CHAPTER 154: ZONING CODE

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General Provisions

§154.1 Short title

This chapter establishes comprehensive zoning regulations for the town, a municipal corporation of the state, and its extraterritorial jurisdiction. It provides for the administration, enforcement, and amendment thereof, in accordance with the provisions of North Carolina General Statute §160A, Article 19, and for the repeal of all ordinances in conflict herewith.

These regulations shall be known, referred to, and cited as the "Zoning Ordinance for the Town of Wendell, North Carolina."
(Ord. Passed 1-14-80)

§154.2 Jurisdiction

The provisions of this chapter shall apply within the corporate limits of the town and within the extraterritorial jurisdiction established by ordinance, as provided under GS §160A-360, the jurisdiction being delineated on a map recorded by the Register of Deeds of Wake County.
(Ord. Passed 1-14-80)

§154.3 Purpose

The purpose of these regulations shall be to accomplish a coordinated, balanced, and harmonious development of the land within the corporate limits of the town and in the extraterritorial jurisdiction, in a manner which will best promote the health, safety, morals, convenience, order, prosperity, and general welfare of the people, as well as to provide for efficiency and economy in the process of development; to make adequate provisions for traffic; to secure safety from fire, panic, and other hazards; to provide for light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements, to promote desirable living conditions and the sustained stability of neighborhoods; and to protect property against blight and depreciation.
(Ord. Passed 1-14-80)

§154.4 Definitions

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Access Road- A public or private one-way or two-way road for ingress and/or egress. Such access roads may be of various types, including frontage roads, rear access roads, roads with cul-de-sacs, and dead-end roads. This definition includes secondary roads but does not include driveways.

Accessory Building and Use- A subordinate building or use, the use of which is incidental to that of a principal building or use on the same lot.

Alter- To make any structural changes in the supporting or loadbearing members of a building such as walls, columns, beams, girders, or floor joists.

Bed and Breakfast- The use of part of a dwelling to provide short-term lodging for compensations, with or without the provisions of breakfast to overnight guests, where no more than ten (10) guests rooms are involved (but not including hotels, where the provision of lodging is the principal use.)

Boarding House- A building dedicated to the lodging or feeding, or both, of non-transient persons for compensation.

Bona Fide Farm- Land primarily used for the production, and activities relating or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, diary products, livestock, poultry, and all other forms of agriculture products having domestic or foreign markets. A bona fide farm use also includes the accessory uses and buildings necessary incidental to such agricultural production (such as packing, treating, or storing of the products). A bona fide farm use does not include forestry, the retail sale of products, farm serving uses, or commercial agricultural services (such as veterinary services, landscape contracting, and crop services or animal services for the production of other farms).

Buffer Strip- An unused strip of land twelve (12) feet or more in width, planted with deciduous or evergreen trees placed not more than five (5) feet apart, and six (6) feet or more in height after one growing season, and maintained in perpetuity by the owner. No building or part of a building, no driveway, or parking area shall occupy any part of a "buffer strip."

Buildable Area- The portion of a lot remaining after required yard setbacks has been provided.

Building Permit- A permit issued by the Zoning Administrator when a proposal to use or occupy a lot or structure, or to erect, install, or alter a structure, building, sign, or lot fully meets the requirements of this chapter. This permit must be obtained before any work is initiated on the proposed use.

Buildings- Any structure or edifice having a roof supported by columns or by walls and intended for shelter, housing, or enclosure of persons, animals, or cattle.

Building Height- The vertical distance from the mean elevation of the finished grade along the front of the building to the highest point of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

Certificate of Occupancy- A statement signed by the Zoning Administrator or authorized official, setting forth that the building, structure, or use of land complies with the zoning ordinance, State of North Carolina Building Code, and that the same may be used for purposes stated herein.

Child Day Care Center- Where care, protection, and supervision are provided for a fee, at least two (2) times a week to more than six (6) children at one time, including children of the day care provider.

Child Day Care Home- A child care arrangement in a home environment where the caregiver provides childcare for five (5) or fewer children, not including children of the day care provider.

