not less than five feet or greater than 25 feet.

b. Building placement and building entrance: Buildings and their primary entrances shall be oriented towards a public street. Additional entrances may be oriented towards the block interior so long as a direct pedestrian connection is provided to the public street.

c. Maximum building height: 24 feet with a maximum of 40 feet when the building includes a minimum roof pitch of 5:12 and the facade is detailed with a minimum four-foot offset at least every 25 linear feet of building wall and a minimum ten-foot offset at least every 50 linear feet of building wall.

d. Vehicular surface areas: Vehicular surface areas, even if located on a separate lot, shall be located behind the principle building. A vehicular surface area may be located at the side of a building if: 1) It does not extend in front of the building facade line; 2) For any lot with street frontage in excess of 100 feet, the linear frontage of vehicular surface area facing the street does not exceed 25 percent of the linear street frontage of the lot. Ramp type driveways shall be used to maintain a continuous sidewalk along the block face.

12. Oakwood Park Neighborhood (Zoning Case Z-79-00)

a. Minimum lot size (residential): 6,000 square feet (0.13 acre)

b. Minimum lot width (residential): 55 feet

c. Maximum lot width (residential): 80 feet

13. Oberlin Village Neighborhood (Zoning Case Z-83-95)

a. Minimum lot size: 5,000 square feet (0.11 acre)

b. Maximum lot size: 12,500 square feet (0.28 acre)

c. Minimum lot width: 50 feet

d. Front yard setback: Within ten percent of the median front yard setback established by buildings on the same side of the block face of the proposed building.

e. Building entrance: All buildings shall have a minimum of one entrance facing the public street.

f. Maximum building height: 25 feet or two stories.

14. Roylene Acres Neighborhood (Zoning Case Z-34-92)

a. Minimum lot size: 20,000 square feet (0.45 acre)

b. Minimum lot frontage: 100 feet

c. Front yard setback: Minimum of 50 feet

d. Maximum building height: 30 feet and no greater than two and one-half stories

15. Runnymede Road Neighborhood (Zoning Case Z-60-90)

a. Minimum lot size: 17,424 (0.4 acre)

b. Minimum lot frontage: 100 feet

c. Front yard setback: Minimum of 30 feet

d. Maximum building height: 24 feet as measured at the 30-foot front yard setback line. Building height may be increased one foot of height for each one foot of increase in the front yard setback beyond 30 feet.

16. South Park Neighborhood (Zoning Case Z-30-07, Z-63-98)

a. Minimum lot size: 3,000 square feet (0.06 acre)

b. Maximum lot size: 8,000 square feet (0.18 acre)

c. Minimum lot width: 40 feet

d. Maximum lot width: 80 feet

e. Front Yard Setback: Within ten percent of the average front yard setback established by buildings on the same side of the block face of the proposed building, but not less than eight feet or greater than 30 feet.

f. Building entrance: The main building entrance shall face the street from which the building is addressed. No upper story entrance shall be visible from an adjacent public street right-of-way.

g. Maximum building height: 25 feet

h. Off-Street Parking: Parking shall be located to the side and/ or rear of the building. With the exception of single-family detached dwellings, no parking areas shall be located in front of any principle building. Single-family detached dwelling parking shall be regulated according to the City of Raleigh Code.

17. Trailwood Neighborhood (Zoning Case Z-40-99)

a. Minimum lot size: 20,000 square feet (0.45 acre)

b. Minimum lot frontage: 100 feet

c. Front yard setback: Minimum of 60 feet

d. Side yard setback: Minimum of 20 feet within the front 100 feet of the lot; otherwise, minimum of ten feet.

e. Maximum building height: Two and one-half stories and 30 feet from finished grade of the main entry floor.

18. West Idlewild Neighborhood (Zoning Case Z-33-92)

a. Minimum lot size: 4,000 square feet (0.09 acre)

b. Minimum lot frontage: 30 feet

c. Front yard setback: Minimum of ten feet; maximum of 25 feet.

d. Side yard setback: Minimum of zero feet when minimum building separation is met.

e. Building separation: Minimum of ten feet.

f. Maximum building height: 35 feet.

Article 5.5. Transit Overlays

Sec. 5.5.1. Transit Overlay District (-TOD)

A. Intent

1. The Transit Overlay District is intended to allow for compact, mixed-use development around planned transit stations as designated on the Urban Form or in an adopted station area plan.
2. The Transit Overlay District is intended to mix residential, retail, office, and public uses in a walkable environment, making it convenient for residents and employees to travel by transit, bicycle, foot or car.

B. Base Standards Apply

Unless specifically set forth in this section, the allowed uses, the dimensional requirements and the general development standards of the underlying general use zoning district apply.

C. Uses

The following uses are not allowed in a Transit Overlay District:

1. Single-unit living.
2. Two-unit living.
3. Cemetery.
4. Outdoor recreation.
5. Vehicle sales/rental.
6. Vehicle repair (major).
7. Vehicle repair (commercial vehicle).
8. Car wash.
9. Drive-thru facility.

D. Height

All building types must be at least two stories in height.

E. Blocks

1. Block lengths may not exceed 660 feet.
2. Block perimeters may not exceed 2,000 feet.
3. The block length or perimeter may be extended in the event that steep slopes in excess of 25%, freeways, waterways, railroad lines, preexisting development, tree conservation areas, stream buffers, cemeteries, open space, or easements make the maximum block length or perimeter unfeasible.
4. The maximum block length and perimeter may be extended by 25%, if the block includes a pedestrian passage that meets the requirements of Sec. 8.2.9 or an alley that meets the requirements of Sec. 8.2.8 that directly connects the two streets on each block face.
5. A block may be broken by a civic building or open lot, provided the lot is at least 50 feet wide and provides a pedestrian passage meeting the requirements of Sec. 8.2.9 that directly connects the two streets on each block face.

F. Frontages

The Parkway and Detached frontages are not allowed (see Article 3.4).

G. Parking

Required parking may be reduced in accordance with Sec. 7.1.3A.

H. Outdoor Storage

Limited and general outdoor storage is not allowed (see Article 7.5).

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Article 6.1. Allowed Uses

Sec. 6.1.1. Classification of Uses

A. Use Categories

1. In order to regulate use, categories of uses have been established. Use categories provide a systematic basis for assigning land uses to appropriate categories with other, similar uses. Use categories classify land uses and activities based on common functional, product or physical characteristics.
2. Characteristics include the type and amount of activity, the hours of operation, the type of customers or residents, how goods or services are sold or delivered, likely impact on surrounding properties, and site conditions.
3. Use category definitions are included in Articles 6.2 through 6.6.
4. Where a use category contains a list of included uses, the list is to be considered example uses, and not all-inclusive. The Planning Director has the responsibility for categorizing all uses.

B. Principal Uses

Allowed principal uses by district are listed in Sec. 6.1.4. Principal uses are grouped into categories of uses.

C. Accessory Uses

Accessory uses are allowed in conjunction with a permitted principal use as set forth in Article 6.7.

D. Temporary Uses

Temporary uses are allowed as set forth in Article 6.8.

Sec. 6.1.2. Use Determination

A. Interpretation by Planning Director

The Planning Director is responsible for categorizing all uses. If a proposed use is not listed in a use category, but is similar to a listed use, the Planning Director may consider the proposed use part of that use category. When determining whether a proposed use is similar to a listed use, the Planning Director will consider the following criteria:

1. The actual or projected characteristics of the proposed use.
2. The relative amount of site area or floor area and equipment devoted to the proposed use.
3. Relative amounts of sales.
4. The customer type.
5. The relative number of employees.
6. Hours of operation.
7. Building and site arrangement.
8. Types of vehicles used and their parking requirements.
9. The number of vehicle trips generated.
10. Signs.
11. How the proposed use is advertised.
12. The likely impact on surrounding properties.
13. Whether the activity is likely to be found independent of the other activities on the site.

B. Uses Not Specifically Listed

A use not specifically listed is prohibited unless the Planning Director determines the use to be part of a use category as described in paragraph A. above.

Sec. 6.1.3. Key to Use Table

The allowed use table in Sec. 6.1.4 identifies uses permitted in each zoning district. The use table key is set forth below.

A. Permitted Use (P)

Indicates that the use is permitted by right in the district.

B. Limited Use (L)

Indicates that the use, while allowed by right in the district, must meet the use standards associated with the specific use (see right-hand column for definitions/use standards).

C. Special Use (S)

Indicates that the use requires approval by the Board of Adjustment as a special use before it is allowed in the district. Use standards associated with the specific use may also apply.

D. Blank Cell

A blank cell indicates that a use is not permitted.

Sec. 6.1.4. Allowed Principal Use Table

Use Category / Specific Use	RESIDENTIAL					MIXED USE												Definition/ Standards
	R-1	R-2	R-4	R-6	R-10	RX-	OP-	OX-	NX-	CX-	DX-	IX-	CM	AP	IH	R-MP	CMP	
RESIDENTIAL																		
Household Living																		6.2.1A
Single-unit living	P	P	P	P	P	P		P	P	P				P			P	6.2.1B
Two-unit living		L	L	P	P	P		P	P	P							P	6.2.1C
Multi-unit living			L	L	P	P		P	P	P	P	P					P	6.2.1D
Cottage court					L	L		L	L	L								6.2.1E
Conservation development	L	L	L	L	L													6.2.1F
Manufactured home park																L		6.2.1G
Multi-unit supportive housing residence	L	L	L	L	L	L		L	L	L	L	L		L			L	6.2.1H
Supportive housing residence	L	L	L	L	L	L		L	L	L	L	L		L			L	6.2.1I
Group Living, except as listed below	S	S	S	S	S	P		P	P	P	P	P					L	6.2.2A
Boardinghouse	S	S	S	S	L	L		L	L	L	L						L	6.2.2B
Congregate care	S	S	S	L	L	L		L	L	L	L	L					L	6.2.2C
Fraternity, Sorority						P		P		P	P	P					P	6.2.2D
Social Service																	S	6.2.3A
Emergency shelter type A								S		S	S	S			L			6.2.3B
Emergency shelter type B						L		L		L	L	L			L			6.2.3C
Special care facility	S	S	S	S	S	S	L	L	L	L	L	L			L		L	6.2.3D
Transitional home, halfway house								S		S	S	S						6.2.3E
PUBLIC & INSTITUTIONAL																		
Civic, except as listed below:	P	P	P	P	P	P	P	P	P	P	P	P		P	P		P	6.3.1A & E
Cemetery	L	L	L	L	L	L		L		L	L	L		L	L		L	6.3.1B
College, community college, university							P	P		P	P	P					P	6.3.1C
School, public or private (K-12)	L	L	L	L	L	L	L	L	L	L	L	L		L			L	6.3.1D
Parks and Open Space	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	6.3.2A
Minor utilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	6.3.3A

Key: P = Permitted Use L = Limited Use S = Special Use Blank cell = Use Not Permitted

Use Category Specific Use	RESIDENTIAL					MIXED USE												Definition/ Standards
	R-1	R-2	R-4	R-6	R-10	RX-	OP-	OX-	NX-	CX-	DX-	IX-	CM	AP	IH	R-MP	CMP	
Major utilities, except as listed below												S			S			6.3.3B
Telecommunication tower (<250 ft)	L	L	L	L	L	L	L	L	L	L	L	L		L	L	L	L	6.3.3C
Telecommunication tower (250+ ft)	S	S	S	S	S	S	S	S	S	S	S	S		S	S	S	S	6.3.3D
COMMERCIAL																		
Commercial Parking	S	S	S	S	S	S		P		P	P	P			P		P	6.4.1A
Day Care, as listed below:																		6.4.2A
Day care, home	L	L	L	L	L	L		L	L	L	L	L		L		L	L	6.4.2B
Day care center	S	S	S	S	S	S	L	L	L	L	L	L				S	L	6.4.2C
Indoor Recreation, except as listed below:									P	P	P	P					P	6.4.3A
Adult establishment										S	S	S			S			6.4.3B
Health club						L	P	P	P	P	P	P						6.4.3C
Indoor sports academy								P	P	P	P	P						6.4.3D
Medical							P	P	P	P	P	P					P	6.4.4A
Office						L	P	P	P	P	P	P					P	6.4.5A & B
Outdoor Recreation										P	P	P					P	6.4.6A
Golf course	L	L	L	L	L					P	P	P					P	6.4.6B
Riding stables	L													L				6.4.6C
Overnight Lodging, except as listed below:							P	S		P	P	P					P	6.4.7A
Bed and breakfast					L	L	P	P	P	P	P	P					P	6.4.7B
Passenger Terminal										P	P	P			P		P	6.4.8A
Airfield, landing strip														L				6.4.8B
Heliport, serving hospitals							L	L		L	L	L					L	6.4.8C
Heliport, all others							S	S		S	S	S		S	S			6.4.8D

Key: P = Permitted Use L = Limited Use S = Special Use Blank cell = Use Not Permitted

Use Category Specific Use	RESIDENTIAL					MIXED USE												Definition/ Standards
	R-1	R-2	R-4	R-6	R-10	RX-	OP-	OX-	NX-	CX-	DX-	IX-	CM	AP	IH	R-MP	CMP	
Personal service, except as listed below:						L			P	P	P	P					P	6.4.9A & G
Animal care (indoor)									L	L	L	L		L	L		L	6.4.9B
Animal care (outdoor)														L	L			6.4.9C
Beauty/hair salon						L	P	P	P	P	P	P					P	6.4.9D
Copy center						L	P	P	P	P	P	P					P	6.4.9E
Optometrist						L	P	P	P	P	P	P					P	6.4.9F
Restaurant/Bar, except as listed below:						L		L	P	P	P	P					P	6.4.10A & C
Bar, nightclub, tavern, lounge										P	P	P						6.4.10B
Retail Sales, except as listed below:						L		L	P	P	P	P					P	6.4.11A & D
Art galley						L		L	P	P	P	P					P	6.4.11B
Pawnshop										P	P	P						6.4.11C
Vehicle Sales/Rental									L	L	P	P			P			6.4.11A & B
INDUSTRIAL																		
Heavy Industrial															L			6.5.1A & B
Outdoor storage yard for vehicles															S			6.5.1C
Light Industrial												P			P			6.5.2A
Light Manufacturing							P			P	P	P			P		P	6.5.3A
Research & Development							P	P		P	P	P			P		P	6.5.4A
Self-Service Storage												L			L			6.5.5A & B
Vehicle Service, except as listed below:										P		P			P			6.5.6A
Vehicle repair (minor)									L	L	L	P						6.5.6B
Vehicle repair (major)										L	L	P						6.5.6C
Vehicle repair (commercial vehicle)												P			P			6.5.6D
Car wash										L		L						6.5.6E

Key: P = Permitted Use L = Limited Use S = Special Use Blank cell = Use Not Permitted

Use Category Specific Use	RESIDENTIAL					MIXED USE												Definition/ Standards
	R-1	R-2	R-4	R-6	R-10	RX-	OP-	OX-	NX-	CX-	DX-	IX-	CM	AP	IH	R-MP	CMP	
Warehouse & Distribution												P			P			6.5.7A
Waste-Related Service															L			6.5.8A & B
Wholesale Trade												P			P			6.5.9A
OPEN																		
Agriculture, except as listed below:														P				6.6.1A
Community garden	L	S	S	S	S	L	L	L	L	L	L	L		P	P	S	L	6.6.1B
Plant nursery, fruit, vegetable sales	S							P	P	P	P	P		L				6.6.1C
Restricted agriculture	P													P				6.6.1D
Urban farm						S	S	S	S	S	S	S		P	S			6.6.1E
Resource Extraction														S	S			6.6.2A

Key: P = Permitted Use L = Limited Use S = Special Use Blank cell = Use Not Permitted

Article 6.2. Residential Uses

Sec. 6.2.1. Household Living

A. Household Living Use Category

Residential occupancy of a dwelling unit by a household on a monthly or longer basis. Household living includes the following uses:

1. Single-unit living, two-unit living, multi-unit living.
2. Manufactured home park.
3. Cottage court.
4. Conservation development.
5. Multi-unit supportive housing residence.
6. Supportive housing residence.

B. Single-Unit Living

1. Defined

One household in a single principal structure consisting of one dwelling unit, may also contain a second household in an accessory apartment or a backyard cottage.

C. Two-Unit Living

1. Defined

Two households in a single principal structure consisting of two dwelling units.

2. Use Standards

Where two-unit living is allowed as a limited use, it is allowed only in a conservation development (see Article 2.3).

D. Multi-Unit Living

1. Defined

Three or more households in a single principal structure consisting of three or more dwelling units. Multiple principal buildings are allowed on the same lot.

2. Use Standards

Where multi-unit living is allowed as a limited use, it is allowed only in a conservation development (see Article 2.3).

E. Cottage Court

1. Defined

A group of small detached houses centered around a common open space or courtyard.

2. Use Standards

A cottage court must meet the standards of Sec. 2.4.1.

F. Conservation Development

1. Defined

A conservation development trades smaller lot sizes (with smaller setbacks) and additional density in exchange for protecting a significant amount of open space.

2. Use Standards

A conservation development must meet the standards of Article 2.3.

G. Manufactured Home Park

1. Defined

A site which contains or is intended for the long-term location of manufactured homes which may include services and facilities for the residents.

2. Use Standards

Manufactured home parks must meet the R-MP District standards as set forth in Article 4.5.

H. Multi-Unit Supportive Housing Residence

1. Defined

A facility housing persons who are disabled emotionally, mentally or physically or otherwise possess a disability that is protected by the

provisions of either the Americans with Disabilities Act 42 USC 12101 or G.S. Article 3, Chapter 168, along with support or supervisory personnel or family members who may reside, but are not required to reside, at the facility.

2. Use Standards

a. Each multi-unit supportive housing residence must be composed of no less than two and no more than four attached dwelling units.

b. The total number of individuals occupying a multi-unit supportive housing residence cannot exceed six.

c. The facility shall be treated for zoning purposes in the same manner as single-unit living, except parking shall be provided in accordance with Article 7.1.

d. No multi-unit supportive housing residence can be located within 300 feet (determined by a straight line from property line to property line) of any other multi-unit supportive housing residence, supportive housing residence, transitional home or halfway house.

e. The multi-unit supportive housing residence must conform to one or more of the following:

i. It is licensed by the federal or state governments.

ii. It is funded in part by government grants or loans.

f. Nothing in this paragraph shall prevent four or fewer persons with disabilities from occupying any lawful dwelling as a household.

I. Supportive Housing Residence

1. Defined

A facility in which more than four unrelated persons may reside who are battered individuals, abused children, pregnant women and their children, runaway children, temporarily or permanently disabled mentally, emotionally or physically, individuals recovering from drug or alcohol abuse, and all other persons who possess a disability that is protected by the provisions of either the Americans with Disabilities Act 42 USC 12101 or G.S. Article 3, Chapter 168, along with family members and support and supervisory personnel.

2. Use Standards

a. The total number of individuals occupying a supportive housing residence cannot exceed 12.

b. The owner of the facility or a resident manager must reside permanently on the premise.

c. No supportive housing residence shall be located within 1,125 feet (determined by a straight line from property line to property line) of any other multi-unit supportive housing residence, supportive housing residence, transitional home or halfway house.

d. The supportive housing residence must conform to one or more of the following:

i. It is licensed by the federal or state governments.

ii. It is funded in part by governmental grants or loans.

Sec. 6.2.2. Group Living

A. Group Living Use Category

Residential occupancy of a structure by a group of people that does not meet the definition of household living. Tenancy is usually arranged on a monthly or longer basis. Generally, group living facilities have a common eating area for residents, and residents may receive care or training. Group living includes the following uses:

1. Boardinghouse.
2. Congregate care.
3. Fraternity, sorority.
4. Hospice.
5. Monastery, convent.

B. Boardinghouse

1. Defined

A facility which contains individual rooms without cooking facilities that are rented to the general public to more than four unrelated persons. Includes rooming house, lodging house, and tourist home.

2. Use Standards

a. The facility was constructed originally as a detached house.

b. The total number of individuals occupying a boardinghouse is limited to six.

c. In a Residential District, there is no exterior advertising except one unlit announcement sign not to exceed two square feet in area.

d. No boardinghouse is permitted within 1,200 feet (determined by a straight line from property line to property line) of another boardinghouse.

C. Congregate Care

1. Defined

A facility providing housing, part-time medical care, shared food preparation and dining areas, and recreation facilities, as well as significant social facilities to meet the needs of the elderly. Includes assisted living facility, independent living facility, life care community, nursing home and rest home.

2. Use Standards

a. The facility is limited in occupancy to persons 62 years or older, their spouses, and their surviving spouses, except for rooms occupied by resident staff personnel performing duties directly related to operation of the facility.

b. Each rooming unit may be occupied by no more than two persons not related by blood, marriage, or adoption.

c. The structure shall consist of either:

i. One principal building on a lot, meeting the standards of a detached house; or

ii. Two or more principal buildings on a lot meeting the standards for an apartment.

d. Facilities for resident managers or custodians providing administrative services and medical services for the exclusive use of the residents shall be located on site and open and staffed at least four hours one day a week.

e. The facility must contain indoor shared food preparation service, common dining halls, and common recreation rooms, all for the exclusive use of all residents and their guests, and these facilities together shall total a minimum of 30 square feet per constructed rooming unit exclusive of circulation space. Common indoor social and related service facilities may also be part of the facility.

f. Structures shall meet one of the following:

i. All rooming units are connected by heated pedestrian corridors or breezeways to the common dining halls and indoor spaces required above, and all or a portion of the rooming units are connected by heated pedestrian corridors or breezeways to related services and required medical facilities; or

ii. A comprehensive pedestrian circulation plan, including internal accessible walkways, is submitted and approved with provisions for alternative transportation services for the residents of the facility. Alternative transportation services may include, but are not limited to regularly scheduled or on-call van services, tram services and full bus service.

iii. The structure contains a central interior circulation system to all units through at least one main controlled entrance.

g. Outdoor open space or park area must be provided at a minimum rate of the greater of either ten percent of the land area of the facility or 218 square feet per rooming unit, excluding private drives and off-street parking areas. A majority of the open space or park area must be located no further than 300 feet from the controlled entranceway of the facility.

D. Fraternity, Sorority

1. Defined

A chiefly social organization of students providing group living accommodations for a college or university. Includes dormitory.

Sec. 6.2.3. Social Service

A. Social Service Use Category

Uses that primarily provide treatment of those with psychiatric, alcohol, or drug problems, and transient housing related to social service programs. Social service includes the following uses:

1. Emergency Shelter Type A.
2. Emergency Shelter Type B.
3. Special care facility.
4. Transitional home, halfway house.

B. Emergency Shelter Type A

1. Defined

A facility providing temporary sleeping facilities for displaced persons with no limit on the number of individuals accommodated.

2. Use Standards

a. The shelter must provide a minimum of 50 square feet of sleeping space per person.

b. A employee or volunteer must maintain continuous on-site supervision during hours of operation.

c. No shelter is permitted within 2,640 feet (determined by a straight line from property line to property line) of another emergency shelter Type A or emergency shelter Type B.

d. No emergency shelter Type A may be established closer than 300 feet from any preexisting supportive housing residence, multi-unit supportive housing residence, transitional home or halfway house (determined by a straight line from property line to property line). No later establishment of a supportive housing residence, multi-unit supportive housing residence, transitional home or halfway house closer than 300 feet to a previously permitted emergency shelter may be construed to create a nonconformity or illegality on the part of the existing emergency shelter.

e. The shelter is allowed in an Airport Overlay District.

C. Emergency Shelter Type B

1. Defined

A facility providing temporary sleeping facilities for not more than ten displaced persons at any one time.

2. Use Standards

a. No individual shall remain in the facility longer than 30 consecutive days per calendar year. No individual shall be readmitted until at least 14 days have elapsed from their last residency at that shelter.

b. No counseling or therapeutic activities may be conducted. Referral of residents to employment agencies and other personal service agencies shall not be deemed to be counseling.

c. No shelter is permitted within 2,640 feet (determined by a straight line from property line to property line) of another emergency shelter Type A, or emergency shelter Type B.

d. No emergency shelter Type B shall be established closer than 300 feet from any preexisting supportive housing residence, multi-unit supportive housing residence, transitional home or halfway house (determined by a straight line from property line to property line). No later establishment of a supportive housing residence, multi-unit supportive housing residence, transitional home or halfway house closer than 300 feet to the previously permitted emergency shelter shall be construed to create a nonconformity or illegality on the part of the existing emergency shelter.

e. The shelter is allowed in an Airport Overlay District.

D. Special Care Facility

1. Defined

A psychosocial rehabilitation facility which provides skill development activities, educational services, and pre-vocational training and transitional and supported employment services to individuals with severe and persistent mental illness. Incudes a rehabilitative clinic and adult rehabilitation center.

2. Use Standards

a. No special care facility shall be located within 1,200 feet (determined by a straight line from property line to property line) of an other special care facility.

b. To permit a special care facility in a Residential District, the following minimum land areas per enrollee apply:

i. R-1, R-2, and R-4: 1,300 square feet.

ii. R-6: 800 square feet.

iii. R-10: 300 square feet.

c. Notwithstanding the requirements in the preceding sentences, each facility may increase enrollment 20% to provide for absenteeism of enrollees of a special care facility.

d. In a Residential District, one unlit announcement sign not to exceed two square feet in area and 3½ feet in height is permitted.

e. Only one vehicle used in connection with the special care facility may be parked or stored on the premises or residential street.

E. Transitional Home, Halfway House

1. Defined

A residence facility established to assist persons who have left highly structured institutions to adjust to and reenter society.

2. Use Standards

No transitional home or halfway house is permitted within 1,200 feet (determined by a straight line from property line to property line) of another transitional home or halfway house.

Article 6.3. Public & Institutional Uses

Sec. 6.3.1. Civic

A. Civic Use Category

Places of public assembly that provide ongoing governmental, life safety, educational and cultural services to the general public, as well as meeting areas for religious practice. Civic includes the following uses:

1. Cemetery.
2. College, community college, university.
3. Civic club.
4. Museum, library.
5. Places of worship including church, mosque, synagogue, temple.
6. Police, fire, EMS station.
7. School, public or private (K-12).

B. Cemetery

1. Defined

A place used for the permanent interment of humans or animals or their cremated remains. Includes mausoleum, columbarium, memorial park and pet cemetery.

2. Use Standards

a. If the cemetery exceeds two acres in size or is planned and phased to exceed two acres in size, it must comply with the city's public facility dedication and improvements requirements.

b. If an existing cemetery increases the land area for cemetery use by one-half an acre or more from its size that results in a cemetery greater than two acres in size, the cemetery must comply with the city's public facility dedication and improvements requirements.

c. The cemetery use must take into account present and future public improvements, including those expressed in the current Comprehensive Plan or Thoroughfare Plan.

d. No grave space, mausoleum, vault, crypt, or columbarium shall be established that are located within 40 feet from any street right-of-way (including existing or proposed right-of-way) or thoroughfare designated on the Comprehensive Plan or Thoroughfare Plan. The requirements of this subsection may be waived in whole or in part by the Planning Director if the Public Works Director certifies that the full 40-foot buffer will not be required for the construction of future public improvements.

C. College, Community College, University

1. Defined

An institution of higher education, especially one providing a general or liberal arts education rather than technical or professional training.

D. School, Public or Private (K-12)

1. Defined

Public and private (including charter or religious) school at the primary, elementary, middle, junior high, or high school level that provides basic academic education.

2. Use Standards

a. Meet the curricular teaching certification of instruction approved by the State Board of Education.

b. Be located on a lot with a total land area of 500 square feet area per enrolled pupil.

c. Be located outside any Airport Overlay District or Primary Reservoir Watershed Protection Area.

d. The additional traffic generated to and from the site during peak travel periods, combined with the background traffic volume traveling on roadway would not reduce the roadway or nearby intersections capacity below level-of-service "D," as defined in the Highway Capacity Manual, 1994.

e. In a Residential District, a Type AI or A2 protective yard (see Sec. 7.2.2) must be established along any side of the property abutting a residential use.

E. Use Standards for All Other Civic Uses

In a Residential District, a Type AI or A2 protective yard (see Sec. 7.2.2) must be established along any side of the property abutting a residential use.

Sec. 6.3.2. Parks and Open Space

A. Parks and Open Space Use Category

Uses focusing on natural areas consisting mostly of vegetation, passive or active outdoor recreation areas, and having few structures. Parks and open space includes the following uses:

1. Botanical garden, nature preserve, recreational trail.
2. Game preserve, wildlife management area, refuge, animal sanctuary.
3. Park, recreation field.
4. Reservoir, control structure, water supply, water well.

Sec. 6.3.3. Utilities

A. Minor Utilities Use Category

1. Defined

Public or private infrastructure serving a limited area with no on-site personnel. Minor utilities includes the following uses:

a. On-site stormwater retention or detention facility.

b. Neighborhood-serving cable, telephone, gas or electric facility.

c. Sustainable energy system.

d. Water and wastewater pump station or lift station.

B. Major Utilities Use Category

1. Defined

Public or private infrastructure serving the general community and possibly having on-site personnel. Major utilities includes the following uses:

a. Aeration facility, artesian well.

b. Electrical substation.

c. Electric or gas generation plant.

d. Telecommunication tower.

e. Water or sanitary sewer treatment plant.

C. Telecommunication Tower (less than 250 feet)

1. Defined

Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers or monopole towers that is less than 250 feet in height. Does not include any structure erected solely for a residential, noncommercial individual use, such as television antennas, satellite dishes or amateur radio antennas.

2. Use Standards

Telecommunication tower less than 250 feet in height shall meet all of the following:

a. Radio or television or similar reception for adjoining properties will not be disturbed or diminished.

b. The height of the tower does not exceed 250 feet.

c. The lighting of the tower does not exceed the minimum standards of the Federal Aviation Administration for red obstruction lighting system contained in Advisory Circular No. 70/7460-IF dated 27 September, 1978, as the same may be amended.

d. The minimum setback from the outside dimensions of the tower, not from guy anchors, and not located within the property of a civic use in a residential district, are as follows:

i. Installation of a new tower where no tower is being replaced.

a) 20 feet from the property line of either any adjoining lot which is developed without a dwelling, congregate care facility or vacant lot located in a mixed use or special zoning district, unless increased by paragraph b) or c) below.

b) 200% of the tower height, unless the tower is constructed as a monopole in which case the minimum setback shall be one 100% of the tower height, but no less than 50 feet, from the property line of either any lot which is developed at an average residential density of less than 15 dwelling units per acre or a vacant lot

located in a residential district that does not permit a density of fifteen 15 units per acre or greater.

c) 100% of the tower height from the property line of any lot zoned as a residential district allowing a density of 15 or greater units per acre or that is developed at an average residential density equal to or greater than 15 dwelling units per acre.

d) 20 feet from any public street.

e) The setbacks required by paragraphs b) and c) above shall not be applicable to any residential dwelling that is not a permitted use in the district.

f) If a telecommunication tower is located on the property of a civic use in a residential district, the setbacks in paragraphs a) though d) above apply, except that in no case shall a tower be located less than 200% of the tower height to the property line of a lot developed with a dwelling, congregate care facility, or a vacant lot located in a residential district, unless a protective yard is preserved or installed adjacent to the property line of a lot developed with a dwelling, congregate care facility, or a vacant lot located in a residential district. The protective yard shall be a of a width equal to the tower height, and shall contain plantings meeting the minimum standards of a Type BI or B2 protective yard (see Sec. 7.2.2) and paragraph f. below.

ii. Installation of a new tower where an existing tower is being replaced.

a) If one or more existing telecommunication towers is to be concurrently removed and replaced by a new tower, then the required setback exceeding 100 feet in subsections i.b) and i.c) above may be reduced by fifteen 15% for each additional telecommunication user in excess of that of the existing tower. Evidence shall be presented by the applicant that each additional user will upon installation occupy the new tower.

b) The City Council may grant a further reduction to the setbacks for the removal of an existing tower and replacement with a new tower with more telecommunications users in accordance with Sec. 6.3.3D.

e. The base of the tower and each guy anchor are surrounded by a fence or wall at least eight feet in height unless the tower and all guy anchors are mounted entirely on a building over eight feet in height. Except for fence and wall entrances, all fences and walls shall be screened with plant material so that no more than two-thirds of the surface of the fence or wall is visible within three years after erection of the structure from a public street or from any adjoining lot which contains a dwelling, congregate care facility, or from any adjoining lot zoned a residential district.

f. The area adjoining street rights-of-way shall contain a minimum street protective yard of 20 feet wide as measured perpendicular to the public street rights-of-way. This street protective yard shall comply with the requirements of §10-2082.5. No street yard shall be required along street frontage located a distance from the tower of more than twice the height of the tower.

g. A transitional protective yard which contains the same plantings required in §10-2082.9 for low impact uses shall be installed within all the yard areas required by subparagraph (4)a.2. and 3. above. The installation of any fence, wall, planting, or earthen berm shall not reduce or lessen this requirement.

h. In instances where a telecommunication tower is locating on a developed lot in accordance with §10-2088, and the existing physical development on the lot precludes the full installation of the aforementioned protective yards, an alternate method of compliance as set forth under the conditions of §10-2082.4 may be approved.

i. The output power from the tower shall not exceed federally-approved levels for exposure to electronic magnetic force (EMF).

j. If determined by the city that the proposed tower is situated in a location which will benefit the city's telecommunication systems, then, the tower shall be engineered and constructed to accommodate the additional telecommunicating equipment beneficial to the public system.

k. The tower is either less than 100 feet in height or located no closer than 1,000 feet (determined by a straight line and not street distance) to a tower greater than one hundred 100 feet in height.

l. If the tower is located within an Historic Overlay District or Metro Park Protection Overlay District, the tower does not exceed the maximum building height allowed within the underlying zoning district.

m. No tower shall be approved unless evidence is presented that at least one telecommunication user upon installation will occupy the tower. If the tower is between 100 feet and 150 feet in height, the tower shall be engineered and constructed to accommodate a minimum of two telecommunication users. If the tower equals or exceeds 150 feet in height but is less than 180 feet in height, the tower shall be engineered and constructed to accommodate a minimum of three telecommunication users. If the tower equals or exceeds 180 feet in height, but is less than 200 feet in height, the tower shall be engineered and constructed to accommodate a minimum of four telecommunication users. If the tower equals or exceeds 200 feet in height, the tower shall be engineered and constructed to accommodate a minimum of five telecommunication users.

n. Unless enclosed by a closed fence at least eight feet in height to totally obscure the building from view, the exterior appearance of all buildings located in a residential district shall look like a residential dwelling, including without limitation, pitched roofs and frame or brick veneer construction. The closed fence shall be the same or compatible in terms of texture and quality with the material and color of the surrounding dwellings. For each potential telecommunication user to occupy the tower, there shall be a minimum of 600 square feet reserved on the plans for associated buildings and equipment, unless the applicant provides evidence that less space is necessary.

o. That within six months after approval of a plot plan for the telecommunication tower, the tower must be installed and operational or the plot plan shall be void. No telecommunication tower approved prior to the effective date of this code, which is discontinued, unused, or unoccupied by any telecommunication user for a continuous period 365 days or more shall be restarted, resumed, or reoccupied without the prior approval of a new plot plan complying with the then applicable provisions.

p. That the applicant has provided evidence that the proposed tower meets Federal Aviation Administration requirements, and is in accordance with all the tower requirements and standards of the Raleigh Durham Airport Authority.

q. That for any telecommunication tower approved after the effective date of this code that is discontinued, unused, or unoccupied by the telecommunication user for a continuous period of 365 days or more, the tower shall be removed within 30 days of notification of the property owner by the Planning Director.

D. Telecommunication Tower (250 feet and more)

1. Defined

Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers or monopole towers that is 250 feet or more in height. Does not include any structure erected solely for a residential, noncommercial individual use, such as television antennas, satellite dishes or amateur radio antennas.

2. Use Standards

Telecommunication tower 250 feet or more in height shall meet all of the following:

a. Radio or television or similar reception for adjoining properties will not be disturbed or diminished.

b. The height of the tower does not exceed 510 feet.

c. The lighting of the tower does not exceed the minimum standards of the Federal Aviation Administration for red obstruction lighting system contained in Advisory Circular No. 70/7460-IF dated 27 September, 1978, as the same may be amended.

d. The minimum yard setback from the outside dimensions of the tower, not from guy anchors, are as follows:

i. 20 feet from the property line of any adjoining lot or lot across a public street which is vacant and zoned a nonresidential district or any adjoining lot or lot across a public street which is developed without a dwelling, congregate care or congregate living structure, unless increased by subparagraph b. or c. below.

ii. 100% of the tower height, but no less than 50 feet, from the property line of either any lot which is developed at an average residential density of less than 15 dwelling units per acre or vacant lot located in a residential district.

iii. 50% of the tower height from the property line of any lot that is developed at an average residential density equal to or greater than 15 dwelling units per acre.

iv. The setbacks required by paragraphs b. and c. above shall not be applicable to any residential dwelling that is not a permitted use in the zoning district.

v. If one or more existing telecommunications towers is to be removed concurrently and replaced by a new tower, then that portion of the required setback exceeding 100 feet in paragraphs b. and c. above may be reduced by 15% for each additional telecommunication user in excess of the existing tower.

vi. For towers exceeding a height of 250 feet, or where one or more existing telecommunications towers is concurrently being removed and replaced with a new tower containing additional telecommunication users, this setback may be reduced by the City Council. In the case of a replacement tower, the City Council shall make a finding that the lesser setback will reduce the number of towers in the area. In all cases, City Council shall also make a finding that the lesser setback will not be injurious to property or improvements in the affected area. In no case shall the setback be reduced to less than 50% of the tower height.

e. The base of the tower and each guy anchor are surrounded by a fence or wall at least eight feet in height unless the tower and all guy anchors are mounted entirely on a building over eight feet in height. Except for fence and wall entrances, all fences and walls shall be screened with plant material so that no more than two-thirds of the surface of the fence or wall is visible, within three years after erection of the structure, from a public street or from any adjoining lot which contains a dwelling, congregate care or congregate living structure, or is zoned a residential district.

f. The area adjoining street rights-of-way shall contain a minimum street protective yard of 20 feet wide as measured perpendicular to the public street rights-of-way. This street protective yard shall comply with the requirements of §10-2082.5. No street yard shall be required along street frontage located a distance from the tower of more than twice the height of the tower.

g. In addition to this street protective yard, a transitional protective yard which contains the same plantings required in §10-2082.9 for low impact uses shall be installed within all the yard areas required in paragraph (4) above, which adjoin a lot containing a dwelling, congregate care, or congregate living structure, or zoned a residential district. The installation of any fence, wall, planting or earthen berm shall not reduce or lessen this requirement.

h. In instances where a telecommunication tower is locating on a developed lot in accordance with §10-2088, and the existing physical development on the lot precludes the full installation of the aforementioned protective yards, the City Council may approve an alternate method of compliance as set forth under the conditions of §10-2082.4.

i. The output power from the tower shall not exceed federally approved levels for exposure to electronic magnetic force (EMF).

j. If determined by the City that the proposed tower is situated in a location which will benefit the City's telecommunication systems, then, the tower shall be engineered and constructed to accommodate the additional telecommunicating equipment beneficial to the public system.

k. If the proposed tower is located on property that is zoned a residential district at the time of the special use hearing, the tower shall be either less than 75 feet in height or located no closer than 1,500 feet (determined by a straight line and not street distance) to a tower greater than 75 feet in height which was constructed after the effective date of this code.

l. If the proposed tower is located on property that is zoned a nonresidential district at the time of the special use hearing, the tower shall be either less than 100 feet in height or located no closer than 1,000 feet to a tower greater than 100 feet in height which was constructed after the effective date of this code.

m. The City Council may approve the construction of a tower which does not meet the above standards if evidence is provided which demonstrates

that reasonable effort has been made to lease space on an existing tower or that no existing tower will technically satisfy the applicant's specific needs.

n. If the tower is located within an Historic Overlay District or Metro Park Protection Overlay District, the tower does not exceed the maximum building height allowed within the underlying zoning district.

o. No tower shall be approved unless evidence is presented that at least one telecommunication user upon installation will occupy the tower. If the tower is between 100 feet and 150 feet in height, the tower shall be engineered and constructed to accommodate a minimum of two telecommunication users. If the tower equals or exceeds 150 feet in height but is less than 180 feet in height, the tower shall be engineered and constructed to accommodate a minimum of three telecommunication users. If the tower equals or exceeds 180 feet in height, but is less than 200 feet in height, the tower shall be engineered and constructed to accommodate a minimum of four telecommunication users. If the tower equals or exceeds 200 feet in height, the tower shall be engineered and constructed to accommodate a minimum of five telecommunication users.

p. Unless enclosed by a closed fence at least eight feet in height, the exterior appearance of all buildings, located in a residential district look like a residential dwelling, including without limitation, pitched roofs and frame or brick veneer construction. For each potential telecommunication user to occupy the tower, there shall be a minimum of 600 square feet reserved on the plans for associated buildings and equipment, unless the applicant provides evidence that less space is necessary.

q. That the applicant has provided evidence that the proposed tower meets Federal Aviation Administration requirements, and is in accordance with all the tower requirements and standards of the Raleigh Durham Airport Authority.

r. Associated buildings located in any residential district may not be used as an employment center for any worker. This provision does not prohibit the periodic maintenance or periodic monitoring of equipment and instruments.

s. The use will not be injurious to property or improvements in the affected area.

t. Unless otherwise specified by this permit, that within six months of approval of the special use permit, a grading permit, building permit, or zoning permit is obtained, and within one year of approval of this special use permit the tower is installed and operational, or the special use permit shall be void.

u. For any telecommunication tower approved after the effective date of this code, which is discontinued, unused, or unoccupied by the telecommunication user for a continuous period of 365 days or more, the tower shall be removed within 30 days of notification by the Planning Director.

Article 6.4. Commercial Uses

Sec. 6.4.1. Commercial Parking

A. Commercial Parking Use Category

Facilities that provide parking not accessory to a principal use, for which a fee may or may not be charged. Commercial parking includes the following uses:

1. Fee parking facility, short- or long-term.
2. Mixed parking lot (partially accessory to a principal use).
3. Park-and-ride facility.
4. Surface parking lot.

Sec. 6.4.2. Day Care

A. Day Care Use Category

Uses providing care, protection, and supervision of children or adults on a regular basis away from their primary residence. Care is typically provided to a given individual for fewer than 18 hours each day, although the facility may be open 24 hours each day. Day care includes the following uses:

1. Day care, home
2. Day Care center

B. Day Care, Home

1. Defined

A day care for a maximum of five persons in the residence of the provider where staffing complies with state and local regulations.

2. Use Standards

a. The day care must be carried on by a resident of the structure as either a sole proprietorship or a corporation that is wholly owned by the residents of the structure, or a partnership where all partners are residents of the structure.

b. The use of any accessory building or accessory structure for a day care is prohibited.

c. Any outdoor play equipment stored throughout the day and night shall not be permitted in the front setback nor shall it be situated closer than 15 feet from any adjoining lot containing a dwelling.

d. No person, other than members of the family residing on the premises, shall be engaged or employed. This shall not apply to a substitute non-resident person providing care on the premise while the owner/operator is sick or other wise unable to provide such care.

e. No more than five children shall be cared for at any given time.

C. Day Care Center

1. Defined

A day care for with more than five persons where staffing complies with state and local regulations. Includes nursery school and preschool.

2. Use Standards

a. The following minimum land areas per enrollee apply:

i. R-1, R-2, and R-4: 1,300 square feet.

ii. R-6: 800 square feet.

iii. R-10: 300 square feet.

b. Notwithstanding the requirements in the preceding sentences, each facility may increase enrollment 20% to provide for absenteeism of enrollees of a day care facility.

c. In a Residential District, one unlit announcement sign is allowed not to exceed two square feet in area and 3½ feet in height.

d. In a Residential District, a Type AI or A2 protective yard (see Sec. 7.2.2) must be established along any side of the property abutting a residential use.

Sec. 6.4.3. Indoor Recreation

A. Indoor Recreation Use Category

Generally commercial uses, varying in size, providing daily or regularly scheduled recreation-oriented activities in an indoor setting. Indoor recreation includes the following uses:

1. Adult establishment.

2. Amusement center, game arcade, children's amusement center.
3. Billiard hall, pool hall.
4. Bingo parlor.
5. Bowling alley.
6. Convention center, arena.
7. Dance, martial arts, music studio or classroom.
8. Health club.
9. Indoor shooting range.
10. Indoor sports academy.
11. Miniature golf facility.
12. Motor track.
13. Movie or other theater.
14. Skating rink.

B. Adult Establishment

1. Defined

Adult cabarets, adult media centers, sadomasochism centers, and any place contained in G.S. 14-202-10(b), excluding masseurs.

2. Use Standards

a. Except for permitted on-premise and off-premise signs, advertisements, displays or other promotional materials shall not be visible to the public from pedestrian sidewalks or walkways.

b. No more than one adult establishment is located in any 2,000-foot radius (determined by a straight line from property line to property line). Adult establishments which, because of their very nature, are recognized as having serious objectionable operational characteristics upon adjacent neighborhoods, particularly when they are concentrated. Special regulation of these establishments is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. To prevent an overconcentration of adult establishments and the creation of a de facto downgrading or blighting of surrounding neighborhoods; this radius requirement is necessary, unless otherwise determined under paragraph d. below.

c. No adult establishment is located within a 2,000-foot radius (determined by a straight line from property line to property line) of any place of worship, public or private school, specialty school, day-care facility, or any residential, RX-, OP, OX-, NX-, R-MP, or CMP district. Adult establishments, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when they are located near a residential zoning district or certain other districts which permit residential uses. Special regulation of these establishments is necessary to insure that these adverse effects will not contribute to a downgrading or blighting of surrounding residential districts or certain other districts which permit residential uses, unless otherwise, determined by paragraph d. below.

d. The Board of Adjustment may vary the radius requirements in paragraphs b. and c. above when it finds that:

   i. Practical difficulties or unnecessary hardships would result from the strict enforcement of the radius requirements.

   ii. The proposed use will not be injurious to property or improvements in the affected area.

   iii. The proposed use will not enlarge or encourage the development of a "skid row" area.

   iv. The permitting of an adult establishment in the area will not be contrary to any governmental program of neighborhood conservation, rehabilitation, improvement, or revitalization.

   v. All other applicable provisions of this chapter will be observed.

e. The proposed use will not adversely impact public services and facilities such as parking, traffic, police, and that the secondary effects of such uses will not adversely impact on adjacent properties. The secondary effects would include but not be limited to noise, light, stormwater runoff, parking, pedestrian circulation and safety.

f. When determining preponderance of adult materials, only those objects which have equal access and visibility shall be considered.

C. Health Club

1. Defined

A facility with equipment for exercising and improving physical fitness.

D. Indoor Sports Academy

1. Defined

A facility for indoor sports education or instruction.

Sec. 6.4.4. Medical

A. Medical Use Category

Facilities providing medical or surgical care to patients. Some uses may offer overnight care. Medical includes the following uses:

1. Ambulatory surgical center.
2. Blood plasma donation center, medical or dental laboratory.
3. Hospital, urgent care, emergency medical office.
4. Medical, dental office or chiropractor, osteopath, physician, medical practitioner.
5. Medical clinic.
6. Medical day care.

Sec. 6.4.5. Office

A. Office Use Category

Activities conducted in an office setting and generally focusing on business, professional or financial services. Office includes the following uses:

1. Offices including advertising, business management consulting, data processing, collection agency, professional service such as lawyer, accountant, bookkeeper, engineer, architect, sales office, travel agency.
2. Financial services such as lender, investment or brokerage house, bank, call center, bail bonds, insurance adjuster, real estate or insurance agent, mortgage agent.
3. Charitable institution (not providing housing or shelter).
4. Counseling in an office setting.
5. City, county, state, federal government office.
6. Radio, TV or recording studio, utility office.
7. Trade, vocational, business school.

B. Use Standards for Offices in a RX- District

An office located in a RX- District is subject to the following additional standards:

1. The use can only be located in first floor, corner unit of an apartment building type.
2. The unit cannot exceed 2,500 square feet in gross floor area.
3. Drive-thru facilities are not permitted.

Sec. 6.4.6. Outdoor Recreation

A. Outdoor Recreation Use Category

Generally commercial uses, varying in size, providing daily or regularly scheduled recreation-oriented activities. Such activities may take place wholly outdoors or within a number of outdoor structures. Outdoor recreation includes the following uses:

1. Drive-in theater.
2. Camp, campground, travel trailer park, recreational vehicle park.
3. Extreme sports facility such as paintball, BMX or skateboarding.
4. Golf course
5. Outdoor entertainment activity such as batting cage, golf driving range, mini-amusement park, miniature golf facility, water park.
6. Riding stable.
7. Outdoor shooting range.
8. Racetrack.
9. Sports academy for active recreational or competitive sports.
10. Stadium, arena, commercial amphitheater.

B. Golf Course

1. Defined

A facility consisting of a large landscaped area for playing golf. Includes executive or par three golf course and support facilities such as a country club, clubhouse and driving ranges.

2. Use Standards

A golf course located in a Residential District is subject to the following additional standards:

a. Field lighting must meet the requirements of Sec. 7.4.8. In addition, no illumination, when measured off the site, shall exceed four-tenths maintained footcandle of lighting.

b. Only the sale of merchandise associated with the golf course is permitted. No merchandise or advertisement shall be visible from the public right-of-way.

c. There shall be no external advertising or identification in any manner, except for tract identification sign that does not exceed the standards of Sec. 7.3.10.

C. Riding Stable

1. Defined

A facility for the boarding and riding of horses. Includes riding academy and equestrian center.

2. Use Standards

a. No part of any building or structure in which animals are housed shall be closer than 200 feet from any existing residential use, except for property owned or occupied by an owner or operator of the riding stable.

b. All horses connected with the riding stable shall be enclosed by fencing so that horses cannot to run at large.

c. Only one mature horse may be kept on a lot less than one acre. For lots from one to five acres in size, a maximum of three mature horses per acre may be kept. For lots greater than five acres, up to ten horses per acre maybe boarded if the setbacks as listed in paragraph d. below are increased to 200 feet from the property line.

d. Buildings, stables and riding rings may not be placed closer than 50 feet to any property line. However, the main manure storage area shall be no closer than 150 feet to any property line.

e. There shall be no on-premise external advertising or identification in any manner, except for one unlit announcement sign not exceeding nine square feet in area and 3½ feet in height.

Sec. 6.4.7. Overnight Lodging

A. Overnight Lodging Use Category

Accommodations arranged for short term stays of less than 30 days for rent or lease.

Overnight lodging includes the following uses:

1. Bed & breakfast.
2. Hotel, motel, inn.
3. Youth hostel.

B. Bed & Breakfast

1. Defined

A detached house or townhouse that is owner-occupied that has no more than five guest rooms. Breakfast is customarily served to guests.

2. Use Standards

a. The facility is located within one or more of the following:

i. An Historic Overlay District.

ii. A property designated in accordance with as an historic landmark.

iii. A property listed on the National Register of Historic Places.

iv. A property identified as a contributing structure within a National Register Historic District, as defined in the Code of Federal Regulations, as amended.

b. The facility is located in a structure which was originally constructed as a detached house or otherwise lawfully constructed for a use permitted within the district.

c. In a Residential District, no exterior advertising is allowed except a small unlit announcement sign not to exceed two square feet in area and 3½ feet in height.

d. No bed and breakfast can be located within 400 feet (determined by a straight line from property line to property line) of any other bed and breakfast.

Sec. 6.4.8. Passenger Terminal

A. Passenger Terminal Use Category

Public or commercial facilities for the takeoff and landing of planes and helicopters, and facilities for trains, buses, taxis or limo services. Passenger terminal includes the following uses:

1. Airport.
2. Airfield, landing strip.
3. Bus passenger terminal, multi-modal facility.
4. Heliport.
5. Railroad station.
6. Taxi dispatch center, limousine service.

B. Airfield, Landing Strip

1. Defined

An area of land where aircraft can take off and land. Does not include accommodations for passengers.

2. Use Standards

a. Design standards for an airfield shall be in accordance with Federal Aviation Administration requirements.

b. The length of the clear zone to be controlled and maintained by the airfield (no buildings allowed) such that future construction is prohibited is 1,000 feet.

c. There shall be a planted area at least 25 feet wide on both sides of the landing strip, provided and maintained by the airfield owner in such a manner as to minimize noise, dust and hazard from the field, in areas where in the opinion of the Board of Adjustment such protection is found to be desirable.

d. The area shall be so fenced as to prevent trespassing by animals or unauthorized persons.

C. Heliport, Serving Hospitals

1. Defined

Facility for the taking off and land of helicopters serving hospitals licensed by the State of North Carolina pursuant to N.C.Gen.Stat.§131E-176 et seq. that operates acute care beds as defined by 10A N.C.A.C. 14C.3801 as an accessory use.

2. Use Standards

a. Design standards for a heliport shall be in accordance with Federal Aviation Administration requirements.

b. The heliport is used only for emergency medical purposes.

D. Heliport, All Others

1. Defined

Facility for the taking off and land of helicopters.

2. Use Standards

Design standards for a heliport shall be in accordance with Federal Aviation Administration requirements.

Sec. 6.4.9. Personal Service

A. Personal Service Use Category

Facilities involved in providing personal services or repair services to the general public. Personal service includes the following uses:

1. Animal care.
2. Beauty/hair salon.

3. Catering establishment.
4. Cleaning establishment, dry-cleaning or laundry drop-off facility, laundromat, washeteria.
5. Copy center.
6. Funeral home, funeral parlor, mortuary, undertaking establishment, crematorium, pet crematorium.
7. Locksmith.
8. Optometrist.
9. Palmist, psychic, medium, fortune telling.
10. Post office.
11. Repair of appliance, bicycle, canvas product , clock, computer, jewelry, musical instrument, office equipment, radio, shoe, television or watch.
12. Tailor, milliner, upholsterer.
13. Tattoo parlor, body piercing.
14. Taxidermist.
15. Wedding chapel.

B. Animal Care (Indoor)

1. Defined

Any building or land used, designed or arranged for the care of animals without any outdoor activity. Includes animal grooming, animal hospital, veterinary clinic, pet clinic, animal boarding, animal shelter, cattery, kennel and doggy day care.

2. Use Standards

No outdoor activity associated with care of animals is allowed.

C. Animal Care (Outdoor)

1. Defined

Any building or land used, designed or arranged for the care of animals that includes outdoor activity. Includes animal grooming, animal hospital, veterinary clinic, pet clinic, animal boarding, animal shelter, cattery, kennel and doggy day care.

2. Use Standards

a. Exterior areas used to exercise, walk, or keep animals must be screened using a Type AI or A2 protective yard from adjacent residential properties in accordance with see Sec. 7.2.2.

b. All exterior exercise areas and runs must be fenced for the safe confinement of animals.

c. No animal may be outdoors between 10 PM and 6 AM.

d. No part of any building, structure or run in which animals are housed shall be closer than 150 feet from any property line, except property owned or occupied by an owner or operator; provided, that the minimum distance referred to above shall not apply if all portions of the facility in which animals are enclosed is located wholly within a building.

e. In the AP District, one unlit announcement sign not exceeding nine square feet in area and 3½ feet in height is allowed.

f. Signs in the IH District are regulated in accordance with Article 7.3.

D. Beauty/Hair Salon

1. Defined

A facility providing beauty enhancement treatments such as hairdressing, nail, tanning, facials and therapeutic massage. Includes barber.

2. Use Standards

A beauty/hair salon located in a RX- District is subject to the following additional standards:

a. The use can only be located in first floor, corner unit of an apartment building type located at the intersection of two public streets.

b. The unit cannot exceed 2,500 square feet in gross floor area.

E. Copy Center

1. Defined

A facility that provides printing, publishing, photocopying, packing, shipping and quick-sign services.

2. Use Standards

A copy center located in a RX- District is subject to the following additional standards:

a. The use can only be located in first floor, corner unit of an apartment building typelocated at the intersection of two public streets.

b. The unit cannot exceed 2,500 square feet in gross floor area.

F. Optometrist

1. Defined

A primary eye care provider who diagnoses, manages, and treats disorders of the visual system and eye diseases.

2. Use Standards

A optometrist located in a RX- District is subject to the following additional standards:

a. The use can only be located in first floor, corner unit of an apartment building type located at the intersection of two public streets.

b. The unit cannot exceed 2,500 square feet in gross floor area.

G. Use Standards for All Other Personal Service Uses

Any personal service located in a RX- District is subject to the following additional standards:

1. The use can only be located in first floor, corner unit of an apartment building type located at the intersection of two public streets.
2. The unit cannot exceed 2,500 square feet in gross floor area.
3. Drive-thru facilities are not permitted.
4. Tattoo parlors, body piercing, taxidermists and wedding chapels are not permitted.

Sec. 6.4.10. Restaurant/Bar

A. Restaurant/Bar Use Category

Facility that prepares and sells food and drink for on- or off-premise consumption. Restaurant/Bar includes the following uses:

1. Bar, nightclub, tavern, lounge.
2. Pizza delivery facility.
3. Restaurant, fast-food restaurant, take-out.
4. Yogurt or ice cream shop.

B. Bar, Nightclub, Tavern, Lounge

1. Defined

A facility licensed by the state.

C. Use Standards

1. A restaurant located in a RX- District is subject to the following additional standards:

   a. The use can only be located in first floor, corner unit of an apartment building type located at the intersection of two public streets.

   b. The unit cannot exceed 2,500 square feet in gross floor area.

   c. Drive-thru facilities are not permitted.

   d. Hours of operation shall be limited to between 6:00 am and 11:00 pm.

2. A restaurant located in a OX- District is subject to the following additional standards:

   a. The use must be located within a multi-story building containing another non-restaurant use.

   b. The floor area of the restaurant cannot exceed 15% of the gross floor area of the entire building or 4,000 square feet, whichever is greater.

   c. Drive-thru facilities are not permitted.

   d. The building must be at least 150 feet from an abutting Residential District (measured in straight line from the nearest point of the building to the boundary line of the district boundary line).

Sec. 6.4.11. Retail Sales

A. Retail Sales Use Category

Facilities involved in the sale, lease, or rental of new or used products. Retail sales includes following:

1. Antiques, appliances, art supplies, baked goods, bicycles, books, building supplies, cameras, carpet and floor coverings, crafts, clothing, computers, convenience goods, dry goods, electronic equipment, fabric, flowers, fuel

(including gasoline and diesel fuel), furniture, garden supplies, gifts or novelties, groceries, hardware, home improvement, household products, jewelry, medical supplies, music, musical instruments, office supplies, package shipping, pets, pet supplies, pharmaceuticals, photo finishing, picture frames, plants, printed materials, produce, seafood, souvenirs, sporting goods, stationery, tobacco, used or secondhand goods, vehicle parts and accessories, videos, and related products.

2. Art gallery.
3. Check cashing, payday loan.
4. Pawnshop.

B. Art Gallery

1. Defined

A place where works of art are exhibited and sold.

2. Use Standards

a. An art gallery located in a RX- District is subject to the following additional standards:

i. The use can only be located in first floor, corner unit of an apartment building type located at the intersection of two public streets.

ii. The unit cannot exceed 2,500 square feet in gross floor area.

b. An art gallery located in a OX- District is subject to the following additional standards:

i. The use must be located within a multi-story building containing another type of use.

ii. The floor area of the art gallery cannot exceed 15% of the gross floor area of the entire building or 4,000 square feet, whichever is greater.

C. Pawnshop

1. Defined

A shop where loans are made with personal property as security.

D. Use Standards for All Other Retail Uses

1. A retail sales use located in a RX- District is subject to the following additional standards:

a. The use can only be located in first floor, corner unit of an apartment building type located at the intersection of two public streets.

b. The unit cannot exceed 2,500 square feet in gross floor area.

c. Drive-thru facilities are not permitted.

d. Hours of operation shall be limited to between 6:00 am and 11:00 pm.

e. Vehicle fuel sales, check cashing and payday loan facilities are not permitted.

2. A retail sales use located in a OX- District is subject to the following additional standards:

a. The use must be located within a multi-story building an office use.

b. The floor area of the art gallery cannot exceed 15% of the gross floor area of the entire building or 4,000 square feet, whichever is greater.

c. Drive-thru facilities are not permitted.

d. Vehicle fuel sales, check cashing and payday loan facilities are not permitted.

Sec. 6.4.12. Vehicle Sales/Rental

A. Vehicle Sales Use Category

Direct sales, rental or leasing of passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats, and recreational vehicles. Vehicle sales includes the following uses:

1. Boats and other recreational vehicle sales.
2. Vehicle sales, rental or leasing.

B. Use Standards

1. A Type A1 or A2 transitional protective yard (see Sec. 7.2.2) must be established along all property lines abutting a residential use.
2. Car display shall not be artificially elevated above the general topography of the site.

3. No outside speaker system is permitted.
4. In a NX- District, the sales and leasing of motor vehicles for display shall be conducted within a fully-enclosed building. The outdoor display and storage of vehicles for sale or rental is not be permitted.

Article 6.5. Industrial Uses

Sec. 6.5.1. Heavy Industrial

A. Heavy Industrial Use Category

Any facility that involves dangerous, noxious or offensive uses or a facility that has smoke, odor, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, interference with radio, television reception, radiation or any other likely cause. Heavy industrial includes the following uses:

1. Asbestos, radioactive materials.
2. Animal processing, packing, treating, and storage, livestock or poultry slaughtering, concentrate plant, processing of food and related products, production of lumber, tobacco, chemical, rubber, leather, clay, bone, paper, pulp, plastic, stone, or glass materials or products, production or fabrication of metals or metal products including enameling and galvanizing.
3. Automobile dismantlers and recyclers.
4. Bulk storage of flammable liquids, chemical, cosmetics, drug, soap, paints, fertilizers and abrasive products.
5. Commercial feed lot.
6. Concrete batching and asphalt processing and manufacture, batch plant Earth moving, heavy construction equipment, transportation equipment.
7. Detention center, jail, prison.
8. Explosives, fabricated metal products and machinery Industrial sign-making.
9. Leather and leather products includes tanning and finishing.
10. Manufactured or modular housing sales.
11. Outdoor storage yard for vehicles.
12. Petroleum, liquefied petroleum gas and coal products and refining.
13. Primary metal manufacturing.
14. Pulp mill, rubber and plastic products, rubber manufacturing.
15. Scrap metal processors, sawmill, secondary materials dealers.
16. Trailer leasing, auction vehicle, broker vehicle.
17. Tire recapping, tobacco products, transportation equipment.

B. Use Standards

All outdoor activity must be screened by a Type C1 or C2 street protective yard as set forth in Sec. 7.2.2.

C. Outdoor Storage Yard for Vehicles

1. Defined

A facility for the impound and storage of vehicles that is operated by someone engaged in the wrecker or towing business.

2. Use Standards

a. A Type C1 or C2 street protective yard at least 12 feet in height (see Sec. 7.2.2) must be established along all property lines abutting a public right-of-way.

b. A Type B1 or B2 transitional protective yard (see Sec. 7.2.2) must be established along all shared property lines.

c. The facility is used exclusively for vehicle storage and no parts from stored vehicles are sold at wholesale or retail on that site.

d. The proposed storage yard is no closer than one mile (determined by a straight line from property line to property line) from another storage yard.

Sec. 6.5.2. Light Industrial

A. Light Industrial Use Category

Manufacturing, assembly, repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products mainly by providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Light industrial includes the following uses:

1. Brewery, winery.
2. Bus or rail transit vehicle maintenance or storage facility.
3. Contractors storage including janitorial and building maintenance service, exterminator, or other maintenance yard or facility, building, heating, plumbing, landscaping or electrical contractor and others who perform

services off-site, but store equipment and materials or perform fabrication or similar work on-site.

4. Food and beverage products except animal slaughter, stockyards.
5. Lawn, tree or garden service.
6. Laundry, dry-cleaning, and carpet cleaning plants.
7. Leather and leather products except tanning and finishing.
8. Lumberyard and wood products, sheet metal shop, soft drink bottling.
9. Stone, clay, glass, and concrete products.

Sec. 6.5.3. Light Manufacturing

A. Light Manufacturing Use Category

A facility conducting light manufacturing operations within a fully-enclosed building. Light manufacturing includes the following uses:

1. Bulk mailing service.
2. Clothing, textile apparel manufacturing.
3. Manufacture or assembly of equipment, instruments (including musical instruments), appliances, precision items, electrical items, sporting goods, office and art supplies, electrical equipment/items, paper products (except pulp mills), metal and glass products.
4. Office showroom/warehouse.
5. Printing, publishing, and lithography.
6. Production of artwork and toys, graphic design sign-making, movie production facility, photo-finishing laboratory.
7. Repair of scientific or professional instruments and electric motors.
8. Sheet metal, welding, machine, tool repair shop or studio.
9. Woodworking, including cabinet makers and furniture manufacturing.

Sec. 6.5.4. Research & Development

A. Research & Development Use Category

A facility focused primarily on the research and development of new products. Research and development includes the following uses:

1. Laboratories, offices, and other facilities used for research and development by or for any individual, organization, or concern, whether public or private.
2. Prototype production facilities that manufacture a limited amount of a product in order to fully investigate the merits of such a product.
3. Pilot plants used to test manufacturing processes planned for use in production elsewhere.
4. Production facilities and operations with a high degree of scientific input.
5. Facilities and operations in which the input of science, technology, research, and other forms of concepts or ideas constitute a major element of the value added by manufacture per unit of product.

Sec. 6.5.5. Self-Service Storage

A. Self-Service Storage Use Category

Facilities providing separate storage areas for personal or business use designed to allow private access by the tenant for storing or removing personal property. Self-service storage includes the following uses:

1. Warehouse, self-service.
2. Fully enclosed indoor multi-story storage.
3. Mini-warehouse.

B. Use Standards

1. The minimum size of the site is at least two acres.
2. All storage shall be contained within a fully-enclosed building. However, the storage of boats, RV's or other similar vehicles may be permitted in accordance with Article 7.5.
3. A Type A1 or A2 transitional protective yard (see Sec. 7.2.2) must be established along all property lines abutting a common lot line.
4. A Type B1 or B2 transitional protective yard (see Sec. 7.2.2) must be established along all property lines abutting a residential use.
5. Where fencing is placed adjacent to and is visible from the right-of-way, a Type C2 street protective yard (see Sec. 7.2.2) must be established along the property line.

Sec. 6.5.6. Vehicle Service

A. Vehicle Service Use Category

Repair and service to passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats, and recreational vehicles. Vehicle service includes:

1. Vehicle repair (minor).
2. Vehicle repair (major).
3. Vehicle repair (commercial vehicle).
4. Car wash.

B. Vehicle Repair (Minor)

1. Defined

A facility where minor vehicle repair and service is conducted. Includes audio and alarm installation, custom accessories, quick lubrication facilities, minor scratch and dent repair, bed-liner installation, and glass repair or replacement.

2. Use Standards

a. A Type A1 or A2 transitional protective yard (see Sec. 7.2.2) must be established along all property lines abutting a residential use.

b. The outdoor overnight storage of vehicles may be permitted in accordance with Article 7.5. Operable vehicles may be parked on-site during business hours.

c. There shall be no dismantling of vehicles for salvage.

d. The storage of impounded vehicles is not permitted.

e. No outside speaker system is permitted.

f. In the NX- District, a maximum of two service bay doors no more than 24 feet in width each is permitted on a two sides of the building maximum.

g. Service doors shall be closed except for entry and exit of automobiles.

C. Vehicle Repair (Major)

1. Defined

A facility where general vehicle repair and service is conducted, including transmission, brake, muffler and tire shops, along with body and paint shops.

2. Use Standards

a. A Type A1 or A2 transitional protective yard (see Sec. 7.2.2) must be established along all property lines abutting a residential use.

b. The outdoor overnight storage of vehicles awaiting repair may be permitted in accordance with Article 7.5. Operable vehicles may be parked on-site during business hours.

c. There shall be no dismantling of vehicles for salvage.

d. The storage of impounded vehicles is not permitted.

e. No outside speaker system is permitted.

D. Vehicle Repair (Commercial Vehicle)

1. Defined

Repair, service, washing, or accessory installation for commercial vehicles, including box trucks, 18-wheelers and construction or other heavy equipment.

E. Car Wash

1. Defined

Facility with mechanical or hand-operated equipment used for cleaning, washing, polishing, or waxing of motor vehicles.

2. Use Standards

a. Car wash facilities located within 200 feet of a Residential District (determined by a straight line from the property line to the district boundary line) shall meet the following requirements:

i. All washing, waxing, machine drying and related activities and operations shall be conducted entirely within an enclosed building (except for vehicular openings a maximum of 12 feet in width) with

the exception of vacuuming, hand washing, hand drying and hand waxing of vehicles, the sale of items from vending machines and refuse storage and disposal.

ii. No vehicular openings providing access to the enclosed building shall face the Residential District. For purposes of this section, the building wall providing access shall be at an angle greater than 60 degrees from the residential district line.

iii. All vacuuming and compression machines located outside of the enclosed building shall be of a design that does not exceed a noise level reading of 45 d/b/a, as measured from the property line, between the hour of 6:00 a.m. to 7:00 a.m. and 55 d/b/a at all other lawful hours of operation.

iv. Operation of the establishment shall be prohibited prior to 6:00 a.m. or after 11:00 p.m. on all days of the week. The hours of operation shall be required to be posted on site at a conspicuous location and all of the establishment's car wash equipment shall be rendered inoperable at all times other than during its hours of operation.

b. Accessory car wash facilities shall be prohibited unless one or more of the following exist:

i. Operation of the facility is after 6:00 a.m. and before 11:00 p.m. on all days of the week

ii. The car wash is equipped only with fully automatic wash equipment so the driver remains in their car during the entire wash process, and all other outdoor on-site customer activities such as vacuuming is prohibited.

Sec. 6.5.7. Warehouse & Distribution

A. Warehouse & Distribution Use Category

Facilities involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer with little on-site sales activity to customers. Warehouse and distribution includes the following uses:

1. Bulk storage, including nonflammable liquids, cold storage plants, including frozen food lockers, household moving and general freight storage, separate warehouse used by retail store such as furniture or appliance store .
2. Bus barn.
3. Commercial packing for fruits and vegetables.
4. Distribution facility, central postal facility.
5. Freight, service facility.
6. Outdoor storage yard for vehicles.
7. Parcel services.
8. Railroad switching yard, freight terminal, piggyback yard.
9. Transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred.
10. Trailer storage, drop off lot.
11. Truck or motor freight terminal, service facility.
12. Trucking operation.
13. Warehouse.