Church, Club, or Lodge (Private)- An incorporated or unincorporated association for civic, social, cultural, religious, fraternal, literary, political, recreational, or like activities, operated on a nonprofit basis for the benefit of its members.

Conditional Use & Special Use- Permits that authorize the recipient to make use of property in accordance with the requirements of this chapter as well as any additional requirements imposed by the appropriate Board. Conditional use permits are issued by the Board of Adjustment and special use permits by the Town Board of Commissioners.

Curb Cut- A lowered or cut-away curb for purposes of ingress or egress to property abutting a public street.

District, Zoning- A section of the town within which the zoning regulations are uniform.

Drainageway- Any system, watercourse, channel, ditch, or similar feature draining waters from the land.

Drainageway Buffer- An area adjacent to a drainage way that shall remain undisturbed except as may be necessary to accommodate roads provided they cross at a horizontal angle of at least sixty (60) degrees, utilities and their easements, and greenways, pedestrian paths, and their easements. Drainageway buffers shall be measured perpendicular to the flow of the drainage way and from the edge of the drainageway banks except when no drainageway banks exist, in which case the centerline of the drainageway swale shall be used.

Driveway- A private way beginning at the property line of a lot abutting a public road, private road, easement or private right-of-way, giving access from that public road, recorded easement, recorded private road, or private right-of-way, and leading to a building, use, or structure on that lot. A driveway may not serve more than a single lot unless it runs along a lot line shared by two (2) lots and serves no more than two (2) lots.

Dwelling-

Multi-Family: A residence designed for or occupied by three (3) or more families, with separate housekeeping and cooking facilities for each.

Single-Family: A detached residential dwelling unit, other than a mobile home, designed for and occupied by one (1) family only.

Two-Family (Duplex): A residence designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each.

Dwelling Unit- One (1) room or rooms connected together constituting a separate independent housekeeping establishment with complete living facilities for one (1) family.

Family- One (1) or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, or hotel.

Family Care Home- A facility with support and supervisory personnel that provides room and board, personal care, and habitation services in a family environment for not more than six (6) resident handicapped persons.

Flag Lot- An irregularly shaped lot in which the buildable portion of the lot is connected by an arm of the lot to its road frontage and in which the lot's road frontage width is less than the minimum lot width standards for the zoning district in which the lot is located.

Floor Area Ratio- Ratio of floor area to lot area.

Frontage- The distance (chord length) between the two (2) side lot lines as measured at the right-of-way line.

Greenway- A linear park network left in its natural state except for the introduction of trails used by pedestrians and bicyclists.

Home Occupation- An occupation for gain or support conducted entirely and only by members of a family within a residential building and provided that no article is sold or offered for sale and that no display of products shall be visible from the street, and that no accessory use building shall be used for such home occupation.

Junk Yard- Use of property for indoor or outdoor storage, keeping, abandonment, sale, or resale of junk including scrap metal, rags, paper, or other scrap materials, used lumber, salvaged house wrecking and structural steel, materials and equipment, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof.

Kennel (Commercial)- Any building, structure, or land area used for the boarding, breeding, training, showing, or raising of dogs or cats primarily for sale or profit or for humane purposes. Pet shops, private kennels, and veterinary hospitals shall be exempt from the definition of kennel.

Kennel (Private)- Any building, structure, or land area used for the keeping of more than four (4) dogs or four (4) cats over the age of four (4) months, where such animals are kept as pets, hunting dogs, or guard dogs. This definition shall not apply to dogs or cats owned by an individual or club, where such animals are kept on a lot of five (5) or more acres, and provided that any structures built for keeping of such animals are located one hundred (100) feet or more from the nearest adjacent dwelling, and fifty (50) feet or more from any adjoining property. Pet shops, commercial kennels, and veterinary hospitals shall be exempt from the definition of private kennel.

Lot (includes Plot, Parcel, Site, or Premises)-
For zoning purposes, as covered by this chapter, a "lot" is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. The "lot" shall have frontage on an improved public or private street, and may consist of:

a single "lot" of record;
a portion of a "lot" of record;
a combination of complete "lots" of record; or complete "lots" of record and portions of "lots" of record, or of portions of "lots" of record; or
a parcel of land described by metes and bounds; and provided that in no case of division or combination shall any residual "lot" or parcel be created which does not meet the requirements of this chapter.