Sec. 6.5.8. Waste-Related Service

A. Waste-Related Service Use Category

Characterized by uses that receive solid or liquid wastes from others for transfer to another location and uses that collect sanitary wastes or that manufacture or produce goods or energy from the composting of organic material. Waste-related service includes the following uses:

1. Animal waste processing.
2. Landfill (debris From on-site)
3. Manufacture and production of goods from composting organic material.
4. Outdoor storage of recyclable material
5. Scrap Materials (indoor storage)
6. Solid or liquid waste transfer station, waste incineration.

B. Use Standards

1. A Type B1 or B2 transitional protective yard (see Sec. 7.2.2) must be established along all shared property lines.

2. A Type C1 or C2 street protective yard (see Sec. 7.2.2) must be established along all property lines abutting public right-of-way.

Sec. 6.5.9. Wholesale Trade

A. Wholesale Trade Use Category

Facilities involved in the sale, lease, or rent of products to industrial, institutional or commercial businesses only. The use emphasizes on-site sales or order-taking and often includes display areas. Businesses may or may not be open to the general public, but sales to the general public are not permitted. Products may be picked up on-site or delivered to the customer. Wholesale trade includes the following uses:

1. Mail-order house.
2. Sale or rental of machinery, equipment, heavy equipment, building materials, special trade tools, welding supplies, machine parts, electrical supplies, plumbing supplies, janitorial supplies, restaurant equipment, and store fixtures
   Wholesale sales of food, clothing, auto parts, building hardware and similar products.

Article 6.6. Open Uses

Sec. 6.6.1. Agriculture

A. Agriculture Use Category

The raising and harvesting of trees, vines, seeds, plants and crops, as well as the keeping, grazing or feeding of animals (including fish) for animal products, animal propagation, or value increase. Agriculture includes the following uses:

1. Animal raising including horses, hogs, cows, sheep, goats, and swine, poultry, rabbits, and other small animals, apiculture, aquaculture, dairying, personal or commercial animal breeding and development.
2. Community garden.
3. Crop production, soil preparation, agricultural services, large animal and veterinary services, farm labor and management services, research farm.
4. Floriculture, horticulture, pasturage, row and field crops, viticulture, tree or sod farm, silviculture, sale of agriculture products.
5. Fish hatcheries, fish farm.
6. Forestry, timber tracts, forest nursery, gathering of forest products.
7. Grain, fruit, field crop and vegetable cultivation and storage.
8. Hunting, trapping and game propagation.
9. Livestock, horse, dairy, poultry and egg products.
10. Livestock auction.
11. Milk processing plant.
12. Plant Nursery, fruit, vegetable sales.
13. Poultry slaughtering and dressing.
14. Restricted agriculture.
15. Wildlife sanctuary.

B. Community Garden

1. Defined

Areas of land managed and maintained by a group of individuals to grow and harvest food crops and non-food ornamental crops, for personal or group use, consumption, or donation. They may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group.

2. Use Standards

a. A community garden shall be primarily used for growing and harvesting food crops and ornamental crops, for consumption or donation or for sale off-site.

b. On-site sales may be permitted upon approval of a special use permit, following the procedures set forth in Sec. 11.2.10. Sales shall be restricted to horticultural and agricultural products produced on the premises.

c. Detached accessory structures such as storage or utility buildings, gazebos, trellises, or accessory greenhouse structures are permitted, subject to compliance with the requirements of the zoning district.

d. If security fencing is installed, such fencing shall be of an open design.

e. If lighting is installed, only motion-detecting fixtures shall be permitted. All-night lighting is prohibited.

f. Community gardens shall be managed and maintained in compliance with all applicable standards of this code and the City Code, including but not limited to those pertaining to: nuisance abatement, stormwater, site accessibility, signage, soil erosion and sedimentation control and any required tree conservation and landscaping.

g. Raising of animals is not permitted in a Residential District. When allowed the raising of animals is subject to the following conditions:

   i. The community garden must be in active use for the growing and harvesting of crops.

   ii. Hoofed animals are prohibited.

   iii. Chickens are permitted at rate of one chicken per 1,000 square feet of lot area not to exceed 10 chickens on any single lot. No roosters are allowed.

   iv. A maximum of two bee hives are permitted.

   v. Any coop, hutch, hive, or other structure for housing animals shall be located at least 25 feet from any property line.

C. Plant Nursery, Fruit, Vegetable Sales

1. Defined

A facility where horticultural and agricultural products produced on the premises are sold.

2. Use Standards

a. Sales shall be limited to agricultural products produced on the premises, hand-held garden tools, bags of fertilizer, mulch, and similar items normally associated with nursery or gardening operations.

b. Sales offices shall be limited to 100 square feet of gross floor area per acre of land area, but in no case exceed 1,000 square feet of gross floor area.

c. The use shall not be located within a Primary Reservoir Watershed Protection Area.

d. No more than one on-premise announcement sign not to exceed 12 square feet in area and 3½ feet in height.

D. Restricted Agriculture

1. Defined

The raising and harvesting of tree crops (excluding forestry), vine crops and horticultural specialties not requiring intense cultivation. The keeping or grazing of animals for animal products, animal propagation or value increase are not allowed.

E. Urban Farm

1. Defined

A farm located in an urban area and is owned by an individual, group, or organization.

Sec. 6.6.2. Resource Extraction

A. Resource Extraction Use Category

Characterized by uses that extract minerals and other solids and liquids from land. Resource extraction includes the following uses:

1. Dredging, earth extraction.
2. Extraction of phosphate or minerals.
3. Extraction of sand or gravel, borrow pit.
4. Land clearing for the purpose of resource extraction.
5. Metal, sand stone, gravel clay, mining and other related processing.
6. Stockpiling of sand, gravel, or other aggregate materials.

Article 6.7. Accessory Uses & Structures

Sec. 6.7.1. In General

A. Unless otherwise expressly stated, accessory uses are permitted in conjunction with allowed principal uses. Accessory uses must be accessory and clearly incidental and subordinate to a permitted principal use.

B. No accessory use may be established on a lot prior to the establishment of a permitted principal use.

C. The Planning Director is authorized to determine when a use or structure meets the definition of an accessory. In order to classify a use or structure as accessory, the Planning Director must determine that the use or structure:

1. Is subordinate to the principal use in terms of area, extent and purpose;
2. Contributes to the comfort, convenience or necessity of occupants of the principal use served;
3. Is located on the same site or lot as the principal structure or use, or on a contiguous site lot in the same ownership;
4. Does not involve operations not in keeping with the character of the principal use served; and
5. Is not of a nature likely to attract visitors in larger numbers than would normally be expected.

Sec. 6.7.2. Accessory Structures

1. Setback and height requirements for all accessory structures are established for each building type and are set forth in the district chapter (Chapter 2, Residential Districts, Chapter 3, Mixed Use Districts, Chapter 4, Special Districts).
2. No accessory structure may be located closer than 10 feet to any other building or structure on the same lot.

Sec. 6.7.3. Additional Standards for Specific Accessory Uses & Structures

A. Accessory Apartment

A small self-contained dwelling unit located within a detached house.

1. Only one accessory apartment is allowed per lot. Where a backyard cottage is proposed or exist, no accessory apartment is allowed associated with the same detached house.
2. The living area may not exceed the living area of the detached house. In no case shall the living area of the accessory apartment exceed 700 square feet.
3. One additional on-site parking space is required.

B. Backyard Cottage

Standards for a backyard cottage (a detached accessory dwelling unit) are established in Sec. 2.4.2.

C. Dish Antenna

An antenna whose purpose is to receive signals from orbiting satellites.

1. No dish antenna shall be located closer than 30 feet to a public right-of-way.
2. In a Residential District, no dish antenna shall have a dish of a diameter greater than twelve feet, unless located more than 100 feet from a property line.
3. In a Residential District, any antenna not mounted on a building that is over four feet in diameter shall be screened from the right-of-way and the property boundary of any abutting lot. The screen shall be made of plant materials, earthen berms, closed fences, or walls or any combination thereof that reduce the view from the abutting lot or right-of-way to a height of six feet above ground elevation year round. Fences or walls utilized for screening shall be architecturally compatible with other buildings and structures on the site. Planting shall be provided so that no more than two-thirds of the height of the fence or wall is visible form the abutting lot or right-of-way within five years of the erection of the closed fence or wall.
4. Roof-mounted dish antennas shall be screened from any public street that is open to vehicular traffic. All roof-mounted dish antennas exceeding four feet in diameter shall be constructed of mesh type material.

D. Garage for 5 or More Vehicles Accessory to a Dwelling

A special use permit may be issued in accordance with Sec. 11.2.10 for a garage for five or more motorized vehicles in a Residential District, if the Board of Appeals finds that the evidence presented at the hearing establishes that such a facility will not be injurious to property or improvements in the affected area and street traffic.

E. Home Occupation

An occupation that provides a service or product that is conducted wholly within a residential dwelling.

1. No nonresident employees are allowed. Clients, customers, patients and visitors are not allowed to visit the premises.
2. No display of goods, products, or services shall be visible from outside the residential dwelling.
3. The home occupation shall not exceed 25% of the livable portion of the residential dwelling.
4. No business storage or warehousing of material, supplies or equipment is permitted outside.
5. There must be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of a home occupation.
6. Only handmade items, foodstuffs, and crafts made on the premise may be offered for sale on the premises; no other goods, products or commodities bought for the express purpose of resale shall be sold at retail or wholesale on the premises nor shall such goods or products be stored or displayed on the premises.
7. No equipment, vehicle or process may be used that creates excessive noise, vibration, glare, fumes, odors, or electrical interference.
8. Only one vehicle used in connection with the home occupation shall be parked or stored on the premises; provided, however, the vehicle must not be a truck, such as but not limited to a dump truck, a fuel oil delivery truck or wrecker, and no advertising or reference to the home occupation may be displayed on the vehicle in any manner.
9. The requirements for shipping and receiving of materials in connection with the business does not create excessive noise or traffic.

F. Live-Work

An occupation that provides a service or product that is conducted wholly within a residential dwelling that allows employees, customers, clients or patrons to visit.

1. In a Residential District, a special use permit issued in accordance with Sec. 11.2.10 is required for a live-work unit
2. A minimum of one person must occupy the live-work unit as their primary place of residence.
3. The live-work unit may employ no more than two persons not living on the premises at any one time.
4. Work space within the unit may be used as an office, studio, gallery, beauty/hair salon, or for production involving the use of hand tools and small-scale, light mechanical equipment.
5. Resale of items, such as, but not limited to, antiques, jewelry and clothing may be permitted in addition to handmade items produced in the home.
6. No business storage or warehousing of material, supplies or equipment is permitted outside.
7. Except for permitted signage, there must be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the work inside.
8. Signage is limited to one unlit wall or projecting sign no larger than three square feet in area, attached to the structure housing the live-work unit.
9. No equipment, vehicle or process may be used that creates excessive noise, vibration, glare, fumes, odors, or electrical interference.
10. No specialty service, such as but not limited to dance instruction, crafts, or music lessons shall be provided for a group larger than five persons.
11. No more than five customers are permitted on the premises at any one time.
12. The requirements for shipping and receiving of materials in connection with the business does not create excessive noise or traffic.

G. Recreational Use Related to a Residential Development

1. Recreational use is limited to the following facilities: clubhouse, docks, exercise rooms, game and craft rooms, gymnasiums, party and reception rooms, pedestrian and equestrian trails, picnic areas, play courts, such as

basketball, racquetball, and tennis courts, golf courses, driving ranges, play fields, playgrounds, sauna baths, swimming pools, tanning facilities.

2. These uses are allowed only as part of a multi-unit development, conservation development, planned residential development, manufactured home park, congregate care facility.
3. Nonresident memberships or fees paid by the general public shall not be permitted. This prohibition shall not be construed to disallow membership fees for residents of the development and their guests made on an installment basis of not less than monthly, rather than on any pay-for-use, hourly, daily or weekly basis. Membership fees are allowed for any recreational use related to a residential development if it also complies with all regulations of a recreational use restricted to membership, either commercial or not for profit.
4. The recreation facilities shall be owned by either a not for profit organization, a homeowners association, or multi-unit development owner.
5. Any pool with any linear dimension greater 65 feet or with any area in excess of 4,000 square feet must be approved as special use permit in accordance with Sec. 11.2.10.
6. No signage, storage, merchandise, or display including display windows shall be visible from outside of recreational use.
7. Parking for the recreational uses shall be provided in accordance with Article 7.1. However, the number of required parking spaces may be reduced by the ratio of the total parking required for the residential uses that are located within 400 feet of the recreation use to the total required parking for all residential uses in the development.

H. Religious Shelter Unit

Temporary housing associated with a place of worship that is for counseling, education and referral services for the temporary residents.

1. The facility is an accessory use to place of worship or synagogue and occupies a floor area of no more than 10% percent of the gross floor area in any one complex.
2. It houses no more than 12 residents at any one time provided that a minimum floor space of 100 square feet of space is provided for each person sheltered.
3. No individual or family resides at the facility for a period longer than 18 months, and no person or family shall be readmitted until at least 14 days have elapsed from the last residency.
4. It is located in a place of worship which is established on the site for a period of one year or longer.
5. It provides an employee or volunteer to maintain continuous on-site supervision.
6. No religious shelter unit may be located within ¾-mile radius of another religious shelter unit (determined by a straight line from property line to property line).
7. It is not located within a Primary Reservoir Watershed Protection Area or an Airport Overlay District.

Article 6.8. Temporary Uses

Sec. 6.8.1. Applicability

A temporary use permit is intended to allow for the short-term placement of activities, many of which would be not allowed on a permanent basis. The following regulations govern temporary uses .

Sec. 6.8.2. Temporary Use Permit Required

The following temporary uses are allowed subject to approval of a temporary use permit issued in accordance with Sec. 11.2.16.

A. Temporary Event

1. A temporary event lasting one day shall be permitted without complying with the conditions below; provided that no more than three temporary events in any one calendar year shall be permitted on that premise.
2. All temporary events lasting more than one day or occurring more than three times on any premise in any one calendar year shall meet all of the following:
   a. No premise shall be the site of temporary events exceeding a collective total of 20 days, or four weekends, within any one calendar year.
   b. All outdoor activities shall be discontinued by 11:00 p.m. when located closer than 500 feet to a residential use or a congregate care facility.
   c. No unauthorized encroachments on public rights-of-way are allowed.

B. Fund Raising Activity for a Civic Use in a Residential District

1. The fund raising activity is on a periodic basis.
2. Activities are discontinued by 11:00 p.m.

C. Outdoor Mobile Vending Cart

An outdoor mobile vending cart is allowed in any mixed use district subject to the following requirements:

1. Outdoor mobile vending carts shall be located on the same lot as a principal building. The minimum lot size is 2½ acres.
2. The maximum number of outdoor mobile vending carts per lot shall be in accordance with the following:
   a. One outdoor mobile vending cart on lots less than five acres.
   b. Two outdoor mobile vending carts on lots of five acres or greater but less than ten acres.
   c. Three outdoor mobile vending carts on lots of 10 acres or greater but less than 15 acres.
   d. Four outdoor mobile vending carts on lots of 15 acres or greater.
   e. A maximum of one outdoor mobile vending cart when tenant occupancy equates to less than 50% of the gross floor area of the principal buildings.
   f. The amount of space occupied by outdoor mobile vending carts shall not exceed one percent of the occupied floor area gross of the principal buildings.
3. The dimensions of any outdoor mobile vending cart may not exceed the following:
   a. 50 square feet in area.
   b. A maximum length or width of 10 feet and a maximum height of eight feet.
   c. The maximum height of eight feet shall include any protection provided for the vendor or customer from outdoor conditions in the form of an umbrella, or other protective covering which must be attached to the cart.
4. All signage must be attached to the cart and shall be limited to a maximum of 32 square feet.
5. All required Wake County and city of Raleigh permits and licenses shall be clearly displayed on the vending cart.
6. The vending cart must be located within 25 feet of a principal building facade containing a primary pedestrian entrance, located no closer than ten feet to any entrance or exit and may not be situated such that the free flow of pedestrian or vehicular traffic is restricted.
7. Hours of operation for any outdoor mobile vending cart shall be limited to the hours of operation of the associated principal use, but in no event be in operation between the hours of 11:00 p.m. and 8:00 a.m.
8. Sales of goods and merchandise shall be limited to food and beverage items, fresh cut flowers, and original artworks and handicrafts.

D. Residential Development Sales Office or Model Home

1. The use of the office shall be for the initial sale or lease of properties or buildings within the residential development.
2. There shall be no signage for a residential development sales office or model home on the premises in a Residential District except for one unlit ground announcement sign not to exceed six square feet in area, and 3½ feet in height and be located on the sales office or model home lot.
3. For a developing residential subdivision, any phase containing a residential development sales office or model home shall contain a minimum of five acres and intended for a minimum of ten residential properties.
4. The building may be used for sales purposes for a period of three years, but the period can be extended by the Planning Director on a semi-annual basis, provided the owner can show reasonable cause for such extensions and the unit remains occupied and used. In no event will the sales office or model home be continued when all of the properties of the development phase or building are sold or leased, excluding the sales office lot or model home lot within a subdivision.
5. No sales office or model home shall be used for any other retail purpose.
6. For a developing residential subdivision, the building must be located on an approved lot intended to be occupied by a dwelling unit, except for facilities located in recreational buildings. For all residential developments, the building must be located to comply with applicable district dimensional standards.
7. The building used for the sales office is either constructed and intended for ultimate residential use as part of the residential development or a temporary modular office unit. If a temporary modular office unit is constructed, the following additional conditions shall be met:
    a. The modular office unit must be placed on a proper foundation, as recommended by the manufacturer.
    b. Skirting and natural planting shrubs shall be installed around all sides of the modular office unit in accordance with the following:
        i. Skirting shall consist of any weatherproof material providing a visual barrier between the underside of the modular office unit and the stand; and
        ii. All natural shrubs shall be evergreen, a minimum of 36 inches tall, and planted five foot on center, but no one side shall have less than two plants.
    c. At the end of the maximum time period allowed for this use per, the property owner shall remove the temporary modular office unit, the foundation and all other physical structures such that natural plant materials shall solely occupy the lot until such time that a permanent use allowed within the district is established.

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Article 7.1. Parking

Sec. 7.1.1. Applicability

A. General

No permit for the construction, reconstruction, extension, repair, or alteration of any building, structure, or use of land, and no building or land, or any part of any building or land, may be occupied or used until parking has been provided in accordance with the requirements of this code.

B. Additions

1. A building or site may be renovated or repaired without providing additional parking, provided there is no increase in gross floor area or improved site area.
2. When a building, use or site is increased in gross floor area or improved site area by up to 25%, parking is required for the additional floor or site area only.
3. When the gross floor area or improved site area is increased by more than 25%, both the existing use and the additional floor or site area must conform to the parking requirements.

C. Change in Use

1. A change in use must comply with the parking requirements unless the use has the same or a lesser parking demand than the previous use.
2. No additional parking shall be required for a new use with a parking ratio less than 25% higher than the existing parking requirement (not the actual spaces).
3. In calculating required parking for a new use with a parking ratio greater than 25% higher than that required for the existing use, additional parking shall only be required for the difference between the current parking ratio (not the actual spaces) and the parking ratio for the new use.

D. Streets and Parking Handbook Applies

All on-site parking spaces and areas must comply with the Streets, Sidewalks and Driveway Access Handbook (latest edition). The Planning Director shall keep a true and correct copy of the Handbook on file for public inspection upon request.

Sec. 7.1.2. Required Parking

A. Calculation of Required Parking

1. Vehicle and bike parking shall be provided in accordance with Sec. 7.1.2C. Where a use is not specifically listed or only a broad use category is shown, the Planning Director has the responsibility for categorizing the use in accordance with see Sec. 6.1.2.
2. When a lot is used for a combination of uses, the parking requirements are the sum of the requirements for each use, and no parking space for one use can be included in the calculation of parking requirements for any other use, except as allowed as in Sec. 7.1.4B.
3. In determining the required number of parking spaces, fractional spaces are counted to the nearest whole number, with one-half counted as an additional space.

B. Alternative Parking Study

1. Unless an alternative parking study is approved at the time of site plan review, the parking ratios of this code apply.
2. The required parking ratios may be modified where applicant-submitted parking data, prepared and sealed by a registered engineer in the State of North Carolina with transportation expertise, illustrates that required parking ratios do not accurately apply to a specific development.
3. The data submitted for an alternative parking study must include, at a minimum, the size and type of the proposed development, the mix of uses, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads of all uses.

C. Parking Requirements by Use

Use Category Specific Use	Vehicle Parking (min)	Short-Term Bicycle Parking (min)	Long-Term Bicycle Parking (min)
RESIDENTIAL			
Household Living			
Single-unit living	1 space per unit	None	None
Two-unit living	1.5 spaces per unit	None	None
Multi-unit living: 0 - 1 bedroom Multi-unit living: 2 bedrooms Multi-unit living: 3 bedrooms Multi-unit living: 4 bedrooms Multi-unit living: 5+ bedrooms	1 space per unit + 1 per 5 units for visitors 2.0 spaces per unit + 1 per 5 units for visitors 2.5 spaces per unit + 1 per 5 units for visitors 3.0 spaces per unit + 1 per 5 units for visitors 3.5 spaces per unit + 1 per 5 units for visitors	1 space per 20 units, minimum 3	1 space per 5 units (developments with 10 or more units)
Manufactured home park	2 spaces per unit	None	None
Multi-unit supportive housing residence	1 space per 4 beds + 1 space, minimum 4 spaces	None	None
Supportive housing residence	1 space per 4 beds + 1 space, minimum 4 spaces	None	None
Group Living, all uses except as listed below:	1 space per 2 beds	None	None
Boardinghouse	1.5 spaces per bedroom	None	None
Congregate care	1 space per 3 units + 1 per 400 SF administrative, employee, staff work area	None	None
Fraternity, sorority	1.5 spaces per bedroom	1 space per 20 bedrooms, minimum 3	1 space per 5 bedrooms (developments with 10 or more bedrooms)
Social Service, all uses except as listed below:	1 space per 400 SF of gross floor area	None	None
Emergency shelter type A, type B	1 space per 8 persons of approved capacity	None	None
Special care facility	1 space per 8 enrollees, minimum 4 spaces	None	None
Transitional home, halfway house	1.5 spaces per bedroom	1 space per 20 bedrooms, minimum 3	1 space per 5 bedrooms
PUBLIC & INSTITUTIONAL			
Civic	1 space per 400 SF of gross floor area	1 space per 5,000 SF of gross floor area, minimum 3	None
Cemetery	3 spaces per acre of land utilized as grave space	None	None
College, community college, university	Alternative parking study required		
Place of worship	1 space per 8 seats in principal assembly room	1 space per 40 seats in principal assembly room, minimum 3	None
School, public or private (K-8)	1 space per classroom	1 space per 2 classrooms	3 spaces per classroom
School, public or private (9-12)	1 space per 600 SF of academic space	1 space per classroom	5 spaces per classroom
Parks and Open Space	None	None	None
Minor Utilities	1 space per 400 SF of gross floor area (office)	None	None
Major Utilities	1 space per 400 SF of gross floor area (office)	None	None

Use Category Specific Use	Vehicle Parking (min)	Short-Term Bicycle Parking (min)	Long-Term Bicycle Parking (min)
COMMERCIAL			
Day care, All uses except as listed below:	1 space per 10 enrollees + 1 per 2 employees	None	1 space per 10,000 SF of gross floor area, minimum 2
Day care, home	None	None	None
Indoor Recreation, except as listed below:	1 space per 300 SF of gross floor area	1 space per 5,000 SF of gross floor area, minimum 3	None
Convention center, arena	Alternative parking study required		
Medical, All uses except as listed below:	1 space per 400 SF of gross floor area	Minimum 3 spaces	1 space per 5,000 SF of gross floor area
Hospital	Alternative parking study required		
Medical, dental office	1 space per 300 SF of gross floor area	Minimum 3 spaces	1 space per 5,000 SF of gross floor area
Office	1 space per 400 SF of gross floor area	Minimum 3 spaces	1 space per 5,000 SF of gross floor area, minimum 3
Outdoor Recreation	Alternative parking study required		
Overnight Lodging, All uses except as listed below:	1 space per room	1 space per 10,000 SF of gross floor area, minimum 3	1 space per 5,000 SF of gross floor area
Hostel	1 space per 10 beds, minimum of 2 spaces	1 space per 20 beds, minimum 3	1 space per 10 beds
Passenger Terminal	Alternative parking study required		
Personal service	1 space per 400 SF of gross floor area	1 space per 5,000 SF of gross floor area, minimum 3	None
Restaurant/Bar	1 space per 150 SF of gross floor area or 1 space per 5 seats, whichever is greater	1 space per 5,000 SF of gross floor area, minimum 3	None
Retail Sales	1 space per 300 SF of gross floor area	1 space per 5,000 SF of gross floor area, minimum 3	None
Vehicle Sales/Rental	1 space per 1,000 SF of gross floor area	None	None

Use Category Specific Use	Vehicle Parking (min)	Short-Term Bicycle Parking (min)	Long-Term Bicycle Parking (min)
INDUSTRIAL			
Heavy Industrial	Alternative parking study required		
Light Industrial	1 per 600 SF of office space + 1 per 3,000 SF of additional indoor area	None	1 space per 10,000 SF of gross floor area, minimum 3
Light Manufacturing	1 per 600 SF of office space + 1 per 3,000 SF of additional indoor area	None	1 space per 10,000 SF of gross floor area, minimum 3
Research & Development	1 per 600 SF of office space + 1 per 3,000 SF of additional indoor area	None	1 space per 10,000 SF of gross floor area, minimum 3
Self-Service Storage	1 space per 100 storage units	Minimum 3 spaces	None
Vehicle Service	1 space per 600 SF of gross floor area	None	1 space per 10,000 SF of gross floor area, minimum 3
Warehouse & Distribution	1 per 600 SF office space + 1 per 3,000 SF of additional indoor area	None	1 space per 10,00 SF of gross floor area, minimum 3
Waste-Related Service	Alternative parking study required		
Wholesale Trade	1 per 600 SF office space + 1 per 3,000 SF of additional indoor area	None	1 space per 10,00 SF of gross floor area, minimum 3
OPEN			
Agriculture	Alternative parking study required		
Resource Extraction	Alternative parking study required		

Sec. 7.1.3. Vehicle Parking Reductions

A. Downtown District (DX-)

1. General Requirements

a. One parking space is required per dwelling unit; however, no more than two on-site parking spaces per dwelling unit are allowed.

b. No vehicle parking is required for the first 16 dwelling units.

c. One parking space per 500 square feet is required for all nonresidential gross floor area or the minimum number of parking spaces set forth in Sec. 7.1.2, whichever is less.

d. No vehicle parking is required for the first 10,000 square feet of gross floor area of any nonresidential use.

e. No vehicle parking is required for the following uses and use categories up to 30,000 square feet of gross floor area provided at least 25% of the ground floor of the building is occupied by such uses:

i. Indoor recreation;

ii. Personal service;

iii. Restaurant/bar;

iv. Retail sales; and

v. Banks.

f. No combination of the reductions in paragraphs d. and e. shall exceed 30,000 exempted square feet of gross floor area.

g. No parking is required for an indoor movie theater.

2. Parking Fee in Lieu

a. A fee may be paid in lieu of complying with the minimum parking requirements.

b. The amount of payment for each required parking space is fixed by resolution adopted from by the City Council, but in no case does the cost exceed the estimated, normal, current cost to the city of providing required parking spaces to serve the contemplated use.

c. Fees paid in accordance with this provisions are collected to fund a general public parking program and are not intended for any specific improvement project.

d. Any parking requirement satisfied in this manner shall run with the land, and any subsequent change of use that requires more parking shall require subsequent action to satisfy the additional parking requirement.

B. TOD Overlay District (-TOD)

1. One parking space is required per dwelling unit; however, no more than two on-site parking spaces per dwelling unit are allowed.

2. No vehicle parking is required for the first 16 dwelling units.

3. One parking space per 500 square feet is required for all nonresidential gross floor area or the minimum number of parking spaces set forth in Sec. 7.1.2, whichever is less.

4. No vehicle parking is required for the first 10,000 square feet of ground story gross floor area that meets the ground story height and ground story transparency requirements for a mixed use building (see Sec. 3.2.6).

5. Surface parking associated with a nonresidential use may not exceed a rate of one parking space per 300 square feet of gross floor area. Parking spaces provided in an underground or structured parking garage do not count toward the maximum number of spaces permitted.

C. Urban Frontage (-GR, -UL, -UG - SH)

1. One parking space is required per dwelling unit; however, no more than two on-site parking spaces per dwelling unit are allowed.

2. No vehicle parking is required for the first 16 dwelling units.

3. One parking space per 500 square feet is required for all nonresidential gross floor area or the minimum number of parking spaces set forth in Sec. 7.1.2, whichever is less.

4. No vehicle parking is required for the first 10,000 square feet of ground story gross floor area that meets the ground story height and ground story transparency requirements for a mixed use building (see Sec. 3.2.6).

5. Restaurants (regardless of size) within 100 feet of a Residential District, with hours of operation extending past 11 PM, must provide parking for the entire floor area devoted to the restaurant at a rate of at one parking space per 150 square feet of gross floor area or one space per five seats, whichever is greater.
6. Urban frontages in a DX- District shall use the requirements of Sec. 7.1.3A.
7. Urban frontages in a -TOD Overlay shall use the requirements of Sec. 7.1.3B.

D. Proximity to Transit

1. A 10% reduction in the number of required parking spaces for is allowed for uses with a main entrance is within a walking distance of 1,320 feet of a operating transit stop, with service from 6 AM to 8 PM where service intervals are no longer than 15 minutes during peak commute hours.
2. The transit reduction only applies outside of a DX- District, -TOD Overlay and an Urban Frontage.

E. Affordable Housing

1. A 20% reduction in the number of spaces is allowed for each affordable housing dwelling unit provided an operating bus transit stop is within a walking distance of 1,320 feet of the property boundary of site.
2. The affordable housing reduction applies only to required spaces for dwelling units. If required, visitor spaces must be provided at the standard rate.

F. Senior Housing

1. Dwelling or rooming units restricted to residents 62 years and older are only required to provide 0.5 spaces per dwelling or rooming unit.
2. The senior housing reduction applies only to required spaces for dwelling or rooming units. If required, visitor spaces must be provided at the standard rate.

G. Private Car Sharing Program

1. A reduction in the number of required parking spaces for residential units is allowed where an active on-site car-sharing program is made available for the exclusive use of residents.
2. The parking requirements for all dwelling units may be reduced by five spaces for each car-share vehicle provided. If required, visitor spaces cannot be substituted.

Sec. 7.1.4. Special Vehicle Parking Provisions

A. Shared Parking

1. An applicant may request shared parking to meet the minimum vehicle parking requirements for mixed use projects, or for multiple uses that are located near one another, and which have different peak parking demands or operating hours.
2. Applicants wishing to use shared parking as a means of reducing the total number of required spaces may submit a shared parking analysis using the Urban Land Institute (ULI) Shared Parking Model (latest edition). The analysis must be prepared and sealed by a registered engineer in the State of North Carolina with transportation expertise.
3. The shared parking analysis must establish that the subject uses will use the shared parking spaces at different times of the day, week, or month. A shared parking analysis shall, at a minimum address:
   a. The intensity and type of activities and the composition of uses;
   b. Hours of operation of the uses;
   c. The rate of turnover for proposed spaces;
   d. Distances of shared parking spaces from the uses they serve; and
   e. The anticipated peak parking and traffic loads for the site.
4. Reserved parking spaces for a specific tenant or dwelling unit may not be included in the shared parking calculation.

B. Remote Parking

1. Required parking spaces may be permitted on a separate site from the site on which the principal use is located if the remote parking complies with of following.

District	Customer Parking
DX-	2,640 feet
Urban Frontage	1,320 feet
TOD Overlay	1,320 feet
All other mixed use districts	660 feet
Residential district	by special use permit
Special district	660 feet

2. Remote parking spaces are measured in walking distance from the nearest point of the remote parking area to the primary entrance of the use served.

3. Remote parking must be located completely within a mixed use district.

C. Valet Parking

Valet parking may be permitted as a means of satisfying the parking requirements where all of the following standards have been met:

1. An attendant is provided to park vehicles during all business hours of the use utilizing the valet parking.
2. An equivalent number of valet spaces are available to replace the number required on-site parking spaces.
3. Valet spaces do not require individual striping, and may take into account the mass parking of vehicles.

D. Tandem Parking

1. Tandem parking is allowed for single-unit, two-unit and multi-unit living.
2. Two parking spaces in tandem must have a combined minimum dimension of 8.5 feet in width by 36 feet in length.
3. Both parking spaces in tandem must be assigned to the same dwelling unit.
4. Tandem parking may not be used to provide guest parking.

E. Reserved Parking

Parking spaces may be reserved for a specific tenant or unit, provided that the following standards are not exceeded:

1. Residential

a. One space per efficiency or one-bedroom multi-living dwelling unit.

b. Two spaces per two-bedroom or greater multi-living dwelling unit.

2. Nonresidential

No more one-third of the total provided spaces may be reserved.

F. Queuing Areas

1. Adequate space must be made available on-site for the stacking, storage, and queuing of vehicles.
2. Vehicles using drive-thru facilities may not encroach on or interfere with the public use of streets and sidewalks by vehicles or pedestrians.
3. A restaurant with drive-thru facilities must provide at least eight queuing spaces for vehicles when one drive-thru lane exists and six spaces at each drive-thru when more than one lane exists.
4. A bank with drive-thru facilities must provide at least three queuing spaces per drive-thru lane.

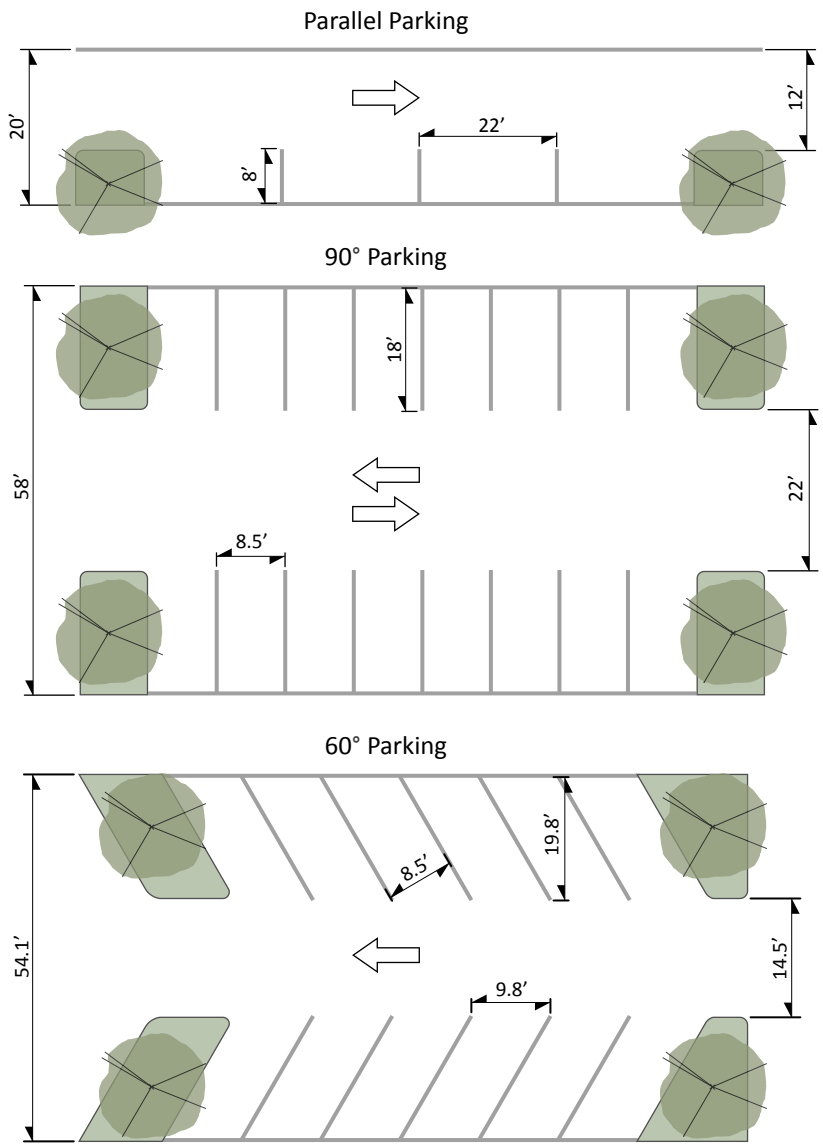
Sec. 7.1.5. Vehicle Parking Location and Layout

A. Location

1. Required parking spaces must be located on the same lot they are intended to serve, except where specifically allowed in Sec. 7.1.4C.
2. All on-site parking shall be arranged so that no vehicle is forced onto any public street, not including an alley, to gain access from one parking aisle to another parking aisle.

B. Layout

1. Parking spaces and drive aisles must meet the following dimensions. Parking spaces and drive aisles using dimensions other than those specified may be approved if prepared and sealed by a registered engineer in the State of North Carolina with expertise in parking facility design, subject to a determination by the Public Works Director.
2. Within a structured parking facility, up to 30% of the total parking spaces provided may be compact spaces. No more than two compact parking spaces may abut each other. Compact spaces can be reduced to 7.5 feet in width and 15 feet in length. All compact parking spaces must be clearly and visibly striped and labeled for compact car use only. Other than the stall width and length reduction, compact parking spaces must comply with all other parking layout standards.



Sec. 7.1.6. Vehicle Parking Lot Landscaping

A. Applicably

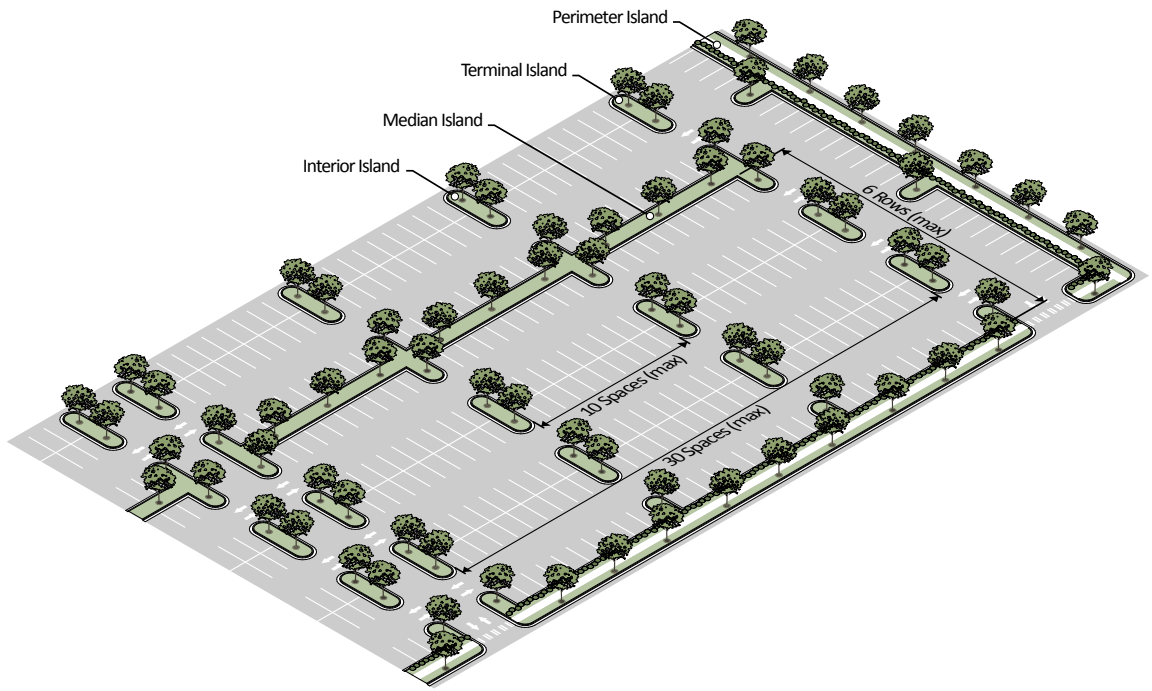
1. This section applies to all on-site surface parking areas with more than 20 spaces. At least one tree must be planted in each surface parking area under 20 spaces.
2. In an Urban Frontage or -TOD Overlay, this section applies only to on-site surface parking areas with more than 40 parking spaces.
3. For purposes of this section, multiple platted lots contained on a single site plan are considered a single parking area.
4. All surface parking areas of any size within any district with frontage on any portion of a street right-of-of way (not including an alley) must be screened along the street edge by a Type C3 street protective yard as set forth in Sec. 7.2.2C.

B. Perimeter Islands

1. A landscape perimeter island shall be provided along primary internal access drives.
2. A landscaped perimeter island must be a minimum of six feet wide, landscaped with shrubs installed at a rate of 30 shrubs per 100 linear feet. Shrubs shall attain a minimum size of 30 inches in height within three years of planting. All shrubs shall be a minimum of 18 inches in height when planted.
3. A perimeter island may also serve as the location for a sidewalk connecting the use and the street. In such case, the sidewalk shall be a minimum of six feet wide, and the remaining planting area shall be no less than five feet wide.

C. Interior Islands

1. A landscaped interior island must be provided every 10 parking spaces. Interior islands must be distributed evenly throughout the parking area.
2. An interior island must be a minimum eight feet in width and be a minimum of 300 square feet in area.



3. All rows of parking must terminate with a landscaped interior terminal island. No more than 30 parking spaces may located between terminal islands.
4. Interior islands may be consolidated or intervals may be expanded in order to preserve existing trees.

D. Median Islands

1. A landscape median island must be provided between every six single parking rows.
2. A landscape median island must be a minimum of six feet wide.
3. A median island may also serve as the location for a sidewalk connecting the parking and the use served by the parking area. The sidewalk must be a minimum of five feet wide. If trees or shrubs are planted in the median, the median with must be expanded by at least five feet.
4. Median islands may be consolidated or intervals may be expanded in order to preserve existing trees.

E. Tree Coverage

1. Each interior island (and terminal interior island) must include at least one natural shade tree.
2. In no case shall there be less than one natural shade tree for every 2,000 square feet of parking area. In an Urban Frontage or -TOD Overlay, there be less than one natural shade tree for every 4,000 square feet of parking area.

F. Tractor Trailer Staging, Loading and Parking in IH Districts

The parking lot landscaping provisions do not apply to areas specifically designated for tractor trailer staging and loading areas and tractor trailer parking areas provided the staging, loading or parking area is screened along the street edge by a Type C1 or C2 street protective yard as set forth in Sec. 7.2.2C.

Sec. 7.1.7. Bicycle Parking Facilities

A. Exemptions

In no case is a single use required to provide more than 30 bicycle parking spaces.

B. Required Types of Bicycle Parking Facilities

1. General Provisions

Bicycle parking may be provided through various types of facilities, provided the facility meets the following:

a. Bicycle racks are securely anchored, are easily usable with both U-locks and cable locks and support a support a bicycle at two points of contact to prevent damage to the bicycle wheels and frame.

b. Spacing of the racks shall provide clear and maneuverable access.

c. Where a bike can be locked on both sides without conflict, each side can be counted as a required space.

d. Each required bicycle parking space must be at least two feet by six feet.

e. Facilities may be placed on private property or within the public right-of-way. Facilities in the public right-of-way must be approved by the Public Works Director.

2. Short-Term Bicycle Parking

Bicycle racks must be publicly accessible to building entrances they are intended to serve.

3. Long-Term Bicycle Parking

a. Long-term bicycle parking must be covered and weather resistant.

b. Required spaces can be in the form of a covered bicycle rack, in a locker, within a building, or within a parking structure.

Sec. 7.1.8. Vehicle Loading Areas

A. Loading Not Required

If determined by the Planning Director, adequate space must be made available on-site for the unloading and loading of goods, materials, items or stock for delivery and shipping.

B. Location and Design

If a loading area is provided, it must meet the following standards.

1. With the exception of areas specifically designated by the city, loading and unloading activities are not permitted in the public right-of-way.
2. Loading and unloading activities may not encroach on or interfere with the use of sidewalks, drive aisles, queuing areas and parking areas by vehicles or pedestrians.
3. Loading areas must be screened as set forth in Sec. 7.2.3A. Loading areas cannot be located in an A or B neighborhood transition zone.

Sec. 7.1.9. Access

A. General Access Requirements

1. As determined by the Public Works Director, all existing and proposed development must provide a satisfactory means of vehicular, pedestrian and bicycle ingress and egress to and from a street or an abutting site.
2. All on-site parking areas must have vehicular access from a street, an alley, a drive aisle or a cross-access easement.
3. All on-site parking areas must be designed to allow vehicles to enter and

exit the parking area in a forward motion, unless otherwise approved by the Public Works Director. An improved alley may be used as maneuvering space for access to on-site parking areas.

4. All out parcels must take vehicular access from within the site, unless otherwise approved by the Public Works Director.

B. Pedestrian Access

1. All existing and proposed development must provide safe, direct and convenient pedestrian access connecting main entrances of buildings, establishments or uses on a site that allow for public access, with all other such entrances and with available access points including parking, streets, sidewalks and transit stops with the exception of the following uses which are exempt:
   a. Single or two unit living.
   b. Multiunit with six or fewer dwelling units.
   c. Agricultural use.
   d. Parks and open space.
   e. Cemetery.
   f. Telecommunication tower.
   g. Billboard (off-premise sign).
   h. Minor utilities.
   i. Other uses not containing a principal building on the premise (with the exception of a parking facility).
2. Pedestrian access shall consist of an accessible, easily-discernible, and ADA-compliant walkway or multi-use path with a minimum width of five feet.
3. The pedestrian access surface located on private property shall be constructed on concrete, asphalt or other fixed, firm and nonslip material as approved by the Public Works Director.
4. Pedestrian access routes between buildings and public rights-of-way shall be physically separated from vehicular surface areas, except where required to cross a drive aisle, crossings shall be perpendicular wherever practicable.
5. Site plans containing multiple principal buildings shall submit a phasing plan. The phasing plan shall include all necessary elements to address phasing of walkway construction for the existing principal buildings and uses on the site as new buildings and building expansion occurs in the future.

C. Driveways

1. All Driveways

a. All driveway design and construction must comply with the Streets, Sidewalks and Driveway Access Handbook (latest edition). The Planning Director shall keep a true and correct copy of the Handbook on file for public inspection upon request.

b. Driveway dimensions shall be in accordance with the following table:

	Width (min)	Width (max)	Radius (max)
Residential up to 6 spaces	8'	12'	10'
Residential 7+ spaces (one way)	12'	16'	10'
Residential 7+ spaces (two-way)	20'	24'	10'
Mixed Use/Commercial (one-way)	12'	18'	10'
Mixed Use/Commercial (two-way)	20'	32'	15'
Industrial/Service	30'	40'	30'

c. The Public Works Director may require wider driveways where unusual traffic, grade or site conditions exist.

2. Driveways for Residential Uses

a. If an improved alley with a right-of-way of at least 14 feet in width is provided, all vehicular access shall take place from the alley. Access may be taken from the side street on corner lots.

b. All lots 40 feet or less in width platted after the effective date of this code, are required to take vehicular access from an alley.

c. No residential lot may have more than two driveways on the same street. Driveways may be no closer than 45 feet from any other driveway.

d. Non-alley loaded driveways may intersect a street no closer than 20 feet from the intersection of two street rights-of-way.

e. Driveways must be located a minimum of one foot from the side lot line. However, a driveway may be located on the lot line if it physically touches a driveway on an abutting lot.

f. Parking and driveway areas shall not constitute more than 40% of the area between the front building line and the front property line.

3. Driveways for Mixed Use and Non-Residential Uses

a. If on-site parking areas can be accessed from an improved alley with a right-of-way of at least 20 feet in width, access from the alley is required and new curb cuts along the public right-of-way are not allowed.

b. No more than two driveways are allowed along the property frontage of any street. Additional driveways require approval from the Public Works Director.

c. Driveways accessing up to 80-foot wide street rights-of-way must be spaced 200 feet apart centerline to centerline and driveways accessing more than an 80-foot wide street right-of-way must be spaced 300 feet apart centerline to centerline.

d. On lots abutting multiple streets, not including an alley, vehicular access shall be taken from the street with the lower roadway classification. New curb cuts are not allowed along the roadway with higher classification.

e. Driveways may intersect a street no closer than 50 feet from the intersection of two street rights-of-way, not including an alley.

D. Cross-Access

To encourage shared parking and shared access, site plans prepared for all mixed use districts shall comply with the following standards:

1. Internal vehicular circulation areas shall be designed to allow for cross-access between abutting lots that have nonresidential or mixed uses.
2. Cross-access is required when abutting developed property is zoned as a mixed use district.
3. A stub for future cross-access shall be provided to all abutting vacant land zoned as a mixed use district.
4. When cross-access for vehicles is deemed impractical by the Public Works Directors on the basis of topography, the presence of natural features, or vehicular safety factors, the requirement for cross-access may be waived. Bicycle and pedestrian connections shall be provided between abutting properties when cross-access is waived.
5. Property owners who establish cross-access easements must:
   a. Record an easement allowing cross-access to and from properties served by the cross-access easement.
   b. Record a joint maintenance agreement defining the maintenance responsibilities of each property owner.

Article 7.2. Landscaping

Sec. 7.2.1. Applicability

A. General

No permit for the construction, reconstruction, extension, repair, or alteration of any building, structure, or use of land, and no building or land, or any part of any building or land, may be occupied or used until landscaping has been provided in accordance with the requirements of this code.

B. Additions

1. A building or site may be renovated or repaired without providing additional landscaping, provided there is no increase in gross floor area or improved site area.
2. When a building or site is increased in gross floor area or improved site area by up to 25%, landscaping is required for the additional floor or site area only.
3. When the gross floor area or improved site area is increased by more than 25%, both the existing use and the additional floor or site area must conform to the landscaping requirements of this code.

C. Change in Use

A change in use does not trigger application of this section except when there is a specific use standard requiring landscaping for the new use.

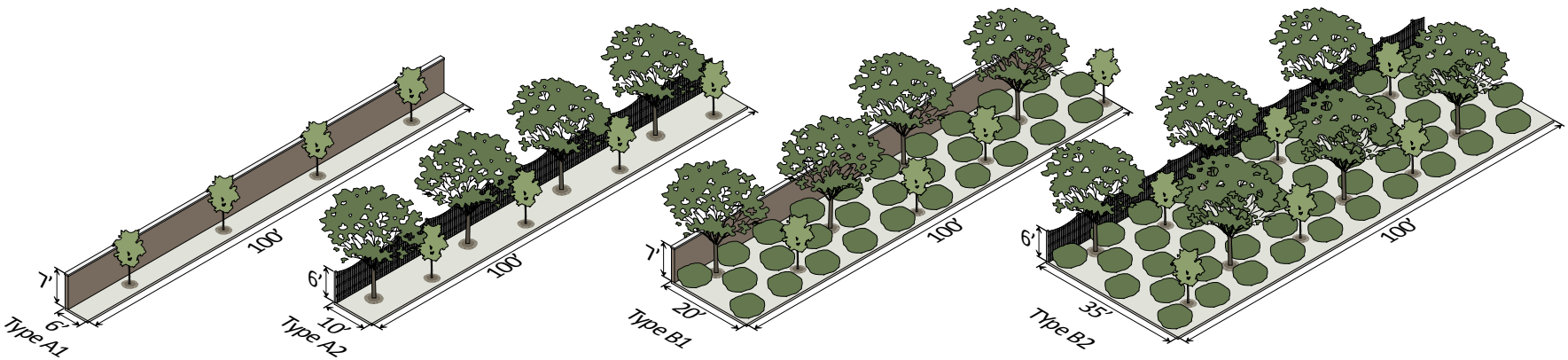
D. Landscaping Limit

1. In no case shall required landscaping (parking lot landscaping, recreation area, protective yards and tree conservation areas) exceed 30% of the total lot area.
2. Where the required landscaping exceeds 30%, the individual requirements can be reduced on a pro rata basis to achieve the 30%.
3. The minimum protective street yards for the Special Highway Overlay Districts and the Airport Overlay District can not be reduced below 20 feet.
4. The required tree conservation areas cannot be reduced by more than 50%.

Sec. 7.2.2. Protective Yards

A. Transitional Protective Yards

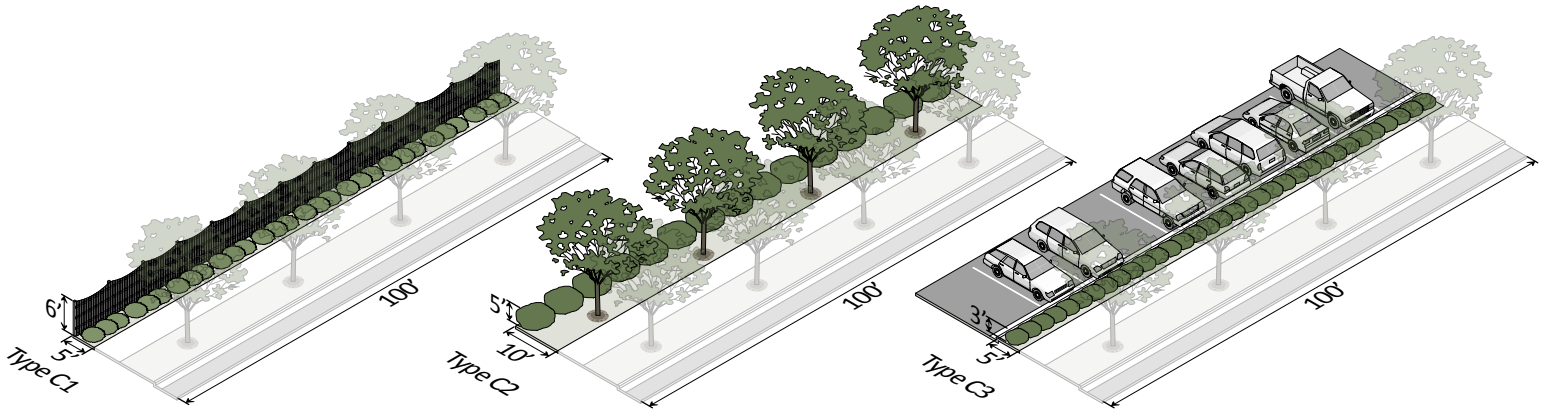
A transitional protective yard may be required along perimeter lot lines for specific uses as set forth in Chapter 6 and other sections of this code.



	Type A1	Type A2	Type B1	Type B2
Width (avg. min)	6'	10'	20'	35'
Fence Height (min)	Not allowed	6'	Not allowed	6'
Wall Height (min)	7'	6'	7'	6'
Shade Tree (min per 100')	Not required	4	4	6'
Understory Tree (min per 100')	4	4	4	6'
Shrubs (min per 100')	Not required	Not required	40	60
Berm			In lieu of planting shrubs, a berm may be installed	In lieu of planting shrubs, a berm may be installed

B. Street Protective Yard

A street protective yard may be required along the edge of the street right-of-way for specific uses as set forth in Chapter 6. and other sections of this code.



	Type C1	Type C2	Type C3
Width (avg. min)	5'	10'	5'
Fence Height (min)	6'	Not required	Not required
Wall Height (min)	6'	Not required	In lieu of planting a hedge, a 36" wall may be installed
Shade Tree (min per 100')	Not required	4	Not required
Understory Tree (min per 100')	Not required	Not required	Not required
Shrubs (min per 100')	30	15 (5')	Not required
Hedge	Not required	Not required	30" - 36" continuous hedge
Berm		In lieu of planting shrubs, a berm may be installed	

C. Location

1. Protective yards must be located within the outer perimeter of the lot, parallel to and extending to the property boundary line. A required protective yard must be provided along the entire frontage immediately abutting the property line.
2. The width a protective yard is calculated on the average width per 100 feet or portion of protective yard. The minimum width of the protective yard at any one point shall not be less than one-half the required width of the protective yard.
3. A protective yard may not be located on any portion of an existing, dedicated or reserved public right-of-way.
4. A protective yard is determined exclusive of any required setback; however, the required protective yard may be located wholly or partially within a required setback.

D. Encroachments

1. General

a. No building or structure on the subject site may be located closer than 10 feet to a protective yard.

b. Breaks for pedestrian and vehicle access are allowed in a protective yard.

c. The parking of vehicles and the placement of building or structures is prohibited in a protective yard. All parking and building setbacks apply.

2. Walls

Walls in a protective yard must meet the following.

a. Walls must be closed and not exceed a maximum height of nine feet.

b. Walls must be constructed of high quality materials including one or a combination of the following: decorative blocks; brick; stone; cast-stone; split-faced block; stucco over standard concrete masonry blocks; glass block in a structurally safe and attractive condition.

c. Walls shall be architecturally compatible with other buildings and structures on the site.

d. No walls containing more than 50% exposed standard concrete masonry blocks are permitted, whether painted or not.

e. Alternative wall materials may be approved by the Planning Director.

f. No wall can be located within any required drainage, utility or similar easement.

3. Fences

Fences in a protective yard must meet the following:

a. Fences must be closed and not exceed a maximum height of nine feet.

b. Fences must be constructed of wood, composite fencing or PVC vinyl with the finished face located towards the adjacent property.

c. Alternative fence materials may be approved by the Planning Director.

d. Fences that use wooden support posts must be set in a masonry support column at least every 40 feet.

4. Berms

Berms in a protective yard must meet the following.

a. Berms shall have a minimum average height of three feet measured perpendicular to the center of the crown

b. Berms shall have stabilized side slope of no greater than two feet of horizontal change for each foot of vertical rise and not less than four feet of horizontal change for each foot of vertical rise.

c. Berms shall have a rounded crown suitable for planting.

d. Berms may be permitted to meander and may be permitted to be discontinuous when approved by the Planning Director.

5. Grade Change

a. In lieu of a wall or fence, a natural or man-made grade separation at least six feet in elevation may be provided.

b. The side slopes of the grande change cannot be greater than three feet of horizontal change for each foot of vertical rise.

c. The developing property must located at an elevation lower than the property to be screened, and the change in grade achieves a similar screening effect as the wall or fence.

Sec. 7.2.3. Screening

A. Loading Areas

1. Outdoor loading areas shall be located to the side or rear of buildings.
2. Outdoor loading areas 50 square feet or larger not screened by an intervening building must be screened from view from adjacent property or public street right-of-way for their entire length.
3. Screening shall consist of a wall totaling eight feet in height. Wall materials shall be architecturally compatible with other buildings and structures on the site.
4. Planting material must be provided so that no more than two-thirds of the surface area of the screening wall is visible at the time of maturity of the plants.
5. Screening may also be accomplished with a natural evergreen plant material that can be expected to reach an average mature height of least eight feet. Plant materials must be at least three feet in height when planted, and there shall be no gap greater than two feet between plant materials.

B. Service Areas

1. Outdoor trash collection, trash compaction, recycling collection and other similar service areas shall be located to the side or rear of buildings and must be screened from view from adjacent property or public street right-of-way (not including an alley).
2. Service areas shall be screened from three sides by a wall at least six feet in height and on the fourth side by a solid gate at least six feet in height. The gate and wall shall be maintained in good working order and shall remain closed except when trash pick-ups occur. The wall and gate shall be architecturally compatible with other buildings and structures on the site.

C. Mechanical Equipment

1. Exemptions

Free-standing or roof-mounted sustainable energy systems are exempt from these screening requirements.

2. Roof-Mounted Equipment

a. Roof-mounted equipment shall be screened from ground level view from adjacent property or adjacent public street right-of-way (not including an alley).

b. New buildings shall provide a parapet wall or other architectural element that screens roof-mounted equipment from view.

c. For existing buildings with no or low parapet walls, roof-mounted equipment shall be screened on all sides by an opaque screen architecturally compatible with the building.

3. Wall-Mounted Equipment

a. Wall-mounted equipment shall not be located on any surface that directly faces a public right-of-way (not including an alley).

b. Wall-mounted equipment located on any surface that is visible from a public right-of-way (not including an alley) must be fully screened by landscaping or an opaque screen architecturally compatible with other buildings and structures on the site.

4. Ground-Mounted Equipment

a. Ground-mounted equipment screening shall be as high as the highest point of the equipment being screened.

b. Screening shall consist of landscaping or an opaque screen architecturally compatible with others buildings and structures on the site.

D. Utility Service Areas

1. Utility service areas located outside of the public right-of-way that exceed 42 inches in height and 42 inches in any other dimension must be screened from the public right-of-way.
2. Screening is not required for utility service areas located more than 50 feet from the public right-of-way.
3. Utility service areas must be located an adequate distance from the public right-of-way to allow for any required screening to be installed without encroaching into the public right-of-way.

4. Screening shall consist of landscaping or a wall or fence architecturally compatible with other buildings and structures on the site.

E. Stormwater Retention Ponds and Detention Basins

1. Applicability

a. All stormwater retention ponds and detention basins permitted, constructed, or modified to a cumulative extent greater than 50% of their original size shall be screened for their entire length.

b. When amenity features are provided, no screening of the stormwater control facility is required.

2. Screening Requirements

a. All vegetative screening shall be 75% locally-adapted evergreen species.

b. All vegetative material shall be planted so as to attain a screen occupying at least 75% of a vertical plane around the perimeter of the facility to an average mature height of six feet above grade.

c. Screening shall be required around the base of the dam structure (as applicable), but not on the dam structure, with those plant materials in immediate proximity to the dam characterized by shallow, non-invasive root systems.

d. Screening shall not be required within required facility inlets or facility outlets, or within a maintenance access path provided that such path does not exceed 12 feet in width; in all other instances, at an average mature height of planting, the maximum open horizontal space between vegetative screening materials shall not be more than two feet in width.

e. Vegetative material composing the screen shall be selected and installed so as to exhibit variety in texture, color, spread and height by using ornamental or deciduous shade trees in combination with evergreen materials.

f. In some cases, vegetative material may be placed in clusters or groups to add additional visual interest as well as to achieve intermittent levels of vertical height; and

g. In situations where the stormwater control facility utilizes a fence, all vegetative material associated with screening the facility shall be located outside the fence.

h. In situations where a fence and gate are proposed, the fence and gate shall be colored black, forest green, dark brown or similar dark color, unless the fence is constructed of masonry, wood, or similar natural material, in which case it may be left to weather naturally.

Sec. 7.2.4. Design and Installation

A. Certificate of Compliance Required

1. The Planning Director cannot issue a certificate of compliance until all landscaping has been installed in accordance with the requirements of this code.

2. A temporary certificate of compliance may be issued when the Planning Director determines that due to the unavailability of plant material or weather concerns that immediate completion of the landscaping would jeopardize the health of plant materials for a period of up to one year following the date of application for a certificate of compliance.

B. Sight Triangle

1. Landscaping shall not obstruct the views of motorists using any street, driveway, parking aisles or the approach to any street intersection.

2. All landscaping installations must comply with the sight triangle requirements of the Streets, Sidewalks and Driveway Access Handbook (latest edition).

C. Plant Material

1. General Provisions

a. All landscaping shall be installed in accordance with the Landscape Manual.

b. Plant materials must be hardy to zone 7 in accordance with the U.S. Department of Agriculture's Plant Hardiness Zone Map.

c. Plant materials must be able to survive on natural rainfall once established with no loss of health.

d. Tree height is measured from the top of the root ball to the tip of the highest branch.

2. Shade Trees

All shade trees planted to meet the landscaping requirements must have a minimum caliper of three inches and be at least eight feet tall at time of planting.

3. Understory Trees

All understory trees planted to meet the landscaping requirements must have a minimum caliper of 1½ inches (measured at six inches above grade), and be at least seven feet tall at time of planting.

4. Additional Requirements for Trees in a Protective Yard

a. In a protective yard, 50% of the required trees shall be locally adapted natural evergreen species.

b. Trees shall be distributed so that there are no horizontal gaps between trees greater than 30 feet, measured along the property line and no required tree is closer than ten feet to any other tree.

5. Shrubs

a. Parking Area

i. All shrubs planted to meet the landscaping requirements shall be a minimum of 18 inches in height in a minimum three-gallon container at time of planting.

ii. Shrubs shall be of a species that under typical conditions will reach an average mature height of three feet.

b. Protective Yard

i. In a protective yard, all shrubs planted to meet the landscaping requirements shall be evergreen and be a minimum of three feet in height in a minimum five-gallon container at time of planting.

ii. Shrubs in a Type C2 street protective yard shall be of a species that under typical conditions will reach an average mature height of five feet.

iii. Shrubs shall be planted in such a way to form a continuous row, with no shrub being greater than 10 feet from another shrub, measured parallel the property line.

6. Planting in Easements

No required landscaping or screening shall be planted inside utility and drainage easements, excluding overhead easements, without the consent of the city and the easement holder.

D. Maintenance of Landscaping

1. Responsibility

The owner or tenant is responsible for maintaining all required landscaping in good health. Any dead, unhealthy or missing landscaping must be replaced with landscaping that conforms to this code. In the event that required landscape is severely damaged due to an unusual weather occurrence or other act of nature, the owner or tenant may have two years to replace.

2. Soil Erosion

All planting areas must be stabilized from soil erosion immediately upon planting and must be maintained for the duration of the use.

3. Pruning and Trimming

a. All required landscaping shall be allowed to reach a mature size and shall be maintained at that mature size.

b. Except for trimming and pruning done in strict accordance with the terms, conditions, and provisions of a permit issued by the City Forestry Specialist or in strict accordance with the line clearance policies and standards governing such activities established pursuant to Part 9, chapter 8, required landscaping shall not be cut or excessively trimmed or otherwise damaged so that their natural form is impaired.

c. A violation of this subsection shall subject the violator to a civil penalty of a minimum of $1,000 for the first tree plus one hundred dollars $100 per caliper inch of any other tree unlawfully pruned damaged or excessively trimmed.

d. This civil penalty shall be processed as set forth in Article 11.4. In addition to this civil penalty, if more than 50% of the crown of a tree is removed within a continuous five-year period, or more than 40% of the critical root zone of the tree is subjected to tree disturbing activity, or if more 1/3 of the circumference of the tree is exposed by pruning cuts, the owner of real property, where a violation has occurred, shall replace each unlawfully pruned, damaged, excessively trimmed, or removed tree with a tree or trees of equal diameter.

e. The maximum size of any replacement tree shall have a minimum DBH of three inches at time of replanting. Any replacement tree shall be planted in a planting area of least three 350 square feet in area with minimum dimensions of eight feet.

f. If the property the violation has occurred fails to contain sufficient land area to replant the required replacement trees and replacement trees can not be planted on adjoining street right-of-way, then in lieu of such replacement trees, a fee equal to$100.00 per caliper inch of replacement trees shall be paid to the city.

g. The City Forestry Specialist may require crown restoration and crown reduction for any unlawfully pruned damaged or excessively trimmed tree. All such corrective pruning shall be done under the supervision of a certified arborist.

4. Excessively Trimmed

The pruning, cutting, or otherwise damaging the natural form of a tree when it meets one or more of the following:

a. Removes more than 25% of the crown system of a tree within a continuous five-year period.

b. Removes, cuts, or covers more than 25% of the root system of a tree within a continuous five-year period.

c. Fails to conform to the pruning cuts methods set forth in the current edition of "Tree, Shrub, and Other Woody Plant Maintenance—Standard Practices" of the American National Standards Institute.

d. Is made for a purpose other than "hazard pruning," or "utility pruning," or "maintenance pruning" as set forth in the current edition of "Tree, Shrub, and Other Woody Plant Maintenance—Standard Practices" of the American National Standards Institute.

e. Is crown reduction, heading, vista pruning, or pollarding as set forth in the current edition of "Tree, Shrub, and Other Woody Plant Maintenance—Standard Practices" of the American National Standards Institute.

E. Credit for Existing Vegetation

1. Existing trees and shrubs that meet the requirements of this code may be may be preserved to satisfy the landscaping requirements.
2. Where existing native habitat or vegetation does not to meet the required landscaping standards, landscaping that meets the requirements of this code must be installed.
3. In the event that existing native habitat or vegetation has been credited and is subsequently removed or dies, it shall be replaced with landscaping that meets the requirements of this code.
4. Supplemental landscaping may be required, if it can be reasonably inferred that after five years, the existing native habitat or vegetation will not continually provide a year-round foliage screen between properties.
5. In order receive credit for an existing tree, a critical root zone of least seven feet must be preserved around the tree.

F. Replacement by Condemnor

Whenever any condemnor acquires property through eminent domain it shall be the responsibility of the condemnor to replace, in accordance with the provisions of this code, those complying elements which were removed unless a less stringent standard is required.

Sec. 7.2.5. Walls and Fences

A. Applicability

The following requirements apply to walls and fences located outside of a protective yard or required screening area.

B. Standards

1. Fences and walls must be constructed of high quality materials including one or a combination of the following: decorative blocks; brick; stone; cast-stone; split-faced block; stucco over standard concrete masonry blocks; glass block; wood; wrought iron; composite fencing; wire, PVC vinyl; aluminum; metal or other material approved by the Planning Director.
2. No wall containing more than 50% exposed standard concrete masonry blocks may be allowed, whether painted or not.
3. No wall or fence may be located within any required drainage, utility or similar easement.
4. Electrified fences, barbed wire or concertina wire may permitted subject the issuance of a special use permit (see Sec. 11.2.10).
5. Barbed wire is allowed by right in an IH district provided the barbed wire is at least seven feet clear height above the sidewalk.
6. Except in an IH district, chain-link fences are not allowed in any front or side street setback.
7. The maximum length of a continuous, unbroken and uninterrupted fence or wall plane shall be 100 feet. Breaks shall be provided through the use of columns, landscaped areas, transparent sections or a change in material.
8. Except in an IH district, a wall or fence not more than six feet height may be located in a front or side street setback, provided the opacity of the wall or fence above four feet in height exceeds 50%.
9. A wall or fence may not exceed eight feet in height in a side or rear setback.

Article 7.3. Signs

Sec. 7.3.1. Applicability

No sign may be altered, replaced, converted, changed, or otherwise modified except in accordance with the requirements of this code.

Sec. 7.3.2. Signs Allowed by District

A. Signs are allowed by district as set forth in the table below.

	RESIDENTIAL					MIXED USE (NO FRONTAGE)							SPECIAL					FRONTAGE							Definition/ Standards
	R-1	R-2	R-4	R-6	R-10	RX-	OP-	OX-	NX-	CX-	DX-	IX-	CM	AP	IH	R-MP	CMP	-PW	-DE	-PL	-GR	-UL	-UG	-SH	
BUILDING SIGNS																									
Wall Sign						P	P	P	P	P	P	P					P	P	P	P	P	P	P	P	Sec. 7.3.4
Projecting Sign						P	P	P	P	P	P	P					P	P	P	P	P	P	P	P	Sec. 7.3.5
Awning, Gallery, Marquee Sign						P	P	P	P	P	P	P					P	P	P	P	P	P	P	P	Sec. 7.3.6
Window Sign						P	P	P	P	P	P	P					P	P	P	P	P	P	P	P	Sec. 7.3.7
GROUND SIGNS																									
Low Profile							P	P	P	P		P			P		P	P	P	P	P				Sec. 7.3.8
Medium Profile							P	P		P		P			P		P	P							Sec. 7.3.9
High Profile							P	P		P		P			P		P	P							Sec. 7.3.10
Tract Identification Sign	P	P	P	P	P	P	P	P	P	P		P	P		P	P	P	P		P					Sec. 7.3.11
A-Frame Sign						P					P						P				P	P	P	P	Sec. 7.3.12
OFF-PREMISE SIGNS																									
Outdoor Advertising, Billboard												P			P										Sec. 7.3.14

Key: P = Sign Permitted Blank cell = Sign Not Permitted

Sec. 7.3.3. Additional Sign Types

Additional sign types may be allowed, requirements for additional sign types are located in Sec. 7.3.13.

Sec. 7.3.4. Wall Signs

A. Description

An on-premises sign attached flat to or mounted away from but parallel to the building wall, typically extending no more than 12 inches from the building wall. A sign permit issued in accordance with Sec. 11.2.13 is required for a wall sign.

B. Sign Area Allocation

Two square feet per lineal foot of each building wall facing a public street or a private drive if lot has no frontage on a public street.

C. Height

1. No portion of a wall sign may extend above the roof line of a building without a parapet wall.
2. No portion of a wall sign may extend two feet above the roof line of a building with a parapet wall, provided no portion of the sign extends above the parapet.
3. No wall sign may extend above the lower eave line of a building with a pitched roof.

D. Frontage Standards

		-DE	-PL	-GR	-UL	-UG	-SH
D1	Size (max)	30 sf	40 sf	20 sf	20 sf	20 sf	20 sf
D2	Height (max)	3'	4'	2'	2'	2'	2'
D3	Projection (max)	6"	12"	6"	6"	6"	6"
D4	Signs per business (max per street frontage)	1	1	1	1	1	1

Sec. 7.3.5. Projecting Signs

A. Description

An on-premises sign attached directly to a supporting building wall, and intersecting the building wall at a right angle. A projecting sign typically extends more than 12 inches from the building wall, and may be two or three-dimensional. A sign permit issued in accordance with Sec. 11.2.13 is required for a projecting sign.

B. Size

A projecting sign may not exceed 40 square feet in area. A projecting sign which is not internally illuminated and is suspended to allow the sign to swing due to wind action is not allowed to exceed 16 square feet in area.

C. Location

C1	Signs per business (max per street frontage)	1
C2	Clear height (min)	9'
C3	Projection from wall (max)	5'
C4	Distance from curb (min)	18"
C5	ROW Encroachment	Allowed with Council approval

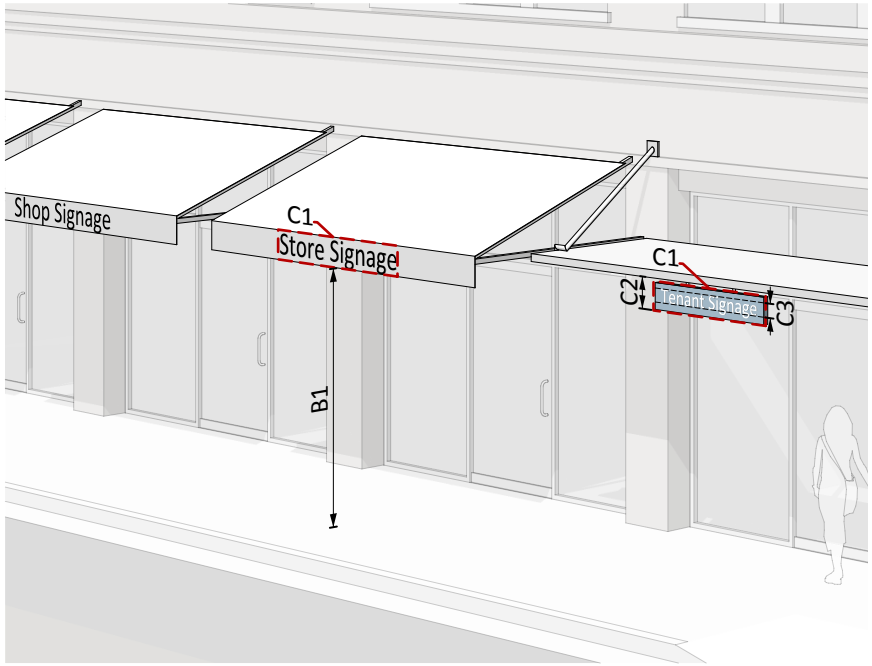
D. Frontage Standards

		-DE	-PL	-GR	-UL	-UG	-SH
D1	Ground story: Sign area per sign face (max)	12 sf	20 sf	12 sf	12 sf	12 sf	12 sf
D2	Ground story: Height (max)	4'	4'	4'	4'	4'	4'
D1	Upper story: Sign area per sign face (max)	20 sf	30 sf	20 sf	20 sf	20 sf	20 sf
D2	Upper story: Height (max)	6'	6'	6'	6'	6'	6'

E. Miscellaneous

1. Projecting signs erected at the intersection of building corners when the building corner adjoins the intersection of two streets may intersect at a 45 degree angle to the corner of the building, in which case only one projecting sign is allowed.
2. No projecting sign is allowed to extend above the roof line or the parapet wall.
3. Buildings with two or more stories may not have a projecting sign located higher than the second story or 24 feet, whichever is less.

Sec. 7.3.6. Awning, Gallery, Marquee Signs



A. Description

An on-premise sign attached flat to (or extending vertically upward or downward) from an awning, gallery or marquee. A sign permit is not required.

B. Location

B1	Clear height (min)	8'
B2	ROW Encroachment	Allowed with Council approval

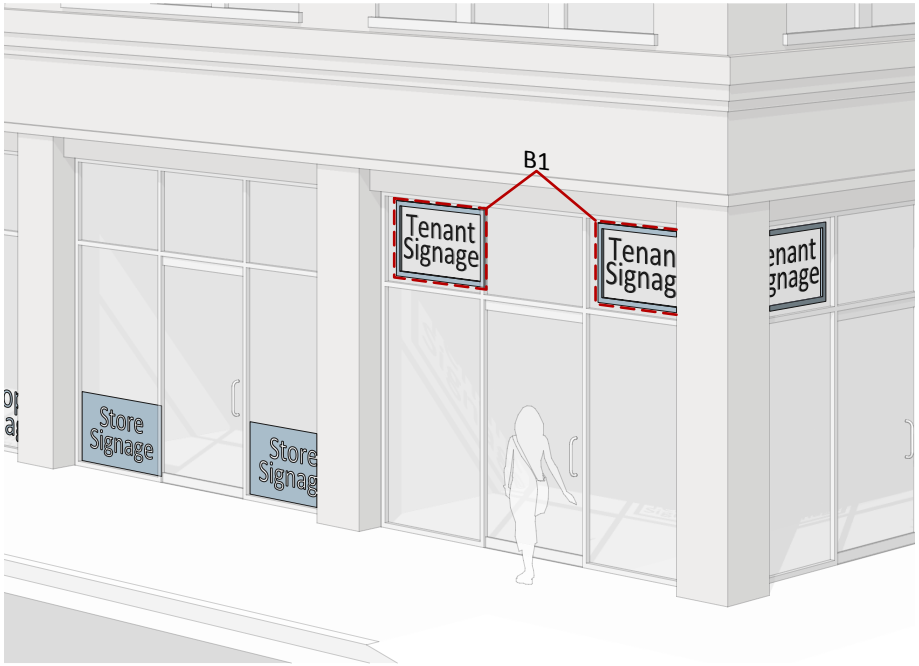
C. Size

C1	Area (max)	4 sf
C2	Height above or below awning, gallery or marquee (max)	12''
C3	Height of letters (max)	18"

D. Miscellaneous

Signs shall not extend outside the overall length or width of an awning, gallery or marquee, or extend above the height of the building wall that the awning, gallery or marquee is attached.

Sec. 7.3.7. Window Signs



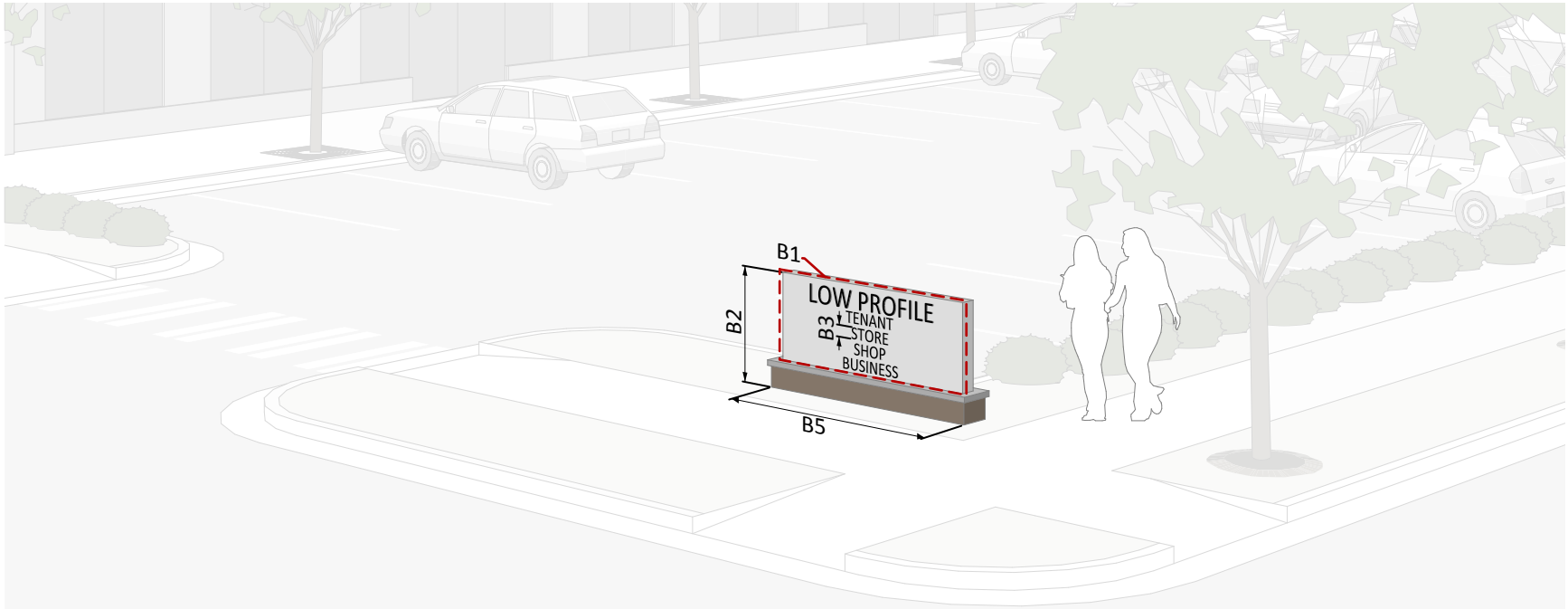
A. Description

A window sign is an on-premise sign attached flat but parallel to the inside of a window or is within 12 inches of the window. A sign permit is not required.

B. Size

B1	Area per business (max combination of all windows covered by window signs)	20%
B2	Window signs may only cover 5% of window area between 4 and 7 feet above the adjacent sidewalk	

Sec. 7.3.8. Low Profile Ground Signs



A. Description

A freestanding sign no more than 3½ feet in height on a supporting structure, post, mast, or pole and not attached, supported or suspended to or from any building or structure. A sign permit issued in accordance with Sec. 11.2.13 is required for a ground sign.

B. Size

B1	Area (max)	70 sf
B2	Height (max	3.5'
B3	Size of copy (min)	4"
B4	Lines of copy (max)	5
B5	Length in OP District (max)	20'

C. Location

C1	Signs per site (max per street frontage)	1
C2	Street frontage required (min)	n/a
C3	ROW Encroachment	Allowed with Council approval

D. Miscellaneous

All ground sign braces or uprights shall be self-supporting structures permanently attached to concrete foundations in or upon the ground.

Sec. 7.3.9. Medium Profile Ground Signs

A. Description

A freestanding sign no more than 70 feet in area erected on a supporting structure, mast, post, or pole not more than 15 feet in height; or a freestanding sign no more than 100 feet in area erected on a supporting structure, mast, post, or pole not more than 10 feet in height. A ground sign is not attached, supported or suspended to or from any building or structure. A sign permit issued in accordance with Sec. 11.2.13 is required for a ground sign.

B. Size

B1	Option 1: Area (max)	70 sf
B2	Option 1: Height (max)	15'
B3	Option 2: Area (max)	100 sf
B4	Option 2: Height (max)	10'
B5	Size of copy (min)	4"
B6	Lines of copy (max)	5

C. Location

C1	Number of signs per site (max)	1
C2	Additional signs for double frontage lots	Allowed by Special Use Permit
C3	Street frontage required (min)	100'
C4	ROW Encroachment	Allowed with Council approval

D. Miscellaneous

All ground sign braces or uprights shall be self-supporting structures permanently attached to concrete foundations in or upon the ground.

Sec. 7.3.10. High Profile Ground Signs

A. Description

A freestanding sign no more than 100 feet in area erected on a supporting structure, mast, post, or pole not more than 15 feet in height not attached, supported or suspended to or from any building or structure. A sign permit issued in accordance with Sec. 11.2.13 is required for a ground sign.

B. Size

B1	Area (max)	100 sf
B2	Height (max)	15'
B3	Size of copy (min)	4"
B4	Lines of copy (max)	5

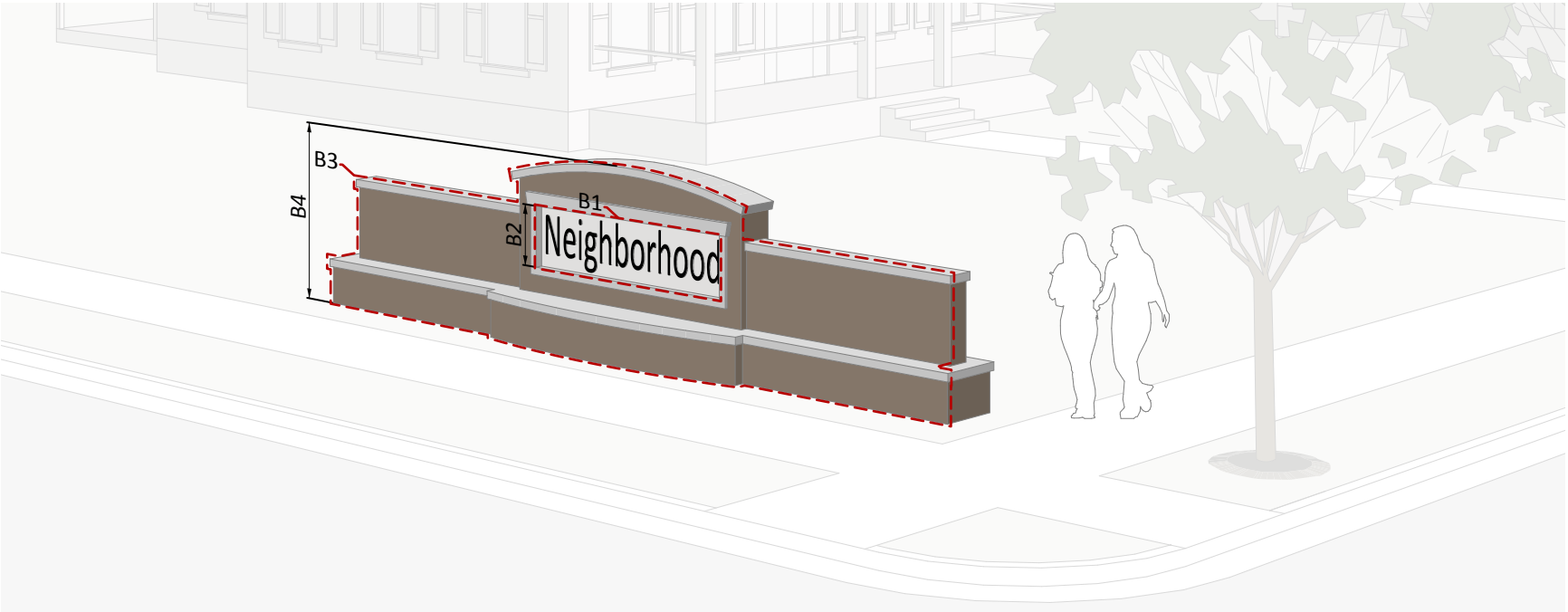
C. Location

C1	Number of signs per site (max)	1
C2	Additional signs for double frontage lots	Allowed by Special Use Permit
C3	Street frontage required (min)	200'
C4	ROW Encroachment	Allowed with Council approval

D. Miscellaneous

All ground sign braces or uprights shall be self-supporting structures permanently attached to concrete foundations in or upon the ground.

Sec. 7.3.11. Tract Identification Signs



A. Description

A freestanding ground sign identifying entry to a residential, commercial or mixed development or a nonresidential establishment in a residential district. A sign permit issued in accordance with Sec. 11.2.13 is required for a tract identification sign.

B. Size

B1	Copy area (max)	16 sf
B2	Copy height (max)	3.5'
B3	Sign area (max)	160 sf
B4	Sign height (max)	6'

C. Location

C1	Number of signs per street frontage (max)	1
C2	Site with more than 400 feet in street frontage	1 additional sign per frontage
C3	ROW Encroachment	Allowed with Council approval

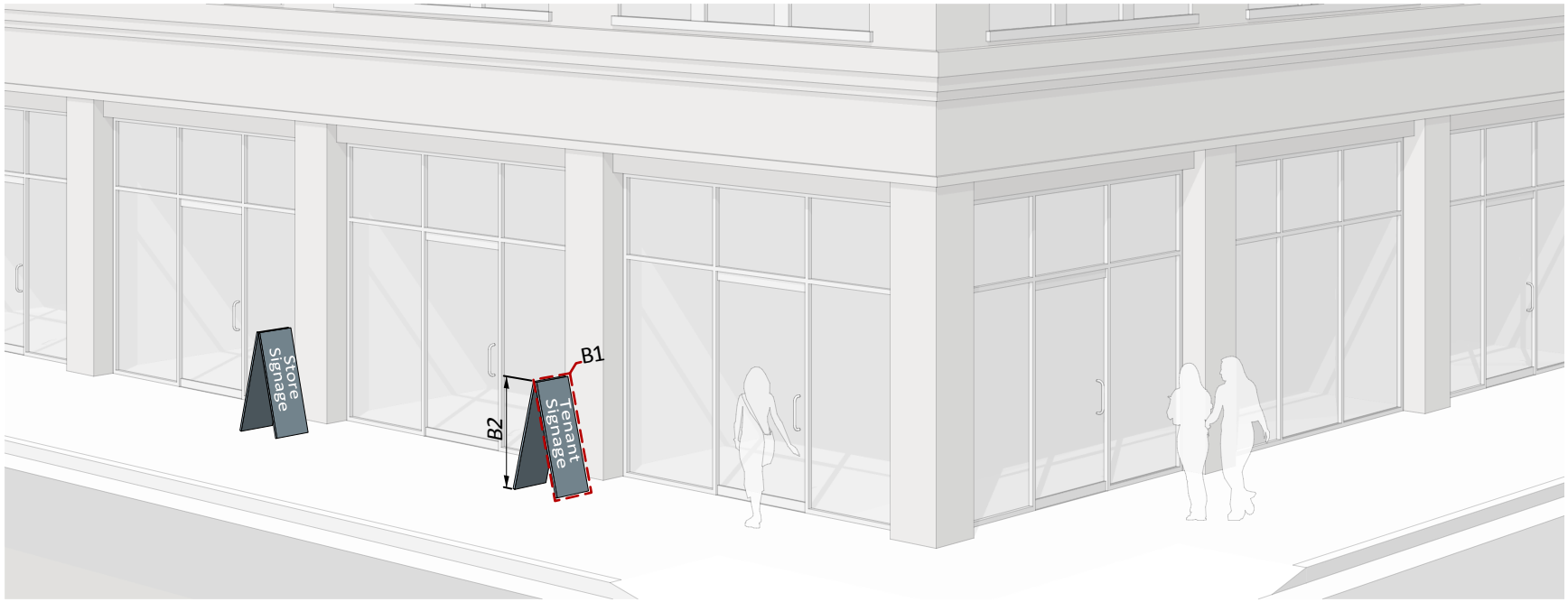
D. Additional Rules in a Nonresidential District

D1	Size of development (min)	2.5 acres
D2	Lot width (min)	60'
D3	Number of establishments (min)	3

E. Miscellaneous

Identifying signs may be placed on a subdivision wall or fence provided that no part of the wall or fence exceeds six feet in height, or, may be placed on a retaining wall greater than six feet in height provided that no part of the sign exceeds a height of five feet.

Sec. 7.3.12. A-Frame Signs



A. Description

A small unlit freestanding on-site portable ground sign that is displayed during business hours and removed when the business is closed. A sign permit is not required.

B. Size

B1	Area (max)	6 sf
B2	Height (max)	4'

C. Location

C1	Distance from main pedestrian entrance (max)	5'
C2	Clear pedestrian space	5'
C3	ROW Encroachment	Allowed with Council approval
C4	Number size per establishment (max)	1

D. Miscellaneous

1. Sidewalk signs must not interfere with pedestrian travel or encroach upon the required accessible path.
2. Sidewalk signs may only be displayed during business hours and must be removed when the business is closed.

Sec. 7.3.13. Special Sign Types

A. Announcement Signs

An announcement sign is a small on-premises ground sign permitted as use regulation for specific nonresidential uses in a Residential District as set forth in Chapter 6.

B. Crown Signs

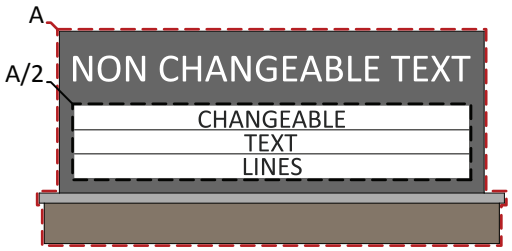
An on-premise wall sign located on building a least 200 feet in height.

1. In addition to a permitted wall signs, buildings greater than 200 feet in height may contain a crown sign.
2. The amount of additional wall signage shall not exceed 4.70 square feet of signage per building side for each foot of building height over 200 feet tall up to a maximum of 750 square feet.
3. Additional wall signage shall not be transferred from one building side to another.
4. No crown sign shall exceed 750 square feet per sign.
5. Only one crown sign shall be located on any one side of a building.
6. The sign must be located at the top crown of the building, and it shall not extend below the top of the upper floor of the building.
7. The same copy must appear on all additional crown signs.
8. All sign illumination shall be internal.
9. Changeable copy is prohibited.
10. A crown sign shall contain no more than one line of copy, excluding symbols.

C. Changeable Copy Signs

A sign on which copy is changed manually and copy is shown on the same sign face such as reader boards with changeable letters or changeable pictorial panels but not limited to the above. Poster panels and painted boards are not changeable copy signs.

1. For any permitted wall, projecting, ground or tract identification sign up to 50% of the sign area may be changeable copy (automatic or manual).
2. For tract identification the total area of the changeable copy cannot exceed eight square feet per sign. Only one changeable copy sign may be erected and it must be physically part of that tract identification sign.
3. No changeable copy sign may contain more than three horizontal pieces of information.
4. Except a changeable copy time and temperature signs, no changeable copy sign, may change more than four times in any 24 hour period.



D. Directional Signs

A sign that orients pedestrian and vehicular traffic to different areas within a development of over 200 acres.

1. Directional signs are only allowed in developments that contain at 200 acres.
2. No sign permit shall be issued for a directional sign until a common signage plan has been approved as set forth in Sec. 11.2.14.
3. All direction signs shall be under the maintenance responsibility of a single association or other legal entity.
4. If any common signage plan amendment is approved, all existing signs that do not comply with the new sign criteria shall be removed within 30 days of approval of such amendment.
5. There shall be no more than one directional sign for every 1,000 feet of frontage along any thoroughfare, commercial or collector street.
6. No directional sign shall exceed seven feet in height and 35 square feet of sign area.
7. The sign may include the name of the overall development, and the type of land use subareas that is identified in the approved Master Plan.
8. Directional signs may be located on the same lot as a ground sign.

E. Directory Signs

A on-premise sign that lists the name of activities, businesses, firms, or tenants of a unified project or site.

1. The site shall contain no more than one directory sign.
2. The maximum sign area shall not exceed three inches by 15 inches for each identified activity, business, firm or tenant on the site.
3. The outdoor directory sign may either be a changeable copy sign or fixed professional nameplates; provided that the standards of each are met.
4. The sign may take the form of any sign permitted in the district that the sign shall complies with the applicable sign requirements. If the directory sign is a ground sign, no other ground sign is allowed unless the directory sign is positioned it not to be visible from any right-of-way and contains no other message, announcement, or decoration.

F. Landmark Signs

A sign that exhibits unique characteristics that enhance the streetscape or identity of a neighborhood and as such contributes to the historical or cultural character of the area or the community at large.

1. The sign is an on-premise sign that meets at least one of the following criteria:
   a. It was expressly designed for the business, institution, or other establishment at that location; or
   b. It bears a national emblem, logo, or other graphic that is no longer used by the company; or
   c. It is a remnant of an advertising program that is no longer used by the parent company.
2. The sign complies with Sec. 7.3.16D, and if any portion is permitted to remain on or over a public right-of-way, a city or state approved encroachment agreement is executed.
3. The sign complies with the lighting standards of Sec. 7.3.16F, the prohibited sign requirements of Sec. 7.3.15, and the marking and identification requirements of §10-6034.1.
4. The sign exists or will within six months of its designation as a landmark sign be restored, and continuously maintained, in its full original condition except for minor changes required for structural enhancements, changes required to comply with paragraphs 1. through 3. above, and Federal or State regulations. Where original materials are unavailable, substitute materials, which are as near as possible substitutes for the original material may be used.
5. The sign was erected prior to January 1, 1973, and has existed continuously in place on the site.
6. The application requesting landmark designation was completed and submitted to the Inspections Department within six months of the application of Ordinance No. 1993-207-TC-59, or within six months following an extension of areas in which this ordinance is applicable.
7. The sign is approved by the City Council as a landmark sign.
8. Other signs that are of the same sign type as a landmark sign are permitted on the site so long as: the maximum area, including the area of landmark signs, of such type of signage, is not exceeded, all other applicable requirements for that type of sign are met, and the maximum signage allowed for the site, as determined by Sec. 7.3.16B, is not exceeded.

G. Miscellaneous (Omnibus) Signs

Each site that is not allowed a wall sign or an on-premises sign or off-premises ground sign is allowed to contain a maximum amount of signage of 60 square feet, provided that, no sign is more than 15 square feet in area and 3½ feet in height.

H. Private Street Signs

A sign placed on private property that identifies name of a private street.

1. Sign Legend

a. Name and Block

i. The approved street name, and block number must be shown on each sign face.

ii. The street name must be shown in a clear, readable style of print. Cursive letters cannot be used.

iii. Block numbers must be shown in Arabic numerals.

iv. At the point of intersection with public streets, private street signs shall immediately above the name and block contain the word "private."

b. Abbreviations

The street name shall not be abbreviated but standard abbreviations may be used for the prefix (north, south, east and west) and for the suffix portion of the legend.

c. Minimum Letter Size

Street names shall not be less than four-inch uppercase, three-inch lowercase. Block number or building references shall not be less than two inches.

2. Visibility and Reflectivity

a. Legend and background color selection shall effect clear contrast and visibility for both day and night identification so that the name is easily identifiable for up to 175 feet from the sign.

b. All legends and backgrounds shall be reflectorized to insure visibility at night.

3. Location, Number and Placement

a. Location

i. At intersecting private streets, the sign shall be placed as near as possible to the intersection of a line parallel to and six feet from each private street.

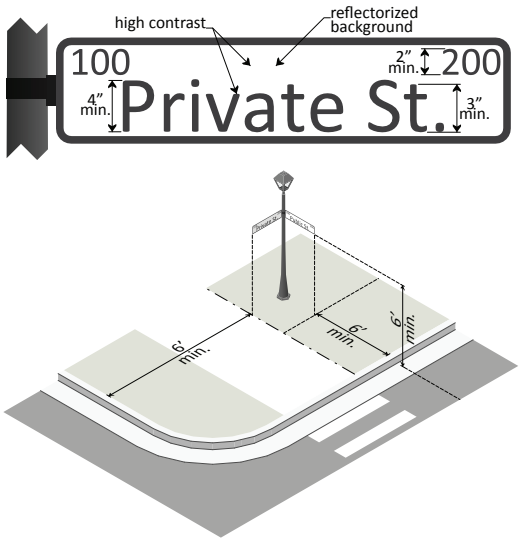
ii. The private street name marker assembly shall not be placed on the public right-of-way and shall not be closer than six feet to the edge of pavement of the private street.

b. Number

A sign face for intersecting private street, or private street and public streets, shall be required so that the respective street name and block number is displayed to the appropriate direction of travel.

c. Vertical Position

The bottom of the sign shall be a minimum of six feet above the elevation of the adjacent street.



I. Product and Information Signs

1. A product sign is a sign attached to outdoor vending machines, stands, gasoline pumps, and display racks that direct attention to dispensed products.
2. An information sign is an on-premise sign containing no other commercial message, copy, announcement, or decoration other than instruction or direction to the public. Such signs include but are not limited to the following: identifying restrooms, public telephones, automated teller machines, for lease, for sale, walkways, entrance and exit drives, freight entrances, and traffic direction.
3. A product sign or information sign may not exceed six square feet in area, except in the case of a information sign for a multi-establishment campus.

4. Individual information signs for a multi-establishment campus may be a maximum of 14 square feet in area with a maximum height of 3½ feet and a maximum width of four feet. One primary information sign may be located at each major entrance; provided that, no such sign shall be closer than 100 feet to the public right-of-way, and not exceed a maximum of 35 square feet in area, a maximum height of seven feet, and a maximum width of five feet.
5. The total sign area for all product and information signs located on any site cannot exceed 32 square feet; provided that the total allowable sign area for information signs which are part of a multi-establishment campus may be increased in accordance with the following:
   a. 32 square feet per major entrance drive for any multi-establishment campus with three or more major entrances from a commercial street or a thoroughfare; and
   b. 10 square feet for each acre in excess of 10 acres of the multi-establishment campus.
6. No commercial message, copy, announcement, or decoration can be located on the information sign other than instruction or direction to the public.
7. A product sign must be attached directly to either the dispensary structure or the product and cannot be located in any residential district.

J. Temporary Signs

After the issuance of a temporary sign permit pursuant to Part 10, chapter 6 the following temporary signs may be erected:

1. Unlighted on-premise portable signs, three-dimensional banners, moored blimps, gas balloons and windblown signs such as pennants, spinners, flags, and streamers for special events for a total period not to exceed 30 days.
2. Construction signs are permitted on a construction site that meet all of the following standards:
   a. The sign area shall not exceed 15 square feet in sign area in CM, AP or a residential district and shall not exceed 32 square feet in area in all other districts.
   b. No construction sign shall be erected prior to issuance of a grading or building permit, and the sign shall be removed within 15 days after issuance of a certificate of compliance.

K. Unit Numbering Identification Sign

1. All unit numbers shall be uniformly located on the side of the building facing the street within 18 inches of the building entrance, or if not possible for architectural or building arrangement reasons prominently displayed on the building wall, easily visible from a public street.
2. However, unit number signs for detached and attached houses and manufactured homes only may, in lieu of being located on the building wall, be located on the mail box or similar sized surfaces attached to mail boxes.
3. Units that do not abut and gain access on a public street must locate identification signs containing the name of the court, street, or way, and the unit numbers on each main entrance to the building.
4. All unit number signs shall be a minimum of three inches in size.
5. Any unit number identification over ten inches in height shall comply with all applicable sign regulations of this code.

L. Windblown Signs

A banner, flag, pennant, spinner, or streamer.

1. No site shall contain more than three windblown signs. Each windblown device erected to a tether, pole, mast, building, or any structure shall be deemed to be a separate distinct windblown sign.
2. The total sign area of all windblown signs on a site located in a mixed or special district shall not exceed 40% of the maximum allowable signage as set forth in Sec. 7.3.16B.
3. The total sign area of all windblown signs on a site located in a residential district shall not exceed 35 square feet.
4. The maximum height of a windblown sign shall not exceed 20 feet or the tallest principal building located on the site, whichever is greater.
5. The windblown sign limitations do not apply to temporary windblown signs erected pursuant to Sec. 17.3.13J.

Sec. 7.3.14. Off-Premise Signs

A. Purpose

1. For the purpose of regulating excess signage, encouraging the positive economic development of the city, promoting the safety of the traveling public, protecting existing property values in both residential and nonresidential areas, preventing the overcrowding of land, promoting a positive community appearance as part of a concerted city-wide effort to protect and enhance the aesthetics of the Capital City for the enjoyment of all citizens of North Carolina, outdoor advertising signs is controlled and regulated.
2. The regulations are designed to prevent their overconcentration, improper placement, and excessive height, bulk, number, and area. It is recognized that, unlike on-premise identification signs which are in actually a part of a business, outdoor advertising is a separate and distinct use of the public thoroughfare. With a view to this distinction, outdoor advertising signs are regulated differently from on-premise signs. It is intended that outdoor advertising signs be located away from residential areas, and that such signs be regulated to protect the character of the area wherein outdoor advertising signs are located, and to conserve property values in these areas.

B. General Regulations

1. All outdoor advertising signs shall be consistent with all definitions and shall comply with all standards and regulations of this code.
2. Except for ordinary maintenance, and repair, poster panel replacements, copy, changes, or repair not involving structural, material, or electrical changes, no outdoor advertising signs, or part of an outdoor advertising signs, shall be erected, altered, constructed, changed, converted, re-erected, additionally illuminated, reduced in size, enlarged, or moved unless the entire outdoor advertising sign and structure are brought into conformity with this code.

C. Area of Outdoor Advertising Signs

1. No outdoor advertising sign facing streets with four or more traffic lanes may exceed 150 square feet.
2. Outdoor advertising signs facing streets with fewer than four traffic lanes may not exceed 75 square feet.
3. The sign area is measured by finding the area of the minimum imaginary rectangle or square of vertical and horizontal lines which fully encloses all extremities of the sign, excluding supports, the base, or apron unless, the copy message, announcement, or decoration appears on the base or apron. The allowable sign area of signs with equal size and shape for both double-faced (back-to-back) and V-type signs is measured by computing the area of only one side of the sign. Both sides of a double-faced or V-type sign shall be of equal size.
4. The sign area of signs with three or more sides (multiple sided signs) containing a copy, message, decoration, or announcement visible from a street, highway or expressway is measured as the sum of the area of any two adjacent sides.

D. Height

No outdoor advertising sign or outdoor advertising sign, including base or apron, supports, supporting structures, and trim, may exceed 30 feet in height.

E. Setback Requirements

District setback requirements are not applicable to outdoor advertising signs.

F. Construction Standards

1. Compliance with Building Codes

All signs shall comply with the appropriate detailed provisions of the North Carolina and City Building Codes, the National Electric Code and other provisions of the Code of the City of Raleigh.

2. Clearance from High-Voltage Power Lines

Outdoor advertising signs shall be located in such a way that they maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with the National Electric Code; provided that, no outdoor advertising sign shall be erected closer than 10 feet in any direction from any conductor or public utility guy wire.

G. Location and Spacing

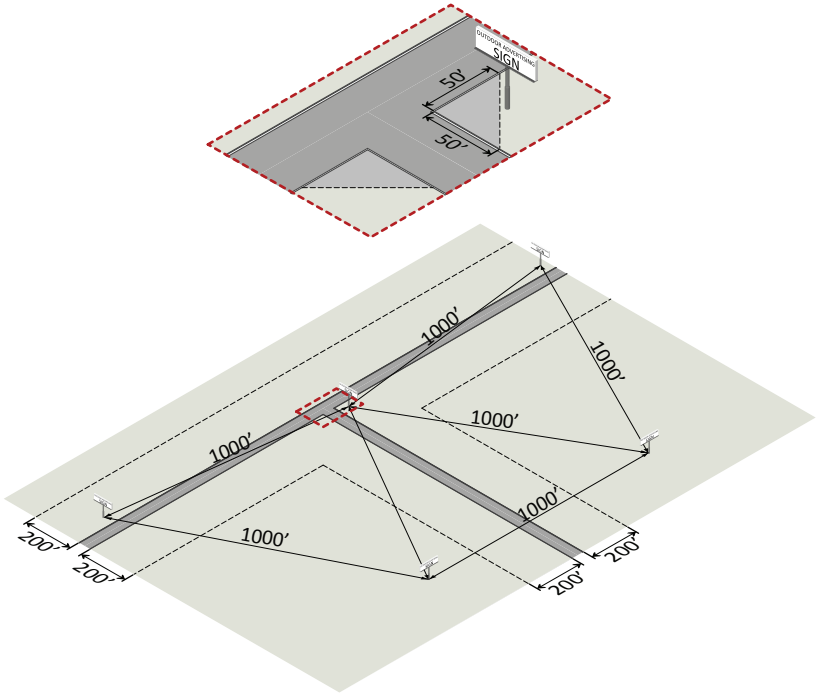
1. Corner Lots

No part of an outdoor advertising sign may be located within a triangular area formed by the street right-of-way lines and a line connecting them at points 50 feet from the right-of-way intersection.

2. Spacing of Signs

a. No part of any outdoor advertising sign shall be located less than 1,000 feet from any part of another outdoor advertising sign when located within either of two 200-foot corridors along each side of a roadway. The two corridors shall be delineated by connecting perpendicular measurements from all points along the road rights-of-way. No part of any permitted outdoor advertising sign which is located outside of the 200-foot corridor areas may be located within a 1,000-foot radius of any other outdoor advertising sign.

b. No part of any outdoor advertising sign is permitted within 400 feet of a district that allows dwellings.



Sec. 7.3.15. Prohibited Signs

The following signs are prohibited within all districts

A. Any sign which the Public Works Director determines obstructs the view of bicyclists or motorists using any street, private driveway, approach to any street intersection, or which interferes with the effectiveness of or obscures any traffic sign, device, or signal.

B. Illuminated, highly reflective signs, or spotlights which the Public Works Director determines hampers the vision of motorists or bicyclists.

C. Signs, lights, rotating disks, words, and other devices which resemble traffic signals, traffic signs, or emergency vehicle lights.

D. Signs, lights, rotating disks, words, and other devices not erected by public authority which may be erroneously construed as governmental signs or emergency warning signs.

E. Any sign which interferes with free passage from or obstructs any fire escape, downspout, window, door, stairways, ladder, or opening intended as a means of ingress or egress or providing light or air.

F. Any sign placed on any curb, sidewalk, post pole, hydrant, bridge, tree, or other surface located on, over, or across any public street, right-of-way, property or thoroughfare, unless authorized by the City Council.

G. Any newly created flashing signs, travelling lights, or signs animated by lights or changing degrees of intensity, except signs in public rights-of-way.

H. Any newly erected sign which mechanically moves except signs on public rights-of-way.

I. Any newly erected roof sign.

J. The tacking, posting, or otherwise affixing of signs of a miscellaneous character visible from a public way located on the outside walls of buildings, barns, sheds, trees, poles, fences, or other structures provided mailbox and paper tube identification signs which do not exceed one square foot in area, and signs which warn the public against danger shall be allowed.

K. Any newly erected message,copy or announcement, which uses a series of two or more signs placed in a line parallel to a street, highway, or expressway carrying a single message or copy.

L. Any sign which pertains to a business, profession, commodity, or service which is vacant, unoccupied, or discontinued for a period of one year or more; any

part of a sign which is unused for a period of one year or more; or any sign which pertains to an event or purpose which no longer applies shall be deemed abandoned. An abandoned sign is prohibited and shall be removed by the owner of the sign or the owner or tenant of the premise.

M. Any sign unlawfully erected or maintained.

Sec. 7.3.16. General Sign Regulations

A. Area Computation of Copy and Signs

1. Individual Letters

a. The area of copy or the area of a sign which consists of individual letters that are erected directly onto a surface exclusive of any sign face, is measured by finding the area of the minimum imaginary rectangles or squares of vertical and horizontal lines, which fully encloses all sign words, copy, or message.

b. All or a portion of at least one side of each rectangle and square must be coterminous with the side of another rectangle or square. At least 75% of the sign area must be enclosed by one rectangle or square.

c. Rectangles and squares cannot be configured to indent within a letter.

2. Multi-Sided Signs

The sign area of a sign with three or more sides (multi-sided signs) containing a copy, message, decoration, or announcement visible from a street, highway, or expressway is equal to the sum of the areas of any two adjacent sides.

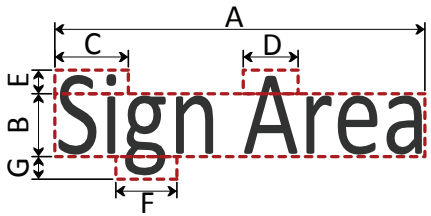
3. All Other Signs

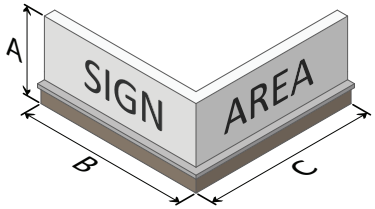
a. The sign area is measured by finding the area of the minimum imaginary rectangles or squares of vertical and horizontal lines which fully enclose all extremities of the sign, exclusive of its supports.

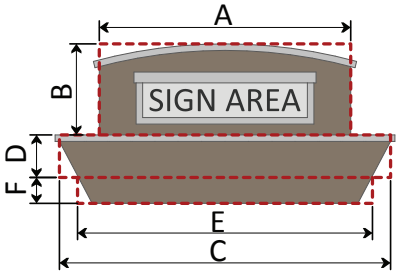
b. All or a portion of at least one side of each rectangle or square must be coterminous with the side of another rectangle or square.

c. At least 75% of the sign area must be enclosed by one rectangle or square.

d. Rectangles and squares cannot be configured to indent within a letter.







B. Maximum Signage

1. The total maximum signage allowed for any single establishment located in a nonresidential district, not including a Special Sign District, is two square feet per linear foot of side of the building facing along any street up to a maximum of 300 square feet.
2. However, If a ground sign or tract identification sign is located on the site, the maximum sign area per establishment is only 200 square feet.
3. The maximum allowable signage limitation does not apply to landmark signs, product and information signs, unit numbering identification sign under 10 inches and temporary signs.
4. No premise, including those in a residential district, is prevented from having at least 32 square feet of on-premise signage. Allowable signage may be allocated among the permitted signs in the district.

C. Noncommercial Copy Permitted

Any sign authorized in this chapter is allowed to contain noncommercial message in lieu of any commercial message.

D. Construction Standards

1. Compliance with Building Code

All signs shall comply with the appropriate provisions of the North Carolina State and City Building Codes, the National Electric Code, and other provisions of the Code of the city of Raleigh.

2. Clearance from High Voltage Power Lines

Signs shall be located in such a way that they maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with National Electric Code specifications, provided that no sign, except government traffic signs, shall be installed closer than 10 feet in any direction from any conductor or public utility guy wire.

E. Sight Triangle

1. Signs shall not obstruct the views of motorists using any street, driveway, parking aisles or the approach to any street intersection.
2. All signs must comply with the sight triangle requirements of the Streets, Sidewalks and Driveway Access Handbook (latest edition).

F. Illumination of Signs

Any conforming sign, unless otherwise specifically regulated, may be illuminated provided the following standards are met:

1. No illuminated sign shall cast light to exceed 0.4 footcandles illumination onto a residential district.
2. Any light from any illuminated sign or flood light used to illuminate a sign shall be shaded, shielded, or directed so that the light intensity or brightness shall not interfere with the safe vision of motorists, or bicyclists, as determined by the Public Works Director. Any light source used to illuminate a sign shall not be visible from a Residential District.
3. All internal illumination shall not exceed 10 footcandles measured at a distance of 10 feet from the sign.
4. All electrically illuminated signs shall have a disconnecting switch located in accordance with the provisions of the National Electric Code.
5. For all illuminated signs, applications for both a sign permit and an electrical permit shall be submitted and approved by the city prior to the installation of any illuminated sign.
6. In any Airport Overlay District, all illuminated signs shall be shielded in such a manner that no direct glare can be seen from above.

G. Common Signage Plan

1. To achieve congruity, unity of development, and to avoid conflicts within any site with more than one principal building, no sign permit shall be issued to any development containing more than one establishment until a set of common signage plan has been approved in accordance with Sec. 11.2.14.
2. No permit will be issued in violation of the adopted sign criteria. Such criteria shall be as follows:
   a. Specified allowed type script that shall be observed;
   b. Maximum and minimum letter height that shall be observed;
   c. Specified allowed sign types, all other signs shall be prohibited;
   d. Sign placement by specifying sign panel location or elevations;
   e. Specified maximum of three colors to be applied to the sign and its background that shall be observed. Colors shall include black and white.
   f. In addition to the three color limit, one additional color of either black or white or a color that matches the building material color of the wall on which it is attached, or the dominant exterior building material such as, but not limited to, brick or marble may be allowed.
   g. Federal and State registered trademarks or service marks may employ additional colors; provided, they do not exceed 12¼ square feet in area and 3½ feet in any dimension. The sign includes its casings, supports, and backings. Only those signs which are erected or altered after the unified sign criteria is established shall be affected by the adopted unified sign criteria.

Sec. 7.3.17. Nonconforming Signs

A. All such signs which are made nonconforming by an amendment to this code or an amendment to the Official Zoning Map or extension of areas in which this code is applicable shall be discontinued and removed or made conforming within 5½ years after the date of the amendment or extension, unless explicitly prohibited by state statute.

B. Nothing in this code shall prohibit the ordinary maintenance repair of a nonconforming sign or replacement of a broken part of a nonconforming sign. Whenever any nonconforming sign, or part of a nonconforming sign is altered, replaced, converted or changed, the entire sign must immediately comply with the provisions of this code.

C. Nonconforming signs that are destroyed or damaged by 50% or more of their value shall not be rebuilt or repaired except in conformance with this code.

D. Nothing in this code shall prevent a City Council-designated landmark sign from indefinitely remaining on-premise so long as the landmark sign complies with all the standards of Sec. 7.3.15.

Article 7.4. Outdoor Lighting

Sec. 7.4.1. Applicability

A. General

No permit for the construction, reconstruction, extension, repair, or alteration of any building, structure, or use of land, and no building or land, or any part of any building or land, may be occupied or used until outdoor lighting has been provided in accordance with the requirements of this code.

B. Additions

1. When a building or site is renovated or repaired, any new or replaced outdoor light or outdoor lighting fixture must conform to the requirements of this code.
2. When a building or site is increased in gross floor area or improved site area by more than 25%, both the existing building and site and the additional floor and site area must conform to the requirements of this code.

C. Change in Use

A change in use does not trigger application of this section except when there is a specific use standard requiring outdoor lighting for the new use.

D. Permit Required

A permit is required for work involving outdoor lighting. Documentation must be submitted that states the proposed outdoor lighting complies with the provisions of this code. At a minimum, the documentation submitted must contain the following:

1. A point-by-point FC array in a printout format indicating the location and aiming of illuminating devices. The printout must indicate compliance with the maximum maintained FC required by this code.
2. Description of the illuminating devices, fixtures, lamps, supports, reflectors, poles, raised foundations and other devices, including but not limited to manufacturers or electric utility catalog specification sheets, and photometric report indicating fixture classification. The Planning Director may waive any or all of the above permit requirements, provided the applicant can otherwise demonstrate compliance with this code.

Sec. 7.4.2. Light Level Measuring

A. All light level measurements shall be made at the property line of the source property.

B. Measurements are to be made at ground level, with the light-registering portion of the meter held parallel to the ground pointing up.

C. Light levels are specified, calculated and measured in footcandles (FC). All FC values below are maintained footcandles.

Sec. 7.4.3. Prohibited Sources

The following light fixtures and sources shall not be used where the source of the direct light emitted is visible from adjacent lots:

A. Cobra-head-type fixtures having dished or drop lenses or refractors which contain other than incandescent sources; and

B. Searchlights and other high-intensity narrow-beam fixtures.

Sec. 7.4.4. Design and Installation Requirements

A. General

Outdoor light fixtures must be designed and installed as an integral design element that complements the design of the project. This may be accomplished through style, material or color. All lighting fixtures designed or installed to illuminate any portion of a site shall meet the following requirement.

B. Fixtures

1. Unless otherwise specified below, the maximum light level shall be 0.5 FC at any property line in a residential district and 2.0 FC at any public street right-of-way.
2. The light source must be concealed and may not be visible from any street right-of-way or adjacent properties. In order to direct light downward and minimize the amount of light spill into the night sky and onto adjacent properties, all lighting fixtures shall be cutoff fixtures.

C. Pedestrian Area Fixture Height

Within designated pedestrian areas, outdoor lighting fixtures can be no taller than 15 feet in height.

D. Service Connections

Service connections for all freestanding lighting fixtures must be installed underground.

E. Light Source

Only incandescent, fluorescent, light-emitting diode (LED), metal halide, or color-corrected high-pressure sodium may be used. The same light source type shall be used for the same or similar types of lighting throughout the development.

F. Mounting

Fixtures shall be mounted in such a manner that the cone of light is contained on-site and does not cross any property line of the site.

G. Limiting Lighting to Periods of Activity

The use of sensor technologies, timers or other means to activate lighting during times when it will be needed may be required by the Planning Director to conserve energy, provide safety and promote compatibility between different land uses.

Sec. 7.4.5. Flood Lights and Flood Lamps

A. Flood lights and flood lamps that meeting the following requirements are not required to be full cutoff fixtures:

1. Installed so that the fixture is aimed down at least 45 degrees from vertical.
2. Positioned so that any fixture located within 50 feet of a street right-of-way is mounted and aimed perpendicular to the right-of-way, with a side-to-side horizontal aiming tolerance not to exceed 15 degrees from perpendicular to the right-of-way.

B. Flood lamps emitting 1,000 or more lumens must be aimed at least 60 degrees down from horizontal, or shielded so that the main beam from the light source is not visible from adjacent properties or the street right-of-way.

Sec. 7.4.6. Parking Areas and Outdoor Display Areas

A. Lighting fixtures shall be a maximum of 30 feet in height within parking and outdoor display areas. Light fixtures located within 50 feet of the property line of a protected district may not exceed 15 feet in height.

B. Parking and outdoor display area lighting meeting the following requirements are not required to be full cutoff fixtures:

1. The maximum initial lumens generated by each fixture does not exceed 9,500 lumens;
2. All metal halide, fluorescent, induction, white high pressure sodium and color-corrected high pressure sodium lamps are coated with an internal white frosting inside the outer lamp envelope;
3. All metal halide fixtures equipped with a medium base socket utilize either an internal refractive lens or a wide-body refractive globe; and
4. All open-bottom lights are equipped with full cutoff fixture shields that reduce glare and limit uplight.

Sec. 7.4.7. Vehicular Canopies

A. Areas under a vehicular canopy must have a maximum point of horizontal illuminance of 24 FC.

B. Lighting under vehicular canopies must be designed so as not to create glare off-site. Acceptable methods include one or more of the following:

1. Recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface of the canopy that provides a shielded light distribution;
2. Light fixture incorporating shields, or shielded by the edge of the canopy itself, so that light is restrained to five degrees or more below the horizontal plane;
3. Surface mounted fixture incorporating a flat glass that provides a cutoff fixture or shielded light distribution;
4. Surface mounted fixture with a lens cover that contains at least two percent white fill diffusion material; or
5. Indirect lighting where light is beamed upward and then reflected down from the underside of the canopy, provided the fixtures is shielded so that direct illumination is focused exclusively on the underside of the canopy.

Sec. 7.4.8. Outdoor Recreation Fields

A. The mounting height of outdoor recreation field lighting fixtures cannot exceed 80 feet from finished grade unless approved as a special use permit in accordance with Sec. 11.2.10.

B. All outdoor recreation field lighting fixtures must be equipped with a glare control package, including louvers, shields, or similar devices. The fixtures must be aimed so that their beams are directed and fall within the primary playing or performance area.

C. Outdoor recreation fields within 100 feet of a Residential District shall not be illuminated after 10 PM Sunday through Thursday, and 11 PM Friday and Saturday.

Sec. 7.4.9. Signs

Lighting fixtures illuminating signs must meet the standards of Sec. 7.3.16F.

Sec. 7.4.10. Building and Security Lighting

A. Lighting fixtures shall be selected, located, aimed, and shielded so that direct illumination is focused exclusively on the building facade, plantings, and other intended site features and away from adjoining properties and the public street right-of-way.

B. Only lighting used to accent architectural features, landscaping or art may be directed upward, provided that the fixture shall be located, aimed or shielded to minimize light spill into the night sky.

C. Building-mounted security light fixtures such as wall packs, flood lights, and flood lamps must not project above the fascia or roof line of the building and must be shielded. No security fixture lighting may be installed or oriented to face a ground floor residential use.

Sec. 7.4.11. Excessive Lighting

A. Lighting that unnecessarily illuminates and substantially interferes with the use or enjoyment of any other property is prohibited. Lighting unnecessarily illuminates if it exceeds the requirements of this code.

B. Lighting must not be oriented so as to direct glare or excessive illumination onto streets in a manner that may distract or interfere with the vision of either drivers or pedestrians.

Sec. 7.4.12. Nonconformities

The installation of outdoor lighting, replacement of outdoor lighting, and changes to existing light fixture wattage, type of fixture, mounting, or fixture location shall be made in strict compliance with this article. Routine maintenance, including changing the lamp, ballast, starter, photo control, fixture housing, lens and other required components, is permitted for all existing fixtures not subject to the provision below.

Article 7.5. Outdoor Display and Storage

Sec. 7.5.1. Applicability

A. The requirements of this article apply to any site where merchandise, material or equipment is stored outside of a completely enclosed building.

B. Where merchandise, material or equipment is stored outside of a completely enclosed building in the AP District and the storage area lies more than 100 feet from any street right-of-way or property line, the provisions of this article do not apply.

C. Where allowed, the outdoor sale, lease or rent of motor vehicles and heavy equipment as part of a properly permitted use are not subject to the provisions of this Article but must be screened along the street edge by a Type C3 street protective yard as set forth in Sec. 7.2.2C.

Sec. 7.5.2. Outdoor Display

A. Outdoor display is the outdoor display of products actively available for sale. The outdoor location of LP gas storage racks, ice storage bins, soft drink or similar vending machines is considered outdoor display. Outdoor display does not include merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers otherwise considered outdoor storage.

B. Outdoor display is permitted with nonresidential use in a RX-, OP-, OX-, NX-, CX-, DX-, and CMP district following approval of a site plan illustrating the extent of the permitted area for outdoor display. The area for outdoor display must meet the standards below.

1. Outdoor display shall be removed and placed inside a fully-enclosed building at the end of each business day.
2. Outdoor display is permitted adjacent to the primary facade with principal customer entrance, but must not extend more than eight feet from the facade.
3. Outdoor display can located no closer than five feet from any public entrance.
4. Outdoor display can occupy no more than 30% of the horizontal length of the facade.
5. Outdoor display must not impair the ability of pedestrians to use the sidewalk or parking areas.

Sec. 7.5.3. Outdoor Storage

Materials stored in outdoor storage are not normally brought indoors overnight. Outdoor storage occurs in two forms, limited outdoor storage and general outdoor storage.

A. Limited Outdoor Storage

1. Limited outdoor storage includes but is not limited to the overnight outdoor storage of vehicles awaiting repair, the storage of vehicles at self-storage facility, storage of merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers, garden supplies, building supplies, plants, fleet vehicles, operable boats, RV's or other similar vehicles at a self-service storage facility, and other similar merchandise, material or equipment.
2. Limited outdoor storage is only permitted in the OP-, OX-, CX-, DX-, IX-, AP, IH and CMP districts following approval of a site plan illustrating the extent of the permitted area for limited outdoor storage and provided it meets the standards below.
   a. Limited outdoor storage may not be more than 12 feet in height and must be fully screened from view from the public right-of-way, public parking areas, and abutting properties by an evergreen living fence that covers a least two-thirds of the surface area of the fence at the time of maturity or by a Type C2 street protective yard as set forth in Sec. 7.2.2C.
   b. Limited outdoor storage cannot be located in Zone A or B neighborhood transition zone.
   c. Vehicles awaiting repair may be stored up to 14 days within the required screened storage area.

B. General Outdoor Storage

1. General outdoor storage includes, but is not limited to, the outdoor storage of vehicles awaiting repair, contractors equipment, lumber, pipe, steel, junk and other similar merchandise, material or equipment. Does not in the outdoor storage of vehicles, which may be allowed subject to the issuance of special use permit (see Sec. 6.5.1C).
2. General outdoor storage is only permitted in the -IH District following review of a site plan illustrating the extent of the permitted area for general outdoor storage and provided it meets the standards below.
   a. All general outdoor storage must be located at least 15 feet from the public right-of-way and must be screened by a Type C1 or C2 street protective yard as set forth in Sec. 7.2.2C.
   b. General outdoor storage may be located in the side or rear setback and must be screened by a Type B1 or B2 transitional protective yard as set forth in Sec.78.2.2B when abutting a residential, mixed use or special district.
   c. General outdoor storage cannot be located in A or B neighborhood transition zone.

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Article 8.1. Blocks

Sec. 8.1.1. Maximum Block Length and Block Perimeters

A. Applicability

The block length and perimeter standards apply to preliminary plans and final plats submitted in accordance with Sec. 11.2.5 and site plans submitted in accordance with Sec. 11.2.9.

B. Block Standards

1. Residential blocks must have sufficient width to provide for two tiers of residential lots, except where single tier lots are required to accommodate single-loaded streets where across from a public park or open space, to allow for unusual topographical conditions, or when adjacent to the outer perimeter of a subdivision.
2. The following table establishes the maximum block perimeter, maximum block lengths and a maximum length for a dead end street by zoning district. In the event that a single block contains more than one zoning district, the most restrictive requirement applies.

	Block Perimeter (max)	Block Length (max)	Dead-End Street (max)
R-1, R-2, R-4: By Average Lot Size on Block			
40,000+ sf	6,000'	2,640'	750'
20,000 - 39,999 sf	3,330'	1,320'	600'
10,000 - 19,999 sf	3,000'	1,100'	400'
6,000 - 9,999 sf	2,400'	880'	300'
up to 5,999 sf	2,000'	660'	200'
R-6, R-10: By District			
R-6	2,000'	660'	200'
R-10	2,400	880'	300'
Mixed Use Districts			
DX-	1,760'	440'	Not allowed
RX-, NX-, CX-	2,000'	660'	300'
OP-, OX-, IX-	2,400'	880'	400'
Special Districts			
CM, AP	--	--	Not allowed
IH	4,000'	1,320'	400'
R-MP	2,000'	660'	Not allowed
CMP	3,500'	880'	400'

Sec. 8.1.2. Block Measurements

A. A block is bounded by a street (not including an alley) that meets the requirements of Article 8.2.

B. Block perimeter is measured along the centerline of intersecting streets that encompass the block.

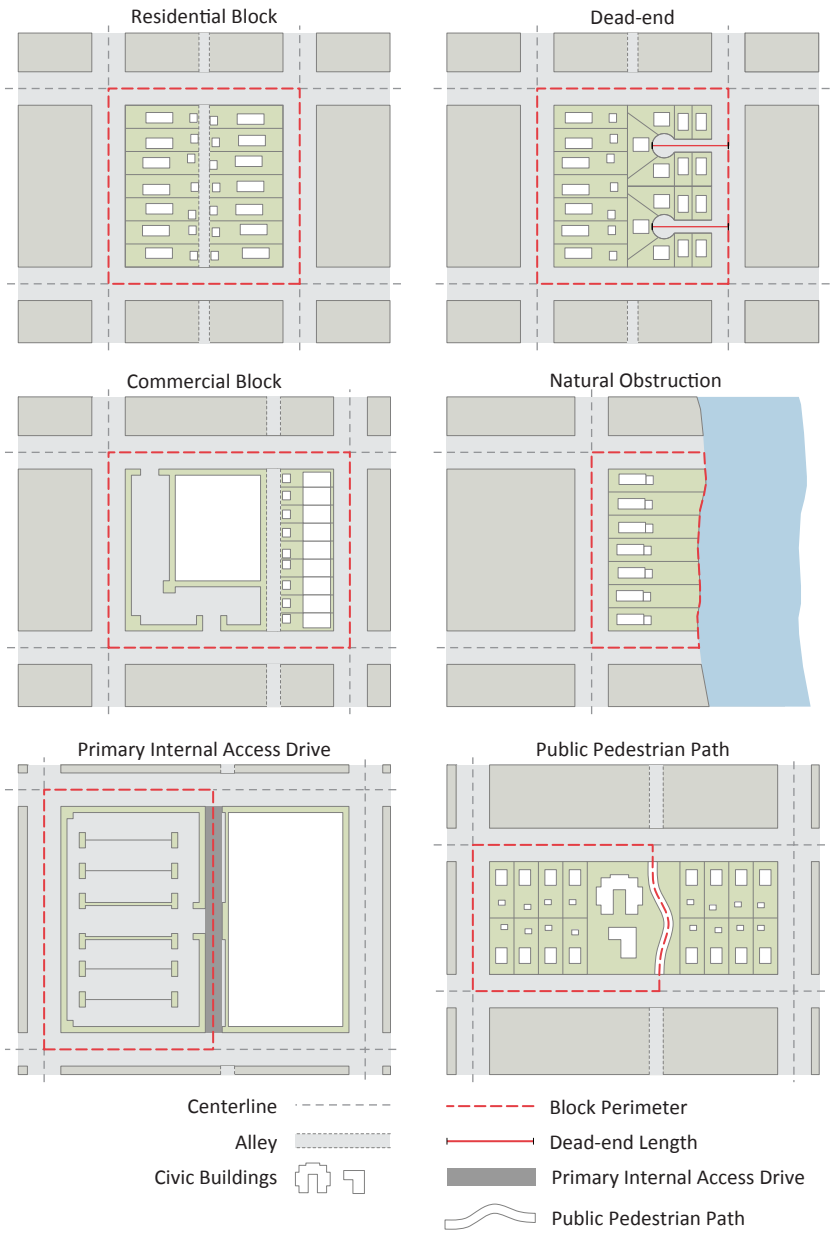
C. Block length is measured from centerline to centerline of intersecting streets.

D. The maximum block length or perimeter may be extended in the event that steep slopes in excess of 25%, freeways, waterways, railroad lines, preexisting development, tree conservation areas, stream buffers, cemeteries, open space, or easements make the maximum block length or perimeter unfeasible.

E. The maximum block length and perimeter may be extended by 25%, if the block includes a pedestrian passage that meets the requirements of Sec. 8.2.9 that directly connects the two streets on each block face.

F. The maximum block length and perimeter may be extended by 25%, if the block includes a alley that meets the requirements of Sec. 8.2.8 that directly connects the two streets on each block face.

G. A block may be broken by a civic building or open lot, provided the lot is at least 50 feet wide and provides a pedestrian passage meeting the requirements of Sec. 8.2.9 that directly connects the two streets on each block face.



Sec. 8.1.3. Neighborhood Access

A. Open Access

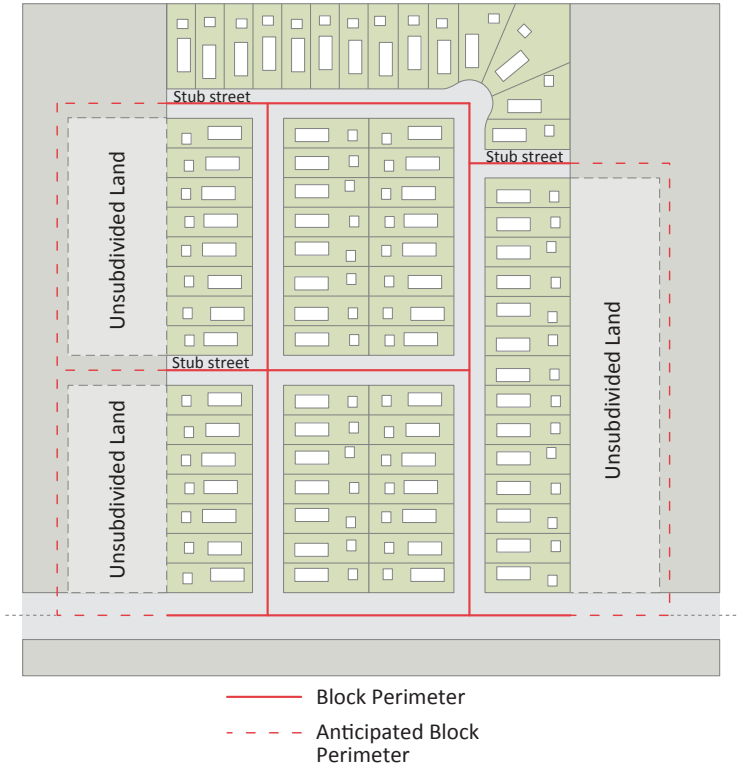
Developments must provide roadways that remain permanently open to the public and provide community-wide access as part of an overall connected street network.

B. Connectivity Required

1. Proposed streets within a new subdivision must be interconnected and must connect with adjacent streets external to the subdivision, to provide multiple routes for pedestrian and vehicle trips from, to, and within the subdivision
2. Any residential subdivision with more than 25 lots must provide at least two points of vehicular ingress and egress from existing and surrounding streets.

C. Stub Streets

1. Where a subdivision adjoins unsubdivided land, stub streets within the new subdivision shall be extended to the meet maximum block length and perimeter standards of Sec. 8.1.1.
2. The stub street must be extended to the boundary of the abutting property to the point where the connection to the anticipated street is expected.
3. No stub street longer than half the maximum block length for the district is allowed.
4. If a stub streets exists on abutting property, the street system of any new subdivision must connect to the stub street to form a through street.
5. Street stubs may not be required in the event that steep slopes in excess of 25%; freeways, waterways, railroad lines, preexisting development, tree conservation areas, stream buffers, cemeteries, open space, or easements make the provision of a stub street infeasible.
6. If a stub street is provided, a barricade, the design to be approved by the Public Works Director, must be constructed at the end of the stub street, pending the extension of the street into abutting property. A sign noting future street extension shall be posted at the applicant's expense.



Article 8.2. Streets

Sec. 8.2.1. General Provisions

A. Applicability

1. When a preliminary plan, final plat or site plan proposes the construction of a new street or the reconstruction or extension of an existing street, the requirements of this article apply.
2. Sidewalks, streets, street trees and street lights must be installed and constructed in accordance with this Chapter and Chapter 9.

B. Construction Standards

The construction standards for all streets must be in accordance with the Street, Sidewalk, and Driveway Access Handbook as amended, on file in the City Clerk's office.

C. Certificate of Compliance Required

1. Sidewalks, streets, street trees and street lights must be installed prior to the issuance of a certificate of compliance.
2. A temporary certificate of compliance may be issued when the Public Works Director determines that due to the unavailability of plant material or weather concerns that immediate completion of the street trees would jeopardize the health of plant materials for a period of up to one year following the date of application for a certificate of compliance.
3. Where determined appropriate by the Public Works Director, the sidewalk and street tree planting area may occur on private property subject to an easement for public access.

D. Tree Planting

1. Unless otherwise noted below, all trees planted in accordance with this Chapter must be shade trees.
2. Where overhead utilities exist, one understory tree shall planted every 20 feet on center, on average.

Sec. 8.2.2. Street Types

A. This section describes guidelines for the construction of new streets throughout the city and is intended to provide a catalog of pre-approved street types that are appropriate to use.

B. Additional streets types may be integrated into this code as they are approved by the Public Works Director.

C. Alternative parking angles other than shown may be approved by the Public Works Director.

D. The following table may be used as a guide to the appropriate street type, the Public Works Director will make the final determination as to the appropriate street type based on the type, scale and intensity of the proposed development.

E. The required street type is determined by the zoning district or by the designated frontage. If there is a conflict between a designated frontage and a zoning district, the designated frontage standard applies.