Depth: The depth of a "lot" is the distance in the mean direction of the side "lot" line from midpoint of the front "lot" line to the midpoint of the rear "lot" line.

Line (front): Any boundary line of a "lot" running along a street right-of-way.

Record: A "lot" which is part of a subdivision plat which has been recorded in the Office of the Register of Deeds of Wake County or a "lot" which has been recorded and described by metes and bounds.

Width: The distance between side "lot" lines measured along the front setback line.

Manufactured Home (Class A)- *Manufactured Home (Class A)-* A manufactured building consisting of one (1) or more transportable sections built and labeled within a manufacturing plant facility in accordance with the appropriate State or Federal Construction Code which governs the structure's intended usage when erected on a lot. The manufactured home is to be constructed on or after July 1, 1976 and must be in compliance with the U.S. Department of Housing and Urban Development administered standards at the time of construction. For the purpose of these provisions, a structure termed a "trailer" or "mobile home" shall be used interchangeably with the term manufactured home. Each manufactured home is to be inspected in accordance with the U.S. Department of Housing and Urban Development enforcement procedures and must have a numbered certification label affixed to the rear exterior of the home.

(1) The manufactured home has a length not exceeding four (4) times its width.
(2) The manufactured home has a minimum of twelve-hundred (1,200) square feet of enclosed living area;
(3) The pitch of the roof of the manufactured home has a minimum vertical rise of three (3) feet for each twelve (12) feet of horizontal run and the roof is finished with a type of shingle that is commonly used in standard residential construction;
(4) All roof structures shall provide an eave projection of no less than six (6) inches, not including a gutter;
(5) The exterior siding consists predominately of vinyl or aluminum horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;
(6) The manufactured home is set up in accordance with the standards set by the North Carolina Department of Insurance and a continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, installed under the perimeter of the manufactured home;
(7) Stairs, porches, entrance platforms, ramps, and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the North Carolina Department of Insurance, attached firmly to the primary structure and anchored securely to the ground; and
(8) The moving hitch, heels, axles, and transporting lights have been removed.

Manufactured Home (Class B)- A Class B Manufactured Home is a manufactured home constructed after July 1, 1976, that meets at least six (6) but not all of the criteria detailed in the definition of a Class A Manufactured Home.

Manufactured Home (Class C)- A Class C Manufactured Home is a manufactured home constructed before July 1, 1976 which fails to meet at least six (6) of the criteria detailed in the definition of the Class A Manufactured Home.

Map- The official zoning map of the town.

Mobile Car Wash – A mobile car wash is defined as a vehicle with an internal combustion engine and upon its chassis is mounted on a vehicle or carried on a trailer a liquid holding tank, pump, hose or hoses, and nozzles. Other equipment, such as sponges, buckets, brushes, etc. that is necessary to the purpose of a mobile car wash may be carried on the vehicle.

Mobile Home Park- *Manufactured Home Park-* Any plot of ground at least three (3) acres in size, upon which two (2) or more mobile homes spaces are located, regardless of whether or not a charge is made for such accommodations. For the purpose of these provisions, a structure termed a "trailer" or "mobile home" shall be used interchangeably with the term manufactured home.

For the purpose of these provisions, a "mobile home park" shall be used interchangeably with the term manufactured home park.

Modular Home- A manufactured building on a permanent foundation consisting of one (1) or more transportable sections and designed to be used as a dwelling which has been constructed and labeled indicating compliance with the adopted North Carolina State Building Code. Modular homes are inspected in the factory during each phase of construction as well as by the Town of Wendell or an authorized agency representing the Town of Wendell.

Nonconforming Use- A legal use of a building or land that antedates (pre-dates) the adoption of these regulations and does not conform to the regulations for the district in which it is located.

Ordinance and *Regulations-* The official zoning ordinance for the town.