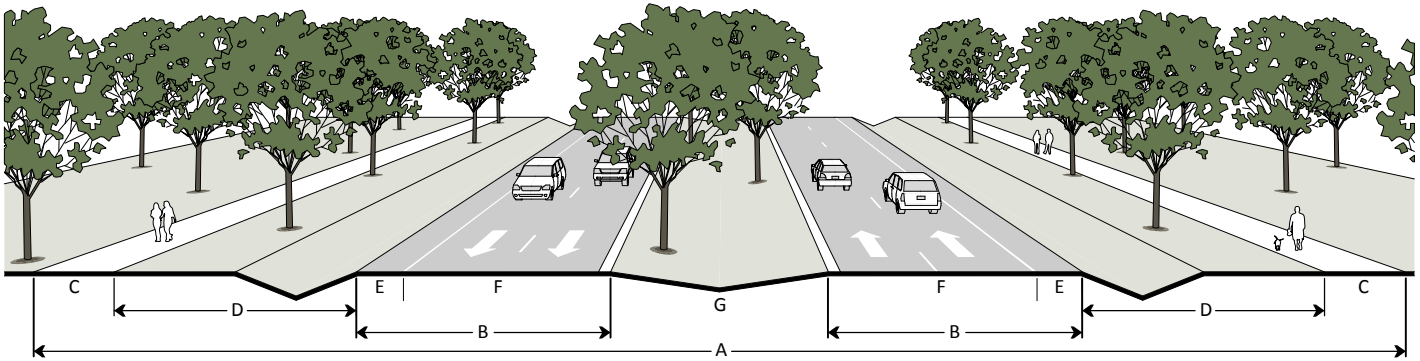
STREET TYPES ALLOWED BY DISTRICT

	RESIDENTIAL					MIXED USE (NO FRONTAGE)							SPECIAL			FRONTAGE							
	R-1	R-2	R-4	R-6	R-10	RX-	OP-	OX-	NX-	CX-	DX-	IX-	CM	AP	IH	-PW	-DE	-PL	-GR	-UL	-UG	-SH	Standards
Rural Streets																							
Rural Parkway	P	P											P	P		P							8.2.3.A
Rural Street	P													P		P							8.2.3.B
Local Streets																							
Neighborhood Yield	P	P	P	P	P	P																	8.2.4.A
Neighborhood Local	P	P	P	P	P	P			P	P	P												8.2.4.B
Neighborhood Street	P	P	P	P	P	P	P	P	P	P	P												8.2.4.C
Mixed Use Streets																							
Avenue 2-Lane	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	P	P	P		8.2.5.A
Avenue 3-Lane	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	P	P	P		8.2.5.B
Avenue 3-Lane, Parallel					P	P	P	P	P	P	P	P						P	P	P	P	P	8.2.5.C
Main Street, Parallel					P	P	P	P	P	P	P	P						P	P	P	P	P	8.2.5.D
Main Street, Angle					P	P	P	P	P	P	P	P						P	P	P	P	P	8.2.5.E
Major Streets																							
Avenue 4-Lane					P	P	P	P	P	P	P	P						P	P	P	P	P	8.2.6.A
Avenue 6-Lane							P	P	P	P	P	P						P					8.2.6.B
Avenue 8-Lane							P	P	P	P	P	P											8.2.6.C
Multi-way, Parallel					P	P	P	P	P	P	P	P						P					8.2.6.D
Multi-way, Angle					P	P	P	P	P	P	P	P						P					8.2.6.E
Industrial Streets																							
Industrial Street -1												P			P								8.2.7.A
Industrial Street -2							P	P				P			P								8.2.7.B
Service Streets																							
Alley, Residential	P	P	P	P	P	P			P	P							P	P	P	P	P	P	8.2.8.A
Alley, Mixed Use						P	P	P	P	P	P	P				P	P	P	P	P	P	P	8.2.8.B
Access Ways																							
Primary Internal Access Drive						P	P	P	P	P		P			P	P	P	P	P	P	P	P	8.2.9.A
Pedestrian Passage	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	P	P	P	P	8.2.9.B

Key: P = Street Type Permitted Blank cell = Street Type Not Permitted

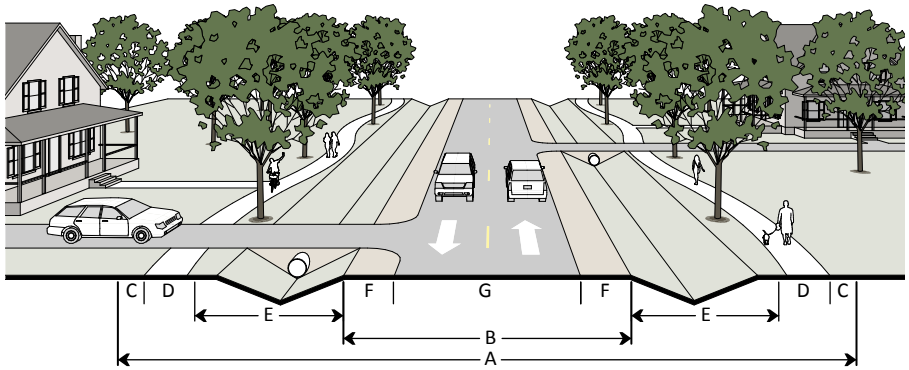
Sec. 8.2.3. Rural Streets

A. Rural Parkway



Width		
A	Right-of-way width	172'
B	Clear width	31'
Streetscape		
C	Sidewalk (min)	10'
D	Ditch & swale (min)	30'
Travelway		
E	Shoulder	9'
F	Travel lanes	22'
G	Median (min)	30'
General		
	Street type	4-lane thoroughfare
	Walkway type	Multi-use path
	Planting type	Ditch & swale
	Tree spacing	50' o.c. avg
	Shoulder type	Paved

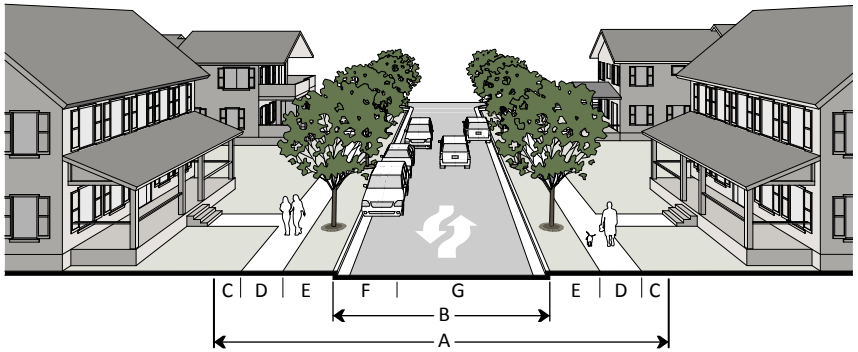
B. Rural Street



		Residential
Width		
A	Right-of-way width	78'
B	Clear width	32'
Streetscape		
C	Utility placement (min)	2'
D	Sidewalk (min)	6'
E	Ditch & swale (min)	15'
Travelway		
F	Shoulder	6'
G	Travel lanes	20'
General		
	Street type	2-way local
	Walkway type	Sidewalk
	Planting type	Ditch & swale
	Tree spacing	50' o.c. avg
	Shoulder type	Gravel or paved

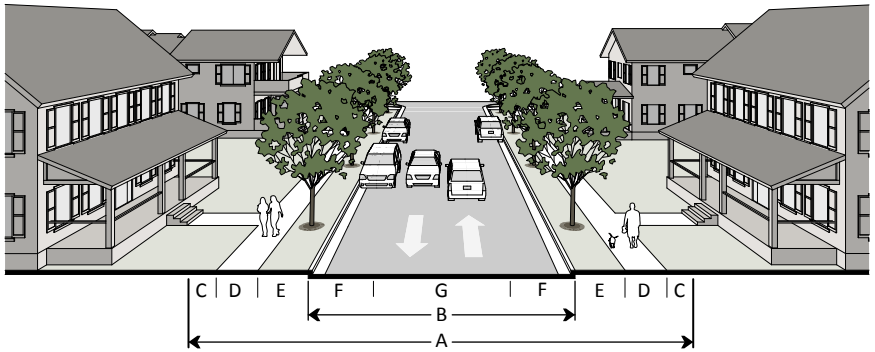
Sec. 8.2.4. Local Streets

A. Neighborhood Yield



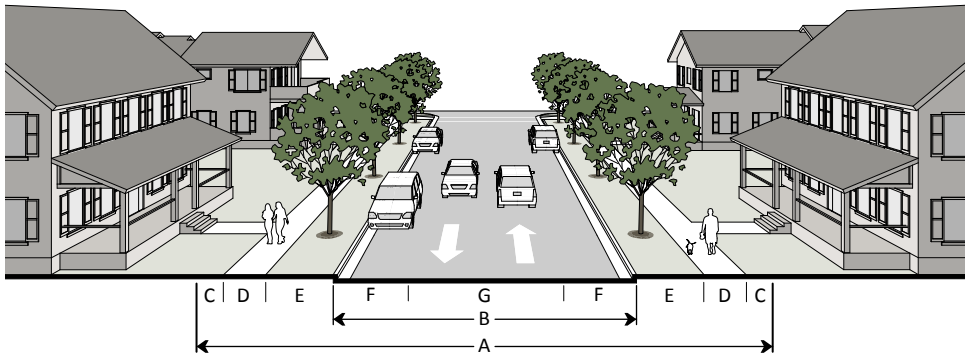
		Residential
Width		
A	Right-of-way width	52'
B	Clear width	24'
Streetscape		
C	Utility placement (min)	2'
D	Sidewalk (min)	6'
E	Planting area (min)	6'
Travelway		
F	Parking lane	7'
G	Travel lanes	15'
General		
	Street type	2-way local
	Walkway type	Sidewalk
	Planting type	Tree lawn
	Tree spacing	30' o.c. avg
	Parking type	Parallel staggered

B. Neighborhood Local



		Two-Way Residential	One-Way Residential
Width			
A	Right-of-way width	60'	47'
B	Clear width	32'	19'
Streetscape			
C	Utility placement (min)	2'	2'
D	Sidewalk (min)	6'	6'
E	Planting area (min)	6'	6'
Travelway			
F	Parking lane	7'	7'
G	Travel lanes	18'	10'
General			
	Street type	2-lane local	1-lane local
	Walkway type	Sidewalk	Sidewalk
	Planting type	Tree lawn	Tree lawn
	Tree spacing	30' o.c. avg	30' o.c. avg
	Parking type	Parallel on 2 sides	Parallel on 1 side

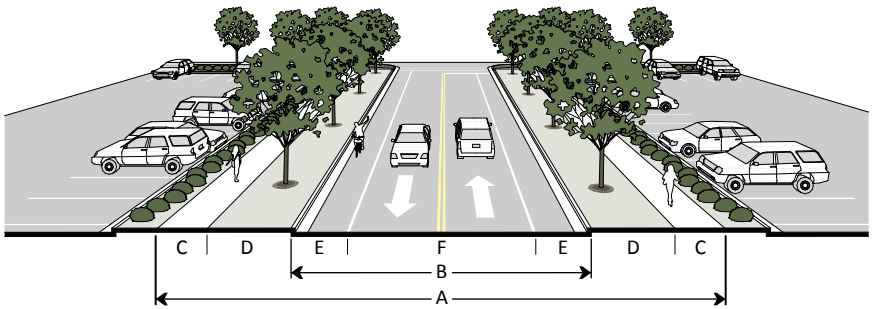
C. Neighborhood Street



		Mixed Use	Residential
Width			
A	Right-of-way width	64'	61'
B	Clear width	36'	33'
Streetscape			
C	Utility placement (min)	2'	2'
D	Sidewalk (min)	6'	6'
E	Planting area (min)	6'	6'
Travelway			
F	Parking lane	8'	7'
G	Travel lanes	20'	19'
General			
	Street type	2-lane collector	2-lane collector
	Walkway type	Sidewalk	Sidewalk
	Planting type	Tree lawn	Tree lawn
	Tree spacing	30' o.c. avg	30' o.c. avg
	Parking type	Parallel on 2 sides	Parallel on 2 sides

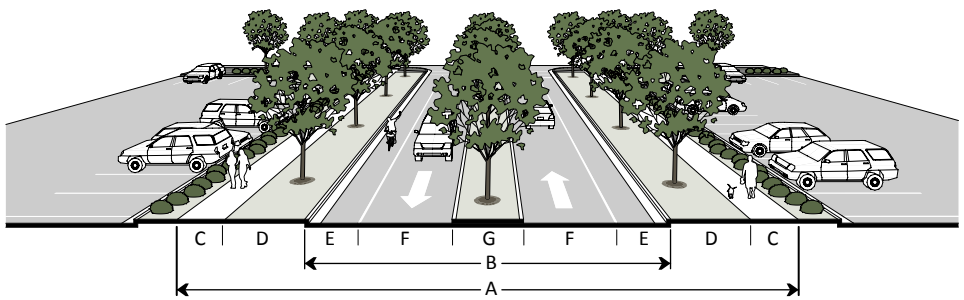
Sec. 8.2.5. Mixed Use Streets

A. Avenue 2-Lane



		Mixed Use	Residential
Width			
A	Right-of-way width	64'	58'
B	Clear width	36'	34'
Streetscape			
C	Sidewalk (min)	6'	6'
D	Planting area (min)	8'	6'
Travelway			
E	Bike lane	7'	7'
F	Travel lanes	22'	20'
General			
	Street type	2-lane collector	2-lane collector
	Walkway type	Sidewalk	Sidewalk
	Planting type	Tree lawn	Tree lawn
	Tree spacing	30' o.c. avg	30' o.c. avg

B. Avenue 3-Lane



		Mixed Use	Residential
Width			
A	Right-of-way width	75'	68'
B	Clear width	47'	44'
Streetscape			
C	Sidewalk (min)	6'	6'
D	Planting area (min)	8'	6'
Travelway			
E	Bike lane	7'	7'
F	Travel lanes	11'	10'
G	Center turn lane or median + curb & gutter	11'	10'
General			
	Street type	3-lane collector	3-lane collector
	Walkway type	Sidewalk	Sidewalk
	Planting type	Tree lawn	Tree lawn
	Tree spacing	30' o.c. avg	30' o.c. avg

C. Avenue 3-Lane, Parallel Parking

		Mixed Use	Residential
Width			
A	Right-of-way width	101'	86'
B	Clear width	61'	58'
Streetscape			
C	Sidewalk (min)	14'	8'
D	Planting area (min)	6'	6'
Travelway			
E	Parking lane	8'	8'
F	Bike lane	6'	6'
G	Travel lanes	11'	10'
H	Center turn lane or median + curb & gutter	11'	10'
General			
	Street type	3-lane collector	3-lane collector
	Walkway type	Sidewalk	Sidewalk
	Planting type	Tree grate / lawn	Tree grate / lawn
	Tree spacing	30' o.c. avg	30' o.c. avg
	Parking type	Parallel on 2 sides	Parallel on 2 sides

D. Main Street, Parallel Parking

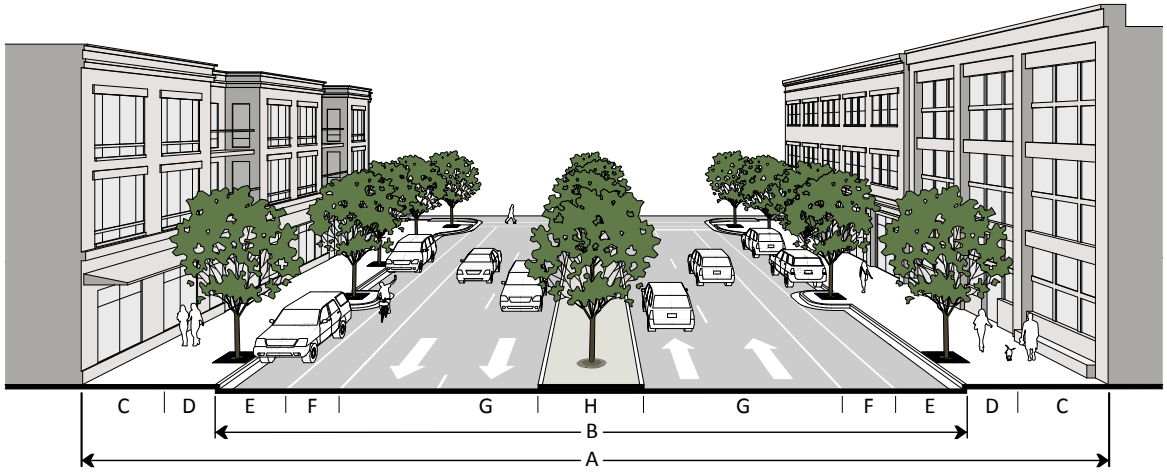
	Mixed Use	Residential
Width		
A Right-of-way width	80'	72'
B Clear width	38'	38'
Streetscape		
C Sidewalk (min)	15'	11'
D Planting area (min)	6'	6'
Travelway		
E Parking lane	8'	8'
F Travel lanes	22'	22'
General		
Street type	2-lane collector	2-lane collector
Walkway type	Sidewalk	Sidewalk
Planting type	Tree grate	Tree grate / lawn
Tree spacing	30' o.c. avg	30' o.c. avg
Parking type	Parallel on 2 sides	Parallel on 2 sides

E. Main Street, Angle Parking

	Mixed Use	Residential
Width		
A Right-of-way width	102'	94'
B Clear width	60'	60'
Streetscape		
C Sidewalk (min)	15'	11'
D Planting area (min)	6'	6'
Travelway		
E Parking lane	18'	18'
F Travel lanes	24'	24'
General		
Street type	2-lane collector	2-lane collector
Walkway type	Sidewalk	Sidewalk
Planting type	Tree grate	Tree grate / lawn
Tree spacing	30' o.c. avg	30' o.c. avg
Parking type	Angle on 2 sides	Angle on 2 sides

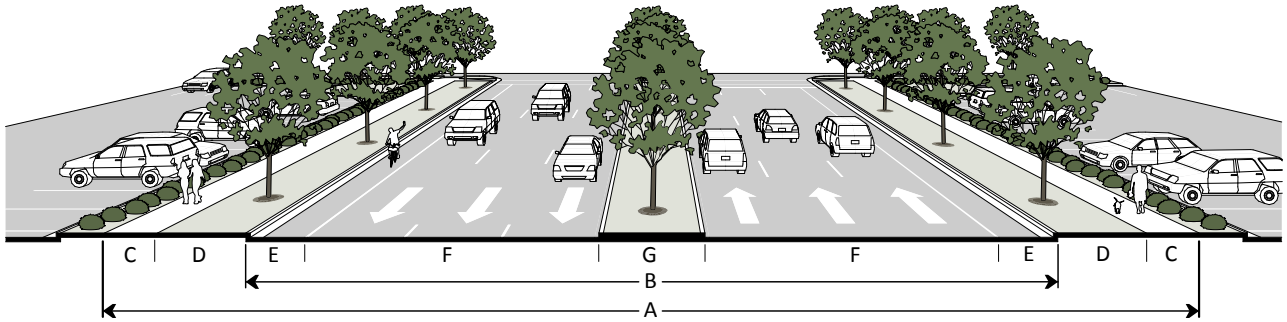
Sec. 8.2.6. Major Streets

A. Avenue 4-Lane



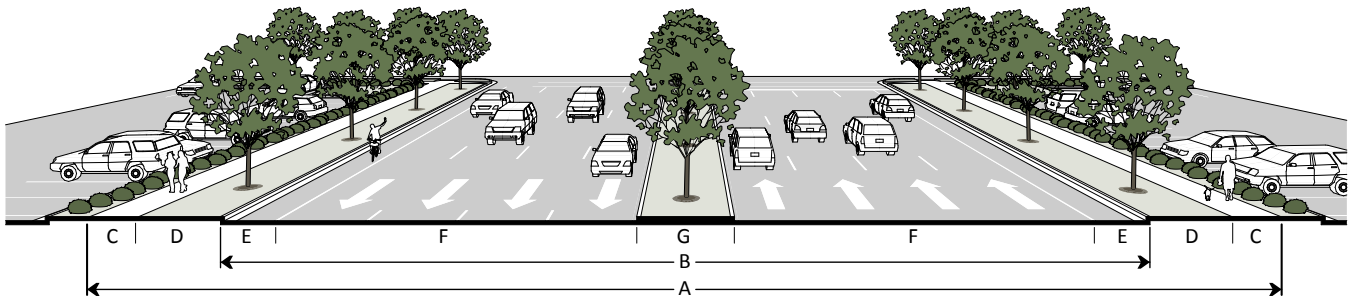
		Mixed Use	Residential
Width			
A	Right-of-way width	123'	106'
B	Clear width	83'	78'
Streetscape			
C	Sidewalk (min)	14'	8'
D	Planting area (min)	6'	6'
Travelway			
E	Parking lane	8'	8'
F	Bike lane	6'	6'
G	Travel lanes	22'	20'
H	Median + curb & gutter	11'	10'
General			
	Street type	4-lane thoroughfare	4-lane thoroughfare
	Walkway type	Sidewalk	Sidewalk
	Planting type	Tree grate / lawn	Tree grate / lawn
	Tree spacing	30' o.c. avg	30' o.c. avg
	Parking type	Parallel on 2 sides	Parallel on 2 sides

B. Avenue 6-Lane



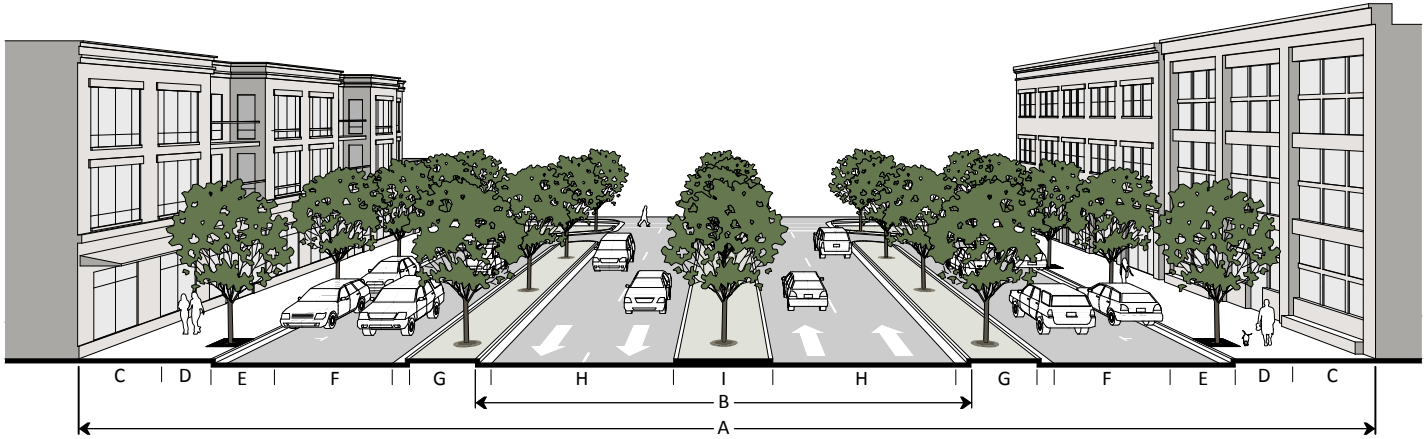
Width		
A	Right-of-way width	119'
B	Clear width	91'
Streetscape		
C	Sidewalk (min)	6'
D	Planting area (min)	8'
Travelway		
E	Bike lane	7'
F	Travel lanes	33'
G	Median + curb & gutter	11'
General		
	Street type	6-lane thoroughfare
	Walkway type	Sidewalk
	Planting type	Tree lawn
	Tree spacing	50' o.c. avg

C. Avenue 8-Lane



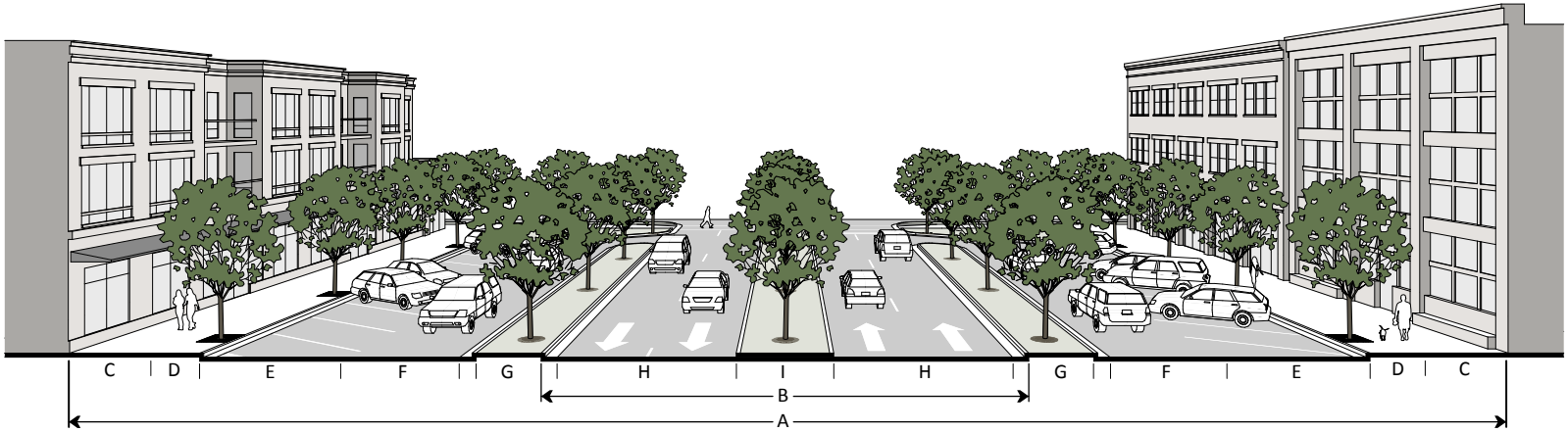
Width		
A	Right-of-way width	141'
B	Clear width	113'
Streetscape		
C	Sidewalk (min)	6'
D	Planting area (min)	8'
Travelway		
E	Bike lane	7'
F	Travel lanes	44'
G	Median + curb & gutter	11'
General		
	Street type	8-lane thoroughfare
	Walkway type	Sidewalk
	Planting type	Tree lawn
	Tree spacing	50' o.c. avg

D. Multi-Way Boulevard, Parallel Parking



		Mixed Use	Residential
Width			
A	Right-of-way width	149'	145'
B	Clear width	59'	59'
Streetscape			
C	Sidewalk (min)	10'	8'
D	Planting area (min)	6'	6'
Access Lane			
E	Parking lane	8'	8'
F	Access lane	11'	11'
G	Median	8'	8'
Travelway			
H	Travel lanes	22'	22'
I	Center turn lane or median + curb & gutter	11'	11'
General			
	Street type	5-lane thoroughfare	5-lane thoroughfare
	Walkway type	Sidewalk	Sidewalk
	Planting type	Tree grate / lawn	Tree grate / lawn
	Tree spacing	30' o.c. avg	30' o.c. avg
	Parking type	Parallel in access lane	Parallel in access lane

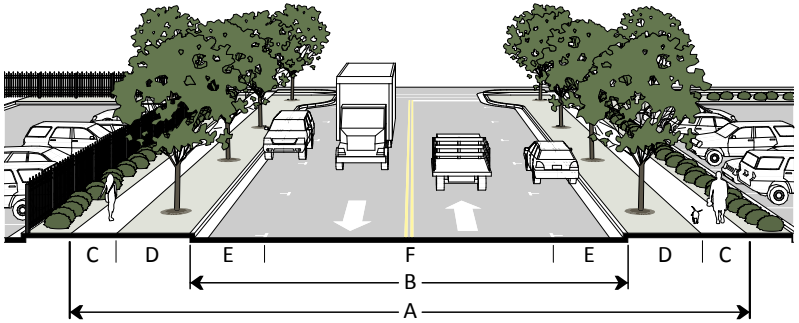
E. Multi-Way Boulevard, Angle Parking



		Mixed Use	Residential
Width			
A	Right-of-way width	169'	165'
B	Clear width	59'	59'
Streetscape			
C	Sidewalk (min)	10'	8'
D	Planting area (min)	6'	6'
Access Lane			
E	Parking lane	18'	18'
F	Access lane	11'	11'
G	Median	8'	8'
Travelway			
H	Travel lanes	22'	22'
I	Center turn lane or median + curb & gutter	11'	11'
General			
	Street type	5-lane thoroughfare	5-lane thoroughfare
	Walkway type	Sidewalk	Sidewalk
	Planting type	Tree grate / lawn	Tree grate / lawn
	Tree spacing	30' o.c. avg	30' o.c. avg
	Parking type	Angle in access lane	Angle in access lane

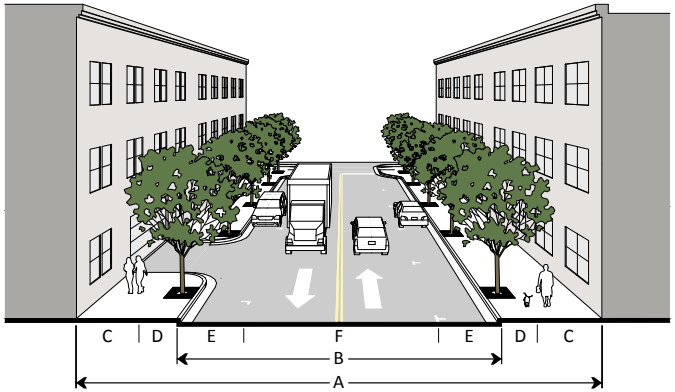
Sec. 8.2.7. Industrial Streets

A. Industrial Street-1



	Industrial	Mixed Use
Width		
A Right-of-way width	68'	66'
B Clear width	44'	42'
Streetscape		
C Sidewalk (min)	6'	6'
D Planting area (min)	6'	6'
Travelway		
E Parking lane	8'	8'
F Travel lanes	28'	26'
General		
Street type	2-lane local	2-lane local
Walkway type	Sidewalk	Sidewalk
Planting type	Tree lawn	Tree lawn
Tree spacing	30' o.c. avg	30' o.c. avg
Parking type	Parallel on 2 sides	Parallel on 2 sides

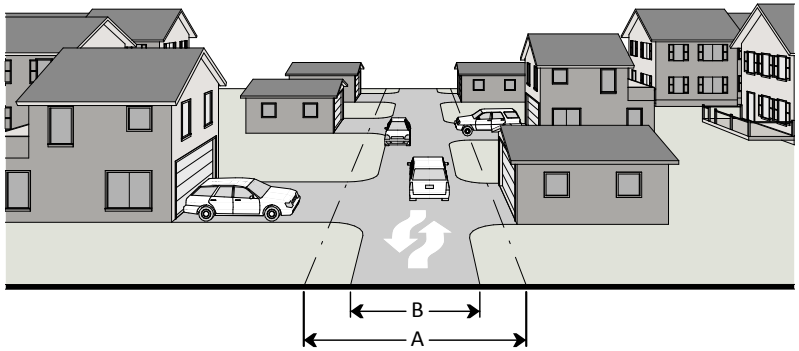
B. Industrial Street-2



	Industrial	Mixed Use
Width		
A Right-of-way width	70'	68'
B Clear width	42'	40'
Streetscape		
C Sidewalk (min)	8'	8'
D Planting area (min)	6'	6'
Travelway		
E Parking lane	8'	8'
F Travel lanes	26'	24'
General		
Street type	2-lane local	2-lane local
Walkway type	Sidewalk	Sidewalk
Planting type	Tree grate	Tree grate
Tree spacing	30' o.c. avg	30 feet o.c. avg
Parking type	Parallel on 2 sides	Parallel on 2 sides

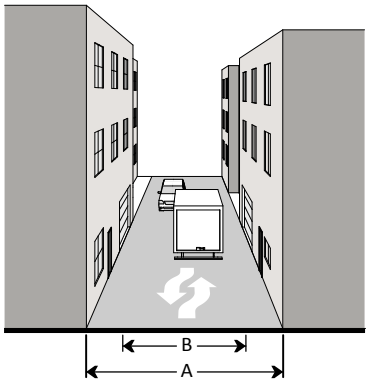
Sec. 8.2.8. Service Streets

A. Alley, Residential



	One-Way	Two-Way
Width		
A Right-of-way width	14'	20'
Travelway		
B Travel lanes	8'	12'
General		
Street type	Access	Access

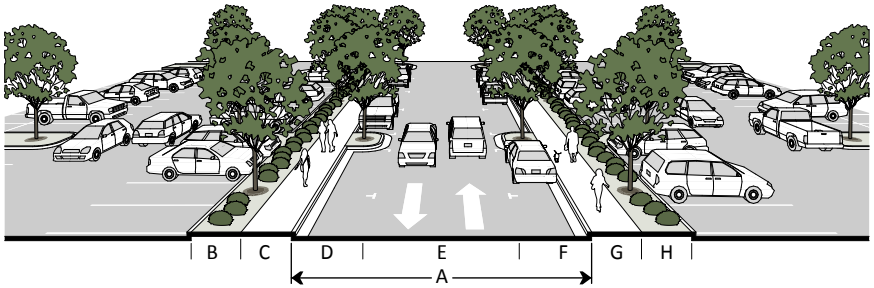
B. Alley, Mixed Use



	One-Way	Two-Way
Width		
A Right-of-way width	20'	24'
Travelway		
B Travel lanes	14'	18'
General		
Street type	Access	Access

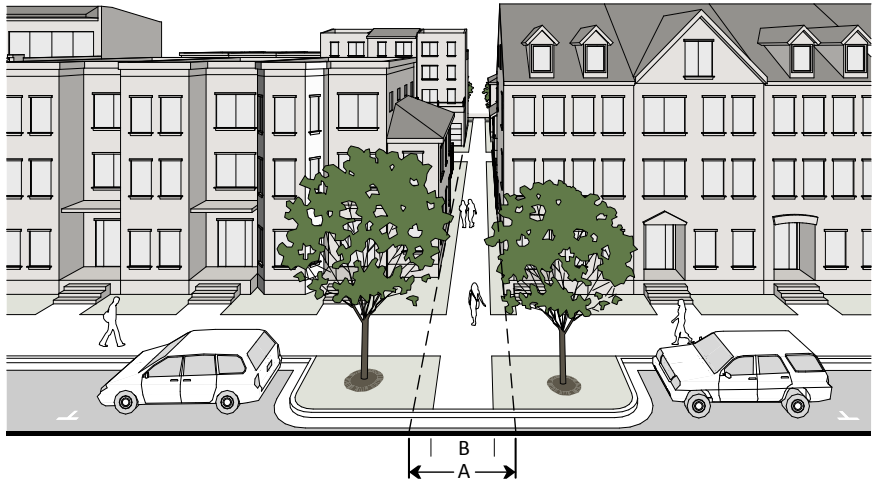
Sec. 8.2.9. Accessways

A. Primary Internal Access Drive



	Accessway
Width	
A Pavement width	36'
Streetscape	
B Planting strip (min)	5'
C Sidewalk (min)	6'
Travelway	
D Parking lane	8'
E Travel lanes	20'
General	
Street type	Access
Walkway type	Sidewalk
Parking type	Parallel on 2 sides

B. Pedestrian Passage



	Accessway
Width	
A Right-of-way width (min)	12'
Travelway	
B Paved area (min)	8'
General	
Walkway type	Access

Article 8.3. Streetscapes

Sec. 8.3.1. General Provisions

A. Applicability

1. General

No permit for the construction, reconstruction, extension, repair, or alteration of any building, structure, or use of land, and no building or land, or any part of any building or land, may be occupied or used until the streetcape requirements of this code.

2. Additions

a. A building or site may be renovated or repaired without providing additional meeting the streetscape standards, provided there is no increase in gross floor area or improved site area.

b. When a building or site increased in gross floor area or improved site area by more than 25%, the streetscape provisions of this code must be met.

3. Change in Use

A change in use does not trigger application of the streetscape requirements of this code.

B. Construction Standards

The construction standards for all streetscapes must be in accordance with the Street, Sidewalk, and Driveway Access Handbook as amended, on file in the City Clerk's office.

C. Certificate of Compliance Required

1. Sidewalks, streets, street trees and street lights must be installed prior to the issuance of a certificate of compliance.
2. A temporary certificate of compliance may be issued when the Public Works Director determines that due to the unavailability of plant material or weather concerns that immediate completion of the street trees would jeopardize the health of plant materials for a period of up to one year following the date of application for a certificate of compliance.
3. Where determined appropriate by the Public Works Director, the sidewalk and street tree planting area may occur on private property subject to an easement for public access.

D. Tree Planting

1. Unless otherwise noted below, all trees planted in accordance with this Chapter must be shade trees.
2. Where overhead utilities exist, one understory tree shall planted every 20 feet on center, on average..

E. Alternative Compliance

An alternative to a required streetscape plate may be approved by the Public Works Director.

F. Fee-in-Lieu

If determined by the Public Works Director that construction of improvements would result in the improvement of less than one-half of a linear block face; an equivalent payment in lieu of construction may be required.

G. Streetscape Plans

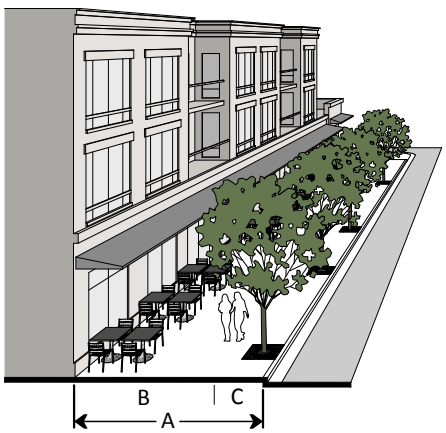
The following streetscape plans must be followed and override the streetscape requirements of this Article:

1. Cameron Village Streetscape and Parking Plan.
2. Cameron Village Streetscape and Parking Plan Amendment.
3. Downtown Streetscape Master Plan.
4. Glenlake Office Park Streetscape & Parking Plan.
5. Glenwood South Streetscape & Parking Plan.
6. Hillsborough Morgan Streetscape & Parking.
7. Oakwood Mordecai Business District Streetscape Plan.
8. Peace Streetscape & Parking Plan.
9. Promenade at Crabtree Streetscape & Parking Plan.
10. Southeast Raleigh Streetscape Master Plan.
11. Stanhope Center Streetscape and Parking Plan.
12. University Village Streetscape Plan on Hillsborough Street.

Sec. 8.3.2. Streetscape Types

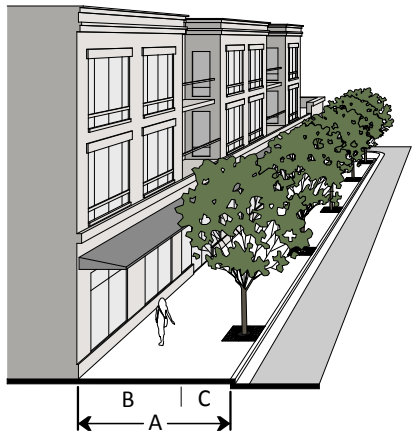
The required streetscape type is determined by the zoning district or by the designated frontage. If there is a conflict between a designated frontage and the zoning district, the designated frontage standard applies.

A. Main Street



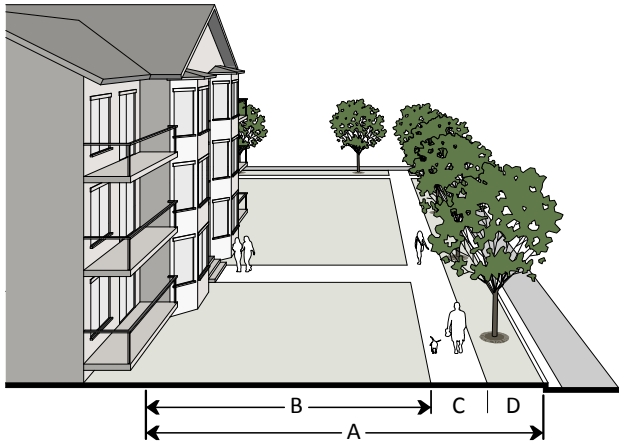
Frontages		
	Applicable frontages	-SH, -UG, -UL, -GR, -PL
Zoning Districts		
	Applicable zoning districts	Mixed use districts
Width		
A	Streetscape width (max)	20'
Streetscape		
B	Pedestrian area (min)	10'
C	Planting area (min)	5'
General		
	Walkway type	Sidewalk
	Planting type	Tree grate
	Tree spacing	30' o.c. avg

B. Mixed Use



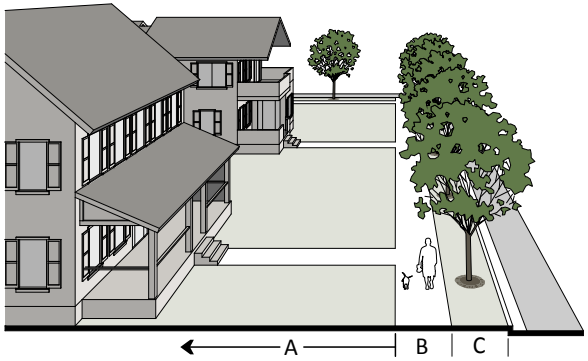
Frontages		
	Applicable frontages	-UG, -UL, -GR, -PL
Zoning Districts		
	Applicable zoning districts	Mixed use districts
Width		
A	Streetscape width (max)	15'
Streetscape		
B	Pedestrian area (min)	7'
C	Planting area (min)	5'
General		
	Walkway type	Sidewalk
	Planting type	Tree grate / lawn
	Tree spacing	30' o.c. avg

C. Commercial



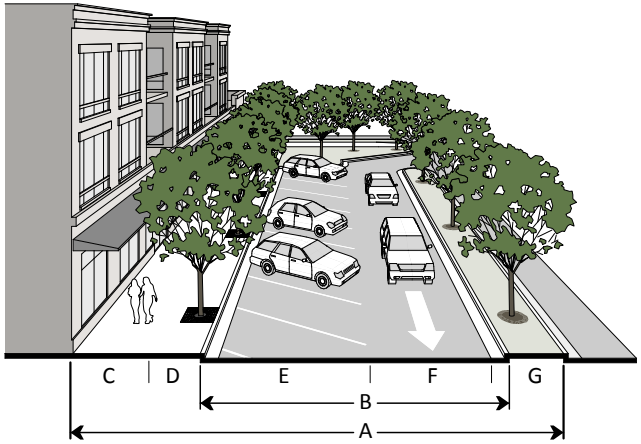
Frontages		
	Applicable frontages	-GR, -PL
Zoning Districts		
	Applicable zoning districts	Mixed use districts
Width		
A	Streetscape width (max)	50'
Streetscape		
B	Building setback (min)	20'
C	Pedestrian area (min)	6'
D	Planting area (min)	6'
General		
	Walkway type	Sidewalk
	Planting type	Tree lawn
	Tree spacing	30' o.c. avg
	No parking allowed between the building & the street	

D. Residential



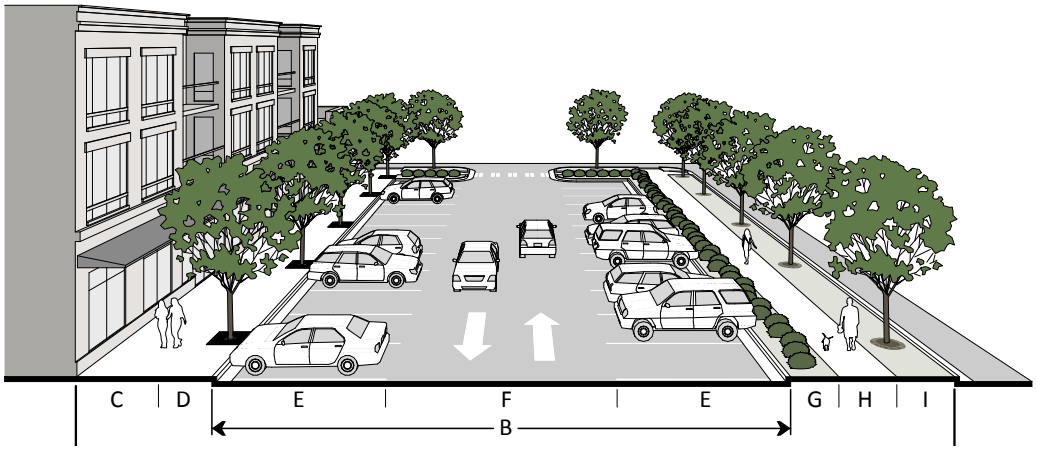
Frontages		
	Applicable frontages	-DE
Zoning Districts		
	Applicable building types	All districts: detached & attached house
	Applicable zoning districts	All residential districts, R-MP
Streetscape		
A	Building setback (min)	varies
B	Pedestrian area (min)	6'
C	Planting area (min)	6'
General		
	Walkway type	Sidewalk
	Planting type	Tree lawn
	Tree spacing	30' o.c. avg

E. Multi-Way



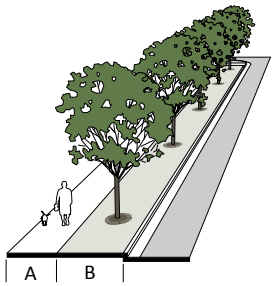
Frontages		
	Applicable frontages	-PL
Zoning Districts		
	Applicable zoning districts	Mixed use districts
Width		
A	Streetscape width (max)	65'
B	Pavement width	32'
Streetscape		
C	Pedestrian area (min)	8'
D	Planting area (min)	5'
E	Parking area	18'
F	Access lane	12'
G	Planting area (min)	6'
General		
	Walkway type	Sidewalk
	Planting type	Tree grate / lawn
	Tree spacing	30' o.c. avg

F. Parking



Frontages		
	Applicable frontages	-PL
Zoning Districts		
	Applicable zoning districts	Mixed use districts
Width		
A	Streetscape width (max)	100'
B	Pavement width	58'
Streetscape		
C	Pedestrian area (min)	8'
D	Planting area (min)	6'
E	Parking area (min)	18'
F	Access lane (min)	22'
G	Planting area (min)	5'
H	Pedestrian area (min)	6'
I	Planting area (min)	6'
General		
	Walkway type	Sidewalk
	Area G planting type	30" min hedge/wall
	Areas D & I planting type	Tree grate / lawn
	Tree spacing	30' o.c. avg

G. Sidewalk and Tree Lawn



Zoning Districts		
	Required zoning districts	All districts: Existing streets where no other streetscape applies
Streetscape		
A	Pedestrian area (min)	6'
B	Planting area (min)	6'
General		
	Walkway type	Sidewalk
	Planting type	Tree lawn
	Tree spacing	30' o.c. avg

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Article 9.1. General Provisions

Sec. 9.1.1. Applicability

A. All construction plans shall be in accordance with applicable city standards pertaining to sanitary sewer, paving, drainage, sidewalk, driveways, streets, alleys, culverts, bridge facilities, and any other facilities controlled or regulated by the city.

B. No construction shall commence until all required plans, profiles and specifications have been reviewed and approved by the city or other governmental approving agency.

C. No city services or utilities shall be extended or furnished to any development until the applicant has installed the improvements specified in this code or guaranteed their installation as provided for in this code.

Sec. 9.1.2. Construction Surety

If all improvements and installations are not completed and accepted by the city prior to a request to record all or a part of a subdivision or issuance of a building permit for any site plan, the city manager may require a security instrument to be posted, in lieu of completion of the work, in an amount and with surety and conditions satisfactory to the city, providing for and securing to the city the actual construction and installation of improvements.

Sec. 9.1.3. Acceptance

Any improvements constructed shall not be officially accepted until final inspection and approval has been made by the city, the appropriate warranty has been provided, and the City Council has approved a resolution accepting the improvements.

Sec. 9.1.4. Warranty

A. All improvements must have a warranty guaranteeing the work against defects for a period of one year from the date of public acceptance of construction.

B. If the improvements are constructed at different times, then the guarantee shall continue until one year from the date of acceptance of the improvement last completed.

C. The warranty shall list the city as a beneficiary.

Sec. 9.1.5. Reservation of Public Land

Where a proposed park, greenway, open space, school, fire station or other public use shown in the Comprehensive Plan is located in whole or in part in a development, the City Council may require the reservation of the land for future use. The reservation shall continue in effect for a period of not more than one year from the date of approval of the preliminary plan or site plan. This reservation period may be extended for an additional year upon submission of a letter to the City Council of intent to purchase by the appropriate governmental agency. Further extensions may be permitted upon mutual agreement between the land owner and the City Council, each of which shall not exceed two years.

Sec. 9.1.6. Conformity to City Plans

Whenever a tract of land included within any proposed subdivision or site plan contains any part of a street right-of-way designated on the Comprehensive Plan or Thoroughfare Plan, the public right-of-way shall be platted and dedicated in the location and the width indicated on the Comprehensive Plan or Thoroughfare Plan.

Sec. 9.1.7. Easements

A. Easements shall be provided in the locations required by the city in order to:

1. Allow for adequate storm drainage facilities;
2. Allow for proper installation of water and sewer lines, whether immediately proposed or necessary for adequate service in the future;

B. Easement widths shall be specified by the city as necessary to accommodate areas anticipated to be inundated by stormwater, and construction and repair of facilities.

Sec. 9.1.8. Street Names and Numbering

A. The proposed name of a subdivision, site plan, and proposed street names shall not duplicate or too closely approximate, phonetically, the name of any other subdivision, site plan or street.

B. Words that are part of a name and are generic in their meaning (e.g. "river," "woods," "hills") shall not be considered as duplicates of other similar uses of words.

C. House or building numbers shall conform to the system established for the city.

Sec. 9.1.9. Subdivision Monuments

A. Permanent Markers

Permanent markers shall be placed at locations of the subdivision in accordance with paragraph B. below. Permanent markers must made of concrete at least

three feet long and four inches square or in diameter with appropriate markings on top. The location and coordinates of each of these markers shall be shown on the subdivision plat.

B. Coordinate System

1. Permanent markers shall be placed at one or more corners of the subdivision that are coordinated with a horizontal control monument of some United States or State agency survey system, such as the North Carolina Geodetic Survey System, where such monument is within 2,000 feet of a corner.
2. Where the North Carolina Grid System coordinates of the monument are on file with the state, the coordinates of both the referenced corner and the monuments used shall be computed and shown in X (easting) and Y (northing) ordinates on the map.
3. The coordinates shall be identified as based on "NAD 83" indicating North American datum of 1983, or as "NAD 27," indicating North American datum of 1927. Where such a monument is not available, the tie shall be made to some pertinent and permanent recognizable landmark or identifiable reference point.

C. Corner Markers

Corner markers shall be set at the corners of all lots and shall consist of metal pipes not less than ¾ of inch in diameter and two feet long.

D. Reference Mark

1. Whenever any portion of any lot in the subdivision lies within a floodprone area , a reference mark in the form of an "X" indicating the elevation in relation to mean sea level to the nearest tenth of one foot shall be located on a permanent marker or structure such as a culvert, bridge, head wall or wing wall or as otherwise approved by the Public Works Director.
2. The elevation and a description of the location of the reference mark shall be indicated on the subdivision plats.

Sec. 9.1.10. Private Streets

A. General

1. Private streets must constructed to the same design and construction standards as public streets.
2. Private streets are not dedicated to the public and shall not be publicly maintained.
3. Private streets shall be owned and maintained by a property owners association to equivalent standards as a public street.

B. Homeowners Association

1. In no case shall the city be responsible for failing to provide any emergency or regular fire, police or other public service when such failure is due to lack of access to such areas due to inadequate design or construction, blocking of access routes, inadequate maintenance, or any other factor within the control of the developer, homeowners association or occupants.
2. In no case shall any approval, permit or certificate granted be valid unless the homeowners association documents clearly indicate the limitations of governmental responsibility and unless all conveyances indicate those limitations provided, however, the provisions of this section and all other provisions of the homeowners' declaration are applicable to the portions of the development conveyed and the owners of the conveyed portion, whether or not any such provisions are incorporated into the conveying documents.

C. Locked Gate Access

1. All private streets and drives with access limited by locked gates or similar devices must provide a pass-key and lock-box of a type, at a location, and installed in a manner as may be required by the city fire department for the provision of emergency access.
2. The owner, including any homeowners association, shall maintain the lock-box, gate, and gate lock in a working order so as to ensure accessibility by emergency personnel and vehicles.
3. The city and other applicable governmental entities and their respective emergency personnel shall be granted in writing the right, without liability, to break the locked gate or such similar device when emergency personnel reasonably believe that doing so is necessary to save life, prevent serious bodily harm, put out a fire, to prevent a crime or to apprehend an apparent lawbreaker, or to avert or control a public catastrophe.

D. Traffic flow

It shall be the responsibility of the homeowners association to establish speed limits and to maintain uninterrupted traffic flow along all private streets. If it is necessary for "no parking" signs to be erected, for street lights to be installed, for repairs to be made, or towing of vehicles to be undertaken, this is all to be done at the expense of the homeowners association.

E. Street Signage

All streets must contain identification as required in Sec. 7.3.12A.

F. Setbacks and Lot Widths

All private streets shall be treated as public street rights-of-way for purposes of determining required setbacks and lot widths.

G. Maintenance

The final plat shall be conditioned as follows:

1. Require perpetual maintenance of private streets by a homeowners association to the same standards as connecting public streets for the safe use of persons using the streets; and
2. State that the city has absolutely no obligation or intention to ever accept such streets as public right-of-way.

Article 9.2. Reimbursements

Sec. 9.2.1. Greenways

A. Required Greenway Dedication

Subject to the limitations of paragraph C. below, whenever a tract of land included within any proposed residential subdivision or residential site plan includes any part of a greenway designated on the Comprehensive Plan, the greenway shall be platted and dedicated as a greenway easement.

B. Greenway Easement Width

Subject to the limitations of paragraph C. below, the greenway required to be platted shall at a minimum, be the product of the following dimensions:

1. Minimum standard width multiplied by the length of the boundary along the banks of the adjoining watercourse;
2. Plus that portion of the watercourse contained within the development when property lines extend to the centerline of the watercourse:
   a. Neuse River: 150 feet from each bank.
   b. Crabtree & Walnut Creeks: 100 feet from each bank.
   c. All other tributaries: As established by the current City Council-approved Raleigh Parks Plan.

C. Limitation on Dedication

1. No dedication shall be required for greenway lying outside of any floodplain, floodprone or flood hazard area, but such area shall be reserved in accordance with Sec. 9.1.5 for possible city acquisition.
2. The amount of greenway required to be dedicated shall not exceed the total obligation of the development to pay open space facility fees, as determined by Article 9.5, the number and type of dwelling units allowed by law for the development, and the schedule of greenway land values listed in the Development Fee Schedule, kept on file by the Planning Director and is updated and adopted by the City Council.

D. Method and Conditions of Reimbursement

1. The City Council may, in its discretion, change the general term of payment for individual projects and authorize payment in one sum immediately or in fixed payments.
2. No payment will be allowed if the dedicated open space is being used to satisfy a code requirement for open space. Reimbursements will be reduced by any open space facility fee credits.
3. The dedicators shall waive their statutory right to withdraw the dedication prior to receiving any payment.
4. Reimbursements shall be fixed at the rate in effect when the dedication occurs.

Sec. 9.2.2. Minor Utility Lines

A. Inside City Limits

1. For developments inside the city limits or developments which have agreed to be annexed by the city, the city will reimburse the developer for costs incurred over and above those required to serve the immediate development.
2. The reimbursement shall be made in 10 equal annual installments with interest at four percent per annum beginning January 1 following the time of final inspection and acceptance of the improvement by the Public Works Director, but the first installment payment shall not become payable until the second January 1 following final inspection and acceptance or contract execution, whichever is later.
3. The City Council may in its discretion authorize reimbursement to be paid in one sum immediately or in installments over a period of less than 10 years.
4. The following installations are subject to reimbursement:
   a. Differential unit costs between a water main six inches in diameter and a water main 12 inches in diameter when required by the city and not necessary to serve the subject property.
   b. Differential unit costs between a sewer main over eight inches in diameter and sewer mains 12 inches in diameter, when required by the city and not necessary to serve the subject property.

c. Unit cost of off-site utility lines less than 12 inches in diameter constructed by the developer to reach the boundary of the development whether the lines are installed inside or outside the city limits.

B. Outside City Limits

1. For developments outside the city limits, the city will reimburse the developer for the unit cost of off-site utilities less than 12 inches in diameter constructed within the city limits by the developer to reach the boundary of the development.
2. The reimbursement shall be made in 10 annual equal installments, without interest. The first payment to become due and payable on the second January 1 following the date of final inspection and acceptance of the improvement, and approval of the cost by the City Council.
3. Current reimbursement fees are listed in the Development Fee Schedule, kept on file by the Planning Director and are updated and adopted by the City Council.

C. Procedural Conditions for Reimbursement

1. Following completion of the improvements acceptable to the Public Works Director, the developer shall furnish the Public Works Director an itemized list of costs to be reimbursed by the city. The City Council shall approve a contract with the developer, setting forth the terms for reimbursement.
2. The city shall pay such other costs incidental to the development of the general area which, in the opinion of the City Council, should properly be borne by the city. The city shall set forth the terms of such payment.

Sec. 9.2.3. Streets

A. Improvements Eligible for Reimbursement

1. The city will pay to the developer unit costs for development-related improvements over and above the unit costs for applicable streets.
2. The following installations are eligible for reimbursement:
   a. The additional right-of-way, sub-base, grading, drainage, surface material, and pavement width for minor residential streets, residential streets, commercial streets, residential collector streets and collector streets.
   b. The additional right-of-way and improvements to thoroughfare rights-of-way required, minus the right-of-way and street improvements that would have been required under the applicable non-thoroughfare street section for the development.
   c. Right-of-way for controlled-access freeways.

B. Method and Conditions of Reimbursement

1. All general and development-related improvement costs shall be based on the Development Fee Schedule, provided that the City Council shall grant alternative mitigation when the total expenditures for both the thoroughfare facility fees and road improvement costs in excess of the applicable standard commercial, residential, and minor residential street improvements exceed the costs attributable to the development for thoroughfare construction within the benefit area as indicated in Article 9.5.
2. Current reimbursement fees are listed in the Development Fee Schedule, kept on file by the Planning Director and are updated and adopted by the City Council.
3. No monetary payments will be allowed if the developer or utilizes the dedicated right-of-way for impervious surface coverage in the Reservoir Watershed Protection Area Overlay District or Urban Water Supply Watershed Protection Area Overlay District.
4. The dedicators shall waive their statutory right to withdraw dedications prior to receiving any payment.
5. Reimbursements shall be paid at the rate in effect when dedication occurs, or construction costs are incurred.
6. The city shall pay such other costs incidental to the development of the general area which, in the opinion of the City Council, should properly be borne by the city. The City Council shall set forth the terms of such payment.

Article 9.3. Utilities

Sec. 9.3.1. Water Supply

A. Within City Limits

1. When within the city limits, the developer shall connect with the city water system and install all water lines required to provide public water service to every lot within the development.
2. The developer shall extend water lines to the periphery of the development as required by the Public Works Director.

B. Outside City Limits

1. When outside the city limits, but water facilities are available or are made available at the boundary of the development within one year after approval, the developer shall connect to the city water system and install all water lines required to provide water service to every lot within the development, unless the developer cannot connect to the city sewer system or pay a fee, as required in §8-2063(b).
2. If connection is made, the developer shall extend water lines to the periphery of the development as required by the Public Works Director.

C. Inside a CM District or Protective Yard

1. Water lines that are traverse a CM District or a protective yard for a distance of at least 50 feet or more shall be built with a bend to prevent direct sight view through the district or yard provided that such bend does not exceed a 90-degree angle.
2. The requirement of a bend within a CM District or a protective yard may be waived or modified by the City Council where the CM District or a protective yard fails to contain a vegetative screen.

D. Community Water Systems

1. When outside the city limits, but within the extraterritorial planning jurisdiction, and located within the utility service area as shown on Map PU-1 of the Comprehensive Plan, that install or propose to install a community water system must install the system in accordance with the city design, materials, and construction standards and methods.
2. The design, materials and construction standards and methods are subject to the same regulations as if the community water system was connected to the city water system.
3. If the conditions of State Law 160A-374 are met by the city, full dedication of a community water system, including all wells, pumps and utility lines, is required.

Sec. 9.3.2. Sewage Disposal

A. Within City limits

1. When within the city limits, the developer shall connect to the city sewer system and install all sewer lines required to provide sewer service to every lot within the development.
2. The developer shall extend sewer lines to the periphery of the development as required by the Public Works Director.

B. Outside City Limits

1. When outside the city limits, but sewer facilities are available or are made available at the boundary of the development within one year after approval, the developer shall connect to the city sewer system and install all sewer lines required to provide sewer service to every lot within the development, unless:
   a. The developer cannot connect to the city water system or pay a fee, as required in §8-2063(b), or
   b. Grades are such that the sewer facilities would not be of service to the development, or
   c. There is insufficient off-site sewer capacity to serve the development.
2. If a connection is made, the developer shall extend sewer lines to the periphery of the development as required by the Public Works Director

C. Crossing a CM District or Protective Yard

1. Sewer lines that traverse a CM District or a protective yard for a distance of at least 50 feet or more shall be built with a bend to prevent direct sight view through the district or yard provided that such bend does not exceed a 90 degree angle.
2. All sewer lines 12 inches or less within a CM District or a protective yard shall be constructed of ductile iron.

3. The requirement of a bend within a CM District or a protective yard may be waived or modified by the City Council where the gradient will not permit gravity flow or where the CM District or a protective yard fails to contain a vegetative screen.

D. Community Sewer System

1. When outside the city limits but within the extraterritorial jurisdictional area and located within the utility service area as shown on Map PU-1 of the Raleigh Comprehensive Plan that install or propose to install community sanitary sewer system must install the system in accordance with the city design, materials, and construction standards and methods.
2. The design, materials, and construction standards and methods are subject to the same regulations as if the community sewer system was connected to the city sewer system.

Sec. 9.3.3. Public Water and Sewer Stubs

A. In a residential development or subdivision located in a Residential District, the developer shall extend water and sewer service stubs to the property line on each side of the development where the locations of the service stub connections are known before the streets are paved.

B. If curbs are installed, the location of service stubs shall be stamped on the curbs.

C. In all other developments, the responsibility for making and paying for water and sewer service stub extensions shall be borne by the owner of the property to be served by the extension.

D. Extensions shall be made according to city standards and specifications.

Sec. 9.3.4. Underground Utilities

A. Extension of Utility Systems

Electrical and telephone service shall be extended by the developer to each lot within a development.

B. Primary Services

All new primary electrical, telephone, fiber optic, and cable distribution lines installed to serve a project shall be placed underground within the entire development to serve each parcel or building, without expense to the city.

C. Secondary Services

1. Within the development, all new secondary utilities installed to serve the project shall be placed underground without expense to the city.
2. Secondary utilities shall be underground from the point they enter the site and shall include but not be limited to pad mounted or subterranean transformers, secondary electrical, telephone, fiber optic, and cable distribution lines.
3. Underground secondary electrical services shall originate from a ground mounted or subterranean electrical transformer. Ground mounted transformers shall not be located in the public right-of-way.

D. Street Lights

1. When installing underground electrical and telephone service underground terminal facilities for street lighting shall be installed along public streets according to the standards required by the Illuminating Engineering Society publication Road Lighting.
2. The average maintained footcandle level for outlying and rural roads as defined in Road Lighting publication shall be no less than three-tenths and the uniformity ratio shall be no greater than sixty-four.
3. The city will not take responsibility for any street lighting system until it meets the above standards.

E. Inside a CM District or Protective Yard

1. Underground utilities that traverse a CM District or a protective yard for a distance of at least 50 feet or more shall be built with a bend to prevent direct sight view through the district or yard provided that such a bend does not exceed a 90)degree angle.
2. The requirement of a bend may be waived or modified by the City Council where the CM District or protective yard fails to contain a vegetative screen.
3. In tree protected areas of street protective yards in Resource Management Districts, utilities serving the development shall be located within driveways and other authorized incursions of the tree protected area.

Article 9.4. Surface Water Drainage

Sec. 9.4.1. Connection to Sanitary Sewer Prohibited

No surface water drainage shall empty into a sanitary sewer.

Sec. 9.4.2. Piping of Watercourses

A. This section applies to all storm drainage piping of watercourses except those crossing public or private streets.

B. All natural watercourses shall remain open and unaltered unless piping, enclosing or altering is requested and justified by the developer or required by the Public Works Director, but then only when the following conditions are met:

1. The developer must connect the development pipe system to an existing public or private pipe storm drainage system when such system is determined by the Public Works Director to be reasonably accessible;
2. The developer must do all grading and provide all structures necessary to properly connect to the existing storm drainage system;
3. All design and construction must be to city standards;
4. Pipes and open channels must be designed in accordance with the Stormwater Control and Watercourse Manual;
5. Storm drains and culverts used in conjunction with streets must meet the standards of Sec. 10.3.6.
6. To preserve the screening function of Conservation Management Districts and protective yards, pipes which traverse any Conservation Management District or protective yard for a distance of at least 50 feet or more shall be built with a bend to prevent direct sight view through the District or yard provided that the bend must not exceed a 90 degree angle. The requirement of a bend within a Conservation Management District or a protective yard may be waived or modified by the approving authority for the development where the gradient will not permit gravity flow or where the Conservation Management District or a protective yard fails to contain a vegetative screen;
7. Where natural drainage systems are used, or where an approved pipe drainage system cannot be connected to an existing public pipe drainage system, a developer must do all grading to assure positive flow of stormwaters of the design storm and provide all drainage structures that are necessary to properly carry stormwater to locations which are acceptable to the Public Works Director;
8. The watercourse is located outside natural resource buffer yards of Reservoir Watershed Protection Areas, Conservation Management District, and Metro-Park Protection Overlay Districts and outside riparian water surface buffers unless a variance is granted; and
9. The watercourse buffer standards of Sec. 10.2.3, whenever applicable, are met.

Sec. 9.4.3. Stormwater Control Plans

A. For all subdivisions subject to Article 10.2, a stormwater control plan must be submitted, and approved as part of the preliminary plan.

B. This requirement may not apply to a subdivision where all proposed lots exceed one acre in size.

C. If all lots exceed one acre in size, a stormwater control plan must be submitted for the streets, utilities, and storm drainage areas for the entire subdivision, but no stormwater control plan is required to be submitted for each lot within the subdivision.

D. A stormwater control plan must be approved for each individual lot within a subdivision at the time any permit is requested.

Article 9.5. Facility Fees

Sec. 9.5.1. Facility Fees Imposed on New Construction

A. No person shall make any improvement until all applicable thoroughfare or open space facility fees have been paid in full.

B. No building permit, or other city permit for those improvements not requiring a building permit, shall be issued for any activity requiring the payment of a facility fee until the required facility fees have been paid in full.

C. Current facility fees are listed in the Development Fee Schedule, kept on file by the Planning Director and are updated and adopted by the City Council.

Sec. 9.5.2. Facility Fee Exceptions

Facility fees shall not be imposed in the following circumstances.

A. Governmental authorities that are exempted by law from paying the fees.

B. Alterations, repairs, renovations or expansion of a residential building where no additional residential units are created, and use, as shown within the fee schedule, is not changed.

C. Replacement of a building or structure or manufactured home with a new building or structure or manufactured home of the same dwelling type or non-residential use. Non-residential alterations, repairs, renovations, or replacement buildings or structures must be of the same size and use as the original building or structure and must meet the same parking, acreage, bed or other fee basis requirements. If the alterations or replacement change of use or alteration or expansion payment rule in Sec. 9.5.3A or B shall apply. No facility fee credit will be given under this section or under Sec. 9.5.3A or B unless the structure for which the credit is sought was standing at some time in the six year period immediately preceding the date on which the facility fee for the new project is calculated.

D. The construction of walls, fences, monuments, billboards, poles, pipelines antennas, transmission lines, advertising signs, unmanned utility stations or substations, wells, water towers, off-street parking decks, parking garages or parking lots as the primary use on the lot or similar structures and improvements.

E. Accessory land uses listed in Sec. 6.7.2G, Recreational Use Related to Residential Development other than a single-unit and two-unit livings, unless such uses require a special use permit.

F. Incidental water sports, play courts, play fields provided that there is no solicitation of off-site traffic or business, there is no separate charge or membership fee associated with the use of such facilities, and no special use permit is required.

G. Temporary structures or uses.

H. Croplands or pasturelands and incidental sheds and barns. But processing facilities and residences shall pay their respective industrial and residential facility fees.

Sec. 9.5.3. Computation of Fees

The Planning Director shall compute and collect all facility fees.

A. Alterations, Expansions, or Redevelopment

In the case of an alteration, expansion, renovation or redevelopment of an existing development, facility fees shall be levied based upon the net increase, if any, above that which the existing development would pay.

B. Change of Use or the Addition of Other Uses

1. In the case of a change of use, which increases the fee rate or total fee above that which the existing use would pay, facility fees shall be paid based upon the net increase in the fee for the new use as compared to the previous use.
2. There shall be no reimbursement of any facility fee due to a change of use which has a lower fee than the current use, nor shall there be any reimbursement if a use is terminated.

C. Change of Use Status from Illegal to Legal

In the case of a use that was previously illegal under the City Code being made legal other than by terminating the use, the use shall be liable for the payment of a facility fee equal to the fee that would be paid if the use were a new use.

D. Mixed Use

In the case of mixed use developments or multiple tenants or unit owners each separate occupancy of tenant space shall be charged a fee based on the prevailing use or function of that space.

E. Shell/Foundation Permits

1. In the case of a "shell or foundation" permit, the facility fee amounts shall be based on the use or uses used to determine the amount of required off-street parking or as shown on the building permit when no off-street parking is required.
2. If it is found during review of the "fit-up" permit that the uses differ from these uses for the shell, a determination shall be made as to whether or not an additional fee or refund is due. If any additional fee is due, it shall be paid prior to the issuance of the fit-up permit.

F. Size of Retail Establishments

In the case of retail uses which share common drives or parking areas and which are eligible shared parking requirements, all such retail uses, including those located on separate outparcels, shall pay a thoroughfare facility fee based on the appropriate square footage range of all the retail uses located within the development even if this is a greater fee than for any single retail use or other combinations of retail uses.

G. Unscheduled Activity

1. If the type of new construction activity is not specified on the thoroughfare fee schedule, the Planning Director shall use the thoroughfare fee applicable to the most nearly comparable type of land use on the thoroughfare fee schedule.
2. If the applicant disagrees with the determination of the Planning Director, then the applicant shall use the alternate thoroughfare facility fee calculation, except that the cost per trip end factor shall be the same referred to in the alternative thoroughfare fee calculation schedule.

Sec. 9.5.4. Funds Collected

A. Creation of Trust Funds

1. The facility fees collected by the city shall be kept separate from other revenue of the city.
2. There shall be one trust fund established for each of the benefit areas, shown on maps labeled "Thoroughfare and Collector Street Benefit Areas" and "Open Space Benefit Areas," respectively; copies are on file with the City Clerk and are made a part of this code.
3. All facility funds collected shall be properly identified by the appropriate benefit area and transferred for deposit in the appropriate trust account.
4. A portion of these funds shall be allocated and assigned to a separate account for each benefit area for the purpose of providing funds for reimbursements required per Sec. 9.2.1 and Sec. 9.2.3.
5. These funds shall be allocated into the appropriate reimbursement accounts as follows:
   a. Thoroughfare and collector street fees:
      i. Benefit Zone 1: 50% of the funds collected.
      ii. Benefit Zone 2: 27% of the funds collected.
      iii. Benefit Zone 3: 27% of the funds collected
   b. Open space fees: All Benefit Zones: 20% of the funds collected.
6. Funds may be transferred from reimbursement accounts to project accounts for each benefit area at the end of each fiscal year, to the extent that the account balance in each benefit area exceeds the contractual reimbursement obligations for the area.

B. Limitation on Expenditure of Funds Collected

1. Funds expended from facility fee trust accounts shall be made for no other purpose than for thoroughfare and collector street capital costs or open space capital costs associated with projects undertaken by the city, or by the city in conjunction with other units of government.
2. No funds shall be used for periodic or routine maintenance, or for administration of the facility fee program.
3. Expenditures from the trust fund shall be matched by an equal sum of money approved from non-fee sources and shall be spent for projects located in the same zone in which the fees were collected.
4. All funds shall be used exclusively for capital improvements within the benefit area from which the funds were collected.
5. An report of the collection activity from application of facility fees shall be made to City Council and once every two years.

6. The report shall show where fees have been collected and what projects have been constructed or reimbursed with fee monies.
7. The City Council shall review this report and consider whether within each benefit area fees are being spent so that no area of new construction is not being benefited by the fees.
8. If the City Council determines that areas of new construction within benefit areas are not being benefited, then it shall readjust capital improvements program to correct this condition.
9. Funds shall be expended in the order in which they were collected. But in no event shall funds not be expended within six years after their collection except when the city, in conjunction with any other unit of government, provides the facility; in such cases, the funds must be expended within 10 years after their collection.

C. Disbursal of Funds

Funds withdrawn from these trust accounts must be used solely in accordance with the provisions of this code. The disbursal of funds require the approval of the City Council upon recommendation of the City Manager.

D. Interest on Funds

1. Any funds on deposit not immediately necessary for expenditure shall be invested as allowed in G.S. 159-30 for other public monies.
2. All income derived shall be deposited in the applicable trust account.

E. Return of Fees

1. If the development for which the fees were paid was never begun, or if begun, the property is restored to an undeveloped state, a reimbursement will be allowed within seven months following the issuance of a building permit provided such permit is surrendered to the city or within seven months following the payment of the facility fee in the case when no building permit is required.
2. Any funds not expended within the time limits established in paragraph B.9 above shall be returned to the feepayor or the landowner if the address of the feepayor provided to the city is not current with interest at the rate of six percent per annum.
3. A refund of permit fees is allowed for shell permits if it is determined during review of the "fit-up" permits, the uses have changed to a use with a lower fee then a refund is owed.

Sec. 9.5.5. Penalties

A. In addition to any other remedy allowed by G.S. 160A-175, the failure to pay a facility fee is a civil penalty.

B. The amount of the penalty shall equal the amount of the unpaid facility fee, plus an interest charge of one-half percent per month compounded monthly and a service charge of $100.

C. The city may assess the penalty against the developer or the landowner where new construction has occurred without payment of a facility fee; but no service charge will be assessed when city staff has made an error in the fee calculations.

D. No penalty shall be assessed until the person or persons alleged to be in violation are served by registered mail, certified mail—return receipt requested, or personal service with notice to pay.

E. The City Attorney is authorized to institute a civil action in the name of the city, in the appropriate division of the general court of justice in Wake County for recovery of the penalty.

F. All monies recovered shall be deposited in the appropriate trust fund.

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Article 10.1. Tree Conservation

Sec. 10.1.1. Applicability

Prior to approval of any subdivision of any tract two acres or greater in size or site plan for a parcel two acres or greater, tree conservation areas must be provided in accordance with the requirements of this code, provided that, delineation of tree conservation areas for a site subject to either condemnation or the threat of condemnation shall be delayed until a site plan or further subdivision of the parcel first occurs.

Sec. 10.1.2. Tree Conservation Required

A. Tree Conservation

1. Tree conservation area requirements by district are set forth below. The amount of conservation area is calculated as a percentage of the gross parcel area.
2. Any eligible tree conservation area in conflict with a build-to requirement is not required to be protected.

District/Frontage	Conservation Area Required (min)
R-1, R-2	15%
All other districts	10%

Sec. 10.1.3. Tree Conservation Area Allocation

A. Primary Tree Conservation Areas

The following are considered primary tree conservation areas and must be the first areas saved to meet the tree conservation requirement. All primary tree conservation areas on the site must be established even if doing so exceeds the minimum required percentage.

1. Resource Management Districts tree protection areas and areas with required tree protection areas such as, and without limitation, protective yards and areas subject to active tree preservation.
2. Areas containing healthy champion trees, including the critical root zone of the tree.
3. Zone 2 of Neuse River Riparian Buffers, as established in title 15A of the North Carolina Administrative Code subarticle 2B Section .0233.
4. Areas with a gradient of 45% or greater that are adjacent to or within floodways.

B. Secondary Tree Conservation Areas

1. The following secondary tree conservation areas, listed in priority order from highest to lowest, must be included once the primary tree conservation areas are exhausted.
   a. An undisturbed area adjoining a major or minor thoroughfare designated on the Comprehensive Plan varying in width between a 0 and a 100 feet; provided that, the total undisturbed area is equal to an area measured 50 feet perpendicular to the thoroughfare;
   b. A minimum 65-foot wide perimeter buffer when the adjoining or adjacent property is not vacant;
   c. A minimum 32-foot wide perimeter buffer when the adjoining or adjacent property is vacant;
   d. Any tree ten inches or greater in DBH, including the critical root zone, that is located within 65 feet of a roadway or 65 feet of any non-vacant property boundary.
   e. Any tree ten inches or greater in DBH, including the critical root zone, that is located within 32 feet of vacant property boundary.
2. Secondary tree conservation areas must be at least 32 feet in all directions excluding external boundaries.
3. Where a slope or utility easement is required on a site adjacent to a thoroughfare, the width of secondary tree conservation areas required by paragraphs 1a. through 1c. above, may be reduced by a half foot for each foot of easement width, but overall tree conservation requirement may not be reduced.
4. The critical root zone of a saved tree must be preserved in entirety even if it extends beyond 65 feet or 32 feet. When a landscape easement is obtained from the adjoining land that prohibits all tree disturbing activity, off-site areas for protected critical root zones may be included as tree conservation areas provided that such areas are not double counted as tree conservation areas.

5. As an alternative to paragraphs 1a. and 1c. above, secondary tree conservation areas of undisturbed areas are allowed elsewhere on the site provided that the square footage of the substituted areas is at least 4,000 square feet. No portion of Zone 1 of Neuse River Riparian Buffers as established in Title 15A of the North Carolina Administrative Code, Subarticle 2B Section .0233 shall be designated an alternate undisturbed area.
6. As an alternate means of compliance with paragraphs 1d. and 1e. above, secondary tree conservation areas of individual trees 10 inches or greater in DBH and their critical root zones are allowed anywhere on the site that is not otherwise a tree conservation area provided that the critical root zone area in the alternate locations is not less than the critical root zone area that would have been required for priorities in paragraphs 1d. and 1e. above and that no alternate saved tree is less than ten inches in DBH.

C. Excluded Areas

Tree conservation areas must exclude the following:

1. Sight triangles;
2. Slope easements;
3. Drainage easements;
4. Cross access easements;
5. Governmental and utility easements that prohibit trees;
6. Any easement that authorizes tree disturbing activities; and
7. Any area devoted or to be devoted to streets, future right-of-way reservation, sidewalks, driveways, walkways, storm drainage facilities, including without limitation, pipes, energy dissipaters and stormwater control measures which require the removal of vegetation.
8. Water-related activity areas located in, over, under or adjacent to a lake or natural watercourse, shown on the site plan may not be included as Zone 2 areas of Neuse River Riparian Buffers.

D. General Conservation Area Requirements

1. Greenways

a. City of Raleigh greenways may be included as tree conservation areas, provided that an area of 25 feet multiplied by the length of the greenway is excluded as tree conservation for trail construction.

b. Greenways can only be established as tree conservation areas after establishment of primary tree conservation areas and prior to establishing secondary tree conservation areas.

2. Tree Quality

No tree may be used to meet for the requirements of this Article if it has one or more of the following characteristics:

a. Its foliage and bark have a form and color that is not characteristic of the species similarly located within Raleigh.

b. Its twig elongation is dissimilar to that of others of the same species and size similarly located within Raleigh.

c. It is not free from infestation of insects and detrimental diseases.

d. More than 10% of its trunk circumference dies in any one calendar year.

e. More than 30% of its crown dies or is lost in any one calendar year.

f. 30% or more of a tree's critical root zone is occupied with impervious surface or would be disturbed by improvements required by the city.

3. Heritage Trees

A heritage tree and its critical root zone may be established as an optional tree conservation area after establishment of priorities areas of Sec. 10.1.3B.1a through Sec. 10.1.3B.1c. Except when it adjoins another tree conservation area, the critical root zone of any heritage tree shall be increased to a maximum of 4,000 square feet for DBH classes: 24 through 28 inches. Critical root zone for larger DBH Heritage Trees shall be as defined in Chapter 12. The area of critical root zone for a heritage tree conservation area shall be double credited toward the tree conservation requirement only when all of the following conditions are met:

a. The critical root zone shall be protected in entirety by, either being entirely on the developing property, or, the property owner shall obtain

a landscape easement that prohibits all tree disturbing activity for the portion of the critical root zone on an adjacent property. The off-site area for protected critical root zone may be included as tree conservation area provided that such areas shall not under any circumstances be double counted as tree conservation areas.

b. Any portion of the critical root zone within another tree conservation area shall not be eligible for double credit.

c. The condition of the heritage tree shall be a rating of "Good" or higher as determined by a certified arborist certified by the International Society of Arboriculture using the Guide for Plant Appraisal, latest edition, published by the International Society of Arboriculture, and verified by the City Forestry Specialist.

d. A report of the tree condition shall be prepared on an evaluation form provided by the city and it shall be provided to the City Forestry Specialist.

e. An active tree preservation plan prepared by a certified arborist, certified by the International Society of Arboriculture must be approved by the City Forestry Specialist, and implemented by the developer under the supervision of the certified arborist.

E. Tree Cover Required

1. Tree conservation areas proposed for SHOD-1 and SHOD-2 of primary priority areas Sec. 10.1.3A.1 and secondary priority areas Sec. 10.1.3B.1a through Sec. 10.2.B.1c, must contain a basal area of at least 50 square feet per acre as measured in increments of 50 feet.

2. Any required protective yard for a SHOD 1 or SHOD-2 that does not contain a basal area of least 50 feet shall be planted in accordance with the district landscaping standards, and portions of the protective yard shall not be established as a tree conservation area. No tree, that is either unhealthy or a hazardous tree situated within the tree conservation area, or any tree 10 inches or greater DBH with any of its critical root zone situated outside of the tree conservation area on the developing side of the property, shall count for computing basal area.

3. For those developments that fulfill any of their tree conservation area requirement in a SHOD-1 or SHOD-2 protective yard, the following must be submitted:

   a. Photo panoramic panels of the intended area to be conserved. The photo panel shall equal 50 feet of the length of the tree conservation area to be saved;

   b. A tree cover report prepared by a certified arborist, North Carolina licensed landscape architect or North Carolina registered forester describing for each 50-foot length of proposed tree conservation area the composition of tree species, typical characteristic of the tree stand, the smallest caliper tree, but not less than three inches DBH, the largest DBH, the typical DBH, typical spacing between trees, the basal area, and an indication of the general health and vigor of the tree stand; and

   c. The most recent aerial photograph of the subject tract.

4. A survey of trees and computation of basal area may be substituted in lieu of paragraphs a. and c. above, provided that no tree that is dead, unhealthy, or is a hazardous tree is included in the survey.

5. An optional method to determine basal area for a SHOD-1 and SHOD-2, a forester, registered with the State of North Carolina, can certify in writing that the basal area is 60 or greater, provided all the following conditions are met:

   a. The tree conservation area is at least 8,700 square feet in size, excluding easements, and consist of contiguous undisturbed wooded areas with a basal area of 60 or greater comprised of trees three inches DBH and larger;

   b. All dimensions of tree conservation areas are at least 65 feet in all directions;

   c. Land area that does not contain trees must be excluded unless it contains critical root zones of trees being preserved;

   d. Any area of tree disturbing activity is excluded as a tree conservation area; and

   e. A legible copy of the latest Wake County/city of Raleigh aerial photograph,must be included with the registered forester's certification.

6. Within each 50-foot linear increment of Zone 2 of Neuse River Riparian Buffers and greenway tree conservation areas that does not contain trees, a minimum of two shade trees to enhance the riparian buffer must be planted prior to issuance of certificate of occupancy. Planted shade trees must be at least ten gallon container size and free of circling roots at time of planting.

If the area without trees will be used as shown on the approved site plan for either a tree disturbing activity allowed by Sec. 10.1.4 or a water-related activity located in, over, under, or adjacent a lake or natural watercourse, no planting of new trees shall be required.

7. Within each 50 linear feet of watercourse buffer of the Metro-Park Overlay District that does not contain trees, a minimum of two, ten gallon container size shade trees, free of circling roots, must be planted to enhance the riparian buffer prior to the issuance of a certificate of occupancy.
8. Alternatively, areas that do not contain trees in Neuse Zone 2, greenways, or Metro-Park Overlay District watercourse buffers may be established as permanently undisturbed primary tree conservation areas to allow natural regeneration of trees, provided such areas are not located on individual lots developed for single-unit living. Permanently undisturbed primary tree conservation areas shall not be cleared of any vegetation, or subjected to any tree disturbing activity, and shall be delineated with signs as specified by the city. Required signs must remain in place for a period of seven years. Unlawful disturbance of any permanently undisturbed primary tree conservation areas shall subject the violator to a civil penalty of a minimum of $1,000.00 plus 35 cents for every square foot of disturbed area, and, unlawfully disturbed areas shall be planted with twice the number of 10 gallon container shade trees as described above. Unlawful removal of any required signs shall subject the violator to a civil penalty of $100.00 for each removed sign and each removed sign shall be replaced. Civil penalties shall be processed as set forth in Article 11.4.

Sec. 10.1.4. Permitted Tree Disturbing Activities

No tree disturbing activity shall take place in designated tree conservation areas except in conformity with the following regulations:

A. Within tree conservation areas of Resource Management Districts and areas with a gradient of 45% or greater that are adjacent to or within floodways, tree disturbing activities are allowed provided a tree conservation permit is first obtained from the Planning Director and the provisions of Article 7.2 have been meet.

B. Within Zone 2 of Neuse River Riparian Buffers and in watercourse buffers in Metro-Park Overlay Districts permitted tree disturbing activities are allowed for:

1. Any work that is ancillary to activities allowed by the North Carolina Division of Water Quality in Zone 1;
2. Any sanitary sewer installation when an existing permanent structure or any part of an existing permanent structure that is to remain on the site is within the width of the proposed permanent and temporary construction sanitary sewer easement plus ten feet; and
3. More than 50% of a reach of sanitary sewer main will be over 12 feet deep.

C. Within tree conservation areas for primary tree conservation areas and secondary tree conservation areas tree disturbing activities are allowed when all of the following are met:

1. A tree conservation permit is obtained from the Planning Director. Tree conservation permits may be issued for one or more of the following:
   a. A certified arborist, registered forester, or a licensed landscape architect certifies to the city in writing that the tree is either unsafe or is unhealthy. No certification is required if it can be shown that the tree died of natural causes and the dead tree is replaced in accordance with the substitution standards of this section.
   b. Tree removal or grading is being done to remove a visual obstruction from a sight triangle as set forth in the North Carolina Department of Transportation's Policy on Street and Driveway Access to North Carolina Highways Manual, and all subsequent amendments;
   c. The removal or grading is being done to install public improvements made pursuant to this code;
   d. Where existing vegetation meets the minimum applicable tree conservation requirements for an applicable district, or meets applicable transitional yard requirements, a tree conservation permit may be issued for wooded area clean-up for shade trees less than two inches DBH and understory trees less than one inch in DBH.
   e. No permit for such removal may be issued until a plan is submitted showing the nature and extent of all trimming, how the work will be undertaken without compacting soils and damaging preserved trees and maintaining minimum applicable requirements.

2. When a tree conservation permit is issued in accordance with Sec. 10.1.5, the property owner must install replacement trees for any tree situated within the limits of the tree disturbing activities in one of the following ways:
   a. One or more undisturbed areas of equal size containing vegetation similar in size and quantity as that which is being removed is preserved either outside the street protective yard, between the principal building and the roadway for priority area Sec. 10.1.3B.1a, or is preserved in alternate undisturbed areas meeting the requirements of paragraphs 2. through 4 for priority areas Sec. 10.1.3B.1b and Sec. 10.1.3B.1c.; or
   b. For each 200 square feet of tree disturbed land area, two inches of caliper is either planted between the principal building and the roadway or is planted in approved alternate areas of the site; or
   c. Whenever a tree of priority areas Sec. 10.1.3B.1d and Sec. 10.1.3B.1e is removed after being certified as a hazardous tree, unhealthy, or dead; it shall be replaced with ten caliper inches of new shade trees measured at six inches above grade. Any replacement tree shall be planted within the tree conservation area previously recorded for the removed tree. The minimum size of any replacement tree shall be two inches diameter measured at six inches above grade.
   d. All substituted natural areas and newly planted areas must be designated as tree conservation areas on plats with metes and bounds descriptions recorded with the Wake County Register of Deeds.
3. All portions of critical root zones of trees situated inside a designated tree conservation area that adjoin proposed tree disturbing activities shall remain undisturbed areas for trees with ten inches or greater DBH.
4. Prior to commencing any tree disturbing activity, the boundaries of such activities shall be delineated by a protective fence in the field.

Sec. 10.1.5. Documentation of Tree Conservation Areas

A. Tree Conservation Permit Required

1. After the tree conservation areas have been determined and prior to any tree disturbing activity, a map with metes and bounds descriptions of all tree conservation areas must be given to the City Forestry Specialist and a tree conservation permit must be obtained from the city, and protective fencing placed on the site.
2. After the tree conservation areas have been determined and a tree conservation permit has been obtained, and prior to or concurrent to any subdividing of the property or issuance of building permit, the landowners shall record with the local County Register of Deeds the following:
   a. A plat with metes and bounds descriptions of all tree conservation areas;
   b. An easement allowing all future lot owners of the property and their agents the right to enter recorded tree conservation areas of the property to perform any active tree preservation measure and to replant replacement trees;
   c. A owners' association declaration prepared in conformity to Raleigh City Code §10-3073 and Article 47F of the General Statutes for the maintenance and protection of the trees within recorded tree conservation areas; and
   d. One or more deeds conveying all tree conservation areas in fee or in easement to the owners' association.

B. Neuse River Riparian

1. Metes and bounds descriptions of Neuse River Riparian Zone 2 required by Sec. 10.1.3A3 shall include only the outer boundary of Zone 2 with a notation that the inner boundary is twenty feet parallel to the outer boundary.
2. The outer boundary of Zone 2 may optionally be surveyed as a series of tangents that shall be no more than five feet from the actual Zone 2 boundary.
3. When the tangent survey is used, metes and bounds descriptions of the tangent lines and the actual outer boundary of Neuse River Riparian Zone 2 (without metes and bounds) shall be shown on the recorded plat. Tree disturbing activities are prohibited and unlawful in the area between the tangent Zone 2 boundary and the actual Zone 2 boundary to the same extent as tree disturbing activities are within Zone 2 areas, but these areas shall not count toward the percentage tree conservation requirements of Sec. 10.1.3B as demonstrated to the City Forestry Specialist.

C. Secondary Conservation Areas

1. Where secondary tree conservation areas (Sec. 10.1.3B.1a through Sec. 10.1.3B.1c) abut one another, metes and bounds descriptions shall not be required for the boundary line between abutting tree conservation areas.
2. Previously recorded tree conservation areas and greenways may be shown without metes and bounds provided that the correct Book of Maps is referenced, and greenways are re-recorded as Greenway Tree Conservation Areas.

D. Replacement by Condemnor

Whenever any condemnor acquires property through eminent domain it shall be the responsibility of the condemnor to replace, in accordance with the provisions of this code, those complying elements which were removed unless a less stringent standard is required.

E. Payment In Lieu of Compliance

1. After examination to determine feasibility of alternate methods of compliance, the applicant may petition the city to satisfy the tree conservation requirement with the payment of money to the city. Payments must be equal to the tax value of lands, not structures, relieved from the compliance, and shall be adjusted on an annual basis by the current "All items" percentage provided in "Table 1A. Consumer Price Index for All Urban Consumers (CPI-U)" prepared by the United States Bureau of Labor Statistics, and determined as a ratio from the overall per square foot tax value of the entire land area of the property similarly zoned.
2. Alternate methods of compliance to preserve required tree conservation areas shall include, but not be limited to, the following: retaining walls, alternate methods of construction, accepted arboricultural practices performed under supervision of a certified arborist, and alternate site configurations.
3. All collected monies, including any income derived from such monies, shall be spent either for acquisition of lands where trees will be preserved or for tree planting. The City Council shall set forth specific eligible activities for tree preservation and tree plantings. All collected monies must be spent within the same open space fee zone of City Code Part 10 chapter 8 as from which the payment were collected.

Sec. 10.1.6. Penalties

A. A violation of this Article, where unlawful tree disturbing activity has occurred and trees and stumps are absent, shall subject the violator to a civil penalty of a minimum of $1,000 for the first tree plus 35 cents of every foot of unlawful tree disturbing activity.

B. Where trees or stumps are present after unlawful tree disturbing activity has occurred, the civil penalty shall instead be calculated as $1,000 for the first tree plus $100 per diameter inch for any other tree or stump three inches diameter and larger. Civil penalty shall be processed as set forth in Article 11.4.

Sec. 10.1.7. Restoration

A. In addition to the civil penalty of Sec. 10.1.6, the owner of real property, where a violation has occurred, shall remove each unlawfully disturbed tree and replace with a tree or trees of equal caliper as measured 4½ feet above grade.

B. Prior to any replanting, the City Forestry Specialist shall first approve a replacement planting and maintenance plan. Replacement trees shall be two inches in caliper measured at six inches feet above grade, and no replacement tree shall be located in those portions of a tree conservation area with a basal area of over 80 square feet per acre.

C. All replacement trees shall be planted in a planting area of least 350 square feet in area with minimum dimensions of eight feet.

D. If the tree conservation area where the violation has occurred fails to contain sufficient land area to replant the required replacement trees and replacement trees can not be planted on other portions of the property, then in lieu of such replacement trees, a replacement fee equal to $100 per caliper inch of replacement trees shall be paid to the city.

Sec. 10.1.8. Reservoir Watershed Protection Area Overlay Districts

A. Except as otherwise provided below, every lot located within a Reservoir Watershed Protection Area Overlay District must provide and maintain an area set aside for trees equal to at least 40% of the lot area. Within this area, trees must either be preserved or planted in accordance with the following.

1. Tree areas may be one contiguous area or scattered areas throughout the lot, but no required tree area may be less than one-fifth of the total gross land area required to be set aside for trees;
2. All areas required to be set aside for trees shall be wooded;
3. Wooded areas may consist of either areas where active tree preservation is observed or tree planting areas;
4. Each active tree preservation area must contain a minimum of two inches of tree caliper per every 100 square feet, and within such areas, active tree preservation, shall be followed;
5. Areas that are set aside for trees that do not meet the standards for active tree protection areas must be planted with shade trees; and
6. The minimum size and planting rate of new tree plantings used to fulfill this requirement shall be either one bare-root seedling at least 14 inches tall planted per 100 square feet (10' by 10' centers), or, one two inch caliper tree measured at six inches above grade planted per 200 square feet.

B. For lots located within areas designated "New Urban" by the Swift Creek Land Management Plan, the regulations of paragraph A. above apply with the exception that only 25% of each lot must contain an area set aside for trees.

C. For lots located within conservation development, areas set aside for trees may in lieu of being situated on the individual dwelling lots may instead be located within the required open space, provided that, the overall acreage set aside for trees is not diminished.

D. The requirements of this section do not apply to lots devoted exclusively to stormwater control measures or to those lots located in those areas of the Comprehensive Plan designated for impervious surfaces in excess of 30%.

Sec. 10.1.9. Tree Protection without Tree Conservation Areas

A. Applicability

1. Any tree disturbing activity, except a minor tree removal activity, on sites two acres and larger in size that do not have an established or recorded tree conservation area shall meet the requirements of this section.
2. Nothing in this section shall prevent the otherwise lawful grading and installation of street, utility or other improvements shown on an approved subdivision plan or site plan.
3. All applicable laws, including soil erosion and sedimentation control and tree protection regulations, must obeyed. No champion tree, including its critical root zone, is subjected to any tree disturbing activity.

B. Tree Protection Plan Required

1. A tree protection plan must be approved by the City Forestry Specialist for all applicable tree protected areas.
2. Tree protection measures must be in place prior to the issuance of any city permit and prior to engaging in any tree disturbing activity.

C. Perimeter Buffers

1. No tree disturbing activity, except a minor tree removal activity, shall occur within a 32-foot wide perimeter buffer when the adjoining or adjacent property is "vacant."
2. No tree disturbing activity, except a minor tree removal activity, shall occur within 65-foot wide perimeter buffer when the adjoining or adjacent property is a roadway, other than a thoroughfare or is not "vacant"
3. A maximum of five trees between 10 inches and 16 inches DBH may be removed within the 32-foot wide buffer or 65-foot wide buffer, within a continuous five-year period, with a permit issued from the City Forestry Specialist, provided that such tree removal would not diminish future tree conservation areas that may be required, all as shown on a report submitted to the City Forestry Specialist.
4. In lieu of protecting perimeter buffers, tree conservation areas of this Article may be designated instead provided that, all substitute tree conservation areas are shown on recorded plats.

D. Foster Activity Allowed

1. Forestry is allowed in the perimeter buffers provided that the landowners first record with the local County Register of Deeds a covenant running with and binding the land stating: "That forestry general operations were initiated within regulated perimeter buffers of the real property on _____ (date and year), and that pursuant to State Law, no building permit, site

plan, or subdivision plan will be approved by the local governing authority for a period of five (5) years following harvesting."

2. A copy of this covenant recorded with the local County Register of Deeds shall be provided to the to the Planning Director.
3. The allowable hours of operation any given day are between 7:00 a.m. and 8:30 p.m., other than emergency work for the preservation of public health or safety.

E. Access Ways

1. Access ways through perimeter buffers shall not exceed 25 feet in width, and all construction entrances of the access ways must be constructed in accordance with the latest city "Guidelines for Land-Disturbing Activities" or latest State of North Carolina "Erosion and Sediment Control Planning and Design Manual", whichever is more stringent.
2. At least one access way shall be permitted, and additional access ways may be allowed provided such additional access ways are justified by a North Carolina registered forester and additional access ways fronting the same roadway are spaced at least 1,000 feet apart.

F. Violations

1. A violation section shall subject the offender to a civil penalty equal to the greater of $1,000 for the first tree plus 35 cents of every square foot of unlawfully disturbed perimeter buffer.
2. No civil penalty shall exceed one-third of the current land tax value of the entire site.
3. The penalty shall be processed as set forth in Article 11.4. In addition to this civil penalty, within the unlawfully disturbed perimeter buffer, the land owner shall install one two-inch caliper tree measured six inches above the ground for each 300 square feet of all of the unlawfully disturbed perimeter buffer; provided that, in R-1 and R-2 no more than 15% of the acreage of the entire tract and no more 10% of the acreage of the entire tract of all other districts.
4. Where the unlawful tree disturbing activity occurred shall be replanted.
5. Prior to any replanting, the City Forestry Specialist shall first approve a replacement planting and maintenance plan.
6. The replanting areas shall be designated as tree conservation areas on plats with delineated metes and bounds descriptions recorded with the local County Register of Deeds. Following the recording of this plat, no tree disturbing activity shall take place within the designated tree conservation areas.

Article 10.2. Stormwater Management

Sec. 10.2.1. General Provisions

A. Applicability

Prior to any land disturbing activity or subdivision of land the property, stormwater control measures, watercourse buffers, or both must be provided in conformity with the requirements of this Article.

B. Stormwater Manual Incorporated

The Raleigh Stormwater Control and Watercourse Buffer Manual, and amendments, on file in the City Clerk's Office, is adopted by reference as part of this code.

Sec. 10.2.2. Active Stormwater Control Measures

A. Exemptions

The following uses are exempt from the active stormwater control requirements of this section:

1. Any detached house used for single-unit living or any attached house being used for two-unit living, built as part of a subdivision one acre or less in aggregate size;
2. Any plot plan or site plan of one-half acre or less in aggregate size that contains less than 12,000 square feet of impervious surface, including impervious surfaces of related on-site or off-site facilities;
3. Any land-disturbing activity that does not require a land-disturbing permit under Sec. 10.4.5 provided that, upon application of any impervious surfaces this exemption shall not apply;
4. Substitution of impervious surfaces when all the standards of Sec. 11.3.5A are met; and
5. Substitution of impervious surfaces with approved pervious surfaces.

B. Nitrogen Reduction

1. Requirement

a. Any new or expansion of existing development, not in compliance with the stormwater control master plan approved for its drainage basin, may not contribute a nitrogen export load exceeding 3.6 pounds per acre per year.

b. Compliance with stormwater control master plan must include the installation within the development of all stormwater control measures shown on the stormwater control master plan, payment of fees in lieu of installation, when allowed by the City, and payment of any applicable drainage fees.

2. Payment In Lieu Option

The nitrogen export load limitations for a development may be off-set through a payment made to the North Carolina Riparian Buffer Restoration Fund. The payment shall be based on the latest fee adopted by the State and shall meet the following requirements.

a. In General

i. Installation of city approved stormwater control measures or payment in lieu option or a combination of both may be used to satisfy the nitrogen load requirement.

ii. For subdivisions with an approved unified off-site stormwater control facilities plan, all payments shall be made at the time of subdivision recordation.

iii. For all other developments, payments shall be paid to the North Carolina Riparian Buffer Restoration Fund prior to the issuance of applicable development permits.

b. Residential Development

i. For any detached house used for single-unit living or any attached house being used for two-unit living, a one-time offset payment may be paid to the North Carolina Riparian Buffer Restoration Fund to reduce the nitrogen export load of up to 6.0 pounds per acre per year to 3.6 pounds per acre per year.

ii. All residential development that exceeds nitrogen export loads of six pounds per acre per year must install City-approved stormwater control measures to reduce the nitrogen export load of their development to 6.0 pounds per acre per year limitation to become eligible for the payment in lieu option.

c. Mixed Use and Non-Residential Development

i. For mixed use and non-residential development, a one-time offset payment may be paid to the North Carolina Riparian Buffer Restoration Fund to reduce the nitrogen export load of up to 10.0 pounds per acre per year to 3.6 pounds per acre per year.

ii. Mixed use and non-residential development that exceeds nitrogen export loads of 10.0 pounds per acre per year must install City-approved stormwater control measures to reduce the nitrogen export load of their development to 10.0 pounds per acre per year limitation to become eligible for the payment in lieu option.

C. Stormwater Control Permits

1. No development, expansion of existing development, or the placement of more than 12,000 square feet of any impervious surface, may occur on a site without a stormwater control permit from the Office of Development Services.
2. No stormwater control permit may be issued until a stormwater control plan is first approved by the City in accordance with Sec. 10.2.2D.
3. No stormwater control permit may be issued except in strict conformity with the provisions of this Article, the Raleigh Stormwater Control and Watercourse Buffer Manual.
4. No stormwater control permit may be issued until the boundaries of any natural resource buffer yard, riparian surface water buffers, natural resource buffer yards in Metro-Park Protective and Reservoir Watershed Protection Area Overlay Districts, and Urban Water Supply Watershed Protection Area Overlay Districts, and Conservation Management Districts, and permanently protected undisturbed open space areas which are adjacent to or encompass a work site are clearly and accurately demarcated by a protective fence in the field.

D. Stormwater Control Plans

1. General Requirements

a. Stormwater control plans must be prepared by a qualified registered North Carolina professional engineer, surveyor, or landscape architect.

b. All parts of a stormwater control plan, including data calculation design and installation of storm control measures and devices shall be in compliance with the Raleigh Stormwater Control and Watercourse Buffer Manual.

c. Stormwater control plans must show how nitrogen reduction and stormwater runoff control requirements are being met and how watercourse buffers are being protected.

2. Maintenance Manual and Budget

a. The stormwater control plan must be accompanied by a stormwater operations maintenance manual and budget.

b. Prior to either grading any portion of the development or submitting construction drawing plans of any applicable stormwater control facility to the city, whichever event first occurs, a stormwater operations maintenance and budget shall be submitted to the Stormwater Utility Division of the Public Works Department.

c. The maintenance manual shall contain a narrative describing each installed measure and device and its design specifications.

d. The maintenance manual shall indicate for each installed measure and device what operation and maintenance actions are needed and what specific quantitative criteria will be used to determine when these actions will be taken.

e. The maintenance manual must indicate the steps that will be taken to restore a measure or device to the design specifications if a failure occurs.

f. The maintenance manual must contain a statement about the expected life of each stormwater control facility, and a replacement schedule derived by dividing the initial construction cost of each stormwater control facility by the expected life of that stormwater control facility.

g. The budget shall include annual costs - such as routine maintenance, repair, periodic sediment removal and replenishment of rip-rap, insurance premiums associated with the stormwater control facilities, taxes levied against the stormwater control facilities, mowing and reseeding, required inspections.

3. As-Built Plans and Certification

Stormwater control plans must be accompanied by as-built plans certified under seal, that the stormwater measures and devices and their installation are in compliance with the Raleigh Stormwater Control and Watercourse Buffer Manual and the City-approved or modified stormwater control plan. No certificate of compliance or occupancy may be issued by the Office of Development Services without as-built plans. At a minimum, the as-built plans must contain the following information:

a. The field location, size, depth, and planted vegetation of all measures and devices as installed; and

b. The amount of impervious surface, the amount of pervious surface, and the amount of open space areas for the as-built condition.

E. Stormwater Runoff Controls

1. Runoff Limitation

a. The peak stormwater runoff leaving any site for the two-year and ten-year storms shall be no greater for post-development conditions than pre-development conditions. The same methodologies used to calculate stormwater runoff must be used for both pre-development and post-development conditions.

b. For any land disturbing activity, the peak stormwater runoff leaving the site at each discharge point for the two-year storm shall be no greater during construction than for pre-development conditions. This regulation shall not be applicable when the development site conforms to all of the following:

i. The disturbed acreage is less than five acres; and

ii. The two-year peak discharge for the disturbed condition, for all points of discharge, is less than 10% of the peak discharge from the contributing watershed as measured at the nearest receiving watercourse.

2. Exemptions

The stormwater runoff control requirements of this section do not apply to sites with any of the following conditions.

a. The development complies with the stormwater control master plan approved for its drainage basin.

b. The increase in peak stormwater runoff between pre-development and post-development conditions for the two-year and ten-year storms is 10% or less at each point of discharge.

c. The maximum impervious surface coverage of the lot, including any existing impervious surfaces, is no more than 15% and the remaining pervious portions of the lot are utilized to convey and control the stormwater runoff of the lot to the maximum extent practical. In the event that the site is subsequently subdivided, reduced by recombination or the impervious surface is equal to or exceeds 15% the site may no longer be exempt.

d. Compliance with paragraph 1. above, would result in greater adverse downstream impact, such as local flooding, as determined by city-approved engineering studies.

e. Compliance with the ten-year storm runoff limitations results in no benefit to current and future downstream development, as determined by city-approved engineering studies.

3. Additional Runoff Controls

The city may require the installation of stormwater runoff control measures for projects without any stormwater measures present The City reserves the right to require additional stormwater runoff control measures for projects which are compliant with paragraph 1. above, if stormwater runoff from the site will could cause adverse effects on other properties including, without limitation, public streets, greenways and utility easements.

a. As part of an application for rezoning, subdivision, or site plan for sites at or upstream of documented structural flooding cases, the applicant shall submit a stormwater impact analysis to the Public Works Director.

b. This requirement does not extend to sites initially zoned and added to the territorial coverage of as a result of annexation, extraterritorial jurisdictional expansion or otherwise or application of any overlay districts.

c. The stormwater impact analysis shall look at the flood level differences between pre-development and post-development conditions for the 25-, 50- and 100-year storm events. If the analysis shows an increase

greater than 0.04 feet between pre-development and post-development flood levels at the site of structural flooding then mitigation to pre-development flood conditions will be required to prevent further damage to the affected property.

d. In the case where the area of the subject property is less than five percent of the drainage area, measured to the location of the documented structural flooding, then this analysis shall not be required.

e. In the event flood levels are increased, then the affected property owners will be notified in writing of any increase by the applicant.

F. Preservation of Open Space Areas

1. Open Space Areas Preserved

a. Areas designated on approved stormwater control plans as open space to be used for complying with this Article shall be preserved and protected.

b. The only activities allowed in designated open space areas are those activities allowed by the approved stormwater control plan or allowed in riparian surface water buffers under Title 15A North Carolina Administrative Code Article 2B, section .0233, as amended from time to time. Determinations required by the North Carolina Administrative Code shall be made by the City.

c. No work in open space areas shall proceed without a written watercourse buffer permit from the Public Works Director.

d. Permanently protected undisturbed open space areas identified on stormwater control plans shall be recorded as open space areas on plats recorded with the County Register of Deeds.

2. Exchange of Open Space Areas

Open space areas may not be subdivided or conveyed by the owner. However, nothing is this section shall prevent the mortgaging and hypothecating of open space areas; provided, the mortgage applies to all portions of the tract and not just the open space areas, the mortgagee is informed that the open space areas is used for complying with this article of the City Code, and the rights of the mortgagee are subordinated to the rights of any property owner association and its members. Furthermore, nothing herein shall prevent the exchanging of open space areas for other properties when all of the following are met:

a. If the open space area is owned by a property owners association, written notice of the exchange is given to each member of the association except in cases where the exchange is done to eliminate an encroachment;

b. After the notice is given, if required, the owner of the open space area approves the exchange;

c. The exchanged properties and other considerations are of like value and utility;

d. The acreage and configuration of the remaining open space area including real property to be received in such exchange equal or exceeds the requirements of the City Code; and

e. The exchange is approved by the Public Works Director.

G. Maintenance of Stormwater Control Measures and Devices

1. General Requirements

a. The land owner or person in possession or control of the land shall maintain all on-site stormwater control facilities and all open space areas required by the approved stormwater control plan unless those facilities and open space areas are accepted for maintenance by a governmental agency.

b. The land owner entitled to the exclusive use of an off-site drainage easement for one or more stormwater control facilities not accepted for maintenance by a governmental agency shall maintain said stormwater control facilities.

2. Maintenance Covenant

For off-site stormwater control facilities and for all other stormwater control facilities which serve more than one lot that are not accepted for maintenance by a governmental agency, the developer shall execute and record with the local county register of deeds office a maintenance covenant, using a city form, with the following contents:

a. Location of Stormwater Control Facilities and Drainage Easements

i. A description of portions of property where stormwater control facilities are located as well as a description of the location of all private drainage easements conveying stormwater to and from the development to the facilities.

ii. A a process for relocating private drainage easements, with any relocation to require the prior written consent of the city.

b. Easement Rights of Lot Owners

i. A statement that owners of properties that will be served by the stormwater control facilities are:

a) Granted perpetual, irrevocable and non-exclusive easement rights and privileges to use, construct, install, inspect, replace, reconstruct, repair and maintain those stormwater control facilities - including the right to access those stormwater control facilities, private drainage easements and other portions of the development as reasonably necessary to perform the granted easement rights; and

b) The granting of perpetual, irrevocable and non-exclusive easement rights and privileges to transport, store, and discharge stormwater to and from the stormwater control facilities.

c. City Easement/Right of Entry/No City Responsibility

i. A grant, from the developer, the association (if any) and the lot owners to the city of a permanent nonexclusive irrevocable easement over the lots, stormwater control facilities and private drainage easements for inspection, maintenance, repair, construction, installation, re-construction, replacement and other work on, in, and over the stormwater control facilities.

ii. A grant, from the developer, the association (if any), and the lot owners to the City of a permanent, irrevocable, nonexclusive right of ingress, egress, and regress over and across all public or private easements on the property and through all access easements benefitting the developer, association (if any) and the lot owners through any adjacent properties, including but not limited to private roads, for inspection, maintenance, repair construction, installation, reconstruction, replacement and other work on the stormwater control facilities. The rights granted to the "City" shall include employees, agents, and contractors of the City of Raleigh. The grant of these rights does not obligate the City to exercise them or to take any other action.

d. Stormwater Operations and Maintenance Manual and Budget

A stormwater operations and maintenance manual and budget conforming to Sec. 10.2.2D2 shall be attached to and incorporated into the maintenance covenant as an exhibit.

e. Insurance

The party responsible for maintenance of the stormwater control facilities shall, as part of the routine costs and expenses of maintaining any stormwater control facility, procure and maintain in full force and effect liability insurance in an amount not less than $1,000,000 of coverage.

f. Standards of Maintenance for Stormwater Control Facilities

A statement that stormwater control facilities shall be maintained in accordance with the attached stormwater operations and maintenance manual and budget, and at all times, the stormwater control facilities shall comply with all applicable laws, ordinances, regulations, rules and directives of governmental authorities, and that the stormwater control facilities shall perform as designed.

g. Responsibility for Stormwater Control Maintenance

i. A statement that the property owners' association, or a designated commercial lot owner, shall be responsible for all stormwater control facilities in accordance with the attached stormwater operations and maintenance manual and budget.

ii. A statement that the failure to maintain any stormwater control facility in accordance with the terms of the maintenance covenant and this code is a violation of the City Code, potentially subjecting each lot owner subject to the maintenance covenant to significant daily civil penalties and other enforcement actions.

h. Stormwater Control Facilities Maintained by an Association

i. If a property owners' association is delegated maintenance responsibilities for the stormwater control facilities, then membership into the association shall be mandatory for the owner of each parcel served by the facility, such membership shall be appurtenant to the parcel and shall run with ownership of the parcel.

ii. The property owners' association shall have the power to levy assessments for the operation and maintenance of the stormwater control facilities and all unpaid assessments levied by the association shall become a lien on the individual parcel.

iii. The calculation of the assessment charge shall be set forth in a subsequent recorded document.

iv. Any property owners' association responsible for maintenance of stormwater control facilities shall be established in accordance with Chapters 47C or 47F of the North Carolina General Statutes, or successor statutes, and the property owners' association declaration (or equivalent) shall conform to all applicable provisions of the City Code.

v. The common expenses of the property owners' association shall include, without limitation, costs and expenses for operation and maintenance of stormwater control facilities, all costs for insurance premiums and any other costs listed in the stormwater operations maintenance manual and budget.

i. Stormwater Control Facilities Maintained by a Commercial Lot Owner

i. If a commercial lot owner is responsible for the maintenance of the stormwater control facilities, said owner is responsible for making all repairs and replacements of the stormwater control facilities in accordance with the construction drawings approved by the city.

ii. Each owner of a parcel served by the stormwater control facility shall be subject to an assessment charge levied by the designated responsible lot owner.

iii. The assessment charge shall include, without limitation, the actual costs for repairing and maintaining the stormwater control facility, all costs for insurance premiums associated with the stormwater control facility, all costs of required inspections of the stormwater control facility, and any other costs listed in the stormwater operations maintenance manual and budget.

iv. The calculation of the assessment charge shall be set forth in a subsequent recorded document.

v. Any assessment charge levied against a lot and remaining unpaid for a period of 30 days after the payment due date shall be delinquent and shall constitute a default of this covenant entitling the lot owner responsible for maintenance of the stormwater control facilities to bring an action at law against the defaulting party plus interest charges, together with all costs and expenses of collection incurred, including, without limitation, court costs and reasonable attorney fees actually incurred.

vi. Each parcel owner served by the stormwater control facility shall have the right to maintain, repair and replace the facility if, after 45 days written notice, the commercial lot owner responsible for maintenance, repair and replacement fails to faithfully discharge its responsibility.

vii. The parcel owner performing any maintenance or repair of the facility shall have the same rights as the designated commercial lot owner to assess all other parcels served by the stormwater control facility.

viii. At any time, the commercial lot owner responsible for the maintenance of stormwater control facility may assign its responsibilities and rights to a property owners' association established in accordance with Chapters 47C or 47F of the North Carolina General Statutes, or successor statutes. In such instance, the owners of the parcels served by the stormwater control facility shall be members of the property owners' association.

j. City Right to Maintain and Repair Stormwater Control Facilities and City's Right of Reimbursement

i. If the stormwater control facilities are not performing adequately or as intended or are not properly maintained or replaced, the city, in its sole discretion, may, after written notice sent to the lot owners and any association, enter the development and perform such construction, installation, repair, reconstruction, replacement and maintenance of the stormwater control facilities as is necessary to remedy the situation.

ii. If the city undertakes the activities listed above, the city shall be fully reimbursed for its costs of inspecting, monitoring, designing, constructing, repairing, reconstructing, replacing and/or installing the stormwater control facility or facilities. Such costs shall include the city's costs of administration, overhead, contracting and public advertising.

iii. In addition to any other rights the city has to be reimbursed for its costs, the city may levy an assessment against each lot served by the noncompliant stormwater control facility. No assessment will be levied by the city without prior notice to affected lot owners. Any unpaid assessment levied by the city shall be, as allowed by law, a lien against the delinquent lot.

k. City's Right To Private Assessments

i. In addition to all of the remedies set forth herein, if the city has not been fully repaid for the work the city performed on any stormwater control facility owned, in fee or easement, by either a property owners' association or a commercial lot owner with the power to assess lot owners for maintenance of the stormwater control facility, the property owners' association and the private commercial lot owner shall assign to the city their right to receive common expense assessments, including stormwater assessments.

ii. The association and private commercial lot owner shall designate and appoint the city as attorney in fact for the expressed and limited purpose of assessing and pursuing collection of such unpaid reimbursement owed to the city.

iii. iii. No assignment of assessment rights shall become effective without 6o days prior written notice to the applicable private commercial lot owner, property owners' association and its members.

l. Action for Specific Performance

i. That, recognizing the consequences to the city of noncompliance with the obligations of the maintenance covenant, the city shall have the right to seek, in any court of appropriate jurisdiction, judicial action for specific performance of any of the obligations, and remedies established in this maintenance covenant.

ii. The rights of the city within the maintenance covenant shall not limit any other remedies or enforcement options available to the city under the maintenance covenant, the City Code or State law.

m. No Public Adoption

i. A statement that the city's exercise of its rights under this maintenance covenant, its abatement of public nuisance, or its repair of unsafe structures shall not constitute adoption of any stormwater control facility by the city.

ii. A statement that the legal authority of the city is not intended to impede or prohibit the property owners' association or lot owners from taking all necessary actions to inspect, maintain, repair, replace, and reconstruct stormwater control facilities so that they function safely, perform the function for which they were created, and comply with the provisions of this maintenance covenant and the City Code.

n. City's Right of Non-Action

A statement that the maintenance covenant shall not obligate the city to monitor, maintain, repair, reconstruct, install, or replace any stormwater control facility or measure, and that the city shall not be liable for the condition or operation of stormwater control facilities.

o. Governmental Functions; Superseding Regulations

i. A statement that nothing contained in the maintenance covenant shall be deemed or construed to, in any way, stop, diminish, limit, or impair the city from exercising or performing any regulatory, policing, legislative, governmental, or other powers or functions.

ii. A statement that the maintenance covenant shall not restrict or prevent the application of later adopted ordinances or other enactments which may supplement or supersede the provisions of the maintenance covenant.

p. Joint and Several Liability

i. A statement that each lot owner served by one or more stormwater control facilities is jointly or severally responsible for repairs, replacement and maintenance of the stormwater control facilities, including payment of any unpaid ad valorem taxes, public assessments for improvements, and unsafe building and public nuisance abatement liens charged against the stormwater control facility and/or the lots served by the facility, including all interest charges thereon, together with all cost and expenses of collection incurred, such as, without limitation, court costs and attorney's fees incurred.

ii. The maintenance covenant shall establish a right of contribution in favor of each owner who pays more than the owner's pro rata share of costs and expenses against all other owners whose real property is served by the same stormwater control facility.

iii. A statement that pro rata sharing may be established either by maintenance assessment provisions for stormwater control facilities in subsequently recorded documents or by dividing the acreage of such owner's portion of the real property served by the stormwater control facilities by the total acreage of the portion of the development served by the same stormwater control facility when no maintenance assessment covenants apply to the property.

iv. A statement that failure to maintain the stormwater control facilities in accordance with the terms of the maintenance covenant and the City Code is a violation of the City Code potentially subjecting each parcel owner subject to the maintenance covenant to significant daily civil penalties and other enforcement actions.

q. Permanently Protected Undisturbed Open Space Areas

A statement that within permanently protected undisturbed open space areas and permanently preserved undisturbed open space areas there shall be no land-disturbing activity, no tree disturbing activity, no placement of impervious surface, no removal of vegetation, no encroachment, or no construction or erection of any structure shall occur except in accordance with a watercourse buffer permit first being issued by the city.

r. Severability

The sections, paragraphs, sentences, clauses and phrase of the maintenance covenant are severable, and if any phrase, clause, sentence, paragraph or section of the maintenance covenant is declared invalid by a valid judgment, order or decree of any court of competent jurisdiction, such invalidity shall not affect the remaining phrases, clauses, sentences, paragraphs and sections of the maintenance covenant.

s. Completion and Recording of Maintenance Covenant Form

i. The maintenance covenant shall be binding on all current and subsequent owners of property served by the stormwater control facilities. To protect the interests of the city and the public at large, any existing deed of trust, mortgage or lien encumbering the property, other than tax liens for the current tax year or governmental improvement assessments, must be subordinated to the maintenance covenant.

ii. Prior to recording the maintenance covenant, the attorney who prepared the maintenance covenant shall certify in writing to the city that the maintenance covenant was prepared on a city form that contains all the contents required by Sec. 10.2.2G2. Certifications shall be on forms approved by the city and shall accompany the form maintenance covenant.

iii. The maintenance covenant shall be recorded with the local county register of deeds office immediately following the recording of any new lot served by the stormwater control facility or prior to the issuance of any development permit for any existing lot except for improvements made pursuant to Chapter 9. The maintenance covenant must be the first encumbrance recorded subsequent to the recording of the subdivision plat.

iv. A recorded copy of the maintenance covenant shall be given to Office of Development Services within five business days following recordation. No building permit shall be issued for the property

subject to the maintenance covenant until a recorded copy of the maintenance covenant is provided to the Office of Development Services.

3. Payment to Stormwater Facility Replacement Fund

a. At the time of either of recording a subdivision plat or issuance of a building permit for a lot not established by subdivision, whichever event first occurs, the developer shall pay to the city a stormwater facility replacement fund payment, which payment shall equal 24% of the estimated cost of constructing all stormwater control facilities shown on applicable development plans.

b. The purpose of the stormwater replacement fund is to ensure that adequate funds are available to the city for the maintenance, repair replacement and reconstruction of stormwater control facilities required by this code. Funds expended from the stormwater facility replacement fund shall be used only for the repair, maintenance, reconstruction and/or replacement of stormwater control facilities, together with the costs incurred by the city associated with any work and/or redesign of the facilities.

c. No funds from the stormwater facility replacement fund shall be used for administration of this fee program. Monies collected from the stormwater replacement fund may be spent for maintenance, repair, reconstruction and replacement of any stormwater control facility required by this code, and located within in the city limits or its extra-territorial jurisdiction.

d. Payments collected by the city pursuant to this Code section shall be kept separate from other revenues of the city. Any funds on deposit not immediately necessary for expenditure shall be invested as allowed in G.S. 159-30; all income derived shall be deposited in the separate account and may only be used for repair, maintenance, reconstruction, and replacement of stormwater control facilities together with the costs incurred by the city associated with any work and/or redesign of the facilities.

e. Monies, expended from the stormwater facility replacement fund, together with interest, may be recouped by the city from lot owners served by stormwater water control facilities maintained, repaired, reconstructed and replaced by the city or its contractors. All recouped monies and interest shall be returned to the stormwater facility replacement fund.

f. The payment of stormwater facility replacement fees is not intended as a substitute for security to ensure the construction of the facilities, which security may be required at such point in the development process as specified in city ordinances and policies.

H. Annual Inspections and Inspection Report Required

The responsible party for maintenance of the stormwater control measures or devices must submit an annual inspection report from a qualified registered North Carolina professional engineer, surveyor, or landscape architect to the Stormwater Utility Division of the Public Works Department. The inspections report shall contain all of the following:

1. The name and address of the land owner;
2. The recorded book and page number of the lot of each required stormwater control facility and required open space area;
3. A statement that an inspection was made of all required stormwater control facilities and open space areas;
4. The date of the inspection;
5. A statement that all inspected stormwater control facilities and open space areas are performing properly and are in compliance with the approved stormwater control plan, the applicable maintenance manual required by Sec. 10.2.2D and the Raleigh Stormwater Control and Watercourse Buffer Manual. No sampling of pollutant loading is required as part of the inspection;
6. The original signature and seal of the engineer, surveyor, or landscape architect.
7. All inspections report shall be on forms supplied by the city. An original inspection report shall be given to the Office of Development Services beginning from the date of the as-built was first certified under Sec. 10.2.2D3 and each year thereafter on the anniversary date of the certification.

Sec. 10.2.3. Watercourse Buffers

A. Natural Resource Buffers

1. General Rules for All Natural Resource Buffers

Natural resource buffers are intended to provide an area where stormwater flows in a diffuse manner so that the stormwater runoff does not become channeled and infiltration of the stormwater and filtering of pollutants can take place. The following rules apply to all required natural resource buffers.

a. Natural resource buffers shall be delineated on recorded final subdivision plats or at the time of development of the property.

b. The City Council may reduce the width of natural resource buffers when it determines that the extent of the natural resource buffer yard will deprive the landowners of reasonable use of their property.

c. The width of the natural resource buffer shall be measured perpendicularly to the flow of the watercourse and horizontally from the edge of the watercourse banks. When no watercourse banks exist, the centerline of the watercourse shall be used.

2. Reservoir Watershed Protection Area Overlay District and Conservation Management District Watercourse Buffers

Natural resource buffers shall be established along primary and secondary watercourses in the Reservoir Watershed Protection Area Overlay District and the Conservation Management District.

a. Primary Watercourse Natural Resource Buffers

Natural resource buffers along primary watercourses must meet the following standards.

i. The buffer must be a minimum of 60 feet wide along each side of any watercourse draining 25 or more acres.

ii. The buffer must be a minimum of 35 feet wide along each side of any watercourse draining five or more acres but less than 25 acres.

iii. The buffer must be a minimum of 35 feet wide along each side of any watercourse which is a perennial stream draining less than five acres.

iv. In the event that the property or subdivision contains impervious surface lot coverage in excess of 24% in the secondary reservoir watershed protection area of the Reservoir Watershed Protection Area Overlay District and in the Conservation Management District, the buffer shall be no less than 100 feet wide along each side of the watercourse.

b. Secondary Watercourse Natural Resource Buffers

Unless part of a primary watercourse natural resource buffer, the secondary watercourse natural resource buffers consist of one or more of the following:

i. Lands within the flood prone areas which adjoin primary watercourse natural resource buffers; or

ii. Lands with slopes 15% or greater, adjoining a primary watercourse natural resource buffers or a flood prone area.

3. Metro-Park Protection Overlay District Watercourse Buffers

Natural resource buffers shall be established along primary and secondary watercourses in the Metro-Park Protection Area Overlay District as shown on the official zoning map. Required natural resource buffers in the Metro-Park Protection Area Overlay District shall meet the following standards.

a. The buffer must be a minimum of 50 feet wide along each side of any watercourse draining 25 or more acres.

b. The buffer must be a minimum of 25 feet wide along each side of any watercourse draining five or more acres but less than 25 acres.

4. Urban Water Supply Watershed Protection Area Overlay District Watercourse Buffers

Natural resource buffers shall be established along primary and secondary watercourses in the Urban Water Supply Watershed Protection Area Overlay District as shown on the Official Zoning Map. Required natural resource buffers in the Urban Water Supply Watershed Protection Area Overlay District shall meet the following standards.

a. A minimum 30 foot wide natural resource buffer is required for all perennial waters indicated on the most recent versions of USGS 1:24,000 (7.5 minute) scale topographic maps.

b. A minimum 100-foot wide natural resource buffer is required for all new development activities that exceed:

i. Two dwelling units per acre, or 20,000 square foot lot excluding roadway right-of-way; or

ii. 24% lot coverage for all other residential and non-residential development.

c. Within Urban Water Supply Watershed Protection Area Overlay Districts, these natural resource buffers do not apply to:

i. New detached houses on a nonconforming lot of record.

ii. Redevelopment of lots containing detached houses.

iii. Activity in a single development that disturbs less than one acre.

B. Uses Allowed Within Natural Resource Buffers

No development, expansion of development or change in use may occur within a required natural resource buffer except as allowed below:

1. Property outside of a riparian water surface buffer, but situated within a required natural resource buffer, shall comply with all of the following:

a. Driveways and vehicular surface areas, not including public streets, are allowed; provided that, all of the following are met:

i. Any crossing is as close to perpendicular as practicable and insures minimal impact to the surrounding buffer;

ii. The provisions of Sec. 7.1.9 are met; and

iii. The driveway or vehicular use area does not constitute more than 40% of the front yard area of any detached house.

b. Fences, walls, statuary, monuments, fountains or signs shall be located outside any primary watercourse buffer.

c. Garden crops involving cultivation shall be located outside any primary watercourse buffer.

d. Greenways, sidewalks and walkways shall be located outside of a primary watercourse buffer, and meet the requirements of Sec. 10.2.3C2 or shall be unpaved.

e. New drainage ditches, roadside ditches, and stormwater outfalls shall meet the requirements of §10-3051(b) and Sec. 10.2.3C2.

f. Playground equipment on single-unit or two-unit living lots.

g. Ponds, stormwater management ponds, reservoirs, provided that, the standards of Sec. 10.4.A.9.a and b. are met.

h. Public streets, provided that the standards of Sec. 10.3.6, Sec. 10.3.7 and the Street, Sidewalk, and Driveway Access Handbook are met.

i. Railroad crossings.

j. Stormwater control facilities, stormwater outfalls shall meet the requirements of Sec. 10.2.3C2.

k. Utility lines.

i. Non-electric utility lines are allowed, but if located in a Reservoir Watershed Protection Area Overlay District, Urban Water supply Watershed Protection Overlay District or in a Conservation Management District shall meet the standards of Sec. 10.2.3C if situated within a primary watercourse buffer area;

ii. Underground electrical utility lines are allowed, but if located in a Reservoir Watershed Protection Area Overlay District, Urban Water supply Watershed Protection Overlay District or in a Conservation Management District shall meet the standards of Sec. 10.2.3C if situated within a primary watercourse buffer area;

iii. Overhead electric utility lines are allowed, but if located in a Reservoir Watershed Protection Area Overlay District, Urban Water supply Watershed Protection Overlay District or a Conservation Management District, shall meet the standards of Sec. 10.2.3C if situated within a primary watercourse buffer area.

l. With the exception of any display area or any gasoline pump island, accessory structures and uses are allowed within a secondary watercourse of the Conservation Management District and the Reservoir Watershed Protection Area Overlay District; provided that the following standards are met.

i. No land-disturbing activity for any allowed use shall affect more than 12% of the portion of a lot within a secondary watercourse natural resource buffer;

ii. Land-disturbing activity on slopes between 15% and 20% may occur no closer than 80 feet to the edge of a watercourse; and

iii. Land-disturbing activity on slopes greater than 20% may occur no closer than 95 feet to the edge of a watercourse.

iv. Upon a recommendation of the Stormwater Advisory Board, and approval by the City Council, land-disturbing activities may exceed the standards above; provided that the person submitting the request shall show that the potential for stormwater infiltration within a site, the control of stormwater velocity, and the restriction of sedimentation both during and after construction are equal to or greater than that which would have been achieved following standards in this section. The applicant must also show that maintenance provisions are made to maintain the level of infiltration, velocity control, and sedimentation on the site.

2. Property located within a riparian water surface buffer, and within a required natural resource buffer, must also comply with Title 15A of the North Carolina Administrative Code subarticle 2B, section .0233, as amended from time to time.

3. Property located inside of a riparian water surface buffer and outside a required natural resource buffer is subject to Title 15A of the North Carolina Administrative Code subarticle 2B, section .0233, as amended from time to time.

C. Regulations Applied to Uses Allowed in Watercourse Buffers

1. Regulations Applying to All Natural Resource Buffers

Persons who install utility mains shall submit a plan to the City proving that sediment loss during and after installation is less than would have been achieved if other locations outside the buffer were used.

2. Regulations Applying to Both Primary and Secondary Buffer Areas

a. Stormwater Control Facilities in Primary or Secondary Areas

Stormwater control facilities may be allowed within a primary or secondary area only if the following requirements are met:

i. The constructed uses within the buffer area require the use of such facilities;

ii. The provisions of Sec. 10.4.3A.7.d require facilities in the buffer area;

iii. A wet pond is required by Sec. 10.4.A.9.a and b; or

iv. A lake or wet pond is created or preserved.

b. Stormwater Control Facilities in Required Buffers

Stormwater control facilities may be allowed within required buffer areas only if the following requirements are met:

i. The velocity of the stormwater shall not exceed a non-erodible velocity, according to Sec. 10.4.A.7.a and b, beyond the outlet of the storm control facilities.

ii. Trees over two-inch DBH which:

a) Would be destroyed by installation of storm control facilities, but not including lakes or wet ponds;

b) Lie within the greater distance of either a seven-foot radius or one foot in diameter for each inch of circumference of the tree measured from the outer edge of the grading limits of a storm drainage project shall be replaced by one new tree planted in the same general location, all to achieve the same effect as shown on an approved site plan. The planting must be with trees of at least eight feet in height and six and one-quarter in circumference, measured at four and one-half feet above grade. This provision shall not require trees to be planted on cleared land forming the basin of a wet pond or lake.

iii. Stormwater control facilities, which are permitted in the primary and secondary buffer area, shall comply with Sec. 10.4.A.9.b.

D. Diffuse Stormwater Flow Required

All stormwater runoff from new man-made stormwater control facilities, including new ditches or canals, which flow into a watercourse natural resource buffer or into riparian surface water buffer shall be diffused flow so as not to concentrate stormwater or form gullies. Diffuse flow shall be maintained. The landowner or person in possession or control of the land shall be responsible for dispersing concentrated flow of stormwater runoff. The landowner shall take corrective action to prevent the formation of erosion gullies, and the landowner shall take corrective action to restore diffuse flow.

When diffuse flow is impractical to achieve, stormwater control facilities that attenuate the flow of stormwater runoff and control nitrogen may be approved by the City as an alternative means of compliance.

E. Watercourse Buffer Permits

1. No development, expansion of development or change in use may occur on a lot containing a natural resource buffer or open space area required as part of an approved stormwater control plan, without first being issued a written watercourse buffer permit from the Department of Inspections.
2. The Public Works Director may not issue a watercourse buffer permit until the boundaries of any required natural resource buffer, riparian surface water buffer, or permanently protected undisturbed open space areas which are adjacent to or encompass a work site are demarcated by a protective fence in the field.
3. No watercourse buffer permit may be issued for work in a riparian surface water buffer regulated by the State pursuant to Title 15A of the North Carolina Administrative Code subarticle 2B, section .0233 unless:
    a. The North Carolina Division of Water Quality has determined that surface waters are not present;
    b. The applicant provides sufficient documentation to demonstrate that the requested work is exempt under the rule;
    c. The North Carolina Division of Water Quality has determined that the requested work is allowable with mitigation under the rule; or
    d. The North Carolina Environmental Management Commission has issued a variance under the rule.
4. Before receiving a watercourse buffer permit, the applicant must present to the Stormwater Utility Division of the Public Works Department and Department of Inspections with a copy of the applicable determination of the North Carolina Division of Water Quality or a copy of the variance issued by the North Carolina Environmental Management Commission.

Article 10.3. Floodprone Area Regulations

Sec. 10.3.1. Floodprone Areas

A. Mapped Floodprone Areas

1. The mapped floodprone areas divided into three primary areas.
   a. Floodway areas:
   b. Floodway fringe areas; and
   c. Future conditions flood hazard areas.
2. Floodprone areas are identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its flood insurance study and accompanying flood insurance rate maps, flood hazard soil maps and drainage basin study maps. These maps together with all explanatory matter attached to them are adopted and incorporated by reference into this code.
3. Floodprone area regulations are superimposed on the zoning districts established in Article 1. and the requirements of this section apply in addition to any zoning regulation.

B. Additional Floodprone Areas

Floodprone areas adjoining creeks, streams, tributaries, and watercourses not defined on the flood hazard boundary maps include the following.

1. Watercourses which drain one square mile or more, lying five vertical feet from the outer limit of the flood hazard soils or the made land which spans flood hazard soils lying along such watercourses; and
2. Watercourses draining less than one square mile are defined as those areas lying within two additional feet vertical from the outer limits of the flood hazard soils, or made land which traverses such soils.

Sec. 10.3.2. Flood Hazard Soils

A. Flood hazard soils are shown on aerial photographic base maps prepared by the U.S. Soil Conservation Service and the North Carolina Agricultural Experiment Station from a soil survey. The outer limits of flood hazard soils may be specifically described by metes and bounds or other means from detailed surveys by owners of property on which they lie, provided the accuracy of such description is reviewed and approved by the Public Works Director and that maps or plats of such description are filed with the Clerk of the Superior Court and with the Register of Deeds of Wake County.

B. Upon approval by the Public Works Director, drainage basin study maps may supersede flood hazard soil maps. Floodprone areas and flood elevation data shall be obtained from the most current drainage basin study maps or the flood studies.

Sec. 10.3.3. Rules for Interpretation of Boundaries

A. The boundaries of floodprone areas shown on flood insurance rate maps shall be initially determined from the information obtained from the Corps of Engineers, and presented in the flood insurance rate maps and the flood insurance study by FEMA.

B. Floodprone boundaries shall be based on the engineering data that most accurately reflects actual field and hydrologic conditions. Field and hydraulic conditions shall prevail over mapped boundaries shown on flood insurance rate maps, flood hazard soils, and drainage basin study maps.

C. In areas between official cross-sections, floodprone area boundaries shall be determined by scaling distances on the flood insurance rate maps. Where interpretation of the lateral location of scaled distances is needed to determine the actual field location of these boundaries, the Public Works Director is directed to make the necessary interpretation and corrections of flood insurance rate maps applying the following:

   1. The regulatory flood protection elevation shall be the controlling factor in locating the outer limits of a floodway fringe or future conditions flood hazard area boundary; and
   2. Interpretations of floodway boundaries on flood insurance rate maps shall be based on the current procedures for interpreting floodways in accord with the FEMA guidelines;
   3. Interpretation of the flood hazard soils boundaries shall be based upon hydrologic analysis and hydraulic routing methods used by the Corps of Engineers to establish flood insurance rate maps. These methods are contained in the flood insurance study for Wake County as published by FEMA. Approved interpretations of flood hazard soils boundaries may be

described by bearings and distances and drawn with elevations in mean sea level datum given for each cross-section used in the routing computations.

D. All interpretation requests shall be accompanied with a list of the names, mailing addresses, and Wake County tax parcel numbers of any property owner, including the petitioner, affected by the requested interpretation. The Public Works Director shall give notice by certified or registered mail, return receipt requested, or by personal service to such property owners. The notices required to be given in this section are for the convenience of property owners and any defect or omission shall not impair the validity of any hearing or decision with respect to any interpretation.

E. The notice shall inform affected property owners that within 14 days of the date of the letter, they may direct the Public Works Director to conduct a public hearing on the matter. All requests for a public hearing shall be directed to the Public Works Director. At least ten days prior to a requested public hearing, the Public Works Director must by certified or registered mail, return receipt requested, or by personal service give notice of the time and place of the hearing to the petitioner and to affected property owners. Hearings conducted under this section shall follow the procedures prescribed by law for hearings before the Board of Adjustment. The establishment and documentation of field conditions used in interpretations shall be based on certified testimony or information supplied by a licensed registered land surveyor and all calculations shall be made and certified by a registered and qualified professional.

F. Upon rendering a decision, the Public Works Director shall immediately give notice by certified or registered mail, return receipt requested, or by personal service to the petitioner and to affected property owners. Within 15 days after receipt of written notice of the interpretation, any affected property owner, including petitioner, may appeal the decision of the Public Works Director to the City Council.

G. All approved interpretations of floodprone boundaries shall be described on maps or plats, which shall then be filed with the Clerk of the Superior Court and with the Register of Deeds of Wake County. The map or plats shall show the locations of all cross-sections, the elevation at the boundary of the floodway fringe areas, future conditions flood hazard area and flood storage area at the cross-section, the location of a benchmark used for vertical control; its elevation in reference to mean sea level datum, all floodplain boundaries, and the source of the floodplain area. The map or plats shall also bear the name, title and professional seal of the person who supplied the survey and the calculation as well as the date the interpretation was approved by the Public Works Director.

Sec. 10.3.4. Floodway and Non-Encroachment Areas

A. Prohibited Uses

1. No encroachments, including fill, new construction, substantial improvements, structures, manufactured homes, use and other developments, are permitted within the floodway or non-encroachment areas unless it has been demonstrated that the proposed encroachment would not:
   a. Adversely affect the capacity of the channel's floodway and non-encroachment areas, or drainage facilities or systems;
   b. Redirect velocities of water of the base flood or future conditions flood onto adjacent properties; or
   c. Result in any increase in flood levels during the occurrence of the base flood or future conditions flood based on hydrologic and hydraulic analyses. Hydrologic and hydraulic analyses shall be performed in accordance with standard engineering practice and presented to the floodplain administrator prior to issuance of flood permit or Conditional Letter of Map Revision has been approved by FEMA. A Letter of Map Revision must also be obtained upon completion of the proposed encroachment.
2. No chemical storage facilities which store or process acetone, acetylene gas, ammonia, benzene, calcium carbide, carbon disulfide, celluloid, chlorine, gasoline, hydrochloric acid, hydrocyanic acid, magnesium, materials or fuel which are flammable or explosive, nitric acid, oxides of nitrogen, petroleum products, phosphorus, potassium, sodium, sulfur, or any other item which in time of flooding is buoyant or could be injurious to human, animal, or plant life is allowed the floodway and non-encroachment areas.
3. No new solid waste disposal facilities, hazardous waste management facilities and salvage yards are allowed in the floodway or non-encroachment areas.

B. Allowed Uses

Provided they are not otherwise prohibited in this code, the following uses are allowed within floodway and non-encroachment areas:

1. General farming, pasture, outdoor plant or nurseries, horticulture, forestry, wildlife sanctuary, game preserves, and other similar agricultural wildlife and related uses;
2. Lawns, yards, gardens, parking areas, play areas, and other similar uses;
3. Golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, parks, greenways, bikeways, hiking or horseback-riding trails, botanical gardens, open space, and other similar private and public recreational uses;
4. Any other use not employing a structure and not subject to floating away during a flood.
5. Any use employing a structure, provided all portions of any structure, including foundation and supports, shall be located outside the floodway area and that any structure which overhangs the floodway is elevated above the depth of the 500-year flood.
6. Other encroachments, including fill, new construction, substantial improvements, structures as defined in the North Carolina State Building Code, manufactured home, use and other developments when it has been demonstrated that the proposed encroachment would not do any of the following:
   a. Adversely affect the capacity of the channels floodway and non-encroachment areas or drainage facilities or systems
   b. Redirect velocities of water of the base flood or future conditions flood onto adjacent properties
   c. Result in any increase in the flood levels during the occurrence of the base flood or future conditions flood all based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the floodplain administrator prior to issuance of floodplain development permit, or a Conditional Letter of Map Revision has been approved by FEMA. A Letter of Map Revision must also be obtained upon completion of the proposed encroachment.

C. Restrictions on Existing Structures

1. No structure existing and lying within a floodway shall be considered a nonconforming structure. All such structures may be repaired, improved, strengthened and enlarged; provided that no construction is permitted which will:
   a. Enlarge the foundation area of the structure within the floodway;
   b. Increase the bulk of the building or structure below the base flood or future conditions flood level; or
   c. Enlarge the surface area perpendicular to the direction of flow of the watercourse to which the floodway relates.
2. In the event of damage to an existing structure in a floodway by flood or other means that requires a substantial improvement of the structure, the structure may be repaired; provided that:
   a. The surface area of the floodway formerly occupied by the structure shall not be increased;
   b. The repairs to the structure shall incorporate appropriate floodproofing measures; and
   c. The repairs shall not increase the bulk of the structure below the base flood or future conditions flood level.
3. Additions may be made to existing structures located in a floodway upon recommendation from the Corp of Engineers and upon a letter of approval from FEMA to the City Council that the impact of the proposed addition would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

Sec. 10.3.5. Floodway Fringe and Future Hazard Areas

A. Prohibited Uses

1. Any use, structure, or encroachment, including fill, which adversely affects the capacity of channels, floodways or drainage facilities or systems is prohibited.
2. The storage or processing of acetone, ammonia, benzene, calcium carbide, carbon disulfide, celluloid, chlorine, hydrochloric acid, hydrocyanic acid, magnesium, nitric acid, oxides of nitrogen, phosphorous, potassium,

sodium, sulphur, or any other item which in time of flooding could be caustic is prohibited.

3. New solid waste disposal facilities, hazardous waste management facilities and salvage yards are prohibited in the floodway fringe areas and future conditions flood hazards areas.
4. In flood hazard soils, areas of watercourses that drain areas less than one square mile may use, structure, or encroachment, including fill, which is located within 90% of the distance of the outer limits of the flood hazard soils,as measured from either side of the center line of the stream channel, or the low point when there is no stream channel, or the midpoint, when there is no stream channel or low point, and which increases the elevation of the base flood or future conditions flood at any point by more than one-half foot, is prohibited.
5. Nothing in this section prevents a landowner from redelineating flood hazard soils areas of water courses which drain less than one square mile to accommodate more than a one-half foot rise of the base flood or future conditions flood if:
   a. All of the more than one-half-foot flood rise for the base flood or future conditions flood remains on the property of petitioner;
   b. The establishment and documentation of field conditions used in the redelineation are based on information supplied by a licensed registered land surveyor and all calculations are made and certified by a licensed professional engineer;
   c. Any sanitary sewer manholes in an area of increased depth are floodproofed by the petitioner;
   d. The petitioner notifies by certified or registered mail, return receipt requested, all adjoining property owners, and tenants, including the petitioning property. Such notice shall explain the proposed redelineation, and it shall inform such persons that they can appeal the proposed redelineation to the Public Works Director within 10 days after receipt of the letter;
   e. Appeals from decisions of the Public Works Director shall be to the City Council; and
   f. Upon the approval of the revised delineation by the City, the new delineation is recorded with the Register of Deeds of Wake County. Recorded delineations shall mark any additional lands subject to flooding as a "flood storage area."

B. Allowed Uses

Provided they are not otherwise prohibited in this code, the following uses are allowed within floodway fringe and future conditions flood hazard areas:

1. Uses Allowed Below the Regulatory Flood Protection Elevation

a. Uses permitted and regulated in floodways;

b. Nonresidential structures and residential accessory structures which comply with §10-6037(b)(2) or (3); and

c. Underground storage and structure foundations and supports which are watertight and substantially impermeable to the passage of water and are designed to withstand the flood depths, pressure, velocities, impact and uplift forces associated with the base flood or future conditions flood at the location of the structure.

2. Uses Allowed Above the Regulatory Flood Protection Elevation

a. Structures which comply with Code §10-6037;

b. Manufactured homes and additions to manufactured homes that comply with §10-6037;

c. Structures constructed on fill so that the lowest floor is above the regulatory flood protection elevation, provided the top of the fill is no lower than one foot below the regulatory flood protection elevation for the area and extends in all directions at least 15 feet beyond the limits of any structure or building; and

d. Open storage of materials subject to floating away during a flood provided the storage is placed on fill at least one foot above the regulatory flood protection elevation.

C. Limits of Development

The lot coverage of any lot may not exceed 50% of the portion of the floodway fringe or future conditions flood hazard areas on that lot, with the following exceptions:

1. Uses permitted in floodways;

2. Ground level loading areas, parking areas, heliports and other similar ground level uses;
3. Any lot one-half acre or less in size which was recorded at the time of application of this code [DATE ?];
4. No existing or approved structure, for which a building permit has been issued prior to [DATE ?] shall be considered a nonconforming structure. In the event of damage to such a structure by flood or other casualty requiring a substantial improvement of said structure, the structure may be repaired or rebuilt with:
   a. An administrative approval by the Floodplain Administrator, if all of the following are met:
      i. The land use existing at the time of the flood or other casualty remains the same; and
      ii. The area of the footprint of the structure does not increase; and
      iii. There is no rise in the Base Flood Elevation or, if there is any rise in the Base Flood Elevation, as determined by a Flood Study identifying upstream and downstream structures that will be impacted, it will:
         a) not raise the levels of the base flood or future conditions flood onto impacted structures, and
         b) not redirect velocities of water onto impacted structures.
   b. A variance by the City Council, if all of the following are met:
      i. The land use existing at the time of the flood or other casualty remains the same; and
      ii. The area of the footprint of the structure does not increase; and
      iii. There are unique circumstances applicable to the site such that strict adherence to the provisions of this Article will result in unnecessary hardship or create practical difficulties; and
      iv. The variance granted is the minimum necessary to maintain the land use.

      A written request for a variance shall be submitted to the City Clerk and shall state the specific variance sought, the justification for the variance, and what measures will be taken to insure the requirements of this Article have been met to the maximum extent practicable.
   c. An administrative approval by the Floodplain Administrator for any redevelopment that does not increase the flood elevation and that decreases the bulk of an existing building or structure below the base flood or future conditions flood level by at least 25% of the portion exceeding 50% of the floodway fringe or future conditions flood hazard areas. Any additional fill or material being added as a part of the redevelopment shall be included for calculation of the bulk of the proposed redevelopment. A written request for a variance shall be submitted to the Floodplain Administrator.
5. Notwithstanding the preceding exceptions, the City Council may approve a variance to the 50% lot coverage limitation where the following conditions are met:
   a. There are unique circumstances applicable to the site such that strict adherence to the provisions of this Article will result in unnecessary hardship or create practical difficulties; and
   b. The variance is in harmony with the general purpose and intent of this Article; and
   c. In granting this variance, public safety and welfare has been assured, and substantial justice has been done.

   A written request for a variance shall be submitted to the City Clerk and shall state the specific variance sought, the justification for the variance, and what measures will be taken to insure the requirements of this Article have been met to the maximum extent practicable.
6. Upon a determination that the extent of the development limit will deprive the land owner of reasonable use of their property, the City Council may allow development in excess of the 50% lot coverage limitation of the floodway fringe or future conditions flood hazard areas.

Sec. 10.3.6. Street Crossings Watercourses

A. All streets and driveways, or any bridge or culvert associated with any street or driveway, crossing a watercourse, shall be designed and constructed in accordance with city standards.

B. Street crossings of natural resource buffer yards shall be as close to a perpendicular angle as possible.

C. Any street or driveway, or any bridge or culvert associated with any street or driveway, which is located in a floodprone area draining less than one square mile, and not shown on a FEMA map, or located outside a floodprone area, may either increase the flow levels and area of flooding of the 10 through 100 year frequency floods or redirect floodwaters if the following is met:

1. Copies of recorded flood easements or flood easements on recorded plats adequate to contain the increased flow levels are first submitted to the city.
2. Land areas contained within the easement boundaries shall be delineated as flood storage areas.

D. The following additional standards shall apply to all streets and driveways crossing watercourses draining 10 acres or more, and which are located inside floodprone areas:

1. Any street or driveway, or bridge or culvert associated with any street or driveway, shall pass the 100 year flood crest, under free flow conditions that will not result in any increase in the elevation of the 10 through 100 year floods above those specified in the Flood Insurance Study, city of Raleigh, Federal Emergency Management Agency, latest publication.
2. If the drainage areas exceeds one square mile, the maximum rise allowed for the 100 year flood shall not exceed a total of one foot above the base flood elevation established for flood hazard soil areas or those elevations specified either in the drainage basin study maps or in the Flood Insurance Study, city of Raleigh, Federal Emergency Management Agency, latest publication, unless additional rise is in conformity with §10-4003(b) .
3. Base flood elevations for return periods of less than 100 years may be increased to exceed one foot; provided, that the portion of the flood increase which is greater than one foot is either limited to the site boundaries of the property of the owner requesting this increase, or restricted to flood storage areas shown on a recorded plat.

Sec. 10.3.7. Streets in Floodprone Areas

A. All streets in floodprone areas shall be designed and constructed to provide a minimum of two feet of vertical freeboard, as measured from the predicted 10 year flood peak water surface elevation to the low point of the top of curb, or edge of the pavement for streets without curbs. The following are exceptions to this standard:

1. Those portions of streets within allowable vertical and horizontal controls which act as a transition to existing streets; or
2. When the City Council finds that the public benefit derived from the construction of the thoroughfare or collector street would be better served if these standards were varied.
3. All thoroughfares in floodprone areas shall be designed and constructed so as not to be overtopped during the predicted 50 year storm. All others streets in floodprone areas shall be designed and constructed so as not to be overtopped during the predicted 25 year storm.

B. For any street in floodprone areas, any proposed increase above floodway levels specified in the Flood Insurance Study, city of Raleigh, Federal Emergency Management Agency, latest publication, may be allowed; provided that the change is approved by the Federal Insurance Administration and all other requirements of §10-4003(b).

C. Any proposed street or driveway, bridge or culvert, associated with a street or driveway (including fill), located in the floodprone area must be accompanied by a sealed written statement by a registered professional engineer licensed in North Carolina certifying that such "structure" is designed and constructed in accordance with this subsection Sec. 10.3.6 and shall specify which provision applies.

D. Outside of regulated discharge floodplain areas, the maximum depth of any overtopping flow during the predicted 100 year flood shall not exceed one foot. The downstream slope of the roadway section shall be protected from erosion due to the overtopping flow. Streets located within regulated discharge floodplain areas must be located at or above the 100 year flood elevation, consistent with the regulations of Sec. 10.3.4A.

Sec. 10.3.8. Warning & Disclaimer of Liability

A. The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes.

B. This Article does not imply that areas outside the boundaries of floodprone areas or land uses permitted within such areas will be free from flooding or flood damages.

C. This Article shall not create liability on the part of the city or by any officer or employee for any flood damages that result from reliance on this Article or any administrative decision lawfully made.

Sec. 10.3.9. Penalties

A. Civil Penalties

1. Any person controlling or managing any building or land where there is placed or there now exists anything in violation of this Article; or, any person who shall commit or assist in the commission of any violation of this Article; or, any person who shall build contrary to this Article after plans and specifications have been submitted to and approved by the Public Works Director; or, any person who shall omit, neglect or refuse to do any act provided for in this article shall be subject to a civil penalty of $100 per day of continuing noncompliance. No penalty shall be assessed until the person alleged to be in violation is served by registered mail notice to comply. The notice shall set forth a description of the violation for which the penalty has been invoked.
2. As an additional remedy or in lieu of other remedies, the City Council may either before or after the institution of any other action or proceeding authorized by this section, institute any appropriate action or proceeding to restrain or prevent any violation of this Article or the City Council may direct the removal or abatement of any obstruction which violates this article and direct the restoration of conditions existing before the placement of the unlawful obstruction. The institution of an action for abatement or injunctive relief shall not relieve any party to such proceeding from any civil or criminal penalty prescribed for violations of this Article.

B. Criminal Penalties

Any person controlling or managing any building or land where there is placed or there now exists anything in violation of this Article or any person who shall assist in the commission of any violation of this Article; or any person who shall build contrary to this Article after plans and specifications have been submitted to and approved by the Public Works Director; or any person who shall omit, neglect, or refuse to do any act provided for in this article shall be guilty of a misdemeanor. Failure to correct an identified violation shall constitute a separate violation for each ten days that such failure continues after written notice has been received.

Article 10.4. Erosion, & Sedimentation Control

Sec. 10.4.1. Applicability

A. This Article shall apply to all land-disturbing activities with the following exclusions:

1. Land-disturbing activities, including, but not limited to:
   a. The breeding and grazing of lifestock undertaken on agricultural land for the production of plants and animals useful to man, including but not limited to:
      i. Forages and sod crops, grains and feed crops, tobacco, cotton, and peanuts;
      ii. Dairy animals and dairy products;
      iii. Poultry and poultry products;
      iv. Livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats;
      v. Bees and apiary products; and
      vi. Fur-producing animals.
2. Land-disturbing activities undertaken on forest land for the production and harvesting of timber and timber products and conducted in accordance with Forest Practice Guidelines Related to Water Quality, Title 15A North Carolina Administrative Code, subarticle 11, sections 1.010-.0209, as adopted by the North Carolina Department of Environment, Health, and Natural Resources. If land-disturbing activity undertaken on forestland for the production and harvesting of timber and timber products is not conducted in accordance with best management practices set out in Forest Practice Guidelines Related to Water Quality, Title 15A North Carolina Administrative Code, subarticle 11, sections 1.010-.0209, the provisions of this article shall apply to such activity and any related land-disturbing activity on the tract.
3. Activities for which a permit is required under the Mining Act of 1972, G.S. Article 74, Article 7.
4. Land-disturbing activities undertaken for the duration of an emergency, activities essential to protection of human life.

B. This Article shall not apply to the following land-disturbing activities, as such activities are subject to the regulatory jurisdiction of the North Carolina Sediment Control Commission:

1. Activities conducted by the State of North Carolina;
2. Activities conducted by the United States;
3. Activities conducted by persons having the power of eminent domain;
4. Activities conducted by local governments, except that the City Council of the City of Raleigh hereby declares its intent that all of the departments and agencies of the City, its contractors and subcontractors shall also comply with the regulations set forth in this article;
5. Activities funded in whole or in part by the State of North Carolina or the United States.

Sec. 10.4.2. Objectives

A. The objectives to be considered in planning, developing, implementing, and maintaining adequate erosion and sedimentation controls and undertaking land-disturbing activities are to:

1. Identify Critical Areas

Identify on-site areas which are subject to erosion, and off-site areas which are vulnerable to damage from erosion or sedimentation, and provide special attention to these areas.

2. Limit Time of Exposure

Limit time of exposure of all land-disturbing activities so that such activities are planned and conducted to limit uncovered soil surfaces to the shortest feasible time.

3. Limit Exposed Areas

Limit exposure of all land-disturbing activities so that these activities are planned and conducted to minimize the size of the uncovered area at any one time.

4. **Control Surface Water**

   Control surface water runoff originating upgrade of uncovered soil surfaces to reduce erosion and sediment during the period of exposure.

5. **Control Sedimentation**

   Control all land-disturbing activities so that such activities are planned and undertaken to prevent off-site sedimentation damage.

6. **Manage Stormwater Runoff**

   Manage stormwater runoff when the increase in the velocity of stormwater runoff resulting from a land-disturbing activity can cause accelerated erosion at the point of discharge or receiving watercourse, plans are to include measures to control the velocity at the point of discharge so as to minimize accelerated erosion of the site and sedimentation of the receiving watercourse.

7. **Control Operations in Lakes or Natural Watercourses**

   Control land-disturbing activities in connection with construction in, on, over, or under a lake or natural watercourse so that such activities are planned and undertaken to minimize the extent and duration of disturbance of the lake or natural watercourse. Natural watercourses should be preserved.

B. An erosion and sedimentation control plan may be disapproved pursuant to §10-6033 if the plan fails to address the foregoing control objectives.

C. When deemed necessary by the approving authority, a pre-construction conference shall be held.

Sec. 10.4.3. Standards for Land-Disturbing Activity

A. No land-disturbing activity shall occur except in accordance with the following standards; wherever there is a conflict between two or more of these standards, the more stringent regulation is controlling.

1. **General Requirements**

   a. **Prior Plan Approval**

      i. An erosion and sedimentation control plan must be approved by the Public Works Director at least 30 days prior to any land-disturbing activity of more than 12,000 square feet. This does not restrict the initiation of land-disturbing activities when the plan is approved and the permit is issued in less than 30 days from initial submission.

      ii. In any reservoir watershed protection area, or for relocation of any natural watercourse, or when off-site sedimentation occurs, an approved erosion and sedimentation control plan is required for land-disturbing activity in areas below 12,000 square feet.

   b. **Protection of Property**

      Persons conducting land-disturbing activity must take all reasonable measures to protect all public and private property from damage caused by land-disturbing activity.

2. **Adequate Erosion Control Measures**

   a. Adequate erosion control measures must be planned, designed, installed, and maintained so as to control accelerated erosion and prevent sedimentation from leaving the site during construction for the maximum calculated peak rates of runoff from the 10-year storm and the 25-year storm in any high-quality water zone.

   b. Runoff rate calculations shall be submitted using procedures approved by the Public Works Director.

3. **Design and Performance Standards and Guidelines**

   a. Copies of design and performance standards which are contained in "Guidelines for Land-Disturbing Activities" as amended from time to time will be published by the City and placed on file in the office of the City Clerk and Public Works Director.

b. All erosion control plans, erosion control measures, ground covers, maintenance, and calculations must be in accordance with the applicable "Guidelines for Land-Disturbing Activities" and State of North Carolina "Erosion and Sediment Control Planning and Design Manual"; in the event of any conflict, the more stringent regulation applies.

4. Buffer Zones

a. Buffer Zones Generally

i. No land-disturbing activity during periods of construction or improvement to land are allowed in proximity to a lake or natural watercourse unless a buffer zone is provided along the watercourse to confine visible siltation within 25% of the buffer zone nearest the land-disturbing activity.

ii. Unless otherwise provided, the width of a buffer zone is measured from the edge of the watercourse to the nearest edge of the disturbed area.

b. Buffer Zones Along Trout Waters

i. Waters that have been classified as trout waters by the environmental management commission must have an undisturbed buffer zone 25% of the buffer zone nearest the land-disturbing activity, whichever is greater.

ii. The City may approve plans which include land-disturbing activity along trout waters when the duration of the disturbance would be temporary and the extent of the disturbance would be minimal.

c. Buffer Zone Exceptions

This section does not apply to a land-disturbing activity in connection with the construction of facilities to be located on, over, or under a lake or natural watercourse. No land-disturbing activity, except as permitted in Sec. 10.2.3B and Sec. 10.2.3C, Sec. 10.4.3.A.10 and Sec. 10.4.3.A.11, shall take place:

i. Within any watercourse buffer area unless it conforms to the requirements of Sec. 10.2.3B and Sec. 10.2.3C and the provisions of this Article;

ii. Within any high-quality water zone unless it conforms to the requirements of Sec. 10.4.3.A.10 and the provisions of this Article; and

iii. Within any trout water buffer area unless it conforms to the requirements of Sec. 10.4.3.A.11.

5. Graded Slopes and Fills

The angle for graded slopes and fills may be no greater than the angle which can be retained by vegetative cover or other adequate erosion control devices or structures. In any event, slopes left exposed must, within 21 calendar days of completion of any phase of grading, be planted or otherwise provided with ground cover, devices, or structures sufficient to restrain erosion.

6. Ground Cover

a. Whenever a land-disturbing activity occurs, the person undertaking the activity must install permanent ground cover, devices, or structures sufficient to restrain erosion and retain sediment within the boundaries of the tract.

b. Except in a high-quality-water zone, any portion of a site without land-disturbing activity must be provided with permanent ground cover sufficient to restrain erosion within 21 calendar days following completion of construction.

7. Downstream Protection of Discharge Points and Receiving Watercourses

a. Permanent Protection

Any area of a land-disturbing activity and all receiving watercourses or discharge point must be permanently protected from accelerated erosion caused by increased velocity of stormwater runoff resulting from a land-disturbing activity.

b. Post Construction Velocity

For any land-disturbing activity, the post construction velocity of the 10-year storm runoff in the receiving water-course to the discharge point does not exceed the greater of:

i. The velocity of the 10-year storm runoff in the receiving watercourse prior to a development;

ii. The velocity specified according to the following table for a discharge point into a receiving watercourse with bare soil or rock bed or banks; or

	Maximum Permissible Velocities	
Material	***(F.P.S.)***	***(M.P.S.)***
Fine sand (noncolloidal)	2.5	0.8
Sandy loam (noncolloidal)	2.5	0.8
Silt loam (noncolloidal)	3.0	0.9
Ordinary firm loam	3.5	1.1
Fine gravel	5.0	1.5
Stiff clay (very colloidal)	5.0	1.5
Graded, loam to cobbles (noncolloidal)	5.0	1.5
Graded, silt to cobbles (colloidal)	5.5	1.7
Alluvial silts (noncolloidal)	3.5	1.1
Alluvial silts (colloidal)	5.0	1.5
Course gravel (noncolloidal)	6.0	1.8
Cobbles and shingles	5.5	1.7
Shales and hard pans	6.0	1.8

iii. The velocity specified according to the following for a discharge point into a vegetated receiving watercourse.

Group No.	Vegetation	Depth of Flow (feet)	Maximum Permissible Velocity* (F.P.S.)
1	Bermudagrass	t1	4
		u1	6
2	Tall fescue	t1	3
	Reed canarygrass Kentucky bluegrass	u1	6
3	Grass and legumes, mixed	t1	3
	Weeping lovegrass	u1	4
4	Lespedeza, sericea	t1	2.5
	Red fescue, Red top	u1	2.5
5	Annuals:** Annual lespedeza (KOBE)	t1	2.5
	Sundangrass	u1	2.5
	Small grain (rye, oats, barley): Ryegrass		

*Do not use on channel slopes steeper than 10%, except for side slopes.
**Annuals: use as temporary protection until permanent cover is established.

c. General Velocity Standard

Any area of a land-disturbing activity or receiving watercourses subject to stormwater runoff velocities in excess of those specified in Sec. 10.4.3.A.7.b.i and Sec. 10.4.3.A.7.b.ii shall be protected from accelerated erosion by provision of an erosion-resistant lining of vegetation in accordance with Sec. 10.4.3.A.7.b.iii provided, armored, paved, or otherwise nonvegetative watercourse lining shall be provided anywhere the velocity in the receiving watercourse exceeds Sec. 10.4.3.A.7.b.iii and the prior development velocity by 10%.

d. Critical Soils

i. When critical soils occur between a point of stormwater discharge and the next confluence of concentrated stormwater runoff, the critical soils must be protected from accelerated erosion by diverting the stormwater discharge from those soil surfaces.

ii. Diversion may include the provision of piped, paved, or armored storm drainage facilities. The application of this section may in not prevent discharge of stormwater from a land-disturbing activity site.

e. Armored

Armored or otherwise non-vegetatively lined watercourse lining shall, in addition to the requirements of paragraph c. above, be provided at the storm outlet and for those portions of the receiving watercourse which have undergone land-disturbing activity.

f. Exception

Where piped, paved, or armored storm drainage facilities connect to existing off-site piped, paved, or armored storm drainage facilities or where it can be demonstrated that stormwater discharge velocities will not create an erosion problem in the receiving watercourse, none of the foregoing provisions of Sec. 10.4.3.A.7.b shall apply.

g. Equivalent Alternatives

The management of stormwater runoff to minimize or control downstream channel and bank erosion is a developing technology. Innovative techniques and ideas will be considered and may be used when shown to have the potential to produce successful results. Alternatives include, but are not limited to:

i. Avoid increases in surface runoff volume and velocity by including measures to promote infiltration to compensate for increased runoff from areas rendered impervious,

ii. Avoid increases in stormwater discharge velocities by using vegetated or roughened swales and waterways in lieu of closed drains and high velocity paved sections,

iii. Provide energy dissipators at outlets of storm drainage facilities to reduce flow velocities to the discharge point. These may range from simple rip-rapped sections to complex structures,

iv. Protect watercourses subject to accelerated erosion by improving cross-sections and/or providing erosion-resistant lining.

8. Operations in Lakes or Natural Watercourses

a. Any land-disturbing activity in connection with construction in, on, over, or under a lake or natural watercourse shall be planned and conducted in such a manner so as to minimize the extent and duration of disturbance of the stream channel and to prevent off-site sedimentation.

b. The relocation of a natural watercourse must meet the provisions of Sec. 10.4.3.A.7, and must minimize changes to the stream flow characteristics.

c. The relocation of a natural watercourse may not occur in natural resource buffer yards of Reservoir Watershed Protection Area Overlay District, Urban Water Supply Watershed Protection Area Overlay District and Metro Park Protection Overlay District and of Conservation Management Districts.

9. Reservoir Watershed Protection Area Overlay District and Conservation Management District Regulations

a. Impervious Surface Coverage in the Reservoir Watershed Area Protection Overlay District

i. No impervious surface may be added to the property if it would result in greater coverage by impervious surface than allowed by the following table:

Area	Without Stormwater Control Measures	With Retention, Detention or Capture First Half Inch of Runoff	With Wet Ponds Capturing First Inch of Rainfall
Primary water supply watershed protection areas of this Overlay District	6%; or 3,500 sq. ft. if this is not more than 12%	n/a	n/a
Secondary water supply watershed protection areas of this Overlay District not connected to both City water and sewer utilities	12%; or 3,500 sq. ft. if this is not more than 24%	n/a	n/a
Secondary water supply watershed protection areas of this Overlay District with connections to both City water and sewer utilities	12%; or 3,500 sq. ft. if this is not more than 24%	24%	30% or 3,500 sq. ft. if this is not more than 50%; 70% in areas designated in the Comprehensive Plan for higher impervious surfaces

ii. Impervious surfaces include all proposed public and private streets within the development approved after [DATE?], and all impervious surfaces on any lot and common area. Calculation of the area of the development shall include all subdivision lots, new street rights-of-way established after [DATE?], and common areas, if any, within the watershed. Calculation of the area of the development excludes any widening of existing street rights-of-way, existing street rights-of-way and new street rights-of-way reserved in accordance with either §10-3019 or the Roadway Corridor Official Map Act, Article 136 Article 2E of the General Statutes.

iii. Substitutions of impervious surfaces in accordance with Sec. 11.3.5A. are allowed.

b. Required Stormwater Measures

i. Stormwater Retention, Detention, and Capture

a) Lots in any secondary watershed protection area of the Reservoir Watershed Protection Area Overlay District that are connected to both City water and sewer utilities and have a total maximum impervious surface of more than 3,500 square feet may have an impervious coverage of more than 12% and less than 24%; provided that the first one-half inch of stormwater that directly or indirectly runs off the surfaces, in excess of 12%, from the lot is:

1) Retained for either infiltration into the soil or for evaporation into the air;

2) Detained for at least a 12-hour period; or

3) Captured by a wet pond in accordance with the table in sub-section 2. below, and applicable regulations.

b) Additional impervious surface coverage is allowed in secondary reservoir watershed protection areas when the first inch of rainfall, including the amount from the first 24% impervious surface coverage, is captured by a wet pond.

ii. Stormwater Runoff From Streets

a) Where impervious surface coverage is equal to or less than 12% in any primary water supply watershed protection area or equal to or less than 24% in any secondary water supply watershed protection area of the Reservoir Watershed Protection Area Overlay District, the first one-half inch of stormwater that directly or indirectly runs off any public or private street must be contained within the development.

b) Where impervious surface coverage is greater than 12% in any primary water supply watershed protection area, or greater than 24% in any secondary water supply watershed protection area of the Reservoir Watershed Protection Area Overlay District, the first inch of rainfall from public or private streets, including rights-of-way, shall be captured in a wet pond.

iii. Wet Ponds

a) When impervious surfaces exceed 24% in secondary reservoir watershed protection areas of the Reservoir Watershed Protection Area Overlay District, the first inch of rainfall within the development shall be captured in a wet pond of standing water. The capture of the first inch of rainfall shall be from the entire development, including all portions of impervious surfaces.

b) If located in areas designated in the Comprehensive Plan for higher impervious surfaces, the maximum percent of impervious surface coverage in those portions of the secondary reservoir watershed protection areas connected to both City water and sewer utilities shall not exceed 30% unless the impervious surface coverage is 3,500 square feet per lot or less; in such instances the maximum impervious surface coverage allowed shall not exceed 50%.

c) When the development is located in portions of secondary reservoir watershed protection areas that are specifically designated in the Comprehensive Plan for higher impervious surfaces, the maximum impervious surface coverage may not exceed 70%; provided, that the property is connected to both City water and sewer utilities.

d) No more than five percent of the land area within any one secondary reservoir watershed protection area may be developed with an impervious surface coverage in excess of 50% unless

approved by the North Carolina Environmental Management Commission.

e) All wet pond design specifications and requirements are found within the City of Raleigh Stormwater Design Manual.

f) The wet pond shall be designed to remove 85% of the total suspended solids from a one inch rainfall.

g) Vegetative filters, of at least 30 feet in length, are required for the overflow and discharge of the wet pond.

h) The design storage volume shall be above the permanent pool.

i) The discharge rate following the one inch rainfall design storm shall be such that the runoff does not draw down to the permanent pool level in less than 48 hours and that the pond is drawn to the permanent pool level within 120 hours.

j) The inlet structure minimizes turbulence by using baffles or other appropriate design features.

k) To minimize sedimentation and eutrophication of the detention pond, runoff shall be pretreated by the use of infiltration swales and other appropriate design features.

c. Maintenance of Stormwater Control Measures

i. When retention devices, detention devices, or wet ponds serve more than one lot and are located on private property, there shall be recorded a maintenance covenant that complies with Sec. 10.2.2.G2 for sharing the maintenance costs. There shall also be recorded, after approval by the City, in the Wake County Registry, a map showing the location of the retention device, detention device, or wet pond on the lot; said map shall bear the following note:

"The stormwater control facilities, which serve more than one lot, that are not accepted for maintenance by a governmental agency are required by the Raleigh City Code to be owned and maintained by a property owners association for which all lot owners shall be a member."

ii. In addition to the required maintenance covenant, any person who installs stormwater control facilities that serve more than one lot shall execute and record the city form declaration required by §10-3073(b) containing provisions for developments with common elements and common expenses as well as a subsequent recorded property owners association declaration conforming to either G.S. 47C or 47F or any successor statute.

d. Exemptions

i. The impervious surface coverage limitations and stormwater retention, detention, and capture requirements within the secondary watershed protection area of the Reservoir Watershed Protection Area Overlay District are inapplicable to any street, right-of-way, lot, or improvement thereon if its stormwater runoff flows by gravity to a watercourse located outside the Overlay District. All gravity flow drainage plans shall be approved by the Soil Conservation Division of the city.

ii. The impervious surface coverage limitations and stormwater retention, detention, and capture requirements are inapplicable to a lot separated by deed conveyance prior to June 20, 1993; provided that, the lot is developed for a single-unit or two-unit living with no more than 3,500 square feet of impervious surfaces and the owner does not own any other contiguous real property which could be recombined in accordance with Sec. 11.2.5.

10. Urban Water Supply Watershed Protection Area Overlay District Regulations

a. Impervious Surface Coverage in the Urban Water Supply Watershed Protection Area Overlay District

i. All lots or portions of lots in existence prior to the application of this regulation or lots established outside the subdivision process after that date, no additional impervious surface may be added to the property, which would result in greater coverage by impervious surface than allowed by the following table:

Area	No Stormwater Control Measures	Retention, Detention, or Capture First Inch of Rainfall
Primary water supply watershed protection areas of this Overlay District	24% or two dwelling units of a single family detached development per acre (or 20,000 square foot lot excluding road way right-of-way)	50%
Secondary water supply watershed protection areas of this Overlay District	24% or two dwelling units of a single family detached development per acre (or 20,000 square foot lot excluding roadway right-of-way) or three dwellings per acre or 36% built upon area for projects without curb and gutter street systems	70%

* Exemptions see paragraph d. below.

ii. Land shall be deemed compliant with the intensity requirements if the following condition is met: The intensity of all existing development at the time of reclassification does not exceed the density requirement when densities are averaged throughout the entire area.

iii. Impervious surfaces shall include all proposed public and private streets within the development approved after application of this ordinance, and all impervious surfaces on any lot and common area. Calculation of the area of the development shall include all subdivision lots, new street rights-of-way established after application of this ordinance, and common areas, if any, within the watershed. Calculation of the area of the development shall exclude any widening of existing street rights-of-way, existing street rights-of-way and new street rights-of-way reserved in accordance with either §10-3019 or the Roadway Corridor Official Map Act, Article 136 Article 2E of the General Statutes.

iv. All lots established u after the application of this Overlay District, shall comply with the impervious lot coverage standards in §10-3052.1(a).

v. Redevelopment is permitted when the activity does not result in a net increase of impervious surface and provides equal or greater stormwater control than the previous development and substitutions of impervious surfaces is done in accordance with Sec. 11.3.5A.

vi. Any lot of record existing prior to the initial application of the overlay district that does not conform to the area and/or impervious coverage regulations contained in the schedule of Maximum Impervious Surface Limits in Urban Water Supply Watershed Protection Area Overlay District and Required Measures of Sec. 10.4.3.A.10.a and which lot contains a single-unit or two-unit living is exempt from the regulations of this overlay district, except there shall be no exemption if the lot is contiguous to any other lot owned by the same person. Additions and expansions to existing structures shall comply with the requirements of this overlay district, however, impervious surfaces existing prior to the initial application of these regulations shall not be included in the impervious surface coverage calculations.

b. Required Stormwater Measures

i. Stormwater Retention, Detention, and Capture

Lots in any primary or secondary watershed protection area of the Urban Water Supply Watershed Protection Area Overlay District that are connected to both City water and sewer utilities and have a total impervious coverage greater than 24%; provided that approved engineered stormwater controls shall control runoff from the first one inch of rainfall which directly or indirectly runs off the surface, in excess of 24% from said lots is:

a) Retained for either infiltration into the soil or for evaporation into the air;

b) Detained for at least a 12 hour period; or

c) Captured by a wet pond in accordance with applicable regulations.

ii. Stormwater Runoff from Streets

Where impervious surface coverage is greater than 24%, the first inch of stormwater which directly or indirectly runs off any public or private street, including rights of way, shall be contained within the development in accordance with the retention, or detention, or capture methods set forth in paragraph b.i. above.

c. Maintenance of Stormwater Control Measures

i. When retention devices, detention devices, or wet ponds serve more than one lot and are located on private property, there shall be recorded a maintenance covenant which complies with Sec. 10.2.2.G2 for sharing the maintenance costs. There shall also be recorded, after approval by the City, in the Wake County Registry, a map showing the location of the retention device, detention device, or wet pond on the lot; said map shall bear the following note:

"The stormwater control facilities, which serve more than one lot, that are not accepted for maintenance by a governmental agency are required by the Raleigh City Code to be owned and maintained by a property owners association for which all lot owners shall be a member."

ii. In addition to the required maintenance covenant, any person who installs stormwater control facilities which serve more than one lot shall execute and record the City form declaration required by §10-3073(b) containing provisions for developments with common elements and common expenses as well as a subsequent recorded property owners association declaration conforming to either G.S. 47C or 47F or any successor statute.

d. Exemptions

i. The impervious surface coverage limitations and stormwater retention, detention, and capture requirements within the secondary water supply watershed protection area of the Urban Water Supply Watershed Protection Area Overlay District do not apply to any street, right-of-way, lot, or improvement thereon if its stormwater runoff flows by gravity to a watercourse located outside the Overlay District. All gravity flow drainage plans shall be approved by the Stormwater Services Division of the City.

ii. Any lot of record existing prior to the initial application of the overlay district that does not conform to the area and/or impervious coverage regulations contained in the schedule of Maximum Impervious Surface Limits in Urban Water Supply Watershed Protection Area Overlay District and Required Measures of Sec. 10.4.3.A.10.a and which lot contains a detached or attached house used for single-unit or two-unit living is exempt from the regulations of this overlay district, except there shall be no exemption if the lot is contiguous to any other lot owned by the same person. Additions and expansions to existing structures shall comply with the requirements of this overlay district, however, impervious surfaces existing prior to the initial application of these regulations shall not be included in the impervious surface coverage calculations.

iii. For all lots or portions of lots in existence prior to the application of this regulation or lots established outside the subdivision process after that date, the impervious surface coverage limitations and stormwater retention, detention, and capture requirements within the Urban Water Supply Watershed Protection Area Overlay District are inapplicable to any single development that disturbs less than one acre.

11. High-Quality-Water Zones

Within high-quality-water (HQW) zones the following additional design standards shall apply:

a. Uncovered areas in HQW zones shall be limited at any time to a maximum total area within the boundaries of the tract of 20 acres. Only the portion of the land-disturbing activity within an HQW zone shall be governed by this section. Larger areas may be uncovered within the boundaries of the tract with the written approval of both the Director of the Division of Land Resources of the North Carolina Department of Environment, Health, and Natural Resources and the City Council.

b. Sediment basins with HQW zones shall be designed and constructed such that the basin will have a settling efficiency of at least 70% for the 40 micron size soil particle transported into the basin by the runoff of

that two-year storm which produces the maximum peak rate of runoff as calculated according to procedures required by Sec. 10.4.3.A.2.

c. Newly constructed open channels in HQW zones shall be designed and constructed with side slopes no steeper than two horizontal to one vertical if vegetative cover is used for stabilization unless soil conditions permit a steeper slope or where the slopes are stabilized by using mechanical devices, structural devices or other acceptable ditch liners. In any event, the angle for side slopes shall be sufficient to restrain accelerated erosion.

12. Trout Buffers

Without trout waters as shown on maps on file with the Inspections Department, the following additional regulations shall apply:

a. The 25 foot minimum width for an undisturbed buffer zone adjacent to designated trout waters required by Sec. 10.4.3.A.4 shall be measured horizontally from the top of the bank.

b. Where a temporary and minimum disturbance is permitted as an exception by Sec. 10.4.3.A.2, land-disturbing activities in the buffer zone adjacent to designated trout waters shall be limited to a maximum of 10% of the total length of the buffer zone within the tract to be distributed such that there is not more than 100 linear feet of disturbance in each 1,000 linear feet of buffer zone. Larger areas may be disturbed with the written approval of both the Director of the Division of Land Resources of the North Carolina Department of Environment, Health, and Natural Resources and the City Council.

c. No land-disturbing activity shall be undertaken within a buffer zone adjacent to designated trout waters that will cause adverse temperature fluctuations, as set forth, as may be amended, in Title 15 North Carolina Administrative Code Article 28, Section .0211 "Fresh Surface Water Classification and Standards", in these waters.

13. Keep Dirt and Mud Off Public Streets

The accumulation of more than 1/32 inch of dirt, mud, or both on any public street, measured six feet from an entrance or exit of any land-disturbing activity, is prohibited.

Sec. 10.4.4. Maintenance

A. During the development of a site, any person undertaking the land-disturbing activity must install and maintain all temporary and permanent erosion and sedimentation control measures as required by the approved plan, any provision of this Article, the Act, or any order adopted pursuant to this Article or the Act. After site development, the land owner or person in possession or control of the land shall install and/or maintain all necessary permanent erosion and sediment control measures, except those measures installed within a road or street right-of-way or easement accepted for maintenance by a governmental agency. Whenever a permanent erosion and sediment control measure is washed out or is otherwise disabled the land owner or person in possession or control of the land shall replace the permanent erosion and sediment control measure within 15 working days or 30 calendar days, whichever period is shorter, unless a longer period of time is allowed in writing by the Public Works Director.

B. When energy dissipators or other adequate erosion control measures serve more than one lot and are located on private property, they shall be located on a lot or lots which are as large or larger in size than the typical lot size within the development. There shall be recorded, after approval by the city, in the Wake County Registry a map of those lots and said map shall bear the following note:

"The energy dissipator which controls stormwater velocities, stormwater retention or detention devices, and other erosion control measured located on this lot are required to be maintained by the property owner or owners for that portion of the device on his lot in accordance with the requirements of the Raleigh City Code."

C. Whenever stormwater control facilities serve more than one lot that are not accepted for maintenance by a governmental agency, prior to recording any lot served by the facility a maintenance covenant conforming with Sec. 10.2.2.G2 shall be recorded with the local county register of deeds offices.

Sec. 10.4.5. Land Disturbing Activity Permit & Control Plans Required

A. All land-disturbing activity permits shall be obtained from the Public Works Director.

B. No person shall initiate any land-disturbing activity in any Reservoir Watershed Protection Area, Overlay District in any watercourse natural buffer yard established pursuant to Part 10, Article 9, Article B, Division 2, in open space areas, or to relocate any natural watercourse, or in any other area if more than 12,000 square feet is to be uncovered unless, 30 or more days prior to the anticipated date for initiating the activity, an erosion and sedimentation control plan for such activity is filed with and approved by the Public Works Director; but this shall not restrict the initiation of land-disturbing activities when the plan is approved and the permit is issued in less than 30 days from initial submission.

C. No permit authorized by this code shall be issued until the boundaries encompassing a work site adjacent to any Reservoir Watershed Protection Area Overlay District, watercourse natural resource buffer, trout water buffer, watercourse natural resource buffers in a Metro Park Protection Overlay District, or in a Conservation Management District, a high-quality water zone, any tree protection limits of any Metro Park Protection Overlay District, Conservation Management District, and Special Highway Overlay Districts, or any area where vegetation is required to be maintained by a conditional use district or an approved site plan are clearly and accurately demarked by a protective fence in the field. The location and extent of all authorized land-disturbing activities shall be similarly demarcated for so long as any land-disturbing activity continues.

D. The following table summarizes the plan approval process required

	Size of Site		
Plan required to be prepared and filed with:	Less than 12,000 sq. ft.	Between 12,000 sq. ft. and 1 acre	Greater than 1 acre
City of Raleigh	No	Yes	Yes
Plan approval required prior to commencement of land disturbance	No	Yes	Yes

Sec. 10.4.6. Additional Measures

A. Whenever the city determines that off-site sedimentation may occur or is occurring as a result of a previous or on-going land-disturbing activity, despite application and maintenance of protective practices, the person undertaking the land-disturbing activity or the person responsible for maintenance will be required to and shall provide further adequate erosion control measures.

B. The Public Works Director shall serve one or more of the following: any person undertaking a land-disturbing activity or the person responsible for maintenance, or any of their appointed agents, written notice of violation with this section, specifying the noncompliance. Service shall be done in any of the following ways: Registered mail, certified mail return receipt requested, personal service, or any other means authorized under G.S. 1A-1, Rule 4. The notice shall set forth the measures needed to come into compliance and shall state the time within which such compliance must be completed and warn that failure to correct the violation within the time period will result in the additional civil and criminal penalties for a continuing violation. Alternative equivalent measures may be submitted and, if approved by the city, must be completed within the time period stated for compliance. In determining the measures required and the time allowed for compliance, the Public Works Director shall take into consideration the economic feasibility, technology, quantity of work required, and extent of damage; it shall then set reasonable and attainable time limits for compliance. The failure to comply with the notice or approved alternate equivalent measures within the time specified shall be a further violation of this code.

Sec. 10.4.7. Appeals

A. Except as provided in paragraph D below, the disapproval or required modification of any proposed erosion control plan or the refusal to issue a grading or other necessary permit by the City shall entitle the person who submitted the plan or applied for the permit to appeal this decision to the City Council. Such appeal must be made in writing to the City Clerk and the Director of Inspections within 15 days of written notice of disapproval, or modification of plan, or refusal to issue a permit. No appeal from §10-5006(a)(11) and §10-5006(a)(12), other than to reduce the width of the natural resource buffer yards, that would be inconsistent with either the Standards of the Water Supply Watershed Act, G.S. 143-214.5 or the regulations adopted pursuant thereto shall be granted without the prior approval of the North Carolina Environmental Management Commission. Upon receipt of such an appeal, the City shall notify in writing, and in sufficient time to allow a reasonable comment period, all other

local governments having jurisdiction within the water supply watershed. Each year the City will transmit to the North Carolina Environmental Management Commission a report on each appeal it receives from Sec. 10.4.3.A.9 and Sec. 10.4.3.A.9.

B. Hearings held pursuant to this section shall be held by the City Council within 30 days from the date the appeal is filed in the City Clerk's office. The City Council shall then render a decision no later than 21 days following said hearing.

C. If the City Council upholds the disapproval or modification of a proposed soil erosion and sedimentation control plan following the hearing, the person submitting the plan shall within 15 days following the decision of the City Council be entitled to appeal the City Council's action to the North Carolina Sedimentation Control Commission pursuant to Title 15 4B.0018(b) of the North Carolina Administration Code and G.S. 113A-61(c).

D. In the event that an erosion control plan is disapproved pursuant to §10-6035(i), the city shall notify the Director of the Division of Land Resources of the North Carolina Department of Environment, Health and Natural Resources of such disapproval within ten days. The City shall advise the applicant and the Director in writing as to the specific reasons that the plan was disapproved. Notwithstanding the provisions of paragraphs A. through C. above, the applicant may appeal the City's disapproval of the plan pursuant to §10-6035(i) directly to the North Carolina Sedimentation Control Commission.

E. Judicial review of the final action of the erosion plan review committee of the North Carolina Sedimentation Control Commission may be had in Superior Court of Wake County.

Sec. 10.4.8. Compliance with Plan Requirements

A. Any person who fails to file a plan in accordance with this code or who undertakes a land-disturbing activity except in accordance with provisions of a plan approved under this code shall be deemed in violation of this code.

B. If it is determined that any person who undertakes a land-disturbing activity has failed to comply with the provisions of this Article, any regulation, rule, or order, duly adopted pursuant to this Article, a notice of violation shall be served upon that person or his appointed agent. The initial civil penalty shall be assessed from the date of the violation.

C. The notice shall be served by registered mail, certified mail return receipt requested, or by any other means authorized under G.S. 1A-1, Rule 4. The notice shall specify a date by which the person must comply with this article or any regulation, rule, or order, duly adopted pursuant to this article and inform the person of the actions that need to be taken to comply.

D. In setting the time for compliance, the city shall take into consideration the quantity and complexity of the work, the consequences of delay, the effectiveness of action taken by the violator, and the staff investigative costs, but in no event shall the specified time limits be more than 10 consecutive calendar days for compliance, except a shorter time period may be required by the City inspector for an imminent threat to either severely degrade a watercourse or cause severe off-site sedimentation.

E. The notice shall state that failure to correct the violation within the specified time period will result in the additional civil and criminal penalties for a continuing violation.

F. If, after the allotted time period has expired, corrective action has not been completed, the additional penalties shall be assessed from the date of initial violation, and each day of continuing violation thereafter shall constitute a separate violation under this section.

G. The notice shall explain the type of enforcement procedures which may be issued for violations. If the person undertaking the land-disturbing activity fails to comply within the time specified, such person shall be in further violation of this code.

Sec. 10.4.9. Inspections

A. Agents and officials of the Department of Inspections shall inspect the land-disturbing activities at reasonable times to ensure whether the activities are being conducted in accordance with the approved plan or the requirements of this code and to determine whether the measures implemented are effective in controlling accelerated erosion and preventing off-site sedimentation.

B. Notice of this right to make inspections shall be included in the certificate of approval of each soil erosion and sedimentation control plan.

C. No person shall obstruct, hamper, delay, resist or interfere with City agents or officials while in the process of carrying out their official duties.

Sec. 10.4.10. Enforcement

A. Civil Penalties

1. Any person who violates any of the provisions of this Article, any regulation, rule or order duly adopted pursuant to this article; or who undertakes or continues a land-disturbing activity for which a soil erosion and sedimentation control plan is required except in accordance with the terms, conditions, and provisions of an approved plan shall be subject to the specific civil penalties set forth in Article 11.4.
2. The initial civil penalty shall be assessed from the date of the violation.
3. No penalty shall be assessed until the person alleged to be in violation or their appointed agent is served by registered mail, certified mail-return receipt requested, personal service notice of violation, or any other means authorized under G.S. 1A-1, Rule 4.
4. The notice shall specify a time by which the person must comply with this article or any regulation, rule, or order, duly adopted pursuant to this Article and inform the person of the actions that need to be taken to comply and shall direct the violator to either pay the assessment or contest the assessment within 30 days by filing a petition for a contest case under Article 3 of Article 150B of the General Statutes.
5. In setting the time for compliance, the city shall take into consideration the quantity and complexity of the work, the consequences of delay, the effectiveness of action taken by the violator, and the staff investigative costs, but in no event shall the specified time limits be more than ten consecutive calendar days for compliance, except a shorter time period may be required by the City inspector for an imminent threat to either severely degrade a watercourse or cause severe off-site sedimentation.
6. The notice shall state that failure to correct the violation within the specified time period will result in the additional civil and criminal penalties for a continuing violation. If, after the allotted time period has expired, corrective action has not been completed, the additional civil penalties shall be assessed from the date of the initial violation. Each day of continuing violation thereafter shall constitute a separate violation.
7. The Revenue Collector of the city shall make written demand for payment upon the person in violation and shall set forth the amount of the penalty and the reason for assessing the penalty; the Revenue Collector, for continuous violations, shall send within each 10 day period additional notices to the person in violation.
8. Notice of the assessment shall be by registered or certified mail or any other means authorized under G.S. 1A-1, Rule 4. If the payment is not received within 30 days after demand for payment is made, the matter shall be referred to the City Attorney for institution of a civil action in the name of the City, in the appropriate division of the general court of justice in Wake County for recovery of the penalty. Such civil actions must be filed within three years of the date the assessment was due.
9. Civil penalties collected pursuant to this provision shall be used or disbursed as directed by law.

B. Stop-Work

A stop-work order may be issued if a land-disturbing activity is being conducted or was conducted in violation of this Article, any regulation, rule, or order duly adopted pursuant to this article, or is being undertaken or continued for which a soil erosion and sedimentation control plan is required except in accordance with the terms, conditions and provisions of an approved plan and that either:

1. The land-disturbing activity is being conducted without an approved plan, a permit, or both;
2. The violation endangers life, property, or both or that such endangerment is imminent;
3. The land-disturbing activity is being conducted without installing all protective measures in accordance with the approved soil erosion and sedimentation control plan.
4. All stop-work orders shall be in writing served on and directed to the person doing the work and shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. The stop-work order shall be rescinded by written notice if all the violations for which the stop-work order were issued are corrected, no other violations have occurred, and all measures necessary to abate the violations have been taken.

C. Criminal Penalties

Any person who knowingly or wilfully violates any provision of this Article, rule, regulation, order duly adopted or issued pursuant to this Article or who knowingly or willfully undertakes or continues a land-disturbing activity for which an erosion control plan is required, except in accordance with the terms, conditions, and provisions of an approved plan, shall be guilty of a misdemeanor punishable by imprisonment not to exceed 90 days, or by a fine not to exceed $5,000, or both, in the discretion of the court.

D. Injunctive Relief

1. Whenever the City Council has reasonable cause to believe that any person is violating or threatening to violate this Article, or rule, regulation, order duly adopted or issued pursuant to this Article, or any term, condition or provision of an approved soil erosion and sedimentation control plan, the city may, either before or after the institution of any other action or preceeding authorized by this code, institute a civil action in the name of the City for injunctive relief to restrain the violation or threatened violation. The action shall be brought in the Superior Court of Wake County.
2. Upon determination by a court that an alleged violation is occurring or is threatened, the court shall enter any order or judgment that is necessary to abate the violation, to ensure that restoration is performed, or to prevent the threatened violation. The institution of an action for injunctive relief shall not relieve any party to the proceeding from any civil or criminal penalty prescribed for violations to this code.

E. Restoration

Any person who undertakes a land-disturbing activity and who fails to retain sediment generated by the activity, as required by G.S. 113A-57(3), is required to restore the waters and land affected by the failure so as to minimize the detrimental effects of the resulting pollution by sedimentation. This authority is in addition to any other civil or criminal penalty or injunctive relief authorized under this section.

Sec. 10.4.11. Specific Civil Penalties

Civil penalties for specific violations of this Article shall be assessed as follows:

A. Grading without a permit. $5,000 per day for failure to secure a valid required grading permit prior to conducting a land-disturbing activity.

B. Grading beyond the limits of a grading plan. $1,000 per day per 1/10 of a graded acre beyond the limits of an existing grading permit without the approval of an amended grading permit, but not to exceed $7,000 per day.

C. Failure to protect. $5,000 per day for failure to take all reasonable measures to protect public property or private property, from damage caused by the failure to retain sediment on-site for the design storm.

D. Failure to follow plan. $3,000 per day for failure to conduct a land-disturbing activity in accordance with the provisions of an approved erosion and sedimentation control plan.

E. Failure to install devices. $5,000 per day for failure, when more than one acre is disturbed, $2,500 per day when one acre or less than one acre is disturbed, to install erosion and sedimentation control devices sufficient to retain the sediment generated by the land-disturbing activity within the boundaries of the tract(s) and prevent off-site sedimentation.

F. Failure to maintain permanent and/or temporary measures. $2,500 per day for failure to maintain adequate erosion control measures.

G. Failure to maintain properly slopes and fills. $2,500 per day for failure on graded slopes and fills to maintain an angle sufficient to retain vegetative cover or other adequate erosion control measures.

H. Failure to protect exposed slopes. $2,500 per day for failure, within 15 working days or 30 calendar days of completion of any phase of grading, whichever period is shorter, to plant or otherwise provide exposed, graded slopes or fills with ground cover, devices, or structures sufficient to restrain erosion.

I. Failure to provide adequate cover. $2,500 per day for failure on a tract when more than one acre is disturbed, $1,200 dollars per day when one acre or less than one acre is disturbed, to plant or otherwise provide ground cover sufficient to restrain erosion within 15 working days or 60 calendar days, whichever period is shorter, following completion of construction or development.

J. Failure to revise plan. $2,500 per day for failure to file an acceptable, revised erosion and sedimentation control plan within the established deadline after being notified of the need to do so.

K. Failure to correct a violation after notice. $5,000 dollars per day for failure to correct a violation within the time limitations established in a notice of violation.

L. Failure to obey a stop-work order. $5,000 per day for a violation of a stop-work order.

M. Any other action or failure to act that constitutes a violation of this Article. $2,500 per day for any other action or failure to act that constitutes a violation of this article.

N. Failure to keep dirt and mud off public streets. $1,000 per day for failure to prevent the accumulation of dirt, mud, or both on public streets in violation of this article plus one dollar per every six linear feet of street if cleaned by the City, its employees, or its contractors.

O. An additional civil penalty of $1,000 per day shall be charged to any person assessed a civil penalty for any violation of this Article within the prior two years. No initial civil penalty shall exceed $7,500; this limitation shall be inapplicable to continuous violations.

Sec. 10.4.12. Revisions

The city of Raleigh shall incorporate revisions required by the North Carolina Sedimentation Control Commission within eight months following receipt of the required revisions. If standards and provisions of this code currently meet or exceed the required revisions, the Sedimentation Control Commission must be notified within 90 days of their receipt.

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Article 11.1. Review Bodies

Sec. 11.1.1. City Council

A. General Authority

1. The City Council may exercise additional powers as may be described elsewhere in this code and as permitted by the Raleigh Code of Ordinances.
2. All meetings of the City Council shall be open to the public in accordance with the North Carolina open meetings law, N.C. Gen. Stat., Chapter 143, Article 33C.
3. The City Council shall approve the rules of procedure and bylaws for all review bodies.
4. The City Council may also adopt rules of ethics for all review bodies.

B. Specific Approval Authority

With respect to this code, the City Council is responsible for final action regarding:

1. Comprehensive Plan amendments.
2. Text amendments.
3. Rezonings.
4. Subdivision waivers.
5. Right-of-way closures.
6. Appeals on administrative subdivision decisions.
7. Subdivision approvals other than single-family in the Metro Park Overlay District.
8. Subdivision approvals in an Historic Overlay District.
9. Neighborhood conservation district rezonings.
10. Historic district rezonings.
11. Historic landmark designations.

Sec. 11.1.2. Planning Commission

A. In General

1. Establishment

a. The Planning Commission is established to exercise any and all powers prescribed by general law and local enabling authority to perform duties directed by the City Council.

b. All meetings of the Planning Commission shall be open to the public in accordance with the North Carolina open meetings law, N.C. Gen. Stat., Chapter 143, Article 33C.

2. Composition

a. The Planning Commission shall consist of 11 members.

b. Nine members shall reside within the corporate limits of the city at the time of their appointment. The nine members shall be appointed by the City Council for terms of no more than two years.

c. Two of the members shall reside outside of the corporate limits of the city but reside within the limits of the extraterritorial jurisdiction of the city at the time of their appointment. The two members shall be appointed by the Chairman and Board of Commissioners of Wake County for terms of no more than two years.

3. Rules of Procedure

a. The Planning Commission may establish its own rules of procedure, subject to approval by the City Council.

b. The rules, regulations, minutes and actions of the Planning Commission shall be maintained as a separate document as a public record at the office of the City Clerk.

B. Specific Review Authority

With respect to this code, the Planning Commission is responsible for review and recommendation regarding:

1. Comprehensive Plan amendments.
2. Text amendments.
3. Rezonings.
4. Right-of-way closures.
5. Neighborhood conservation district rezonings.
6. Historic district rezonings.

Sec. 11.1.3. Board of Adjustment

A. In General

1. Establishment

a. The Board of Adjustment is established to exercise any and all powers prescribed by general law and local enabling authority and to perform duties directed by the City Council.

b. All meetings of the Board of Adjustment shall be open to the public in accordance with the North Carolina open meetings law, N.C. Gen. Stat., Chapter 143, Article 33C.

2. Composition

a. The Board of Adjustment shall consist of five regular members and three alternate members. Four of the regular members and two of the alternate members shall reside within the corporate limits of the city at the time of their appointment. They shall be appointed by the City Council for terms of two years.

b. One of the regular members and one of the alternate members shall reside outside the corporate limits of the city but within the limits of the extraterritorial jurisdiction of the city at the time of their appointment. They shall be appointed by the Board of Commissioners of Wake County.

c. Vacancies on the Board of Adjustment will be filled in the same manner and by the same governing body as the original appointment.

d. An alternate member whose place of residence is within the city's corporate limits may vote on the Board of Adjustment only in the absence of a regular member residing within the city's corporate limits or the inability of the regular member to vote.

e. The alternate member from the extraterritorial jurisdiction may vote only in the absence of the Board of Adjustment regular member from the extraterritorial jurisdiction or the inability of the regular member to vote.

f. When serving on the Board of Adjustment, alternate members have the same powers and responsibility as the regular members they are replacing.

3. Vote Required

The concurring vote of four-fifths of the members of the Board of Adjustment is necessary to reverse any order, or to find in favor of the applicant on any matter upon which the Board of Adjustment is required to pass under this code, or to grant any variance, or to approve any special use permit authorized by this code.

4. Rules of Procedures

a. The Board of Adjustment may establish its own rules of procedure, subject to approval by the City Council.

b. The rules of procedures shall at minimum provide for selection of officers of the Board, responsibilities of Board members, order for the conduct of public hearings, and times for filing appeals and holding public hearings.

c. The rules, regulations, minutes and actions of the Board of Adjustment shall be maintained as a separate document as a public record at the office of the City Clerk.

B. Specific Approval Authority

With respect to this code, the Board of Adjustment is responsible for final action regarding:

1. Special use permits.
2. Variances.
3. Appeals from administrative decisions (not including decisions on subdivision approvals).
4. Appeal of Historic Districts Commission decisions.

Sec. 11.1.4. Historic Districts Commission

A. In General

1. Purpose

a. The city is authorized by the North Carolina General Statutes to safeguard the heritage of the city by preserving any property or district that embodies important elements of its culture, history, architectural history, or prehistory, and to promote the use of and conservation of historic districts for the education, pleasure and enrichment of the residents of the city and state as a whole.

b. The purpose of the Raleigh Historic Districts Commission is to provide the organizational vehicle by which certain areas, structures, buildings, and objects within the city's planning jurisdiction that have special significance in terms of history, prehistory, architecture, archaeology, and/or culture and possess integrity of design, setting, materials, feeling and association may be preserved and protected.

c. All meetings of the Historic Districts Commission shall be open to the public in accordance with the North Carolina open meetings law, N.C. Gen. Stat., Chapter 143, Article 33C.

2. Composition

a. The Raleigh Historic Districts Commission consists of 12 members, appointed for uniform overlapping two-year terms.

b. A majority of the members shall have demonstrated special interest, experience, or education in history, architecture, archaeology, or related fields.

c. All members shall reside either within the city's corporate limits or within its extraterritorial jurisdiction area.

d. At least one-fourth of the membership shall either reside or own property in an Historic Overlay District or that is designated as a Raleigh Historic Landmark.

e. The Historic Districts Commission may appoint advisory bodies and committees as appropriate.

f. In event of a vacancy, the City Council shall appoint a new member within 60 days; members shall serve until their successors have been appointed.

3. Rules of Procedure

a. The Historic Districts Commission may establish its own rules of procedure, subject to approval by the City Council.

b. The rules of procedures shall at minimum provide for selection of the officers of the Commission, the time and place of its regular meetings, which shall at least be held monthly, and the calling of special meetings, and the procedures for the conduct of public hearings and voting.

c. The Historic Districts Commission shall elect from its membership a chairperson and vice-chairperson, who shall serve for terms of one year, who shall be eligible for reelection, and who shall have the right to vote. The chairperson shall preside over the Commission.

d. In the absence or disability of the chairperson, the vice-chairperson shall perform the duties of the chairperson.

e. The rules, regulations, minutes and actions of the Historic Districts Commission shall be maintained as a separate document as a public record at the office of the Commission.

B. General Authority

The powers of the Historic Districts Commission shall be to:

1. Undertake an inventory of properties of historical, prehistorical, architectural, archaeological or cultural significance.
2. Recommend to the City Council districts or areas to be designated as Historic Overlay Districts; and, to the extent that the County Historic Preservation Commission does not have jurisdiction, recommend individual structures, buildings, sites, areas, or objects to be designated as Historic Landmark. When the County Historic Preservation Commission has jurisdiction for Historic Landmarks within the city's zoning jurisdiction, the Historic Districts Commission may provide comment at the public hearing at which such designation is considered.
3. Recommend to the City Council that designation of any area as an Historic Overlay District or part of an Historic Overlay District be revoked or

removed for cause; and, to the extent that the County Historic Preservation Commission does not have jurisdiction, recommend that designation of individual structures, buildings, sites, areas, or objects as Historic Landmarks be revoked or removed for cause. When the County Historic Preservation Commission has jurisdiction for Historic Landmarks within the city's zoning jurisdiction, the Historic Districts Commission may provide comment at the public hearing at which such revocation or removal is considered.

4. Restore, preserve, and operate historic properties.
5. Conduct an educational program with respect to historic properties and districts within its jurisdiction.
6. Cooperate with the State, Federal, and local governments. The City Council, or the Historic Districts Commission, when authorized by the City Council, may contract with the State or the United States of America, or any agency of either, or with any other organization provided the terms are not inconsistent with state or Federal law.
7. Request the advice and assistance of any officer or agency of the City Council with respect to any matter arising under its purview.
8. Enter, solely in performance of its official duties and only at reasonable times, upon private land for examination or survey. However, no member, employee or agent of the Historic Districts Commission may enter any private building or structure without either the express consent of the owner or occupant or authority of law.
9. Conduct any meetings or hearings necessary to carry out the responsibilities of the Historic Districts Commission.
10. Acquire by any lawful means the fee or any lesser included interest, including options to purchase, to properties within any established Historic Overlay District or to any properties designated by as Historic Landmarks, to hold, manage, preserve, restore, and improve the same, and to exchange or dispose of the property by public or private sale, lease, or otherwise, subject to covenants or other legally binding restrictions that will secure appropriate rights of public access and promote the preservation of the property. All lands, buildings, or structures acquired by the Historic Districts Commission from funds other than those appropriated by the City Council may be acquired and held in the name of the Historic Districts Commission, the city, or both.
11. Recommend to the City Council acquisition of the fee or any lesser included interest (including public access), preservation easements, and other covenants of historic property. The City Council may make appropriations and own such property under the following conditions:
    a. Acquisition. Within the limits of its jurisdiction for planning and regulation of development the City Council may acquire properties within Historic Overlay Districts and/or properties designated as Historic Landmarks. In the event the property is acquired but is not used for some other governmental purpose, it shall be deemed to be "museum" under the provisions of General Statutes notwithstanding the fact that the property may be or remain in private use, so long as the property is made reasonably accessible to and open for visitation by the general public.
    b. Ownership. All lands, buildings, structures, sites, areas, or objects acquired by funds appropriated by the City Council shall be acquired in the name of the city unless otherwise provided by the City Council. So long as owned by the city, historic properties may be maintained by or under the supervision and control of the city.
12. Negotiate at any time with the owner of a building, structure, site, area, or object for its acquisition or its preservation, when such action is reasonably necessary or appropriate.
13. Take steps, during the period of postponement of demolition of any Historic Landmark or property within an Historic Overlay District, to ascertain what the City Council can or may do to preserve such property, including consultation with private civic groups, interested private citizens, and other public boards or agencies, and including investigation of potential acquisition by the City Council when the preservation of a given historic property is clearly in the interest of the general welfare of the community and such property is of certain historic and architectural significance.
14. Propose to the City Council changes to the Historic Overlay District regulations or any other ordinance, and propose new ordinances or laws relating to Historic Landmarks and the Historic Overlay District or relating to

a total program for the protection or development of the historic resources of the city.

15. Study and recommend to the City Council means by which historic preservation efforts can be coordinated and strengthened.
16. Study and recommend revisions to the Historic Preservation Element of the Comprehensive Plan.
17. Review and act upon proposals for alterations, restoration, reconstruction, relocation, demolition, or new construction within an Historic Overlay District, pursuant to procedures established in this code and, to the extent that the County Historic Preservation Commission does not have jurisdiction, for proposals for alteration, reconstruction, restoration, relocation, new construction, or demolition of designated Historic Landmarks outside an Historic Overlay District, pursuant to procedures outlined in N.C. Gen. Stat., §10-2052.
18. Report violations of Historic Overlay District regulations, or other ordinances affecting Historic Landmarks and properties within Historic Overlay Districts, to the appropriate enforcement agency.
19. Accept funds to be used for preservation purposes that are granted to the Historic Districts Commission by private individuals, organizations and local governing bodies.
20. Receive appropriations as may be made to the Historic Districts Commission by the City Council.
21. The Historic Districts Commission has jurisdiction for certificates of appropriateness for the exterior of all properties (including Historic Landmarks) within an Historic Overlay District. The Historic Districts Commission also has jurisdiction for Historic Landmarks outside the Historic Overlay District and within the city's zoning jurisdiction when there is no interlocal agreement with the County delegating such administration to the County Historic Preservation Commission. The County Historic Preservation Commission has no jurisdiction over designated interior spaces, unless there is no interlocal agreement with the County delegating such administration to the County Historic Preservation Commission.
22. The Planning Department shall provide such technical, administrative, and clerical assistance as required by the Historic Districts Commission.

C. Specific Review Authority

With respect to this code, the Historic Districts Commission are responsible for review and recommendation regarding:

1. Historic district rezoning.
2. Historic landmark designation.
3. Subdivision approvals in an Historic Overlay District or Limited Historic Overlay District.

D. Specific Approval Authority

With respect to this code, the Historic Districts Commission is responsible for final action regarding major certificates of appropriateness.

Sec. 11.1.5. Appearance Commission

A. In General

1. Establishment

a. The Appearance Commission is established to exercise any and all powers prescribed by general law and local enabling authority and to perform duties directed by the City Council.

b. All meetings of the Appearance Commission shall be open to the public in accordance with the North Carolina open meetings law, N.C. Gen. Stat., Chapter 143, Article 33C.

2. Composition

a. The Appearance Commission is composed of 15 members who shall reside either within the city limits or within the planning and zoning jurisdiction of the city.

b. The members of the Appearance Commission shall be appointed by the City Council. Each member shall be appointed for a period of two years; except that the City Council in naming the original members of the Appearance Commission may prescribe terms of fewer years to the end that the terms of the various members of such Appearance Commission may be staggered.

c. Where possible, appointments to the Appearance Commission shall be made in such manner as to maintain a majority of members with special training or experience in a field of design such as architecture, landscape design, horticulture, city planning, urban design, or a closely-related field.

3. Rules of Procedure

a. The Appearance of Commission may establish its own rules of procedure, subject to approval by the City Council.

b. Members of the Appearance Commission shall serve without pay; except members may be reimbursed for actual expenses incidental to the performance of their duties within the limits of any fund allocated for such purposes by the City Council.

c. The Appearance Commission shall, no later than April 15 of each year, submit to the City Council a written report of its activities, a statement of its expenditures to date for the current fiscal year, and its requested budget for the next fiscal year. All accounts and funds of the Appearance Commission shall be administered substantially in accordance with the requirements of the Local Government Finance Act.

d. The Appearance Commission may receive contributions from private agencies, foundations, organizations, individuals and the State or Federal government, or any other source in addition to any sums appropriated for its use by the City Council. It may accept and disburse these funds for any purpose within the scope of its authority as specified in this section.

B. General Authority

1. Powers of the Appearance Commission shall include among others those powers and duties outlined in N.C. Gen. Stat., §160A-452.
2. Upon its appointment, the Appearance Commission shall make a careful study of the visual aspects of the city and its planning and zoning jurisdiction and shall make plans and carry out programs that will enhance and improve the visual quality and aesthetic characteristics of such areas within the Appearance Commission's scope of the powers.
3. The Appearance Commission may recommend to the City Council suitable arrangements for the procurement or provision of staff or technical services for the Commission and may establish an advisory council or other committee to aid it in its work.

Sec. 11.1.6. Planning Director

A. Delegation of Authority

1. The Planning Director shall represent the Planning Department and serve as the administrator of this code.
2. The Planning Director may designate any staff member to represent the Planning Director in any function assigned by this code. The Planning Director remains responsible for any final action.

B. General Authority

The functions and duties of the Planning Director include:

1. Administration and coordination of the city's planning program, including liaison information and technical assistance to citizens, community groups, commissions and supervision of planning studies and reports.
2. Administration of land use controls such as this code and their technical maintenance.
3. Assembling of data, preparation of maps, maintenance of a complete information system and development of planning policy and implementation for the comprehensive planning process.
4. Assistance in implementation of plans, studies, and coordination of efforts dealing with environment, open space, urban design and historic preservation.
5. Neighborhood studies and coordination with regard to housing and neighborhood planning.
6. Assistance to the departments of the city in formulating and implementing programs for the Raleigh area.
7. Permit review and issuance.

C. Specific Review Authority

With respect to this code, the Planning Director is responsible for review and recommendation regarding:

1. Comprehensive Plan amendments.
2. Text amendments.
3. Rezonings.
4. Right-of-way closures.
5. Special use permits.
6. Variances.
7. Neighborhood conservation district rezonings.
8. Historic district rezonings.
9. Historic landmark designations.
10. Major certificates of appropriateness.

D. Specific Approval Authority

With respect to this code, the Planning Director is responsible for final action regarding:

1. Preliminary subdivision plans.
2. Final subdivision plats.
3. Subdivision waiver.
4. Zoning permits.
5. Plot plans.
6. Site plans.
7. Minor certificates of appropriateness (approval only, no denial).
8. Sign permits.
9. Temporary use permits.
10. Written interpretations.

Sec. 11.1.7. Summary of Review Authority

The following table summarizes the review and approval authority of the various review bodies with regard to this code.

		ACTION					PUBIC HEARING				NOTICE			
APPROVAL PROCESS	X-ref	Planning Director	Historic Districts Commission	Board of Adjustment	Planning Commission	City Council	Historic Districts Commission	Board of Adjustment	Planning Commission	City Council	Neighborhood Meeting	Posted	Mailed	Published
Comprehensive Plan Amendment	Sec. 11.2.2	R			R	D			M [3]	PH				Y
Future Land Use Map Amendment	Sec. 11.2.2	R			R	D			M [3]	PH		Y	Y	Y
Text Amendment	Sec. 11.2.3	R			R	D			M [3]	PH				Y
Rezoning	Sec. 11.2.4	R			R	D			M [3]	PH	Y	Y	Y	Y
Historic District Rezoning	Sec. 11.2.4	R	R		R	D	M [3]		M [3]	PH		Y	Y	Y
Historic Landmark Designation	Sec. 11.2.4	R	R			D	M [3]			PH		Y	Y	Y
Subdivision Review	Sec. 11.2.5													
Preliminary Subdivision Plan		D	R [1]							QPH [2]			Y	
Final Subdivision Plat		D												
Subdivision Waiver		R				D				QPH		Y	Y	Y
Right-of-Way Closure	Sec. 11.2.6	R				D				PH		Y	Y [5]	Y
Zoning Permit	Sec. 11.2.7	D												
Plot Plan Review	Sec. 11.2.8	D												
Site Plan Review	Sec. 11.2.9	D										Y		
Special Use Permit	Sec. 11.2.10	R		D				QPH				Y	Y	Y
Variance	Sec. 11.2.11	R		D				QPH				Y	Y	Y
Appeal of an Administrative Decision	Sec. 11.2.12	R		D				QPH					Y	Y
Appeal of Administrative Subdivision Review	Sec. 11.2.12	R				D				QPH			Y	Y
Sign Permit	Sec. 11.2.13	D												
Common Signage Plan	Sec. 11.2.14	D												
Temporary Use Permit	Sec. 11.2.15	D												
Written Interpretation	Sec. 11.2.16	D												
Certificate of Appropriateness	Sec. 11.2.17													
Minor		D												
Major		R	D				M [4]					Y	Y	Y
Appeal of Historic Districts Commission Decision		R		D				QPH					Y	Y

KEY: R = Review & Recommendation D = Final Decision M = Public Meeting PH = Legislative Public Hearing QPH = Quasi-Judicial Public Hearing Y = Notice Required

[1] Historic Districts Commission reviews subdivision applications in an Historic Overlay District, Limited Historic Overlay District and Historic Landmarks.
[2] City Council approves subdivisions in an Historic Overlay District, Limited Historic Overlay District or Historic Landmark. Quasi-judicial hearing required.
[3] Public notice required.
[4] Public meeting for Summary Proceedings, elevated to Quasi-Judicial Public Hearing upon request by Historic Districts Commission.
[5] Mailed notice required to all property owners abutting right-of-way to be closed.

Article 11.2. Review Procedures

Sec. 11.2.1. Common Review Procedures

A. Applicability

The following requirements are common to many of the procedures contained this in this code, and apply to applications submitted under this Chapter. Additional details may be included for each specific procedure.

B. Application Requirements

1. Initial Application Submittal

All applications for development approval submitted in accordance with the requirements of this code and shall be filed with the Planning Director.

2. Forms

Applications required under this code must be submitted on forms and in such numbers as required by the Planning Director. Digital links to required application forms are provided for each procedure (see Sec. 11.2.2 through Sec. 11.2.17).

3. Fees Schedule

a. Filing fees have been established to help defray the cost of processing applications. Current fees are listed in the Development Fee Schedule The current fee schedule is kept on file by the Planning Director and is updated and adopted by the City Council.

b. Before review of an application, all filing fees must be paid in full.

4. Application Deadline

Complete applications shall be submitted in accordance with the published calendar schedule. Schedules indicating submittal dates shall be developed by the Planning Director each year and made available to the public.

5. Notice of Decision

Unless otherwise stated in this Chapter, within ten days after a decision is made, a copy of the decision shall be sent to the applicant and filed with the Planning Director, where it shall be available for public inspection during regular office hours. In the case of permit issuance, the permit will constitute written notice of the decision.

C. Public Notice and Hearing Requirements

For public notice and hearing requirements applicable to each specific procedure, see Sec. 11.1.7. Any defective notification shall not invalidate the proceedings.

1. Neighborhood Meeting

a. Prior to the submittal of an application, an applicant shall provide an opportunity to meet with affected property owners within or adjacent to the development site for the following approvals:

i. General use district rezonings;

ii. Conditional use district rezonings; and

iii. Planned development rezonings.

b. At least ten days prior to the meeting date, the applicant shall notify by first class mail, at the last addresses listed the county tax records, all owners of property included in the proposed application and all owners of property within 100 feet on all sides.

c. The applicant may use a local Citizens Advisory Council meeting, provided the meeting time and notice complies with the requirements above.

d. A report of the meeting, made by the applicant, shall be given to the Planning Director at least four weeks prior to the public hearing date.

e. The report shall include, at a minimum, a list of those persons and organizations contacted about the meeting, and manner and date of contact, the date, time, and location of the meeting, a roster of the persons in attendance at the meeting, a summary of issues discussed at the meeting, and a description of any changes to the application made as a result of the meeting.

2. Published Notice

Where published notice is required, notice of the public hearing shall be published by the Planning Director at least once in a newspaper generally circulated within the city not more than 25 or less than ten days prior to the date of the public hearing.

3. Web Notice

Where web notice is required, notice of the public hearing shall be posted on the Planning Department's web site not more than 25 or less than ten days prior to the date of the public hearing.

4. Posted Notice

Where posted notice is required, signage shall be posted on the property or at a point visible from the nearest public street. In the case of multiple parcels, sufficient signage shall be posted to provide reasonable notice to interested persons. Signage shall be posted at least ten but not more than 25 days prior to the date of the public hearing at which the application shall be reviewed.

5. Mailed Notice

a. Where mailed notice is required, the city shall, based on the data supplied by the applicant, notify by first class mail all owners of property included in the proposed application and all owners of property within 300 feet on all sides. Notice shall be mailed at least ten but not more than 25 days prior to the date of the public hearing.

b. Mailed notice under this section shall not be required if a zoning map amendment or Future Land Use Map amendment directly affects more than 50 properties owned by a total of at least 50 different property owners, and the city elects to give notice of the public hearing as set forth in paragraphs D.1, D.2 and D.3 above provided that the newspaper advertisement is not less than one-half of a newspaper page in size.

c. The city shall notify by first class mail the Wake County Public School Superintendent of all proposed rezonings.

6. Content of Notice

a. Published, Web or Mailed Notice

Required published, web or mailed notice of a public hearing shall provide at least the following:

i. A case number;

ii. The address of the subject property (if available);

iii. The general location of the land that is the subject of the application, which may include, a location map;

iv. A description of the action requested;

v. Where a rezoning or a Future Land Use Map amendment is proposed, the current and proposed districts or future land use categories;

vi. The time, date and location of the public hearing (or neighborhood meeting if applicable);

vii. A phone number and e-mail address to contact the Planning Director;

viii. The address for Planning Department's web site; and

ix. A statement that interested parties may appear at the public hearing (or neighborhood meeting if applicable).

b. Posted Notice

Required posted notice of a public hearing shall provide at least the following:

i. A case number;

ii. A description of the action requested;

iii. The address for Planning Department's web site; and

iv. A phone number to contact the Planning Director.

D. Administrative Review Notice Requirements

For public notice requirements of applications subject to administrative review and approval see Sec. 11.1.7. Any defective notification shall not invalidate the proceedings.

1. Web Notice

Where web notice is required, notice shall be posted on the Planning Department's web site within seven days following acceptance of a complete application.

2. Posted Notice

Where posted notice is required, signage shall be posted on the property or at a point visible from the nearest public street. Notice shall be posted within five days of the estimated date of approval.

3. Mailed Notice

a. Where mailed notice is required, the city shall, based on the data supplied by the applicant, notify by first class mail all owners of property included in the proposed application and all owners of property within 200 feet on all sides. Notice shall be mailed within seven days following acceptance of a complete application.

b. Notice of a decision on an administratively reviewed preliminary plan or site plan shall be mailed within three days following the date of the final action.

4. Content of Notice

a. Web or Mailed Notice of Administrative Review Application

Required web or mailed notice of administrative review shall provide at least the following:

i. A case number;

ii. The address of the subject property (if available);

iii. The general location of the land that is the subject of the application, which may include, a location map;

iv. A description of the action requested;

v. A phone number and e-mail address to contact the Planning Director;

vi. The address for Planning Department's web site; and

vii. A statement that interested parties have 14 days from the date of the notice to comment on the proposed application.

b. Web or Mailed Notice of an Administrative Review Decision

Required web or mailed notice of an administrative decision shall provide at least the following:

i. A case number;

ii. The address of the subject property (if available);

iii. The general location of the land that was the subject of the application, which may include, a location map;

iv. A description of the application;

v. The date the application was decided;

vi. A description of whether the application was approved, approved with conditions, or denied;

vii. A phone number and e-mail address to contact the Planning Director;

viii. The address for Planning Department's web site; and

ix. A statement that interested parties have 30 days from the date of the decision to file an appeal with the Board of Adjustment, except that appeals on subdivision approvals must be filed with the City Council.

E. Quasi-Judicial Public Hearing Requirements

Quasi-judicial public hearings are required as set forth in Sec. 11.1.7.

1. Rules of Procedure

a. In all quasi-judicial hearings, rulings must be based only upon the evidence presented at the hearing.

b. The reviewing body may receive expert opinions regarding the action pending before them. Testimony must be given by persons with a specific interest in the application, and not by the general public at large.

c. The burden of proof is on the applicant to show that their application meets the findings of fact established for each procedure, and if the applicant fails to meet this burden, the reviewing body shall deny the request.

2. Conduct of Hearing

a. The chair of the reviewing body shall call the proceedings to order and announce that the hearing has begun.

b. All witnesses who are to testify at the hearing shall be sworn in.

c. The Planning Director shall briefly describe the applicant's request, introduce and review all relevant exhibits and evidence, report staff's recommendation, and present any testimony in support of staff's recommendation.

d. The applicant, or their legal counsel, shall present evidence and testimony in support of their application.

e. A party intervenor (described as a person with have an interest in the application, which is different than the public at large) may present evidence and testimony in support or in opposition to the application.

f. Members of the general public are permitted to present their non-expert opinions, but the reviewing body will be expressly advised that public sentiment is not relevant to the decision, which must be based only upon competent and substantial evidence.

g. Counsel for the reviewing body will advise the reviewing body as to the applicable law and the findings of fact that must be made to approve or deny the request.

h. The reviewing body will conduct open deliberation of the application. The chair of the reviewing body shall have the discretion to reopen proceedings for additional testimony or argument by the parties when an outcome substantially different than either the granting or denial of the application is being considered. After deliberations, a vote shall be taken to approve, approve with conditions or deny the request.

i. Conditions may be presented as part of any approval. Any condition offered by the reviewing body for an approval must be related to the findings of fact established for each procedure.

j. The decision, including findings of fact and conclusions of law, shall be filed with City Clerk. A written copy shall be delivered to the applicant and to any person who has filed a request for such a copy of the decision.

3. Examination

Members of the reviewing body may ask questions of persons presenting testimony or evidence at any time during the proceedings until commencement of deliberation.

4. Cross-Examination of Witnesses

After each witness testifies, their testimony is subject to cross-examination. Members of the general public are not permitted to cross-examine witnesses unless they have standing to offer testimony at the hearing and are acting in a *pro se* capacity.

5. Rules of Evidence

a. All evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a court of law in North Carolina. Irrelevant, immaterial, harassing, defamatory or unduly repetitive evidence shall be excluded.

b. Hearsay evidence may be used for the purposes of supplementing or explaining other evidence, but it shall not be sufficient by itself to support a finding unless it would be admissible over objection in a civil action.

c. Documentary evidence may be presented in the form of a copy or the original. Upon request, parties shall be given an opportunity to compare the copy with the original.

6. Statements of Counsel

Statements of counsel, or any individual acting in a *pro se* capacity, shall only be considered as argument and not testimony unless counsel or the individual is sworn in and the testimony is based on actual personal knowledge of the matters which are the subject of the statements.

7. Continuances and Deferrals

The reviewing body shall consider requests for continuances and may grant continuances in its sole discretion. If, in the opinion of the reviewing body, any testimony or documentary evidence or information presented at the hearing justifies allowing additional research or review in order to properly determine the issue presented, then the reviewing body may continue the matter to a time certain to allow for such research or review.

Sec. 11.2.2. Comprehensive Plan Amendment

A. Applicability

1. The City Council shall consider amendments to the Comprehensive Plan.
2. Amendments to the Comprehensive Plan shall be made in accordance with the provisions of this section.

B. Pre-Application Conference

Before submitting an application for a Comprehensive Plan amendment, an applicant shall schedule a pre-application conference with the Planning Director to discuss the procedures, standards and regulations required for approval.

C. Application Requirements

1. An application for a Comprehensive Plan amendment shall be submitted in accordance with the general application requirements of Sec. 11.2.1.B.
2. An application for a Comprehensive Plan amendment will only be accepted on certain dates in accordance with the city's filling schedule. The Planning Director maintains and updates the filling schedule.
3. A Comprehensive Plan Amendment form must be filled out to initiate a change.

   [**Editor's Note:** provide clickable link to application forms].

D. Approval Process

1. Planning Director Action

The Planning Director shall review the application for a Comprehensive Plan amendment in light of the considerations for approval in Sec. 11.2.2.E and provide a report to the Planning Commission and City Council.

2. City Council Public Hearing

a. Within XX days after an application has been determined complete, the City Council shall hold a public hearing and give notice in accordance with Sec. 11.2.2.E.

b. At the public hearing, those in favor of the amendment will be allowed a total of eight minutes to explain their support and those against the amendment will be allowed a total of eight minutes to explain their opposition. Additional time may be allowed by the City Council if requested in advance of the public hearing. Planning staff are not subject to the time limitation in either supporting or opposing the amendment.

c. Following the public hearing, the request shall be referred to the next regularly scheduled Planning Commission meeting.

3. Planning Commission Action

a. The Planning Commission shall hold a public meeting on the proposed amendment.

b. The Planning Commission may refer to the proposed amendment to a committee for additional consideration or act upon the application.

c. Within 90 days after the City Council public hearing, the Planning Commission shall make its recommendation back to the City Council. Within this time period, the Planning Commission may request extensions of time which may be granted by the City Council. If no recommendation is made within this time period and if no extension is granted, the City Council may take action on the application without further involvement of the Planning Commission.

d. The Planning Commission shall review the application in light of the considerations for approval in Sec. 11.2.3.D.

e. The Planning Commission shall make its recommendation to the City Council in writing. The Planning Commission shall recommend that the request be approved, approved as revised, or denied.

4. City Council Action

a. Following Planning Commission recommendation or expiration of 90 days without an extension, the City Council shall consider the proposed amendment.

b. Before taking final action on a Comprehensive Plan amendment, the City Council shall consider the recommendations of the Planning Commission and Planning Director.

c. The City Council shall review the application in light of the considerations for approval in Sec. 11.2.2.E.

d. The City Council shall, by a simple majority vote, approve, approve as revised, deny, or send the proposed amendment back to the Planning Commission for additional consideration.

e. Approval by the City Council shall include the adoption of a statement describing how the City Council considers the action taken to be reasonable and in the public interest.

f. All enactments, amendments and changes must be in the form of an ordinance. Copies of adopted city ordinances shall be kept on file at the office of the City Clerk.

E. Considerations for Approval

1. Recommendations and decisions on Comprehensive Plan amendments should consider whether:

a. The proposed amendment corrects an error or meets the challenge of some changing condition, trend, or fact;

b. The proposed amendment is in response to changes in state law, as established through amendments to the North Carolina General Statutes or by court decision;

c. The proposed amendment constitutes a substantial benefit to the city and is not solely for the good or benefit of a particular landowner or owners at a particular point in time;

d. The proposed amendment has a significant impact on:

i. Established property or proposed development in the vicinity of the subject property;

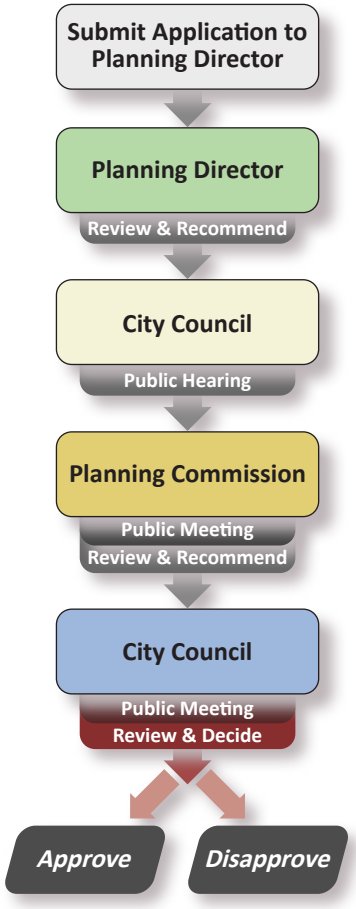
ii. Existing or future land use patterns;

iii. Existing or planned public services and facilities;

iv. Existing or planned major roadways; and

v. The natural environment, including air, water, noise, stormwater management, wildlife, and vegetation.

2. The preceding list of considerations for approval is not all-inclusive.



Sec. 11.2.3. Text Amendment

A. Applicability

1. The City Council shall consider amendments to the text of this code.
2. Amendments to the text of this code shall be made in accordance with the provisions of this section.

B. Application Requirements

1. An application for a text amendment shall be submitted in accordance with the general application requirements of Sec. 11.2.1.B.
2. An application for a text amendment will only be accepted on certain dates in accordance with the city's filling schedule. The Planning Director maintains and updates the filling schedule.
3. The following forms must be filled out to initiate a text amendment:
   a. Request and Petition of Citizens.
   b. Text Amendment Petition.

C. Approval Process

1. Planning Director Action

The Planning Director shall review the application for a proposed text amendment in light of the considerations for approval in Sec. 11.2.3.D and provide a report to the Planning Commission and City Council.

2. City Council Public Hearing

a. Within XX days after an application has been determined complete, the City Council shall hold a public hearing and give notice in accordance with Sec. 11.2.1.D.

b. At the public hearing, those in favor of the text amendment will be allowed a total of eight minutes to explain their support and those against the text amendment will be allowed a total of eight minutes to explain their opposition. Additional time may be allowed by the City Council if requested in advance of the public hearing. Planning staff are not subject to the time limitation in either supporting or opposing the application

c. Following the public hearing, the application shall be referred to the next regularly scheduled Planning Commission meeting.

3. Planning Commission Action

a. The Planning Commission shall hold a public meeting on the proposed text amendment.

b. The Planning Commission may refer to the application to the Planning Commission Text Change Committee for additional consideration or act upon the application.

c. Within 90 days after the City Council public hearing, the Planning Commission shall make its recommendation back to the City Council. Within this time period, the Planning Commission may request extensions of time which may be granted by the City Council. If no recommendation is made within this time period and if no extension is granted, the City Council may take action on the application without further involvement of the Planning Commission.

d. The Planning Commission shall review the application in light of the considerations for approval in Sec. 11.2.3.D.

e. The Planning Commission shall make its recommendation to the City Council in writing. The Planning Commission shall recommend that the application be approved, approved as revised, or denied.

4. City Council Action

a. Following Planning Commission recommendation or expiration of 105 days without an extension, the City Council shall consider the proposed text amendment.

b. Before taking final action on a text amendment, the City Council shall consider the recommendations of the Planning Commission and Planning Director.

c. The City Council shall review the application in light of the considerations for approval in Sec. 11.2.3.D.

d. The City Council shall, by a simple majority vote, approve, approve as revised, deny, or send the proposed text amendment back to the Planning Commission for additional consideration.

e. Approval by the City Council shall include the adoption of a statement describing how the City Council considers the action taken to be reasonable and in the public interest.

f. All enactments, amendments and changes must be in the form of an ordinance. Copies of adopted city ordinances shall be kept on file at the office of the City Clerk.

D. Considerations for Approval

1. Recommendations and decisions on text amendments should consider whether:

   a. The proposed text amendment corrects an error or meets the challenge of some changing condition, trend, or fact;

   b. The proposed text amendment is in response to changes in state law, as established through amendments to the North Carolina General Statutes or by court decision.

   c. The proposed text amendment is generally consistent with the visions, themes and goals of the Comprehensive Plan;

   d. The proposed text amendment conflicts with any specific policy or action item of the Comprehensive Plan;

   e. The proposed text amendment is generally consistent with the stated purpose and intent of this code;

   f. The proposed text amendment constitutes a substantial benefit to the city and is not solely for the good or benefit of a particular landowner or owners at a particular point in time;

   g. The proposed text amendment significantly impacts the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation; and

   h. The proposed text amendment significantly impacts existing conforming development patterns, standards or zoning districts.

2. The preceding list of considerations for approval is not all-inclusive.

Sec. 11.2.4. Rezoning

A. Applicability

1. The City Council shall consider amendments to the Official Zoning Map.
2. Amendments to the Official Zoning Map shall be made in accordance with the provisions of this section.

B. Zoning Change Requirements

1. A zoning change should correspond with the boundary lines of existing tracts and lots. Where the boundaries of a rezoning request stop short of an exterior property line, it must be possible to subdivide and develop that portion of the property outside the proposed zoning change boundary in accordance with the existing zoning and other requirements of this code.
2. All zoning requirements shall be met within the boundaries of the area being rezoned. If all of the requirements cannot be met on the site being rezoned, the zoning change shall be expanded to include all property necessary to meet zoning requirements.

C. Pre-Application Conference

Before submitting an application for rezoning, an applicant shall schedule a pre-application conference with the Planning Director to discuss the procedures, standards and regulations required for approval.

D. Neighborhood Meeting

All applicants applying for a rezoning shall hold a neighborhood meeting in accordance with Sec. 11.2.1.C.

E. Application Requirements

1. General Requirements

a. An application for a rezoning shall be submitted in accordance with the general application requirements of Sec. 11.2.1.B.

b. An application for a rezoning will only be accepted on certain dates in accordance with the city's filling schedule. The Planning Director maintains and updates the filling schedule.

c. A Rezoning Application form must be filled out to initiate a rezoning request.

d. The Planning Director cannot accept a rezoning application without a statement prepared by the applicant analyzing the reasonableness of the rezoning request.

e. This statement must address the consistency of the proposed rezoning with the Comprehensive Plan and any other applicable city-adopted plans, the compatibility of the proposed rezoning with the property and surrounding area, and the benefits and detriments of the proposed rezoning for the landowner, the immediate neighbors and the surrounding community.

2. Additional Requirements for Conditional Use Applications

a. An application for a conditional use rezoning must specify the use or uses prohibited or the use or uses allowed, including the maximum number of dwelling or rooming units, and all development regulations which are requested for the property submitted for rezoning. The requested use or uses must be permitted in the corresponding general use district.

b. All those regulations which apply to the corresponding general use zoning district are the minimum requirements in the conditional use district.

c. Conditions which represent greater restrictions on development and use of the property than would apply in the corresponding general use district, or which involve subdivision, stormwater control, flood protection, or

other limitations on land which may be regulated by city and State law, may be specified in the application.

3. Additional Requirements for a Planned Development Application

Planned development rezoning approval consists of two separate steps:

a. Approval of a rezoning and master plan by the City Council in accordance with the requirements of this section; and

b. Administrative approval of subsequent preliminary plans, final plats (see Sec. 11.2.5) and site plans (see Sec. 11.2.9) consistent with the Council-approved master plan.

c. In addition to a rezoning application, a Master Plan Application Package must be filled out to initiate a planned development rezoning.

4. Additional Requirements for Historic Overlay Districts, Limited Historic Overlay Districts and Historic Landmarks

a. An investigation and report describing the significance of the buildings, structures, features, sites or surroundings included in any proposed Historic Overlay District or Limited Historic Overlay District and a description of the boundaries of the district, changes in boundaries, or de-designation due to loss of significance, shall be prepared and/or reviewed by the Raleigh Historic Districts Commission, and its recommendation shall be forwarded to the City Council. The Council shall refer such report to the North Carolina Department of Cultural Resources.

b. The Department of Cultural Resources, acting through an agent or employee designated by its Secretary, shall make an analysis of and recommendations concerning such report and description of proposed boundaries. Failure by the Department to submit its written analysis and recommendations to the City of Raleigh within 30 calendar days after a written request for such analysis has been received by the Department shall relieve the City of any responsibility for awaiting such analysis, and the City may take any necessary action to adopt or amend this code and the official zoning map.

c. The City Council may also, in its discretion, refer the report and proposed boundaries to any other interested body for its recommendations prior to taking action to amend the this code or the official zoning map.

F. Approval Process

1. Planning Director Action

a. The Planning Director shall review the application for a proposed rezoning in light of the considerations for approval in Sec. 11.2.4.H and provide a report to the Planning Commission and City Council.

b. In reviewing the master plan, the Planning Director shall consult with the heads of the departments of Public Utilities, Public Works, Transportation, Parks and Recreation, Inspections, and the Fire Department to check the proposed master plan against the requirements of this code and other applicable technical requirements of the city.

2. City Council Public Hearing

a. Within XX days after an application has been determined complete, the City Council shall hold a public hearing and give notice in accordance with Sec. 11.2.4.H.

b. At the public hearing, the Planning Director will explain or identify, by maps or otherwise, the location and area involved in the rezoning and explain the uses permitted in the proposed zoning district. If applicable, the conditions specified in the petition shall be stated.

c. Those in favor of the rezoning will be allowed a total of eight minutes to explain their support and those against the rezoning will be allowed a total of eight minutes to explain their opposition. Additional time may be allowed by the City Council if requested in advance of the public hearing. Planning staff are not subject to the time limitation in either supporting or opposing the application.

d. Following the public hearing, the application shall be referred to the next regularly scheduled Planning Commission meeting.

3. Additional Requirements for Conditional Use Applications

a. During the review and deliberation of a conditional use rezoning application from the time of submittal to the Monday preceding the five week period prior to the scheduled public hearing, specified conditions may be removed or specified conditions may be added which are less restrictive.

b. Within the five week period prior to the scheduled public hearing, more restrictive conditions or additional conditions, as well as a reduction in the size of the request or a change to a higher zoning classification, may be added in writing to the signed petition by all owners of property covered by the original petition.

c. At least ten calendar days prior to the submittal of any change an unsigned draft copy of the proposed changes shall be submitted to Planning Director for review and comment. The Planning Director is instructed not to accept any changes to the conditions other than those time periods specified below:

i. One set of changes between the time of submittal to the Monday preceding the five week period prior to the scheduled public hearing;

ii. One set of changes between within the five week period prior to the scheduled public hearing; and

iii. One set of changes following the public hearing and the date scheduled for the first Planning Commission meeting.

4. Planning Commission Action

a. The Planning Commission shall hold a public meeting on the proposed rezoning.

b. The Planning Commission may refer to the application to committee for additional consideration or act upon the application.

c. Within 90 days after the City Council public hearing, the Planning Commission shall make its recommendation to the City Council. Within this time period, the Planning Commission may request extensions of time which may be granted by the City Council. If no recommendation is made within this time period and if no extension is granted, the City Council may take action on the application without further involvement of the Planning Commission.

d. The Planning Commission shall review the application in light of the considerations for approval in Sec. 11.2.4.H.

e. The Planning Commission shall make its recommendation to the City Council in writing. The Planning Commission shall recommend that the rezoning be adopted as proposed or denied.

5. Additional Requirements for Conditional Use Applications

a. There is no limit on the sets of changes to the conditions following the first deliberation of the application by the Planning Commission. However, no set of changes to the conditions shall be considered and deliberated on by the Planning Commission unless an unsigned draft copy of the new set of conditions has been submitted at least ten calendar days prior to the date of the scheduled Planning Commission meeting.

b. In no case shall changes to the conditions be accepted following an action by the Planning Commission and prior to the Planning Commission's Certified Recommendation being received by the City Council other than non-substantive, technical revisions to the text of the conditions.

6. City Council Action

a. Following Planning Commission recommendation or expiration of 90 days without an extension, the City Council shall consider the proposed rezoning.

b. Before taking final action, the City Council shall consider the recommendations of the Planning Commission and Planning Director.

c. The City Council shall review the application in light of the considerations for approval in Sec. 11.2.4.H.

d. Unless a valid protest petition has been submitted and received by the Planning Director, the City Council, by a simple majority vote shall approve, deny, or send the proposed rezoning back to the Planning Commission for additional consideration.

e. Approval by the City Council shall include the adoption of a statement describing how the City Council considers the action taken to be reasonable and in the public interest.

f. All enactments, amendments and changes must be in the form of an ordinance. Copies of adopted city ordinances shall be kept on file at the office of the City Clerk.

7. Additional Requirements for Conditional Use Applications

a. One set of changes to the conditions within 15 calendar days following the City Council meeting at which the recommendation of the Planning Commission is first received is allowed, provided that any change is submitted at least two working days, before the date of the final City Council action.

b. Any changed conditions made following the recommendation of the Planning Commission may be referred to the Planning Commission for further review. If so, the Planning Commission shall report back to the City Council within 30 days of the City Council referral, or it shall be construed that they have no comment.

c. Signed conditions may be submitted by facsimile or electronic mail so long as the original signed petition is received by the Planning Director at least 24 hours before the meeting where final City Council action is taken; provided that the electronic signature is (1) unique to the person using it; (2) capable of certification; (3) under the sole control of the person using it; (4) linked to the same page as the petition. The day of the City Council action shall not be counted as a normal workday when applying this rule. Such changed conditions may be referred to the Planning Commission for further review. If so, the Planning Commission shall report back to the City Council within 30 days of the City Council referral, or it shall be construed that they have no comment.

G. Protest Petition

1. Valid Petition

a. A rezoning request for which a protest petition has been determined to be valid requires a ¾ super majority vote of the City Council for approval rather than a simple majority.

b. A petition in opposition to a rezoning shall be considered a "valid protest petition" if the petition meets the requirements of GS 160A-385, and is signed by the owners of either:

i. 20% or more of the area included in the proposed rezoning; or

ii. 5% of the area of a 100-foot wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned.

c. In evaluating the sufficiency of a protest under these provisions:

i. A street right-of-way shall not be considered in computing the 100-foot buffer area as long as the street right-of-way is 100 feet wide or less.

ii. When less than an entire parcel of land is being rezoned, the 100-foot buffer shall be measured from the property line of the entire parcel.

iii. In the absence of evidence to the contrary, the city may rely on the county tax listing to determine the owners of potentially qualifying areas.

d. The ability to protest shall not be applicable to any rezoning which initially zones property added to the territorial coverage of the Official Zoning Map as a result of annexation.

2. Procedure

a. A form for a protest petition shall be available from the Planning Director.

b. Completed petitions shall be submitted to the City Clerk's office least two working days prior to the date of the public hearing.

c. The Planning Director shall determine if the petition meets the criteria for classification of "valid protest petition".

d. The Planning Director shall notify the petitioner as to the validity of the protest petition.

H. Considerations for Approval

The following lists of considerations for approval are not all-inclusive.

1. General Considerations

Recommendations and decisions on rezonings should consider whether:

a. The proposed rezoning corrects an error or meets the challenge of some changing condition, trend, or fact;

b. The proposed rezoning is generally consistent with the visions, themes and goals of the Comprehensive Plan;

c. The proposed rezoning conflicts with any specific policy or action item of the Comprehensive Plan;

d. The proposed rezoning is generally consistent with the Future Land Use Map;

e. The proposed rezoning is generally consistent with the stated purpose and intent of this code;

f. The proposed rezoning will reinforce the existing or planned character of the area;

g. The site is appropriate for the development allowed in the proposed district;

h. There are substantial reasons why the property cannot be used according to the existing zoning;

i. The subject property is suitable for the proposed zoning;

j. There is a need for the proposed use at the proposed location;

k. The city and other service providers will be able to provide sufficient public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities, police, fire and emergency medical services, while maintaining sufficient levels of service to existing development; and

l. The proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property.

2. Additional Considerations for General Use Rezoning

The City Council shall consider all the potential uses and standards which would be allowed under the proposed rezoning. The City Council is not allowed to consider specific site plans or conditions as a basis for a decision.

3. Additional Considerations for Conditional Use Rezoning

a. The proposed rezoning will reinforce the existing or planned character of the area more adequately than the corresponding general use zoning district;

b. There are substantial reasons why the applicant cannot use a corresponding general use district;

c. The proposed rezoning will have significantly less impact on property in the vicinity than would otherwise be provided by the corresponding general use district.

d. The City Council may consider specific limitations placed on the property as a condition of rezoning. Conditions must be more restrictive than what would normally apply under the corresponding general use zoning district. All those regulations which apply to the corresponding general use district are the minimum requirements in the conditional use district.

i. No condition may be made part of the petition which specifies ownership status, race, religion, or character of occupant, minimum value of improvements, or any other exclusionary device.

ii. No condition shall be submitted that proposes to regulate right-of-way reimbursement values, prohibitions of cross-access or public street connections or extensions, submittal of a traffic impact analysis, nor shall any site plans, renderings or other images be submitted as part of the conditional use rezoning application unless all elements of the site plan, rendering or image graphically illustrate the written text of the conditions in which case the written zoning conditions shall remain as the controlling instrument.

iii. No condition may be made part of the petition which duplicates an existing city code requirement.

4. Additional Considerations for Planned Development Rezoning

a. The master plan is consistent with the requirements of Sec. 4.7.

b. The master plan addresses a unique situation, confers a substantial benefit to the city, or incorporates creative site design such that it achieves an improvement in quality over what could have been accomplished through strict application of a general use district.

I. Withdrawal of a Pending Application

No application for a proposed rezoning can be withdrawn after the Monday preceding the five week period prior to the scheduled public hearing date. The rezoning application on file five weeks prior to the public hearing shall be the application used for notification in accordance with Sec. 11.2.1.D.

J. Revisions to an Approved Master Plan

1. Any request for a revision to an approved master plan that increases the number of dwelling units, increases the project's density, increases the number of building lots, decreases the amount of common open space, or alters a road pattern shall be initiated and processed as a new application.
2. If the Planning Director determines that the requested changes are minor and do not include substantial alterations the approved master plan, and are consistent with the intent of the original approval, the Planning Director may approve the changes.
3. The following are provided as examples of the types of amendments that the Planning Director may reasonably consider to be minor:
   a. Changes in the size of a particular use;
   b. Changes in the height of a proposed use;
   c. Changes in the housing mix or use-mix ratio; or
   d. Changes that do not result in a change in the character of the development, or the development's relationship with adjacent lands.

K. Time Lapse between Applications

1. Limitations Between Applications

a. Without special waiver approved by the City Council, the Planning Director cannot accept an application for rezoning whenever an application for rezoning on the same property would be heard more than once at a public hearing within a 24 month period. The increase or decrease of an area or other change in the request for rezoning does not negate this rule.

b. In cases, however, where a proposed rezoning has been applied for by a community group, the City Council, the Planning Commission or other non-owners of the subject property, heard and acted on, applications by individual property owners (for the return of their property to its former zoning classification) will be accepted within the 24 month period without prior City Council approval.

c. This 24 month period shall also not apply to a change in the underlying district when an application for an overlay district has been heard on the same property within a 24 month period, or to a change in the overlay district when an application of the underlying district has been heard on the same property within a 24 month period.

d. The 24 month waiting period shall not apply to any City Council-initiated rezoning when such modifications involve:
   i. Re-adoption of the entire Official Zoning Map;
   ii. Application of zoning to implement an adopted small area plan;
   iii. Application of zoning to new extraterritorial jurisdiction areas; or
   iv. Application of zoning to annexed areas which were not subject to the city's development regulations.

2. Special Waiver

Special waiver of this waiting period may be granted by the City Council following a recommendation from the Planning Commission for one or more of the following grounds:

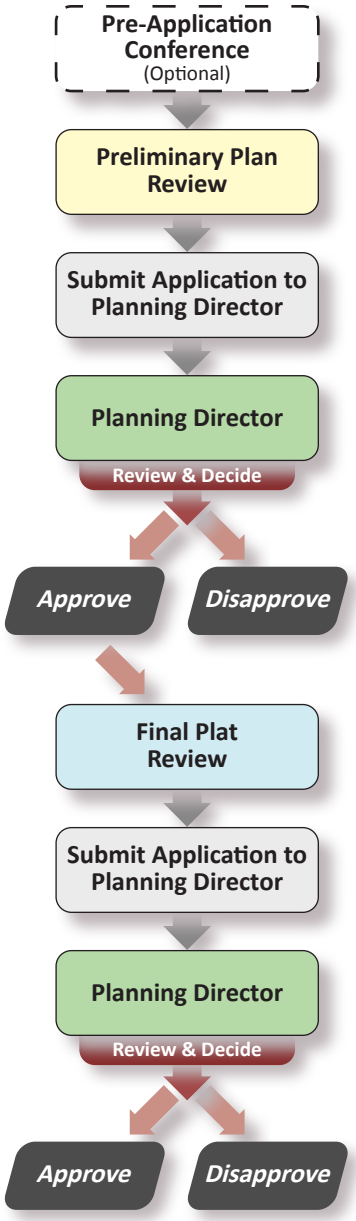
a. Materially changed conditions.

b. Clerical correction was the basis for the previous rezoning.

c. Newly discovered evidence of adverse impact of the current zoning which by due diligence could not have been discovered in time for the earlier public hearing.

d. Substantially changed zoning request.

e. The petition changes from a general use district request to a conditional use district request and specific conditions are submitted by all owners of the property, which represents a substantial change from the previous general use district request.



Sec. 11.2.5. Subdivision Review

A. Applicability

Except as expressly exempted below, no land shall be subdivided within the city or within the city's extraterritorial jurisdiction until:

1. A preliminary plan has been submitted and approved as provided in Sec. 11.2.5.E; and
2. A final plat has been submitted and approved as provided in Sec. 11.2.5.F ; and
3. The approved final plat has been filed and recorded in the Wake County register's office.

B. Exemptions

The following are exempt and are not subject to subdivision review under this code:

1. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the applicable zoning district.
2. The division of land into parcels greater than ten acres where no right-of-way dedication is involved.
3. The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.

C. Limitations on Subdivision Approval

1. No subdivision or recombination of any property shall be approved pending any application for the rezoning of property unless the subdivision or recombination is permitted under the existing zoning district of the property and also under the zoning district which is proposed for the property.
2. No subdivision shall be approved on any parcel of a parent tract when general forestry has occurred on the parent tract within the last five years and the perimeter buffers set forth in N.C. Gen. Stat., §10-2072, Tree disturbing activity except a minor tree removal activity, subsection (2), were not preserved.

D. Pre-Application Conference

Before submitting an application for subdivision approval, an applicant may schedule a pre-application conference with the Planning Director to discuss the procedures, standards and regulations required for approval.

E. Preliminary Plan Approval Process

1. Application Requirements

a. An application for preliminary plan approval shall be submitted in accordance with Sec. 11.2.1.C.

b. The following forms must be filled out in order to process an application for preliminary plan approval:

   i. Preliminary Development Plan Application; and

   ii. Preliminary Development Plan Checklist.

2. Planning Director Action

a. The Planning Director has the authority to approve preliminary plans without review by the City Council except in the following situations:

   i. The preliminary plan is in an Historic Overlay District.

   ii. The preliminary plan is in the Metro Park Overlay District (not including single-family).

b. After an application has been determined complete, the Planning Director shall give notice of pending review in accordance with Sec. 11.2.1.E.

c. In reviewing the preliminary plan, the Planning Director shall consult with the heads of the departments of Public Utilities, Public Works, Transportation, Parks and Recreation, Inspections, and the Fire Department to check the proposed preliminary plan against the

requirements of this code and other applicable technical requirements of the city.

d. Following review of the preliminary plan, the Planning Director shall approve, approve with conditions that bring the preliminary plan into conformance with the code and other applicable technical requirements of the city, or deny the preliminary plan. The Planning Director shall keep written records of any action taken.

3. Waivers

a. The City Council can waive to the requirements for a preliminary plan where the City Council finds that extraordinary hardships or practical difficulties may result from strict compliance of the requirements of this code.

b. In order to approve a waiver, the City Council must hold a quasi-judicial public hearing as set forth in Sec. 11.2.1.F and give notice as required in Sec. 11.2.1.D.

c. Before a waiver request is granted, the City Council must find all of the following:

i. That, owing to exceptional and extraordinary circumstances, literal enforcement of the preliminary plan provisions will result in practical difficulties or unnecessary hardship;

ii. That the waiver is in accordance with the stated purposes of this code;

iii. That the practical difficulties or unnecessary hardship were not created by the owner of the property or the applicant and are not due to or the result of general conditions in the area in which the property is located;

iv. That the practical difficulties or unnecessary hardship are not solely financial;

v. That the waiver will not substantially or permanently injure the allowed uses of adjacent conforming property;

vi. The waiver requested is the minimum waiver that will make possible the legal use of the land, building, or structure.

vii. That the waiver will not adversely affect the public health, safety or welfare.

d. Appropriate conditions, which must be reasonably related to the conditions or circumstances that give rise to the need for a waiver, may be imposed on any approval issued by the City Council.

4. Action Following Planning Director Decision

a. Notice of a decision on an administratively reviewed preliminary plan shall be provided within three days following the date of the final action as set forth in Sec. 11.2.1.E.

b. Within 30 days after the date of the decision on a preliminary plan, an appeal of the Planning Director's action may be filed with the City Council as set forth in Sec. 11.2.12.

5. Post-Preliminary Plan Approval

a. A copy of the preliminary subdivision plan conforming to all conditions of approval shall be submitted to the Planning Director, who shall distribute copies to city departments as necessary.

b. No review of construction plans shall occur unless a copy of the approved preliminary plan has been received by the Planning Director.

c. Prior to construction plan approval, the applicant shall have installed all required improvements as specified in this code or guaranteed their installation as provided in Chapter 9.

d. No construction shall commence until all required plans, profiles and specifications have been reviewed and approved by the city or other governmental approving agency.

6. Revisions to an Approved Preliminary Plan

a. Minor revisions to an approved preliminary plan which reflect the same basic street and lot configuration as used for the original approval may be approved by the Planning Director.

b. Any request for a revision to an approved preliminary plan that increases the number of dwelling units or floor area, increases the project's density or intensity, increases the number of building lots, decreases the amount

of common open space, or alters a road pattern shall be initiated and processed as a new application.

c. The following are provided as examples of the types of amendments that the Planning Director may reasonably consider to be minor:

i. Changes in the size of a particular use;

ii. Changes in the housing mix or use mix ratio; or

iii. Changes that do not result in a change in the type of development, or the development's relationship with adjacent land.

7. Phasing

a. If not otherwise set out as part of the preliminary plan, lots may be recorded and public improvements may be constructed in phases.

b. The applicant shall submit a phasing plan to the Planning Director prior to the submittal of construction plans.

c. The Planning Director shall ensure that the phasing plan is in accordance with the approved preliminary plan.

d. The phasing plan shall indicate timing of the construction of public improvements in such a way that the number of lots in each phase is reasonably proportional to the amount of improvements in each phase (including transportation improvements), and that rights-of-way and utility easements are extended in the initial phase of development to all adjacent lots that do not have public street access or access to public utilities.

e. Amendments to the phasing plan may be made in conjunction with the review of construction plans, but an updated copy of the new phasing plan must be submitted and placed on file in the case file maintained by the Planning Director.

8. Validity of a Preliminary Plan

a. Within three years after approval of the preliminary plan, at least one-half of the gross land area shown on the preliminary plan must have a final plat recorded in the Wake County registry and all remaining portions of the preliminary plan shall have final plat recorded in the Wake County registry within five years from the approval date of the preliminary plan.

b. Failure to record final plats for an approved preliminary plan with in the required time constraints shall automatically void the unrecorded portions of the preliminary plan unless the Planning Director finds that all of the following are met:

i. A written request for an extension has been made to the Planning Director prior to the expiration period;

ii. Unrecorded portions of the preliminary plan conform to all ordinances, laws, and City Council resolutions in effect at the time of the requested extension;

iii. The preliminary plan considers and respects the practical limits of public facilities and services such as stormwater, water and sewer lines, streets, fire, public safety, and trash collection;

iv. No other extension has been granted.

c. If all the requirements of paragraph b. above are met, the Planning Director shall permit only one extension, not to exceed a time period of three years, calculated from the date the request for extension is received by the Planning Director.

F. Final Plat Approval Process

1. Applicability

a. All division of land not exempted in Sec. 11.2.5.B shall require final plat approval as set forth below.

b. The final plat shall constitute only that portion of the approved preliminary plan (if required) that the applicant proposes to record and develop at the time of submission.

c. Approval of the final plat shall be subject to the installation of the improvements designated in Chapter 9 or certified evidence that requirement improvements will be installed in accordance with this code.

2. Planning Director Certification Required

a. Prior to recording in the Wake County registry of any final plat, the final plat must be submitted for review to the city. This certification of review shall be indicated in writing on the final plat by the Planning Director, and it shall be required for each of the following:

i. Final plats;

ii. Recombination plats;

iii. Easement plats not prepared by either a governmental body nor any utility company granted the power of eminent domain by N.C. Gen. Stat., §40A-3(a)(1);

iv. Plats creating new lots where all lots are greater than ten acres; and,

v. All other plats where property boundaries, easements, rights-of-way or other matters are changed or added.

b. For paragraphs ii. through v. above, the certificate of review by the Planning Director shall indicate that the final plat is exempt from the subdivision regulations of this code.

c. The Planning Director shall file a copy of this chapter with the Wake County registry. No final plat may be recorded with the Wake County registry without the certification of the Planning Director. The Clerk of the Superior Court of Wake County shall not order or direct the recording of a final plat where such recording would be in conflict with this code.

3. Recording of Covenants

The city may, as a precondition for recording lots, require the recording of covenants. Such covenants may be required for cross access, property owners associations for the maintenance of: landscaping, private streets or private open space, common storm drainage facilities, common utilities, or any combination, access limitations, common-party walls, unified sign criteria, unity of development standards, and any other purpose determined to be necessary to meet the requirements of this code.

4. Application Requirements

a. An application for final plat approval shall be submitted in accordance with Sec. 11.2.1.C.

b. The following forms must be filled out in order to process an application for final plat approval:

i. Recorded Map Application; and

ii. Recorded Map Checklist.

5. Planning Director Action

a. After an application has been determined complete, the Planning Director shall review the final plat for compliance with the approved preliminary plan and conditions of approval.

b. In reviewing the final plat, the Planning Director may consult with the heads of the departments of Public Utilities, Public Works, Transportation, Parks and Recreation, Inspections, and the Fire Department.

c. Upon completion of the review, the Planning Director may meet with the applicant to discuss any changes in development design.

d. If the final plat contains dedication of streets, public easements, public or private drainage easements, or construction of public improvements, the Planning Director shall forward copies of the final plat to the appropriate city departments requesting preparation of any required contracts and approval resolutions for the City Council. The Planning Director shall complete the review of the final plat and notify the applicant of nonconformities, omissions, or corrections required before the final plat is forwarded for City Council action.

e. The Planning Director shall approve the final plat if it conforms with the approved preliminary plan and conditions of approval.

f. If the final plat is disapproved, the reasons for such disapproval shall be stated in writing, specifying the provisions of the code with which the final plat does not comply. A revised final plat may be submitted to the Planning Director for further consideration.

g. Within 30 days after the date of the decision on a final plat, an appeal of the Planning Director's action may be filed with the City Council as set forth in Sec. 11.2.12.

6. City Council Action

a. If the final plat contains dedication of streets, public easements or construction of public improvements, then the City Council must accept the dedication of streets, public easements or construction of public improvements before the final plat is recorded. [Law Department to insert alternative language]

b. Upon receiving notification from the Planning Director that the final plat is complete and correct, the appropriate city department shall within 14 days forward to the City Council, the final plat with the appropriate resolution and standard improvement contract executed by the applicant.

7. Action Following Approval

a. After a final plat is approved, the Planning Director shall certify the plat for recording after receipt of the resolution approving the final plat and any necessary contracts to provide improvements and the required signatures for recordation have been secured.

b. Plats presented to and approved for recordation by the city must be recorded on or before the 14th day following the certification of the Planning Director. The expiration date shall be clearly indicated on the final plat.

c. Boundary surveys, right-of-way plats and easement plats are not required to be certified by the city prior to their recording.

8. Revisions to an Approved Final Plat

a. Revisions to an approved final plat still in conformance with the approved preliminary plan are allowed by the Planning Director under the original application.

b. Changes to an approved final plat not in conformance with the approved preliminary plan must be resubmitted as a new application.

c. When revisions are proposed to an approved final plat, the applicant shall submit a written request to the Planning Director delineating the revisions and requesting authorization of the revisions.

d. If the plat has been recorded, the applicant shall resubmit the recorded plat with a statement describing the revisions made and title block for the Planning Director signature, and date of signing.

e. If the ownership on the final plat to which the revision applies has changed since the previous recording, an owner's and notary's certificates shall be provided on the plat for each current owner affected by the change, or a letter signed by affected property owners agreeing to the revisions.

f. In addition to the letter and the revised final plat, the applicant shall submit the required fees to the Planning Director for processing and rerecording the revised plat.

Sec. 11.2.6. Right-of-Way Closure

A. Applicability

All applications for right-of-way closure, including street or alley closings, vacation of easements and divestiture of excess right-of-way, shall be reviewed accordance with the provisions of this section.

B. Pre-Application Conference

Before submitting an application for right-of-way closure, an applicant may schedule a pre-application conference with the Planning Director to discuss the procedures, standards and regulations required for approval.

C. Application Requirements

1. An application for right-of-way closure shall be submitted in accordance with Sec. 11.2.1.C.
2. A Right-of-Way Closure Petition must be filled out in order to process an application for right-of-way closure.

D. Approval Process

1. Planning Director Action

a. The Planning Director shall review the application in light of the considerations for approval in Sec. 11.2.6.E.

b. In reviewing the application, the Planning Director shall consult with the heads of the departments of Public Utilities, Public Works, Transportation, Parks and Recreation, Inspections, and the Fire Department to check the proposed application against the requirements of this code and other applicable technical requirements of the city.

c. Following review of the application, the Planning Director shall make a recommendation to either hold a public hearing or deny the application.

d. If the Planning Director determines that the right-of-way should remain open, the applicant shall be informed in writing, and may appear before City Council to request authorization for a public hearing on. The Planning Director shall keep written records of any action taken.

e. If the City Council authorizes a public hearing, the Planning Director's report and any related application materials shall be forwarded to the City Council.

2. City Council Action

a. Following authorization to hold a public hearing, the City Council shall schedule the hearing and give notice in accordance with Sec. 11.2.1.D.

b. At the public hearing, those in favor of the application will be allowed a total of eight minutes to explain their support and those against will be allowed a total of eight minutes to explain their opposition. Additional time may be allowed by the City Council if requested in advance of the public hearing. Planning staff are not subject to the time limitation in either supporting or opposing the application.

c. Following the public hearing, the City Council shall approve, approve with conditions, deny, or refer the item to Committee for further discussion.

d. The City Council decision shall include a written statement describing whether the applicant is consistent with Sec. 11.2.6.E.

e. If the City Council adopts a resolution to close the right-of-way, the applicant must record a plat officially closing the right-of-way at the Wake County registry within one year of the City Council action date.

f. Failure to record the plat in the specified time frame automatically voids the approval.

g. When necessary, the City Council may reserve an easement in the right-of-way for existing or planned utilities, the easement must be noted on the plat.

E. Considerations for Approval

1. Recommendations and decisions on proposed right-of-way closures should consider the following:
   a. The proposed closure is in conformance with the requirements of this code and other applicable technical requirements of the city;
   b. The proposed closure is generally consistent with the visions, themes and goals of the Comprehensive Plan;
   c. The proposed closure doesn't directly conflict with any specific policy or action item of the Comprehensive Plan;
   d. The proposed closure is consistent with the stated purpose and intent of this code;
   e. The proposed closure will provide a public benefit or serve a greater public purpose;
   f. The proposed closure will not compromise the integrity of the city's street network, nor lead to a significant loss of vehicular or pedestrian connectivity;
   g. The right-of-way is not contemplated or needed for future public use;
   h. The proposed closure will not have a significant adverse impact on other property in the vicinity of the subject property.
   i. No abutting owner becomes landlocked or that their access will not be substantially impaired; and
   j. There is a substantial and compelling reason for why the right-of-way should vacated.
   k. The proposed closure will not impair the ability to provide utility service;
   l. The proposed closure will not adversely impact the health, safety and welfare of the community, including access by emergency vehicles;
   m. The proposed closure is not in conflict with adopted Raleigh Historic Districts Commission policy regarding alley closures in local historic and National Register districts; and
   n. Reasonable alternatives have been investigated and found to be impractical or more detrimental to the public welfare than the proposed closure.
2. The preceding list of considerations for approval is not all-inclusive.

F. Property Acquisition

1. Property Acquired by Purchase

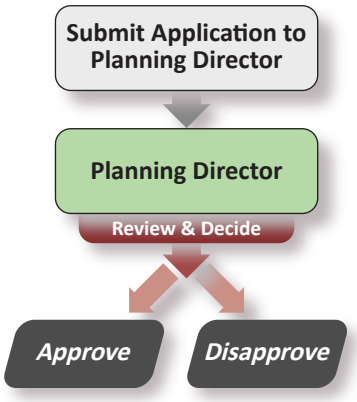
a. Where right-of-way was acquired by governmental purchase (city, county, state, or related agency or utility), the applicant shall pay the fee value of the property less any standard reductions for size, limited use, existing easements, or similar impediments.

b. Property acquired by governmental purchase shall be inclusive regardless of how long the time period has been since acquired, how many times the abutting property has changed ownership, and whether or not the purchased property has or has not been used as a street or alley in the interim.

2. Property Acquired by Dedication

a. If the right-of-way was acquired by dedication or if it cannot be determined whether the street or alley was acquired by governmental purchase, it shall be assumed that the street or alley was acquired by dedication and no fee value payment is required.

b. All closed right-of-way shall be split evenly between adjacent property owners to the street or alley being closed resulting in a new property line down the center line of the closed roadway.



Sec. 11.2.7. Zoning Permit

A. Applicability

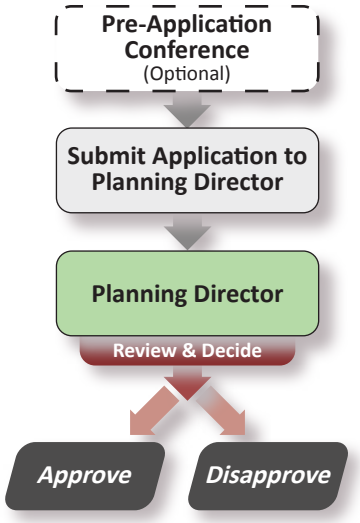
1. The purpose of zoning permit is to ensure that any change in use or occupancy is in compliance with the requirements of this code.
2. A zoning permit is required for any change in use or occupancy that does not require plot plan review (Sec. 11.2.8) or site plan review (Sec. 11.2.9).

B. Application Requirements

1. An application for a zoning permit shall be submitted in accordance with Sec. 11.2.1.C.
2. A Permit Application must be filled out in order to process an application for a zoning permit.

C. Planning Director Action

1. The Planning Director shall check the proposed application against the requirements of this code.
2. In reviewing the application, the Planning Director may consult with the heads of the departments of Public Utilities, Public Works, Transportation, Parks and Recreation, Inspections, and the Fire Department.
3. Following review, the Planning Director shall approve, approve with conditions that bring the application into conformance with the code, or deny the application.
4. If the application is disapproved, the reasons for such disapproval shall be stated in writing and provided to the applicant, specifying the provisions with which the application does not comply. A revised application may be submitted to the Planning Director for further consideration.
5. Within 30 days after the date of the decision, an appeal of the Planning Director's action may be filed with the Board of Adjustment in accordance with Sec. 11.2.12.



Sec. 11.2.8. Plot Plan Review

A. Applicability

1. A plot plan is required for the construction, reconstruction, extension, repair, or alteration of any building, structure, parking facility, or use of land associated with a detached house or attached house used predominantly for residential purposes on an individual lot.
2. No plot plan is required for ordinary maintenance or for any accessory building having an area less than 150 square feet and a roof span no greater than 12 feet.

B. Pre-Application Conference

Before submitting an application for plot plan approval, an applicant may schedule a pre-application conference with the Planning Director to discuss the procedures, standards and regulations required for approval.

C. Application Requirements

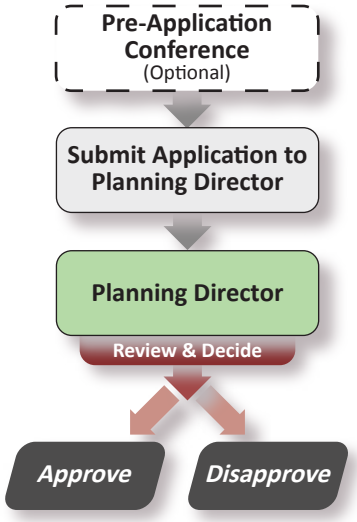
1. An application for plot plan approval shall be submitted in accordance with Sec. 11.2.1.C.
2. A Plot Plan Application must be filled out in order to process an application for plot plan approval.

D. Planning Director Action

1. The Planning Director shall check the proposed application against the requirements of this code and other applicable technical requirements of the city.
2. In reviewing the application, the Planning Director may consult with the heads of the departments of Public Utilities, Public Works, Transportation, Parks and Recreation, Inspections, and the Fire Department.
3. Following review, the Planning Director shall approve, approve with conditions that bring the application into conformance with the code and other applicable technical requirements of the city, or deny the application.
4. If the application is disapproved, the reasons for such disapproval shall be stated in writing and provided to the applicant, specifying the provisions of which the application does not comply. A revised application may be submitted to the Planning Director for further consideration.
5. Within 30 days after the date of the decision, an appeal of the Planning Director's action may be filed with the Board of Adjustment in accordance with Sec. 11.2.12.

E. Expiration

An approved plot plan expires after six months if a building permit application has not been filed.



Sec. 11.2.9. Site Plan Review

A. Applicability

Before any permit for the construction, reconstruction, extension, repair, or alteration of any building, structure, sign, parking facility, or use of land, is issued, whether for any property located within the city or within the city's extraterritorial jurisdiction, a site plan approved in accordance with the provisions of this section, shall be submitted to and approved by the Planning Director.

[**Editor's Note:** Consider additional thresholds for site plans.]

B. No Site Plan Required

No site plan is required for the construction, reconstruction, extension, repair, or alteration of any building, structure, parking facility, or use of land associated with a detached house or attached house used predominantly for residential purposes on an individual lot.

C. Pre-Application Conference

Before submitting an application for site plan approval, an applicant may schedule a pre-application conference with the Planning Director to discuss the procedures, standards and regulations required for approval.

D. Application Requirements

1. An application for site plan approval shall be submitted in accordance with Sec. 11.2.1.C.
2. The following forms must be filled out in order to process an application for site plan approval:
   a. Preliminary Development Plan Application;
   b. Preliminary Development Plan Checklist; and
   c. Permit Application.

E. Approval Process

1. Planning Director Action

a. After an application has been determined complete, the Planning Director shall give notice of pending review in accordance with Sec. 11.2.1.E.

b. In reviewing the site plan, the Planning Director shall consult with the heads of the departments of Public Utilities, Public Works, Transportation, Parks and Recreation, Inspections, and the Fire Department to check the proposed site plan against the requirements of this code and other applicable technical requirements of the city.

c. Following review of the site plan, the Planning Director shall approve, approve with conditions that bring the site plan into conformance with the code, the approved site plan, and other applicable technical requirements of the city, or deny the site plan. The Planning Director shall keep written records of any action taken.

2. Action Following Planning Director Decision

a. Notice of a decision on an administratively reviewed site plan shall be provided within three days following the date of the final action as set forth in Sec. 11.2.1.E.

b. Within 30 days after the date of the decision on a site plan, an appeal of the Planning Director's action may be filed with the Board of Adjustment as set forth in Sec. 11.2.12.

3. Post-Site Plan Approval

a. No building or construction permit shall be issued for development requiring a site plan until the site plan has been approved.

b. A copy of the site plan conforming to all conditions of approval shall be submitted to the Planning Director, who shall distribute copies to city departments as necessary.

c. No review of building or construction plans shall occur until a copy of the approved site plan conforming to all conditions of approval has been received by the Planning Director.

d. Prior to the issuance of any building or construction permit for the site, the applicant shall have installed all required improvements as specified in this code or guaranteed their installation as provided in Chapter 9.

F. Revisions to an Approved Site Plan

1. Minor revisions to an approved site plan may be approved by the Planning Director without providing additional public notice. The following revisions shall be considered minor:

   a. Up to a ten percent increase or any decrease in gross floor area of a single building.

   b. Up to a ten percent reduction in the approved setbacks from exterior property lines.

   c. Relocation of parking areas, internal driveways or structures where such relocation occurs more than 100 feet from exterior property lines.

2. Any other changes to an approved site plan must be resubmitted as a new application.

G. Validity of a Site Plan

Unless an applicant has been granted vested rights the following provisions apply.

1. Within three years after the approval of a site plan, a valid building permit application of the total area of any section or phase of the approved site plan must be submitted to the Planning Director. Failure to submit a valid building permit application in the specified time frame automatically voids the approved site plan unless the Planning Director finds that all of the following are met:

   a. A written request for an extension has been made to the Planning Director prior to the expiration period.

   b. Unconstructed portions of the approved site plan conform to all ordinances, laws, city policies, and provisions of the Comprehensive Plan and other City Council adopted plans in effect at the time of the requested extension.

   c. Adjacent streets have not been reclassified by either the Comprehensive Plan or the adopted Thoroughfare Plan.

   d. The plan considers and respects the practical limits of public facilities and services such as stormwater, water and sewer lines, streets, fire, public safety, and trash collection.

   e. The applicant has provided the most recent city of Raleigh inspection report demonstrating that the site is currently in compliance and that any previously graded and/or cleared portion of the site which is not currently under construction is currently and appropriately stabilized to prevent erosion and sediment control problems during the requested extension period.

   f. There shall only be one extension permitted, not to exceed a time period of two years, from the date of receipt by the Planning Director of the original written request for extension.

2. In the case that requirements paragraphs a. through e. above are not met, the City Council, shall determine whether the unconstructed portion of any development is allowed to continue. Code obligations acquired prior expiration of the site plan shall not be terminated by this provision.

3. Within five years after the approval of the site plan or the date the written request for extension was made for any extended site plan, whichever is later, the construction of the entire site plan must be completed. Failure to complete construction within the specified time frame shall automatically void the unconstructed portions of the approved site plan unless the Planning Director finds that all of the following are met:

   a. A written request for an extension has been made to the Planning Director prior to the expiration period.

b. Unconstructed portions of the preliminary plan conform to all ordinances, laws, city policies, and provisions of the Comprehensive Plan and other city-adopted plans in effect at the time of the requested extension.

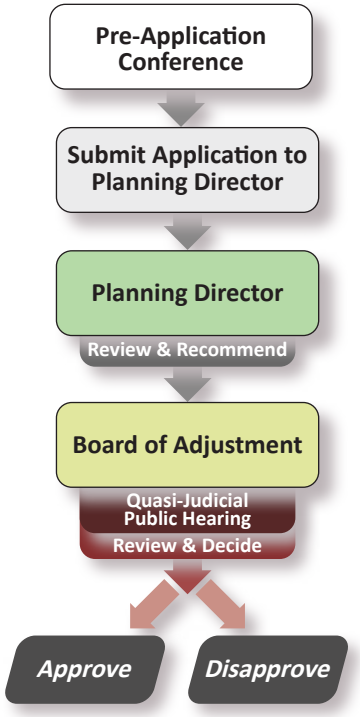
c. Adjacent streets have not been reclassified by either the Comprehensive Plan or the adopted Thoroughfare Plan.

d. The plan considers and respects the practical limits of public facilities and services such as stormwater, water and sewer lines, streets, fire, public safety, and trash collection.

e. The applicant has provided the most recent city of Raleigh inspection report demonstrating that the site is currently in compliance and that any previously graded and/or cleared portion of the site which is not currently under construction is currently and appropriately stabilized to prevent erosion and sediment control problems during the requested extension period.

f. There shall only be one extension permitted, not to exceed a time period of three years, from the date of receipt by the Planning Director of the original written request for extension.

g. In the case that requirements paragraphs a. through f. above are not met, the City Council shall determine whether the unconstructed portion of any development is allowed to continue. Code obligations acquired prior expiration of the site plan shall not be terminated by this provision.



Sec. 11.2.10. Special Use Permit

A. Applicability

1. Special uses within each zoning district are uses that may be appropriate in a particular zoning district, but because of the increased potential for incompatibility with adjacent uses, require individual review by the Board of Adjustment.
2. A special use permit is required for all special uses as set forth in Chapter 6.

B. Pre-Application Conference

Before submitting an application for a special use permit, an applicant shall schedule a pre-application conference with the Planning Director to discuss the procedures, standards and regulations required for approval.

C. Application Requirements

1. An application for a special use permit shall be submitted with in accordance with Sec. 11.2.1.C.
2. A Special Use Permit Application must be filled out to initiate a request for a special use permit.

D. Approval Process

1. Planning Director Action

a. The Planning Director shall review the application for a special use permit in light of the findings of fact of Sec. 11.2.10.E and provide a report to the Board of Adjustment.

b. In reviewing the site plan, the Planning Director shall consult with the heads of the departments of Public Utilities, Public Works, Transportation, Parks and Recreation, Inspections, and the Fire Department to check the proposed site plan against the requirements of this code and other applicable technical requirements of the city.

2. Board of Adjustment Action

Following notice as required in Sec. 11.2.1.D, the Board of Adjustment shall hold a quasi-judicial public hearing as set forth in Sec. 11.2.1.F.

E. Findings of Fact

Before a request for a special use permit is granted, the Board of Adjustment must find the following:

1. The proposed use complies with all applicable provisions of this code unless otherwise expressly stated;
2. The proposed use is allowed as a special use in the respective zoning district (see Chapter 6);
3. The proposed use complies with any specific use standard listed in Chapter 6;
4. The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics;
5. Any adverse impacts resulting from the proposed use will be effectively mitigated or offset;
6. The storage of combustible, hazardous, explosive, or inflammable material to be sold, stored, or kept on the premises is effectively managed;
7. Access with respect to pedestrian, bicycle, and automotive safety, traffic flow, emergency service is adequate; and
8. Public safety, transportation, and utility facilities and services will be available to serve the subject property while maintaining sufficient levels of service for existing development.

F. Limits on Approval

Whenever the Board of Adjustment approves a special use permit, approval shall not change the zoning of the property or give it any status as a nonconformity as set forth in Article 11.3.

G. Revisions to an Approved Special Use Permit

An approved special use permit shall not without prior approval of the Board of Adjustment:

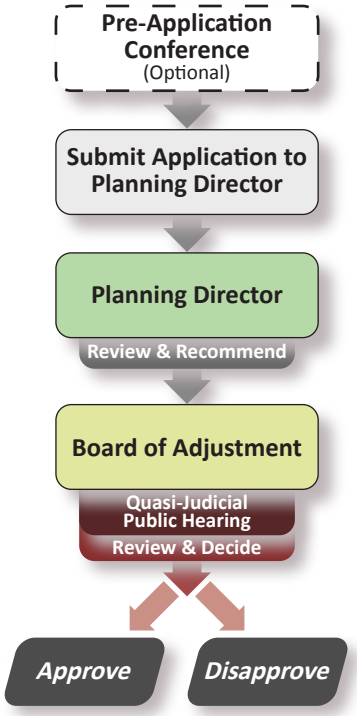
1. Change to another use for more than 30 days; or
2. Increase its density or intensity; or
3. Enlarge, expand, or increase its size; or
4. Increase the requirements for off-street parking spaces; or
5. Substantially change the exterior appearance of buildings; or
6. Add new outdoor equipment and machinery.

H. Expiration

1. A special use permit shall expire after six months if a building permit application has not been filed. Once the use is constructed, the special use permit runs with the land and does not expire except as listed below.
2. Any special use permit the changed to another use for more than 30 days, other than that for which the special use permit was issued, or discontinued or ceased for a continuous period of 365 days or more is null and void and may not resume without the reapproval of the Board of Adjustment.

I. Revocation of Special Use Permit

If any conditions of a special use permit or other requirements of this code are violated, the special use permit may be revoked by the Board of Adjustment.



Sec. 11.2.11. Variance

A. Applicability

The Board of Adjustment has the authority to authorize variances from the certain provisions of this code, subject to the requirements of this section, as will not be contrary to the public interest where, owing to exceptional and extraordinary circumstances, literal enforcement of certain provisions of this code will result in practical difficulties or unnecessary hardship.

B. Pre-Application Conference

Before submitting an application for a variance, an applicant may schedule a pre-application conference with the Planning Director to discuss the procedures, standards and regulations required for approval.

C. Application Requirements

1. An application for a variance shall be submitted with in accordance with Sec. 11.2.1.C.
2. A Variance Application must be signed and notarized by the property owner in order initiate a request for variance.

D. Approval Process

1. Planning Director Action

The Planning Director shall review the application for a variance in light of the findings of fact of Sec. 11.2.11.E and provide a report to the Board of Adjustment.

2. Board of Adjustment Action

Following notice as required in Sec. 11.2.1.D, the Board of Adjustment shall hold a quasi-judicial public hearing as set forth in Sec. 11.2.1.F.

E. Findings of Fact

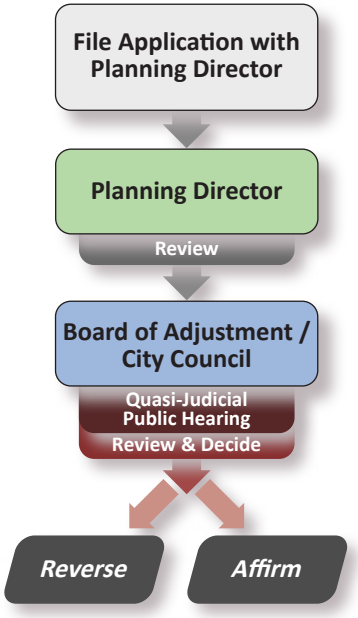
Before a variance request is granted, the Board of Adjustment must find the following:

1. That the variance will not authorize a use other than those uses allowed in the district;
2. That, owing to exceptional and extraordinary circumstances, literal enforcement of the provisions of this code will result in practical difficulties or unnecessary hardship;
3. That the variance is in accordance with the stated purposes of this code;
4. That the practical difficulties or unnecessary hardship were not created by the owner of the property or the applicant and are not due to or the result of general conditions in the district in which the property is located;
5. That the practical difficulties or unnecessary hardship are not solely financial;
6. That the variance will not substantially or permanently injure the allowed uses of adjacent conforming property;
7. The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure.
8. That the variance will not adversely affect the public health, safety or welfare; and
9. That the applicant has adequately addressed any concerns raised by the Planning Director.

F. Approval Limitations and Conditions

1. Appropriate conditions, which must be reasonably related to the conditions or circumstances that give rise to the need for a variance, may be imposed on any approval issued by the Board of Adjustment.
2. In granting a variance, the Board of Adjustment is authorized to attach safeguards and conditions to the approval as is necessary and appropriate in order to protect established property values in the affected area or to promote the public safety and general welfare.

3. The Board of Adjustment may not grant a variance which is not in accordance with the statutory and decisional law of this state.
4. The Board of Adjustment may not, absent specific authority, grant a variance which would modify, alter, change, or suspend the requirements of a specific use standard in Chapter 6 and N.C. Gen. Stat., §10-2146.3.
5. A variance runs with the land and does not expire unless an expiration date is assigned as a condition by the Board of Adjustment.



Sec. 11.2.12. Appeal of an Administrative Decision

A. Applicability

Any aggrieved person or any agency, officer, department, board, or commission of the city, including the City Council, affected by any decision, order, requirement, or determination relating to the interpretation, compliance, or application of this code made by an administrative official charged with the administration and enforcement of this code may file an appeal in accordance with the requirements of this section.

1. City Council

An appeal of an administrative decision on preliminary subdivision plan or final subdivision plat are heard by the City Council.

2. Board of Adjustment

All other appeals of administrative decisions, including site plan decisions, are heard by the Board of Adjustment.

B. Stay of Proceedings

1. An appeal shall stay all proceedings in furtherance of the action appealed, unless the Planning Director certifies that, because of facts stated in the certificate, a stay would, in their opinion, cause imminent peril to life or property or that because the violation is transitory in nature a stay would seriously interfere with the effective enforcement of this code. In that case, proceedings shall not be stayed except by order of the reviewing body or a court, issued on application of the party seeking the stay, for due cause shown, after notice to the Planning Director.
2. An appeal shall not stop action lawfully approved (including construction activities authorized by a building permit); only actions presumed in violation of this code are stayed.

C. Filing Requirements

1. An appeal of any administrative decision shall be taken by filing a written notice of appeal specifying the grounds for the appeal with the Planning Director and the reviewing body.
2. An appeal of an administrative decision shall be filed with the Planning Director within 30 days after the date of the decision.
3. A notice of appeal of an administrative decision shall be considered filed when a complete application is delivered to the Planning Director. The date and time of filing shall be entered on the notice.
4. An application for an appeal of administrative decision shall be submitted in accordance with Sec. 11.2.1.C.

D. Approval Process

1. Planning Director Action

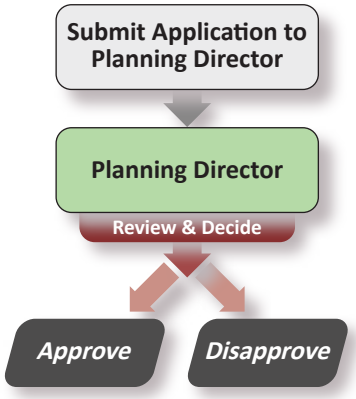
The Planning Director shall review an application in light of the findings of fact of Sec. 11.2.12.E and provide a report to the Board of Adjustment.

2. Reviewing Body Action

Within 20 days after a notice of appeal is filed, the reviewing body shall hold a quasi-judicial public hearing as set forth in Sec. 11.2.1.F and provide notice as required in Sec. 11.2.1.D.

E. Findings of Fact

The findings of fact for the appeal shall be those required for the original decision. The reviewing body shall substitute its judgment for that of the original decision-maker.



Sec. 11.2.13. Sign Permit

A. Applicability

1. Except as listed in Article 7.3, no sign shall be constructed, erected, relocated, expanded or altered in any manner until a sign permit has been issued by the Planning Director in accordance with the requirements of this section.
2. A common signage plan may be required before a sign permit can be issued (see Sec. 11.2.14).
3. The Planning Director shall not be required to issue a sign permit unless the sign complies with the provisions of this code and other applicable technical requirements of the city.

B. Application Requirements

1. An application for a sign permit shall be submitted in accordance with Sec. 11.2.1.C.
2. Electrical signs require an additional permit. This electrical permit must be obtained at the same time that the sign permit is obtained.
3. A Permit Application must be filled out in order to process an application for sign permit approval.

C. Planning Director Action

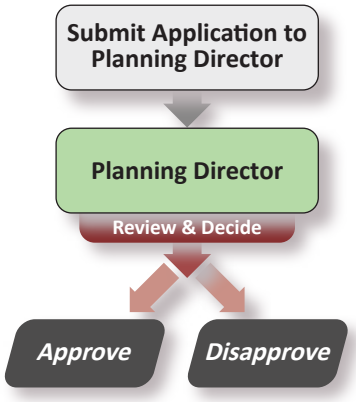
1. The Planning Director shall check the proposed application against the requirements of this code and other applicable technical requirements of the city.
2. In reviewing the application, the Planning Director may consult with the heads of the departments of Public Utilities, Public Works, Transportation, Parks and Recreation, Inspections, and the Fire Department.
3. Following review, the Planning Director shall approve, approve with conditions that bring the application into conformance with the code and other applicable technical requirements of the city, or deny the application.
4. If the application is disapproved, the reasons for such disapproval shall be stated in writing and provided to the applicant, specifying the provisions with which the application does not comply. A revised application may be submitted to the Planning Director for further consideration.
5. Within 30 days after the date of the decision, an appeal of the Planning Director's action may be filed with the Board of Adjustment in accordance with Sec. 11.2.12.

D. Permit Sticker Required

1. A numbered identification sticker shall accompany each permit issued for a sign. The decal shall be displayed on the sign to which it has been assigned. The applicant shall attach the decal in a location which is easily visible for inspection.
2. When the Planning Director determines that a numbered identification sticker has not been posted on a sign, the Planning Director shall notify the owner of the sign in writing by certified mail that unless the numbered identification sign is posted on the sign within 30 days after the date such notice is mailed, the sign shall be considered illegal and the Planning Director shall initiate the necessary proceedings to secure removal of the sign.
3. It is recommended that businesses place the permit in a lower corner of the front door of the business in those cases where the seal is not affixed to the sign.
4. The sign permit shall be null and void if sign installation is not completed within six months or the signs are not in conformance with the approved application.
5. Valid sign permits may be assigned to a successor as holder of a business license for the same premises.

E. Revocation of a Sign Permit

The sign permit shall be revoked if a sign is found to be in violation of the requirements of this code, or other applicable electrical and North Carolina State Building Code requirements.



Sec. 11.2.14. Common Signage Plan

A. Applicability

Prior to the issuance of a sign permit for one or more buildings or businesses in the same project, a common signage plan approved by the Planning Director in accordance with the requirements of this section shall be required.

B. Application Requirements

1. An application for a common signage plan shall be submitted in accordance with Sec. 11.2.1.C.
2. A Common Signage Plan Application must be filled out in order to process an application for a common signage plan.

C. Planning Director Action

1. The Planning Director shall check the proposed application against the requirements of this code and other applicable technical requirements of the city.
2. In reviewing the application, the Planning Director may consult with the heads of the departments of Public Utilities, Public Works, Transportation, Parks and Recreation, Inspections, and the Fire Department.
3. Following review, the Planning Director shall approve, approve with conditions that bring the application into conformance with the code and other applicable technical requirements of the city, or deny the application.
4. If the application is disapproved, the reasons for such disapproval shall be stated in writing and provided to the applicant, specifying the provisions with which the application does not comply. A revised application may be submitted to the Planning Director for further consideration.
5. The Planning Director may allow modifications to the lettering style to accommodate state and federally registered trademarks (logos) if the Planning Director feels that the intent of the common signage plan requirements is maintained. In allowing modifications, the Planning Director may limit the logo size. The requirements of a common signage plan shall apply to all tenants within a related project, even if the properties have been subdivided.
6. Within 30 days after the date of the decision, an appeal of the Planning Director's action may be filed with the Board of Adjustment in accordance with Sec. 11.2.12.

D. Revisions to an Approved Plan

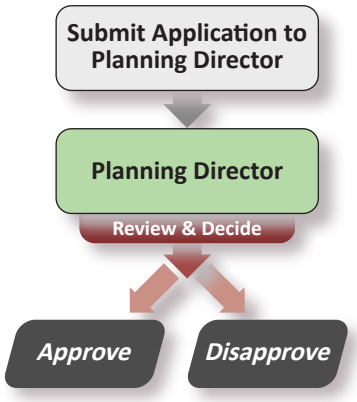
1. Revisions to an approved common signage plan shall require documentation from all tenants on the property prior to approval.
2. It shall be the responsibility of the applicant to enforce the terms of the common signage plan, and a current copy of such plan, including any amendments, must be kept on file by the Planning Director.

E. Existing Signs Not Conforming to Common Signage Plan

All signs not conforming to the proposed common signage plan shall be required to comply at the time of application for a new sign permit.

F. Binding Effect

After approval of a common signage plan, no sign shall be erected, placed, painted, or maintained, except in conformance with the common signage plan.



Sec. 11.2.15. Temporary Use Permit

A. Applicability

As listed in Article 6.8, temporary uses occurring on private property outside of the public right-of-way shall be allowed upon the issuance of a temporary use permit by the Planning Director in accordance with requirements of this section.

B. Application Requirements

1. An application for a temporary use permit shall be submitted in accordance with Sec. 11.2.1.C.
2. A Temporary Use Permit Application must be filled out in order to process an application for temporary use permit.

C. Planning Director Action

1. The Planning Director shall check the proposed application against the requirements of this code, all other applicable technical requirements of the city, and the approval criteria of Sec. 11.2.15.D.
2. In reviewing the application, the Planning Director may consult with the heads of the departments of Public Utilities, Public Works, Transportation, Parks and Recreation, Inspections, and the Fire Department.
3. Following review, the Planning Director shall approve, approve with conditions that bring the application into conformance with the code and other applicable technical requirements of the city, or deny the application.
4. If the application is disapproved, the reasons for such disapproval shall be stated in writing and provided to the applicant, specifying the provisions with which the application does not comply. A revised application may be submitted to the Planning Director for further consideration.
5. Within 30 days after the date of the decision, an appeal of the Planning Director's action may be filed with the Board of Adjustment in accordance with Sec. 11.2.12.

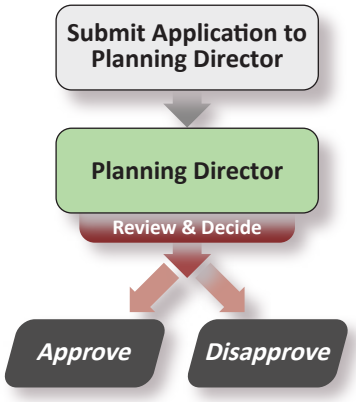
D. Approval Criteria

Before a request for temporary use permit is granted, the Planning Director must find the following:

1. The temporary use complies with any specific standard listed in Article 6.8;
2. No lighting or electrical service shall be provided without an electrical permit;
3. No structure associated with the temporary use shall be erected without a building permit;
4. All structures shall be cleared from the site within five days after the use is terminated;
5. No temporary use structure shall block fire lanes or pedestrian or vehicular access;
6. The site of the temporary use shall be cleared of all debris at the end of the use;
7. Written permission of the property owner for the temporary use shall be provided;
8. Adequate parking shall be provided;
9. Required parking for other uses shall remain available;
10. Evidence that adequate traffic control measures shall be provided;
11. Evidence that adequate provisions for trash disposal and sanitary facilities shall be provided; and
12. When appropriate, adequate provisions for crowd control shall be provided.

E. Revocation of Temporary Use Permit

If any conditions of a temporary use permit are violated, the temporary use permit may be revoked by the Planning Director.



Sec. 11.2.16. Written Interpretation

A. Applicability

When uncertainty exists the Planning Director is authorized to make interpretations concerning the provisions of this code.

B. Application Requirements

1. An application for an interpretation of a code provision shall be submitted in accordance with Sec. 11.2.1.C.
2. A Written Interpretation Application must be filled out in order to process a request for a written interpretation.

C. Planning Director Action

1. The Planning Director shall review and evaluate the request in light of the text of this code, the Official Zoning Map, the Comprehensive Plan and any other relevant information.
2. In reviewing the application, the Planning Director may consult with the heads of the departments of Public Utilities, Public Works, Transportation, Parks and Recreation, Inspections, and the Fire Department.
3. Following review, the Planning Director shall render an opinion and within five working days of the decision, notify the applicant in writing of the interpretation.
4. Within 30 days after the date of the rendered opinion, an appeal of the Planning Director's interpretation may be filed with the Board of Adjustment in accordance with Sec. 11.2.12.

D. Official Record

The Planning Director shall maintain an official record of all interpretations. The record of interpretations shall be available for public inspection during normal business hours.

Sec. 11.2.17. Certificate of Appropriateness

A. Jurisdiction

1. The Historic Districts Commission has jurisdiction for certificates of appropriateness for the exterior of all properties (including Historic Landmarks) within the Historic Overlay District and Limited Historic Overlay District.
2. The Historic Districts Commission has jurisdiction for Historic Landmarks outside the Historic Overlay District and within Raleigh's zoning jurisdiction when there is no interlocal agreement with Wake County delegating such administration to the Wake County Historic Preservation Commission.
3. The Historic Districts Commission has jurisdiction over all designated interior spaces when there is no interlocal agreement with Wake County delegating such administration to the Wake County Historic Preservation Commission.

B. Expiration of Certificate of Appropriateness

1. A certificate of appropriateness shall expire six months after the date of issuance if the work authorized by the certificate has not been commenced.
2. If after commencement the work is discontinued for a period of 12 months, the permit shall immediately expire.
3. A certificate of appropriateness authorizing demolition shall expire if the work has not been commenced within six months after the authorization date set by the Commission. If after commencement the demolition work is discontinued for a period of 12 months, the approval shall immediately expire.
4. No work authorized by any certificate that has expired shall thereafter be performed until a new certificate has been secured.

C. Application

1. All applications for a certificate of appropriateness are to be filed in the office of either the Planning Department or the Historic Districts Commission.
2. The application shall be filed no later than ten working days (excluding the meeting date) prior to the next regularly scheduled meeting of the Historic Districts Commission on forms provided by the City.
3. The application must be accompanied by sketches, drawings, photographs, specifications, descriptions and other information of sufficient detail to clearly show the proposed exterior alterations, alterations to designated interior features of Historic Landmarks, additions, changes or new construction. The names and mailing addresses of property owners filing or subject to the application and the addresses of property within 100 feet on all sides of the property which is the subject of the application must also be filed. No incomplete applications will be accepted.

D. Action on Application for Certificate of Appropriateness

1. Deadline

Applications for certificates of appropriateness shall be acted upon within 90 days after the complete application is filed, otherwise the application shall be deemed to be approved and a certificate of appropriateness shall be issued; provided however, that the Commission may take the matter under advisement for a total period of up to 180 days to receive additional evidence or memoranda of authority requested by the Commission for its consideration. Nothing in this paragraph shall prohibit an extension of time where mutual consent is given. Staff may advise the applicant and make recommendations with regard to appropriateness.

2. Minor Works

Upon receipt of a completed application, the Planning Director may issue a certificate of appropriateness for minor works.

a. Defined

Minor works are defined as those changes that do not involve substantial alterations, additions or removals that could impair the integrity of the Landmark property or the Overlay District as a whole. Minor works are limited to those listed in the "Bylaws and Rules of Procedure" of the Historic Districts Commission.

b. Procedure

i. Applications for minor works shall be reviewed by the Planning Director or his designee according to the detailed development standards applicable in the district.

ii. All certificates of appropriateness for minor works shall be forwarded to the Historic Districts Commission, for its information, at its next regularly scheduled meeting.

iii. Failure to approve the requested minor work by the staff shall in no way interfere with the applicant's right to be heard by the Historic Districts Commission—no application for a certificate of appropriateness may be denied without formal action by the Historic Districts Commission.

3. Notice

a. Whenever a hearing on the application is to be heard by the Commission, the Planning Department shall make a reasonable attempt to identify and notify by mail the owners of property within 100 feet on all sides of the property which is the subject of the pending application.

b. Mailed notices are for the convenience of the property owners and occupants and any defect or their omission shall not impair the validity of issuing a certificate of appropriateness, or any following action.

c. The Planning Department shall transmit the application for a certificate of appropriateness, together with the supporting material, to the review body for its consideration.

4. Hearing

a. Prior to the issuance or denial of a certificate of appropriateness by the Commission, the applicant and other property owners likely to be materially affected by the application shall be given an opportunity to be heard.

b. All meetings of the Historic Districts Commission shall be open to the public in accordance with the North Carolina open meetings law, General Statutes Chapter 143, Article 33B.

c. Interior arrangement shall not be considered by the review body and no certificate of appropriateness is required for interior repairs or renovations, except for designated interior features of Historic Landmarks

d. . The review body shall not refuse to issue a certificate of appropriateness except for the purpose of preventing the construction, reconstruction, alteration, restoration, moving, or demolition of buildings, structures, appurtenant features, outdoor advertising signs or other significant features in the Historic Overlay District, Limited Historic Overlay District or for Historic Landmarks, which would be incongruous with the special character of the district or would be incongruous with the special character of the Landmark.

e. The Commission shall render its decision in written form, including its reasons for issuing or denying the certificate and a summary of any citation to the evidence, testimony, studies, or other authority upon which it based its decision.

f. With the consent of all interested parties, the Historic Districts Commission may hold a summary proceedings of a Certificate of Appropriateness. Such proceedings shall be a public meeting, and the Commission's decision shall be rendered in written form.

g. In all proceedings or public hearings before the Historic Districts Commission with regard to an application for a certificate of

appropriateness, the burden of producing substantial evidence or testimony is upon the applicant, and if the applicant fails to do so, the Commission shall deny the certificate.

h. Notwithstanding any other provisions of this Code, the Historic Districts Commission may require additional evidence or memoranda of authority to be submitted and may take the matter under advisement until such evidence or memoranda have been submitted and considered up to the 180-day limit established above.

i. As part of its deliberation, the Commission may view the premises and seek the advice of the North Carolina Division of Archives and History or such other expert advice as it may deem necessary under the circumstances.

j. The Commission's action on the application shall be approval, approval with conditions, deferral or denial.

E. Demolition of Buildings, Structures and Sites

1. General

An application for a certificate of appropriateness authorizing the demolition or destruction of a building, structure, or site within the district may not be denied except as provided below. However, the authorization date of such a certificate may be delayed for a period of up to 365 days from the date of approval. The maximum period of delay authorized by this section shall be reduced by the Commission where it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use of or return from such property by virtue of the delay. During such period of delay the Commission may negotiate with the owner and with any other parties in an effort to find a means of preserving the building, structure, or site. If the Commission finds that the building, structure, or site has no particular significance or value toward maintaining the character of the Overlay District, it shall waive all or part of such period and authorize earlier demolition or removal.

2. Pending Historic Landmark and Within a Pending Historic Overlay District or Limited Historic Overlay District

a. Where the Commission has voted to recommend designation of a property as a Historic Landmark, or an area as an Historic Overlay District or Limited Historic Overlay District, and final designation has not been made by the City Council, the demolition or destruction of any building, site, or structure proposed as a Landmark or located in the proposed District may be delayed by the Commission for a period of up to 180 days or until the City Council takes final action on the designation, whichever occurs first.

b. Should the Council approve the designation prior to the expiration of the 180-day delay period, an application for a certificate of appropriateness for demolition must then be filed; however, the maximum period of authorization date delay for such demolition certificate shall be reduced by the Commission equal to the period of delay while the designation was pending.

3. Statewide Significance

An application for a certificate of appropriateness authorizing the demolition or destruction of a building, structure, or site determined by the State Historic Preservation Officer as having statewide significance as defined in the criteria of the National Register of Historic Places may be denied except where the Commission finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return by virtue of the denial.

4. Compliance with Other Law

Issuance of a certificate of appropriateness shall not relieve the applicant, contractor, tenant or property owner from obtaining any other permit required by this code or any law.

F. Appeals

1. In any action granting or denying any certificate of appropriateness, an appeal by an aggrieved party may be taken to the Board of Adjustment. To perfect such an appeal, written notice of intent to appeal must be sent to the Historic Districts Commission, postmarked within 20 days following the decision, unless oral notice of appeal is made to the Commission during the meeting at which the decision is rendered. A completed application must be filed with the Board of Adjustment within 60 days following the decision of the Commission. Appeals shall be in the nature of certiorari.
2. The State of North Carolina shall have a right of appeal to the North Carolina Historical Commission or any successor agency. Notice to the Historic Districts Commission shall be served on the same day and in the same manner as for the North Carolina Historical Commission unless oral notice of appeal is given to the Historic Districts Commission during the meeting at which the decision is rendered. The decision of the North Carolina Historical Commission shall be final and binding upon both the state and the Historic Districts Commission.

G. Effect of Conflict with Other Ordinances

Whenever any ordinance adopted pursuant to Part 3C, Article 19, Chapter 160A of the General Statutes requires a longer waiting period or imposes other higher standards with respect to a designated historic landmark or designated Historic Overlay District or Limited Historic Overlay District than are established under any other statute, charter provision, or regulation, Part 3C shall govern. Whenever the provisions of any other statute, charter provision, ordinance, or regulation require a longer waiting period or impose other higher standards than are established under general statute such other statute, charter provision, ordinance, or regulation shall govern.

Article 11.3. Nonconformities

Sec. 11.3.1. General

A. Public Safety

Repairs required for public safety because of unsafe conditions or by either the Housing Code or North Carolina State Building Code, may be made in any amount unless the repairs are caused by a casualty, in which case the provisions of Sec. 11.3.2.D or Sec. 11.3.2.G shall apply in lieu of this provision.

B. District-Specific Provisions

Some districts may have additional noncofnorming provisions related directly to the district that supplement the standards of this article. See XX.

Sec. 11.3.2. Nonconforming Uses

A. Authority to Continue

Any lawfully existing nonconforming use of part or all of a structure, or any lawfully existing nonconforming use of land not involving a structure or involving a structure which is accessory to such use of land, may be continued, so long as it remains otherwise lawful, subject to the provisions of this section.

B. Ordinary Repair and Maintenance

Normal maintenance and incidental repair or replacement, installation or relocation of non-bearing walls or non-bearing partitions, adding facilities to improve handicapped accessibility, painting, fencing and landscaping, wiring or plumbing, may be performed on any structure that is devoted in whole or in part to a nonconforming use; provided, however, that this paragraph shall not be deemed to authorize any violation of Sec. 11.3.2.C through Sec. 11.3.2.G.

C. Extensions

A nonconforming use shall not be extended, expanded, enlarged or increased in intensity, unless a special use permit is issued by the Board of Adjustment for such extension or expansion. Such prohibited activity shall include, without being limited to:

1. Extension of the use to any structure or land area other than that occupied by the nonconforming use on the effective date of this code, or any amendment to this code that causes the use to become nonconforming.
2. Extension of the use within a building or other structure to any portion of the floor area that was not occupied by the nonconforming use on the effective date of this code, or any amendment to this code that causes the use to become nonconforming.
3. Operation of the nonconforming use in such a manner as to conflict with, or to further conflict with, if already conflicting on the effective date of this code or any amendments to this code, any use limitations established for the district in which the use is located.
4. New construction, reconstruction or structural alteration beyond that described as ordinary maintenance and repair above.

D. Relocation

1. No structure that is devoted in whole or in part to a nonconforming use shall be relocated in whole or in part to any other location on the same or any other tract or lot unless the entire structure and the use of the structure after its relocation conform to all the regulations of the district to which the structure and use are relocated.
2. No nonconforming use of land shall be relocated in whole or in part to any other location on the same or any other lot unless such use conforms to all the regulations of the district to which the use of land is relocated.

E. Change in Use

A nonconforming use of land or of a structure shall not be changed to any use other than a use permitted in the zoning district in which the land or structure is located. When a nonconforming use has been changed to a permitted use, it shall only be used thereafter for a use permitted in the zoning district in which it is located. For purposes of this paragraph, a use shall be deemed to have been changed when an existing nonconforming use has been terminated and the permitted use has commenced and continued for a period of seven days.

F. Abandonment or Discontinuance

1. When a nonconforming use of land or a nonconforming use of part or all of a structure is discontinued or abandoned for a period of 365 consecutive days, the use shall not be reestablished or resumed.
2. Operation of any nonconforming use without a license or permit required

of the owner or operator, for 365 consecutive days, shall constitute a termination of the nonconforming use.

3. Any subsequent use or occupancy of land or structure shall comply with the regulations of the zoning district in which the land or structure is located.

G. Damage or Destruction

1. In the event that any structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed, by any means, to the extent of more than 50% of the replacement cost of the structure immediately prior to such damage, such structure shall not be restored unless the structure and the use will conform to all regulations of the district in which the structure and use are located, or unless a special use permit is issued by the Board of Adjustment for such restoration.
2. When such damage or destruction is 50% or less of the replacement cost of the structure immediately prior to such damage, such structure may be repaired and reconstructed and used for the same purposes as it was before the damage or destruction, provided that such repair or reconstruction is commended and completed within 12 months of the date of such damage or destruction.
3. Renovation, maintenance or repair of a nonconforming use if it is both located within an Airport Overlay District and is deteriorated or damaged by more than 80% of its replacement cost immediately prior to such damage, unless the nonconformity is brought into compliance with this code , or unless a special use permit is issued by the Board of Adjustment for such restoration and the restoration does not create a greater hazard to navigation than the previously existing nonconformity.

Sec. 11.3.3. Nonconforming Structures

A. Authority to Continue

Any nonconforming structure which is devoted to a use allowed in the district in which the structure is located may be continued so long as it remains otherwise lawful, subject to the paragraphs below.

B. Enlargement, Repair and Alterations

Any nonconforming structure may be enlarged, maintained, repaired or altered; provided, however, that no enlargement, maintenance, repair or alteration shall either create an additional nonconformity or increase the degree of the existing nonconformity of all or any part of such structure.

C. Relocation

No nonconforming structure shall be relocated in whole or in part to any other location on the same or any other lot unless the entire structure conforms to the regulations of the district to which such structure is relocated.

D. Damage or Destruction

1. In the event that any nonconforming structure is damaged or destroyed, by any means, to the extent of more than 50% of the replacement cost of the structure immediately prior to such damage, the structure shall not be restored unless it will conform to the regulations of the district in which it is located.
2. When such nonconforming structure is damaged or destroyed, by any means, to the extent of 50% or less of the replacement cost of the structure immediately prior to such damage, such structure may be repaired or reconstructed, provided that the repairs or restoration begin and are diligently pursued to completion within 12 months of the date of damage.
3. Renovation, maintenance or repair of a nonconforming structure if it is both located within an Airport Overlay District and is deteriorated or damaged by more than 80% of its replacement cost immediately prior to such damage, unless the nonconformity is brought into compliance with this code.
4. Nothing in this paragraph shall prevent the rebuilding, reconstruction, or restoration of a structure because such structure fails to conform to the standards of a Neighborhood Conservation Overlay District.

E. Replacement of Manufactured Homes

Replacement of nonconforming manufactured homes that fail to meet the minimum standards of the National Manufactured Home Construction and Safety Standards shall be permitted, provided that all of the following are met:

1. The replacement manufactured home meets the current minimum required standards as prescribed by the United States Department of Housing and Urban Development (HUD).
2. The newly installed manufactured home, if located in a flood prone area, complies with the provisions of Section XX.

3. That the period of time between the time the nonconforming manufactured home is removed and the time it is replaced with a standard manufactured home is less than 365 days.
4. The number of manufactured homes is not increased.
5. The floor area gross of the new manufactured home does not exceed the floor area gross of the manufactured home it replaced by more than 25%.

Sec. 11.3.4. Nonconforming Lots of Record

A. Authority to Use For Single-Family Residence

In any district in which single-family detached dwellings are a permitted use, notwithstanding the regulations imposed by any other provisions of this code, a single-family detached dwelling which complies with the restrictions of paragraph B. below may be erected on a nonconforming lot that:

1. Has less than the prescribed minimum lot area or width; and
2. Is shown by a recorded plan or deed to have been a lot of record owned separately and individually from adjoining tracts of land at a time when the creation of a lot or tract of such area and depth at such location would not have been prohibited by any zoning or other ordinance.

B. Regulations for Single-Family Use of Nonconforming Lots

A nonconforming lot authorized to be used pursuant to paragraph A. above may be used for a single-family dwelling and permitted accessory uses and structures. Construction of the single-family dwelling shall comply with all the regulations, except lot area or width, applicable to single-family dwellings in the district in which the lot is located, unless a variance is granted pursuant to Section XX.

Sec. 11.3.5. Nonconforming Site Elements

A. Substitution of Impervious Surfaces

Substitution of impervious surfaces for a use, facility, building, or structure, vehicular surface area, access point for another is permitted, provided all of the following are met:

1. The amount and extent of impervious surfaces, while nonconforming, is not increased.
2. The placement of new impervious surfaces conforms to the locational requirements of this code.
3. The substitution of impervious surfaces occurs on the same lot.

Sec. 11.3.6. Reservation of Authority

Notwithstanding the policies and provisions of this article with respect to nonconformities, the city expressly reserves its authority to initiate criminal and civil proceedings against unlawful uses, buildings, structures, and lots, including those which unlawfully existed here before, and to control or abate noxious uses, to require the repair or demolition of unsafe buildings or structures, or to control or eliminate public health nuisances through the exercise of any powers authorized by this code.

Article 11.4. Enforcement

Sec. 11.4.1. [Reserved]

[To be inserted. Under discussion with legal.]

Chapter 12. Definitions

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Article 12.1. General

Sec. 12.1.1. General Meaning of Words and Terms

A. All words and terms used have their commonly accepted and ordinary meaning unless they are specifically defined in this code or the context in which they are used clearly indicates to the contrary.

B. In the absence of court decisions or Board of Adjustment decisions specifically interpreting a provision in question, specific definitions listed this code, or previous interpretations of a provision by the Planning Director, the meaning of provisions shall be based on the following general hierarchy of sources:

   1. For a legal term, definitions in a legal dictionary, or if not a legal term, definitions in an ordinary dictionary.
   2. Statements of the purpose and intent of particular sections, or background reports and studies adopted or referred to in the code, although such documents cannot overrule a specific code provision.
   3. Minutes of discussions of legislative or advisory bodies considering adoption of the provision in question.
   4. Definitions of similar terms contained in federal and state statutes and regulations.
   5. Ordinary rules of grammar.

C. When vagueness or ambiguity is found to exist as to the meaning of any word or term used, any appropriate cannon, maxim, principle or other technical rule of interpretations or construction used by the courts of this state may be employed to resolve vagueness and ambiguity in language.

Sec. 12.1.2. Graphics, Illustrations, Photographs & Flowcharts

The graphics, illustrations, photographs and flowcharts used to visually explain certain provisions of the code are for illustrative purposes only. Where there is a conflict between a graphic, illustration, photograph or flowchart and the text of this code, the text of this code controls.

Sec. 12.1.3. Abbreviations

A. BFE: Base Flood Elevation

B. DBH: Diameter at Breast Height

C. FAA: Federal Aviation Administration

D. FC: Footcandle

E. FEMA: Federal Emergency Management Agency

F. FIRM: Flood Insurance Rate Map

Article 12.2. Defined Terms

a

Accessory Structure or Use
Any structure or use subordinate in both purpose and size that is incidental to and customarily associated with any principal structure or principal use that is located on the same lot.

Accelerated Erosion
Accelerated erosion means any increase over the rate of natural erosion which results from land-disturbing activities.

Active Tree Preservation
Arboricultural practices designed to ensure survival of existing trees by the protection of critical root zones from tree disturbing activities and the application of one or more arboricultural maintenance procedures, including but not limited to: watering, fertilizing, pruning of trees, pruning of roots, and aeration.

Addition
Addition (to an existing building) means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is "new construction."

Adequate Erosion Control Measure
Any structure, device, or measure which controls accelerated erosion, retains stormwater and prevents off-site sedimentation.

Adult Cabaret
Any place which features topless dancers, go-go dancers, strippers, male or female impersonators, or similar entertainers.

Adult Establishment
Adult cabarets, adult media centers, sadomasochism centers, and any place contained in N.C. Gen. Stat. §14-202-10(b), excluding masseurs.

Adult Media Center
Any place:

1. Which receives a majority of its gross income during any calendar month from the sale, rental, or both of books, periodicals, magazines, videotapes, CD-ROM, computer software, movies, and other products offered in photographic, print, electronic, magnetic, or digital or other imaging medium which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified anatomical areas" as defined in N.C. Gen. Stat. §14-202.10(10), or "specified sexual activities" as defined in N.C. Gen. Stat. §14-202.10(11); or "sexually oriented devices" as defined in N.C. Gen. Stat. §14-202.10(9), or any combination thereof; or
2. Having as a preponderance of its books, periodicals, magazines, videotapes, CD-ROM, computer software, movies, and other products offered in photographic, print, electronic, magnetic, or digital or other imaging medium which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified anatomical areas" as defined in N.C. Gen. Stat. §14-202.10(10), or "specified sexual activities" as defined in N.C. Gen. Stat. §14-202.10(11); or "sexually oriented devices" as defined in G.S. 14-202.10(9), or any combination thereof.

Affected Area
An area which will potentially suffer special damages, distinct from the rest of the community, by the determination of a quasi-judicial body. The boundaries of an affected area will vary depending on the particular subject matter to be decided by the quasi-judicial body.

Affordable Housing
Housing that is affordable to families with an annual household income of no greater than 80% of area median income, adjusted for household size, according to the then-current income limits established by the United States Department of Housing and Urban Development in accordance with Section 3 of the U.S. Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.), or any successor legislation.

b

Banner
Any sign, except an awning sign, made of flexible, fabric-like material.

Basal Area
The total cross sectional area, stated in square feet per acre, of trees in a wooded area measured at 4½ feet above ground level.

Base Flood Elevation (BFE)
A determination of the water surface elevations of the base flood based on current conditions hydrology or future conditions hydrology as published in the flood insurance study. When the BFE has not been provided in a flood hazard area, it may be obtained from engineering studies available from a Federal or State other source using FEMA approved engineering methodologies. This elevation, when combined with two additional vertical feet establishes the regulatory flood protection elevation in flood hazard areas.

Base Flood
The flood having a one percent chance of being equaled or exceeded in any given year.

Basement
Basement means any area of the building having its floor subgrade (below grade level) on all sides.

Being Conducted
A land-disturbing activity has been initiated and permanent stabilization of the site has not been completed.

Block
A an area of land enclosed by streets and occupied by or intended for buildings.

Building Facade
The face of a building that delineates the edge of conditioned floor space.

c

Casualty
Damage or destruction which is caused by the exercise of the power of eminent domain; man-made acts, such as riot, fire, accident, explosion; or flood, lightning, wind, or other calamity or act of nature.

Champion Tree
Any tree listed as the champion or co-champion of its species, either on the "National Big Tree" list as compiled by the American Forestry Association or on the "Champion Big Trees of North Carolina" list as compiled by the North Carolina Division of Forest Resources, or on the "Capital Trees Program" list as complied by Wake County Keep America Beautiful.

Charitable Institution
Establishments that are primarily engaged in administration of programs of financial assistance, training, counseling, and other services to individuals or organizations, but not providing housing or shelter.

Civic Club
A not for profit club for civic, social or fraternal purposes operated by a civic, social or fraternal organization, including offices for local, state and regional officials, not including a political party club.

Convention Center, Arena
A place of assembly that charges for meeting or exhibition areas, and such areas either contain North Carolina Building Code occupancy limits of more than 800 people or have meeting and exhibition areas that total more than 12,000 square feet.

Closed Fence or Wall
A fence or wall which has no openings and contains shiplap, or tongue and groove or similar overlapping design if made of wood.

Completion of Construction or Development
Completion of construction or development means that no further land-disturbing activity is required on a phase of a project except that which is necessary for establishing a permanent ground cover.

Conservation Development
A development that trades smaller lot sizes (with smaller yards) and additional density in exchange for protecting a significant amount of open space. This allows more efficient layout of lots, streets, and utilities, promotes a mixture of housing, and protects the character of the area through the preservation of open space, recreation areas, environmental features and scenic vistas.

Comprehensive Plan
Refers to the The 2030 Comprehensive Plan (latest addition) for the city of Raleigh.

Congregate Care
A facility providing housing, part-time medical care, shared food preparation and dining areas, and recreation facilities, as well as significant social facilities to meet the needs of the elderly. Includes assisted living facility, independent living facility, life care community and rest home.

Construction Sign
Any temporary sign erected during construction which may indicate the project name and the names of architects, contractors, subcontractors, developers, rental agencies, financial institutions, or other principals involved in the sponsorship, design, and construction of a structure or project.

Copy
The wording or pictorial graphics on a sign surface either in permanent or removal form.

Copy (Area of)
The square or rectangular area which fully encloses the extreme limits of the message, copy, announcement or decoration on a sign.

Corner Lot
A lot of that has least two intersecting sides that abut for their full length a street.

Critical Root Zone
The area uniformly encompassed by a circle with a radius equal to 1¼ per inch of DBH tree trunk of the preserved tree measured at 4½ feet above the ground (measured to the nearest inch), with the trunk of the tree at the center of the circle.

Current Conditions Hydrology
The flood discharges associated with the land-use conditions existing within the drainage area of a watercourse at the time a flood study of the watercourse was conducted. Current conditions flood discharges and historical flood study information published in the flood insurance study.

Cutoff Fixture
An outdoor light fixture shielded or constructed in such a manner that no more than 2½ % of the total light emitted by the fixture is projected above the horizontal plane of the fixture.

d

Diameter at Breast Height (DBH)
The diameter of the stem of a single-stem tree measured at 4½ feet (breast height) above grade level, or the total diameter of all stems of a multi-stemmed tree measured at 4½ feet above grade.

Discharge Point
That point at which runoff leaves a tract of land.

Display Area
An outdoor open air area where merchandise is stored throughout the day and the night and this same stored merchandise is sold or leased, not including the display area for any motor vehicle, trailer or semi-trailer (see vehicular display area).

Drainage Basin Study Maps
Flood hazard boundary maps adopted by the City. Floodplain areas and the base flood elevations shown on drainage basin study maps are based on future conditions hydrology.

Dwelling Unit
A building, or portion of a building, providing complete and permanent living facilities, including cooking and bathing facilities.

e

Elevated Building
An above-ground building: built to have the top of the elevated floor above the ground by means of pilings, columns (posts and piers), shear walls parallel to the flow of water; and adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. Elevated building also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters.

Energy Dissipator
An adequate erosion control measure placed at the outlets of storm drainage facilities or at other points as specified by this chapter to receive and breakdown the energy from high velocity flow.

Ephemeral (Stormwater) Stream
A feature that carries only stormwater in direct response to precipitation with waters flowing only during and shortly after large precipitation events. An ephemeral stream may or may not have a well-defined channel, the aquatic bed is always above the water table, and stormwater runoff is the primary source of water. An ephemeral stream typically lacks the biological, hydrological, and physical characteristics commonly associated with the continuous or intermittent conveyance of water.

Equivalent Dwelling Unit
Any room or rooms not provided with cooking facilities or bathroom facilities, or both, occupied by four persons is equivalent to one dwelling unit.

Erosion
The wearing away of the land surface by the action of wind, water, gravity or any combination of.

Exterior Features
Important landscape and natural features, significant archaeological features, the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material, the size, color and scale of the building, and the type, color, style of all windows, doors, light fixtures, signs, and other appurtenant fixtures. In the case of outdoor signs, exterior features shall be construed to mean style, material, size, color and location of all such signs.

f

Face of Sign (Sign Face)
The entire surface area of a sign upon, against, or through which copy is placed.

Flashing Sign
Any sign which contains an intermittent, blinking, scintillating or flashing light source, or which includes the illusion of intermittent or flashing light, or an externally mounted intermittent light source.

Flood Lamp
A form of lighting designed to direct its output in a specific direction with a reflector formed from the glass envelope of the lamp itself. Such lamps are so designated by the manufacturers and are typically used in residential outdoor area lighting.

Flood Light
A form of lighting designed to direct its output in a diffuse, more or less specific direction, with reflecting or refracting elements located external to the lamp.

Flood or Flooding
The general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers, or other inland water.

Flood Hazard Boundary Map
The official map of the city on which appears a description of the boundaries of flood (plain), (prone), (hazard) areas, including representations of the floodway, floodway fringe, future conditions flood hazard areas, applicable to the community within the corporate limits and within the extraterritorial jurisdiction of the City. The flood hazard boundary map(s) consist of flood insurance rate maps and drainage basin study maps, flood hazard soils plus additional distances required in this code and recorded flood storage areas required by this code. The floodway areas, floodway fringe areas, and future conditions flood hazard areas shown and illustrated on floodway hazard boundary maps are hereby adopted as official flood hazard boundary maps and floodway maps for the city and extraterritorial jurisdiction of the city. These maps and other data are hereby incorporated herein by reference and duly made a part of this chapter. The most recent maps and data officially approved by the City Council are identified in the evidence of the Council's action and are kept on file in the Inspections Department for public inspection.

Flood Hazard Soils

Occurring flood hazard soils are those types of soils in the relatively flat areas of natural watercourses which are subject to periodic flooding. The types of soils and their corresponding symbols are as follows:

Name	Map Symbol
Altavista fine sandy loam, 0 to 4 per cent slopes	AfA
Augusta fine sandy loam	Au
Buncombe soils	Bu
Chewacla soils	Cm
Congaree fine sandy loam	Co
Congaree silt loam	Cp
Mantachie soils	Me
Roanoke fine sandy loam	Ro
Wahee fine sandy loam	Wh
Wehadkee silt loam	Wn
Wehadkee and Bibb soils	Wo

Flood Insurance Rate Map (FIRM)

An official map of the city on which appears a description of the boundaries of floodplain, floodprone and flood hazard areas, including representations of the floodway, floodway fringe, future conditions flood hazard areas, and a delineation of the risk premium zones applicable to the community within the corporate limits and within the extraterritorial jurisdiction of the City. The flood insurance study, Wake County, Federal Emergency Management Agency, latest publication, consisting of (i) flood insurance rate maps, and (ii) other pertinent data furnished by the Federal Emergency Management Agency (FEMA) and the U.S. Army Corps of Engineers, to the City, showing and illustrating floodway areas, floodway fringe areas, and future conditions flood hazard areas are hereby adopted as official flood hazard boundary maps and floodway maps for the City and extraterritorial jurisdiction of the City. These maps and other data are hereby incorporated herein by reference and duly made a part of this code. The most recent maps and data officially approved by the City Council are identified in the evidence of the City Council's action and are kept on file in the Planning Department for public inspection.

Flood Insurance Study

An examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones and other flood data in a community issued by the Federal Emergency Management Agency. The flood insurance study report includes flood insurance rate maps (FIRM).

Floodplain, Floodprone or Flood Hazard Area

Maximum area, adjoining a river, stream, watercourse, or lake which is likely to be flooded, by the base flood or the future conditions flood. The floodplain (prone) (hazard) area includes "floodway" areas, "floodway fringe" areas and future conditions flood hazard areas. These areas are illustrated on flood hazard boundary maps, flood hazard soils plus additional distances, recorded flood storage areas required by this Code, and drainage basin study maps.

Floodproofing

Any combination of structural and nonstructural features, additions, changes or adjustments to properties and structures in accordance with or comparable to guidelines set forth in "Floodproofing Regulations" June 1972 edition, published by the Office of the Chief Engineers U.S. Army, Washington, D.C. for an essentially dry floodproof class (W2).

Floodway

That portion of channels of streams and areas of land adjacent \ within the city and its extraterritorial jurisdiction, necessary to carry and discharge the waters of the base flood without increasing the water surface elevation of that flood more than one foot at any point and illustrated on the maps referred to in the definition of flood hazard boundary map, and those areas adjoining watercourses draining one square mile or more of watershed which lie within the outermost boundaries of either the flood hazard soils or the made land which traverse such soils lying along said watercourses and either those areas required by this Code to be delineated as flood storage areas, or are delineated as a floodprone area on the drainage basin study maps.

Floodway Fringe
That portion of the flood (plain), (prone), (hazard), area outside the floodway, and illustrated on the map referred to in the definition of flood hazard boundary map above. The floodway fringe for watercourses not defined on maps referred to in the definition of flood hazard boundary map above are herein defined for those areas adjoining watercourses draining less than one square mile of watershed as the flood hazard soils plus two additional vertical feet from the outermost boundaries of either said soils or the made land which traverse such soils lying along said watercourses, and the floodway fringe for those areas adjoining watercourses one square mile or more is defined as lands which lie five vertical feet from the outermost boundaries of either the flood hazard soils or the made land which traverse such soils lying along the watercourse.

Footcandle (FC)
A quantitative unit measuring the amount of light cast onto a given point, measured as one lumen per square foot.

Forestry, General
A woodland area where all of the following occur:

1. The growing of trees; and
2. The harvesting of timber, leaves or seeds; and
3. The regeneration of trees by the replanting of trees at the rate of one inch caliper per every 200 square feet of tree disturbing activity area within 220 days of harvesting; and
4. The application of "best management practices," including the NC Department of Environment, Health and Natural Resources, "Forest Practice Guidelines Related to Water Quality"—Title 15A North Carolina Administrative Code, subchapter 11, sections 1.101—.0209, and all successor documents.
5. A forest management plan is prepared or approved either by a professional forester registered in the State of North Carolina or by the Division of North Carolina Forest Resources. Copies of the forest management plan shall be provided to the City upon request.

Frontage
There are seven frontages, the term includes the following: Parkway (-PK), Detached (-DE), Parking Limited (-PL), Green, Urban Limited (UL), Urban General (-UG) and Shopfront (-SH).

Front Yard Area
The area located between the front line of a building or structure and the front boundary of a lot, or an existing or proposed street right-of-way, and extending along the entire width of the lot.

Full Cutoff Fixture
An outdoor light fixture shielded or constructed in such a manner that it emits no light above the horizontal plane of the fixture.

Future Conditions Flood
The flood having a one percent chance of being equaled or exceeded in any given year based on future conditions hydrology.

Future Conditions Flood Elevation
A determination of the water surface elevations of the one percent annual chance flood based on future conditions hydrology as published in the flood insurance study. This elevation, when combined with two additional vertical feet, establishes the regulatory flood protection elevation in future conditions flood hazard areas.

Future Conditions Flood Hazard Area
The land area that would be inundated by the one percent annual chance flood based on future conditions hydrology as determined in this code.

Future Conditions Hydrology
The flood discharges associated with projected land-use conditions based on Raleigh's zoning maps, or the Comprehensive Plan's Future Land Use Map or both and without consideration of projected future construction of flood detention structures or projected future hydraulic modifications within a stream or other waterway such as bridge and culvert construction, fill, and excavation. Future conditions flood discharges are published in the flood insurance study.

g

Glare
The effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, to cause annoyance, discomfort, or loss of visual performance and ability.

Gross Floor Area
The sum in square feet of the gross horizontal area of all floors of the building measured from the exterior walls or from the centerline when two buildings or units abut. Gross floor area includes basement floor area when more than 50% of the basement height is above the established curb level or above the finished lot grade level where the curb level has not been established. Elevator shafts, stairwells, floor space used for mechanical equipment, attics, balconies and mezzanines, enclosed porches, and floor area devoted to accessory uses is included in the calculation of gross floor area. However, the following shall not be included: any space devoted exclusively to on-site parking; or outdoor loading, display, storage, utility service areas; and uninhabited enclosed space on tops of roofs; or attic space having head room of less than 7'-10".

Ground Cover
Any living or nonliving material incorporated in or covering the surface of the soil which controls accelerated erosion and prevents off-site sedimentation in accordance with this chapter.

h

Hazardous Waste Facility
A facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste, as defined in N.C. Gen. Stat. §130A-290.

High-Quality Waters
Waters classified in title 15A North Carolina Administrative Code chapter 2B section .0101(e)(5) - General Procedures, and amendments thereto, all of which is incorporated by reference.

High-Quality-Water (HQW) Zones
Those areas that are within both one mile and drain to high-quality waters.

Historic Landmark
A building, site or object that has been designated by the City Council as either a historic site, property or landmark.

Household
One or more persons occupying a dwelling unit, provided that unless all members are related by blood, marriage, or adoption, no household shall contain more than four unrelated persons. A household may include five or fewer foster children placed in a family foster home licensed by the State of North Carolina.

i

Impervious Surface
Any material that significantly reduces and prevents natural infiltration of water into the soil. Impervious surfaces include but are not limited to roofs, patios, balconies, decks, streets, parking areas, driveways, sidewalks, and any concrete, stone, brick, asphalt, or compacted gravel surfaces. The effective impervious coverage for certain surfaces listed below are as follows:

1. Asphalt, concrete, crusher-run gravel, masonry, marl, wood, and other impermeable surfaces that prevent land area from infiltrating stormwater are 100% impervious.
2. Porous surfaces that permit direct infiltration of unconcentrated stormwater into ground areas which are prepared in accordance with plans approved by the Inspections Department of the City so that the first one-half inch of stormwater infiltrates into the ground are 70% through 10% impervious, depending on:
   a. Compaction;
   b. Condition of subgrade;
   c. Extent of land disturbance;
   d. Extent of porous openings;
   e. Protection from siltation and clogging;
   f. Slope of the ground area;
   g. Volume of stormwater stored.
3. Slatted wood decks that allow the drainage of water through the slats to an unpaved surface below are 50 percent impervious. If the area covered by the deck is washed gravel, the deck is 30 percent impervious.
4. Ungraveled natural footpaths, water surfaces of swimming pools, and drainfields are zero percent impervious.
5. All other necessary determinations about impervious surfaces will be based on hydrological tests based on existing subgrade soils, slope, rainfall intensity and rainfall duration.

Interior Lot
A lot other than a corner lot.

Internal Illumination
A light source concealed or contained within the sign itself, such as a neon tube, which becomes visible in darkness by shining through a translucent surface.

Internal Refractive Lens
A glass or plastic lens installed between the lamp and the sections of the outer fixture globe or enclosure. Refractive refers to the redirection (bending) of the light as it goes through the lens, softening and spreading the light being distributed from the light source thereby reducing direct glare.

l

Lake or Natural Watercourses
Any natural or relocated stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary, and any reservoir, lake or pond, natural or impounded, in which sediment may be moved or carried in suspension, and which could be damaged by an accumulation of sediment.

Land-Disturbing Activity
Any use of the land by any person in residential, recreational, industrial, educational, service, institutional, civic, office, or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography or alters the nature structure of the land mass and that may cause or contribute to sedimentation.

Landfill (debris from on-site)
A demolition landfill that is limited to receiving from the site stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth or other uncontaminated solid waste from construction activities on the same site.

Light Source
The element of a lighting fixture that is the point of origin of the lumens emitted by the fixture.

Lot Coverage
The amount of net lot area within designated floodway fringe areas future conditions flood hazard areas expressed in terms of a percentage that is covered by any obstruction restricting or displacing the flow of flood waters and any fill added to the lot after May 3, 2006.

Lowest Floor
The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor provided that such enclosure is not constructed so as to render the structure in violation of the applicable non-elevation design requirements of this code.

Lumen
A quantitative unit measuring the amount of light emitted by a light source.

m

Manufactured Home
A structure transportable in one or more sections that is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation. Includes mobile homes, park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

Manufactured Home Park
A lot which contains or is intended to contain manufactured home spaces for lease, or unit ownership (condominium) pursuant to N.C. Gen. Stat. Chapter 47C.

Manufactured Home Space
A plot of land within a manufactured home park designed for the accommodation of a single manufactured home.

Manufactured Home Stands or Pads
That portion of the manufactured home space designed for occupancy by a manufactured home.

Major Access Corridor
A street or highway designed to move large volumes of through traffic from one part of an area to another, and usually aided with federal assistance. These corridors usually have separated grades and a minimum of traffic signals. The following are major access corridors: I-40, I-440, 64 By-pass, U.S. 1, U.S. 70, U.S. 64, and U.S. 401, Wade Avenue between I-440 and I-40, and Northern Wake Expressway.

Maintained Footcandles
Illuminance of lighting fixtures adjusted for a maintenance factor accounting for dirt build-up and lamp output depreciation. The maintenance factor used in the design process to account for this depreciation cannot be lower than 0.72 for high-pressure sodium and 0.64 for metal halide and mercury vapor.

Mean Sea Level
The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. The term is synonymous with National Geodetic Vertical Datum (NGVD).

Mechanical Equipment
Machines and devices, including HVAC units, fans, vents, generators, and elevator motors, integral to the regular operation of climate control, electrical, and similar building systems.

Medium Base
The size of lamp socket designed to accept a medium or Edison base lamp.

Minor Tree Removal Activity
The lawful removal of a tree, other than a champion tree, and trees protected in either Resource Management District or natural protective yard, which is unrelated to forestry general or to the installation of any driveway, use, structure, facility improvement, site plan or subdivision, is a minor tree removal activity when it meets one or more of the following:

1. Unsafe trees are removed within one year following a natural disaster declared by the State of North Carolina or city of Raleigh such an ice storm, hurricane or tornado.
2. Fewer than 16 trees with a DBH of three inches or more are lawfully removed from the property within any continuous twelve month period; provided that, the subsequent subdivision of the property, shall not increase the number of trees which can be removed from the property and that no tree ten inches or greater in DBH is removed if such tree is located:
    a. Within 50 feet of a right-of-way of any thoroughfare; or
    b. Within 32 feet of any vacant adjoining property boundary line; or
    c. Within 65 feet of any other property line or urban forestry.
3. The term "vacant" means that at the time of application for development there is no building or structure or vehicular surface area within 200 feet from the common property line of the property being developed and the adjoining or adjacent property.
4. A certified arborist, certified by the International Society of Arboriculture, or a forester registered by the State of North Carolina, or a landscape architect licensed by the State of North Carolina first certifies in writing to the city that the tree is either unsafe or is unhealthy and applicable soil erosion and sedimentation laws are obeyed.
5. The tree is less than three inches DBH.
6. The tree is damaging an existing improvement on the lot.
7. Lawful removal of trees located on lots of record existing prior to the application of this regulation that are less than two acres in size.

Mixed Use District
The following general use or conditional use zoning districts: Residential Mixed Use (RX)-, Office Park (OP-), Office Mixed Use (OX-), Neighborhood Mixed Use (NX-), Commercial Mixed (CX-), Downtown Mixed Use (DX-) and Industrial Mixed Use (IX-).

Modified Natural Stream
An on-site channelization or relocation of a stream channel and subsequent relocation of the intermittent or perennial flow as evidenced by topographic alterations in the immediate watershed. A modified natural stream must have the typical biological, hydrological, and physical characteristics commonly associated with the continuous conveyance of water.

n

Natural Resource Buffer Yard
Buffer areas that limit land disturbing activities adjacent to fragile environmental areas, which include, but are not limited to, watercourse buffers.

Natural Erosion
The wearing away of the earth's surface by water, wind, or other natural agents under natural environmental conditions undisturbed by man.

New Construction
Structures for which the "start of construction" commenced on or after the effective date of this code and includes any subsequent improvements to such structures.

O

Off-Premises Sign
Any sign or structure, pictorial or otherwise, regardless of size or shape that directs attention to a business, commodity, attraction, profession, service or entertainment conducted, sold, offered, manufactured, existing or provided at a location other than the premises where the sign is located or to which it is affixed. Sometimes called non-point-of-sale sign.

Off-Site Stormwater Control Facilities
The overall design, construction and maintenance of one or more devices and measures and associated drainage easements, conduits, inlets, channels, pipes and ditches, level spreaders, filters, buffers, bioretention areas, sand, filters, detention basins, wetlands and ponds necessary to collect, convey, store, and control stormwater runoff and pollutants for more than one lot. Stormwater control facilities serving contiguous properties, a subdivision, or a portion of a subdivision greater than one lot are examples of off-site stormwater control facilities.

One Hundred-Year Storm
The stormwater runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in 100 years, and of a duration which will produce the maximum peak rate of runoff, for the watershed of interest under average antecedent wetness conditions.

On-Premises Sign
Any sign or structure, pictorial or otherwise, regardless of size or shape that directs attention to a business, profession, commodity, attraction, service, or entertainment conducted, offered, sold, manufactured, existing, or provided at a location on the premises where the sign is located or to which it is affixed. A sign that identifies both an on-premises subsidiary and an off-premises parent company is an off-premises sign.

On-Site Stormwater Control Facilities
The overall design, construction and maintenance of one or more devices and measures and associated drainage easement, conduits, inlets, channels pipes, ditches, level spreaders, filters, buffers, bioretention areas, sand, filters, detention basins, wetlands and ponds, necessary to collect, convey, store, and control stormwater runoff and pollutants within and for a single lot.

Open Fence or Wall
A fence or wall through which clear vision is possible from one side to the other for 75% or more of the structure, as viewed on a horizontal plane.

Open Space Area
Primarily vegetated areas where development is restricted and no additional impervious surface may be placed without first obtaining a permit from the city. The following are open space areas: greenways and public parks, natural protective yards set forth in conditional use zoning districts, and permanently protected undisturbed open space areas.

Outdoor Advertising Sign
Any off-premises, off-site, poster panel, billboard, or non-point-of-sale sign.

Outdoor Mobile Vending Cart
A non-motorized cart with wheels that is temporarily stored on a premise where goods or merchandise are sold to the general public.

p

Parapet Wall
That portion of any building wall that rises above the level of the roof line.

Phase of Grading
One of two types of grading, rough or fine.

Play Courts
Recreation facilities that operate and use a court such as tennis, basketball, handball, squash, croquet, shuffleboard, volleyball and racquetball courts and clubs.

Play Fields
Areas in which field games are played and that contain less than 250 seats. Play fields include: baseball, field hockey, football, lacrosse, soccer, softball and open play areas.

Pre-Development Conditions
The land use, drainage, and impervious surface conditions existing on the site at the time plans are submitted for approval, including any previously approved development plans for the site which has not sunsetted, projects which have an outstanding valid building permit in compliance with N.C. Gen. Stat. §160A-418 and §160A-422 or §153A-358 and §153A-362, and projects that have obtained a state permit such as landfills, land application of residuals on the site.

Post-Development Conditions
Pre-development conditions together with the land use, drainage and impervious conditions that would exist on the site if all proposed development plans for the site are fully completed.

Premises
The term premises is interchangeable with the term lot.

Principal Arterial
Principal arterials are comprised of limited-access freeways, expressway and gateway arterials. Principal arterials are the same roads as major access corridors.

Principal Building or Use
The building, structure or land that contains the primary function or activity on a lot.

Project
A site under unified control for the purposes of development.

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Raleigh Stormwater Control and Watercourse Buffer Manual
A manual adopted by the City Council by reference, as fully as though set forth in this code that includes plan and data submission requirements, presents design procedures and criteria for conducting natural, hydrologic and hydraulic evaluations, best management practice designs, regulations for riparian surface water buffers, standards for managing the volume and quality of stormwater runoff and standards for maintenance.

Receiving Watercourse
A lake, natural watercourse, or other natural or man-made area into which stormwater runoff flows from a land-disturbing activity site.

Recyclable Material
Reusable material, including, but not limited to, metals (including vehicles which have been crushed off-site), glass, rubber (including tires), plastic, paper and scrap, which is intended for reuse or reconstitution for the purpose of using the altered form. Recyclable material shall not include hazardous materials and wastes (as defined in 40 CFR 261.3 to 261.33, or as the same may be amended by law), garbage, biodegradable refuse such as food, medical wastes, or other similar materials, and wrecked, dismantled, or partially dismantled automobiles.

Regional Stormwater Control Facilities
The overall design, construction and maintenance of measures and devices and associated drainage easement, conduits, inlets, channels, pipes, ditches, filters, buffers, bioretention areas, and ponds, necessary to collect, convey, store, and control stormwater runoff and pollutants within or outside a development and for one or more developments, as shown on the stormwater control master plans approved by the State of North Carolina.

Regulatory Flood Protection Elevation
The elevation to which structures and uses within floodway fringe areas and future conditions flood hazard areas are required to be elevated or floodproofed. Within areas which have approved engineered flood studies, such as the FEMA flood insurance study, and floodway fringe areas, this elevation will be the "without floodway" base flood elevation plus two additional vertical feet. Base flood elevations are shown in the flood insurance study for Wake County, Volumes 1 through 7. Within future conditions flood hazard area, this elevation will be the future conditions flood elevation plus two additional vertical feet. Future conditions flood elevations are shown in the flood insurance study for Wake County, Volumes 1 through 7. For flood hazard soil areas and for areas without established flood elevations within watercourses, which drain one square mile or more, this elevation is the topographic contour lying five vertical feet from the outermost boundaries of either the flood hazard soils or the made land, which traverse such soils. The regulatory flood protection elevation for flood hazard soil areas and for areas without established flood elevations within watercourses which drain less than one square mile is the elevation of the outermost boundaries of either the flood hazard soils or the made land which traverse such soils plus two additional vertical feet; or as determined from a flood hazard soil interpretation. The regulatory flood protection elevation shall be the base flood elevation established on the drainage basin study maps plus two additional vertical feet.

Residential District
The following general use and conditional use zoning districts: Residential-1 (R-1), Residential-2 (R-2) Residential-4 (R-4), Residential-6 (R-6), Residential-10 (R-10). Includes Manufactured Home Park (R-MP).

Resource Management District
The following general use, conditional use zoning and overlay zoning districts: Conservation Management (CM), Metro-Park Protection Overlay District (-MPOD), Special Highway Overlay District-1 (-SHOD-1) and Special Highway Overlay District-2 (-SHOD-2).

Riparian Surface Water
Actual surface water that is shown as a feature on either the most recent version of (a) the soil survey map prepared by the Natural Resources Conservation Services of the United States Department of Agriculture or (b) the most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS) except for the following surface waters:

1. Man-made channels, such as ditches and canals, other than a modified natural stream.
2. Man-made ponds and lakes that are located outside natural drainage ways.
3. Ephemeral (stormwater) streams.

Rooming Unit
Any room or group of rooms forming a single habitable unit used for living and sleeping, but not for cooking or eating purposes.

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Sadomasochism Center
Any for profit establishment wherein the practice of flagellation, torture or fettering is used or administered to an individual either by an employee of the establishment or a patron of the establishment.

Salvage Yard
Salvage yard means any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

Sediment
Solid particulate matter, both mineral and organic, that has been or is being transported by water, wind, gravity, or ice from its point of origin.

Sedimentation
The process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land-disturbing activity or into a lake or natural watercourse.

Shade Tree
An evergreen or deciduous tree whose mature height can be expected to exceed 35 feet and which has an expected crown spread of 30 feet or more or is considered a shade tree in accordance with "American Standards of Nursery Stock", set forth by the American Association of Nurserymen.

Sign
Any temporary or permanent identification, description, animation, illustration, or device, illuminated or nonilluminated, which is visible from any right-of-way and which directs attention to any realty, product, service, place, activity, person, institution, performance, commodity, firm, business or solicitation, including any permanently installed or situated merchandise or any emblem, painting,banner, poster, bulletin board, pennant, placard or temporary sign designed to identify or convey information.

Siltation
The sediment resulting from accelerated erosion which is settleable or removeable by properly designed, constructed, and maintained control measures; and which has been transported from its point of origin within the site of a land-disturbing activity; and which has been deposited, or is in suspension in water.

Solid Fence or Wall
A solid fence or wall that is not an open wall or open fence.

Solid Waste Disposal Facility
Any facility involved in the disposal of solid waste, as defined in N.C. Gen. Stat. §130A-290(a)(35).

Special District
The following general use and conditional use zoning districts: Conservation Management (CM), Agricultural Productive (AP), Heavy Industrial (IH), Manufactured Home Park (R-MP) and Campus (CMP).

Start of Construction
Includes "substantial improvement" and means the date the building permit was issued, provided, the actual "start of construction," repair, reconstruction, rehabilitation, addition, placement, or other improvement was made within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a "manufactured home" on a foundation. For a substantial improvement, the actual start of construction means the first alteration of any load-bearing wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Stormwater Control Facilities
Off-site stormwater control facilities, on-site stormwater control facilities, regional stormwater control facilities, or any combination of.

Stormwater Control Master Plan
A conceptual plan approved by the City Council, which establishes stormwater control policies and recommendations for an entire watershed or region as an alternative to individual site specific stormwater control plans.

Storm Drainage Facilities
The man-made system of inlets, conduits, channels, ditches or other such facilities and appurtenances which collect and convey stormwater.

Stormwater Runoff
Runoff of water resulting from precipitation in any form.

Street Protective Yard
A landscaped protective yard adjacent to a street right-of-way.

Structural Flooding
Crawlspace, finish floor, garage, and basement flooding caused by concentrated stormwater flows and not groundwater infiltration. Structural flooding also includes sheds and outbuildings on a permanent, enclosed foundation that cannot be easily moved. Sheds and outbuildings not on permanent, enclosed foundations, or that can be easily moved, and where moving the structure is the least cost alternative to prevent flood damage to the structure, are not defined as having structural flooding. Structural flooding does not include those portions of residential and commercial structures located in a floodplain area and designed and constructed to flood or a commercial structure that has a City approved floodproofing plan.

Substantial Damage
Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed the 50% of the estimated market value of the structure before the damage occurred.

Substantial Improvement
Any reconstruction, repair, rehabilitation, addition, or other improvement of a structure, the cost of which over a five-year period singularly or collectively equals or exceeds 50% of the market value of the structure before the "start of construction" of the substantial improvement. This term includes structures which have incurred "substantial damage," regardless of the actual amount of repair work performed. The term does not include either any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

Sustainable Energy Systems
On-site renewable energy generation technologies such as a solar array, solar collection system, wind energy system, or geothermal energy system.

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Ten-Year Storm
The stormwater runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in ten years, and of a duration which will produce the maximum peak rate of runoff, for the watershed of interest under average antecedent wetness conditions.

Thoroughfare
A street delineated as a major thoroughfare or a minor thoroughfare on the Comprehensive Plan, or a major access corridor. Major thoroughfares include: (1) principal arterials, which are either gateways, freeways, or expressways; (2) secondary arterials; or (3) other major thoroughfares.

Tree Disturbing Activity
Any activity that results in one or more of the following:
1. The movement of earth, compaction of earth, chemical or physical alteration of earth, or a change in the existing soil cover (both vegetative and non vegetative) and/or the existing soil topography in the critical root zone of a tree, including but not limited to: chemical application; clearing, grading, filling, and excavation; stabilization of structures; and road or walkway construction
2. Chemical or physical alteration of a tree in any way that diminishes its health and vigor, including but not limited to removal, cutting, root pruning, branch pruning, topping, bark scraping, and application of chemical or biological agents.
3. The placement within the critical root zone of any permanent or temporary encroachment, including but not limited to: application of impervious surfaces; storage of equipment, materials, or earth; parking or circulation of vehicles or equipment.

Twenty Five-Year Storm
The stormwater runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in 25 years, and of a duration which will produce the maximum peak rate of runoff, from the watershed of interest under average antecedent wetness conditions.

Two-Year Storm
The stormwater runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in two years, and of a duration which will produce the maximum peak rate of runoff, for the watershed of interest under average antecedent wetness conditions.

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Uncovered
The removal of ground cover from, on, or above the soil surface.

Understory Tree
An evergreen or deciduous tree whose mature height can be expected to range between 15 feet and 35 feet and which has an expected crown spread range between 15 feet and 25 feet as determined by the latest edition of "American Standards of Nursery Stock" as set forth by the American Association of Nurserymen.

Undisturbed Area
An area free of any tree disturbing activity except the planting of required landscaping and plantings required by conditional use zoning requirements.

Unhealthy
A plant or tree is unhealthy when it meets any one or more of the following:
1. Its foliage and bark have a form and color that is not characteristic of the species similarly located within the city.
2. Its twig elongation is dissimilar to that of others of the same species and size similarly located within the city.
3. It is not free from infestation of insects and detrimental diseases.
4. More than 10% of its trunk circumference dies in any one calendar year.
5. More than 30% of its crown dies or is lost in any one calendar year.
6. It no longer screens, filters, or shades the area for which it was installed.

Unity of Development
The visual and functional integration of buildings within a development or area.

Urban Frontage
The following frontages: Parking Limited (-PL), Green, Urban Limited (UL), Urban General (-UG) and Shopfront (-SH).

Utility Service Area
An area which contains any utility box, booster box, switching station, transformer, pedestal, or backflow preventor or similar above-grade device used to serve underground utilities.

V

Vehicular Canopy
A roofed, open, drive-through structure designed to provide temporary shelter for vehicles and their occupants while making use of a business' services.

Vehicular Surface Area
An area where motor vehicles are either stored or driven, including private driveways and private streets, parking lots, vehicular display lots, rental lots, and depots, but it does not include parking buildings or areas which are used exclusively as loading areas and service areas.

Velocity
The average velocity of flow through the cross-section of the main channel at the peak flow of the storm of interest. The cross-section of the main channel, if any, shall be that area defined by the geometry of the channel plus the area of flow below the flood height defined by vertical lines at the main channel banks. Overbank flows are not to be included for the purpose of computing velocity of flow.

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Wall Pack
A type of light fixture typically flush-mounted on a vertical wall surface.

Wide-Body Refractive Globe
A translucent lamp enclosure used with some outdoor fixtures to provide a decorative look (including but not limited to acorn- and carriage light-style fixtures). "Wide-body" refers to a wider than average size globe (greater than 15.75 inches in diameter). "Refractive" refers to the redirection (bending) of the light as it goes through the lens, rendering the light fixture more effective. Wide-body refractive globes are intended to soften and spread the light being distributed from the light source thereby reducing direct glare.