Parking Space- The storage space for one (1) automobile of not less than ten (10) feet by twenty (20) feet, plus the necessary access space. It shall always be located outside the dedicated street right-of-way.

Permanent Car Wash – A permanent car wash is defined as a facility, consisting of a building with a roof and side walls that is permanently affixed to the land and is taxed as an improvement to the land. A permanent car wash facility may be either (1) fully automated, or (2) partially automated and where detailing of the vehicle is done outside of the physical facility by company employees, or (3) customer controlled pressure nozzles that spray liquids onto the vehicle and detailing is done by the customer outside of the facility.

Planned Unit Development (PUD)- The planned residential development of mixed structures such as apartments, townhouses, rowhouses, and cluster subdivisions, usually incorporating privately owned, open common areas.

Planning Board- The Town Planning Board.

Principal Building or *Principal Use-* The principal purpose for which a lot or the main building thereon is designed, arranged, or intended, and for which it is or may be used, occupied, or maintained.

Service Station- A building or lot dedicated to the rendering of services such as the sale of gasoline (including self-service stations), oil, grease, accessories, and the minor repair of automobiles, excluding body work, overhauling, and painting.

Setback Lines- The line on the front, rear, and sides of a lot which delineates the area within which a structure may be building and maintained, according to the district use regulations.

Sexual Oriented Business- Any place defined as an "adult establishment" by Section §14-202.10 of the North Carolina General Statutes, as such statutes are amended from time to time, except that the incorporated definition of "massage business" shall not include a health club, exercise studio, hospital, physical therapy business – but shall not include any business where massages are rendered by persons exhibiting "specified anatomical areas" and/or where massages are performed on any client's "anatomical areas." (as those terms defined by G.S. §14-202.10)

Shelter, Fall-Out- A structure or portion of a structure intended to provide protection to human life during periods of danger to human life from nuclear fall-out, air raids, storms, or other emergencies.

Shopping Center- Five (5) or more commercial establishments planned and constructed as a single unit with off-street parking and loading facilities provided on the property and related in location, size, and type of shops to the trade area with the unit services.

Sign- any device designed to inform or attract the attention of persons not on the premises on which the sign is located.

(1) Area: The entire face of a sign and all wall work including illuminating tubing incidental to its decoration. In the case of an open sign made of individual letters, figures, or designs, the spaces between such letters, figures, or designs shall be included as part of the sign area.

(2) Principal Use: A sign which directs attention to a business, commodity, service, entertainment, or other activity conducted, sold, or offered exclusively on the premises upon which the sign is located.

(3) Separate Use: Any sign, including a standard poster panel, which directs attention to a business, commodity, service, entertainment, or other activity conducted, sold, or offered elsewhere than on the premises on which the sign is located.

Street-

(1) Private: An undedicated private right-of-way, which affords access to abutting properties.

(2) Public: A dedicated and accepted public right-of-way, which affords the principal means of access to abutting properties for vehicular traffic.

Structure- Anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, billboards, poster panels, and fall-out shelters.

Telecommunications Tower- A structure designed to support antennas used to provide commercial mobile radio services of other personal wireless services (e.g. cellular telephone communications, personal communication service (PCS), paging, specialized mobile radio (SMR), excluding satellite dish antennas and amateur or ham radio antennas.

Tourist Home- A dwelling in which sleeping accommodations are provided or offered to transient visitors for compensation.

Town Board- The Town Board of Commissioners

Used or Occupied- Includes the words, intended, designed, or arranged to be used or occupied.

Variance- A relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions particular to the property and not the result of the actions of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

Yard- A required open space unoccupied and unobstructed by any principal structure or portion of a structure except as provided herein.

(1) Front: A yard extending across the front of a lot measured from side lot line to side lot line and lying between the abutting street right-of-way and the principal building on the lot. This provision, in some cases, may not apply to planned unit developments (PUDs).

(2) Rear: A yard extending across the rear of the lot measured from side lot line to side lot line and lying between the rear property line and the principal building on the lot.

(3) Side: A yard extending along either side of a lot measured from front yard line to the rear yard line and lying between the side lot line and the principal building on the lot.

Zoning Administrator- The person, officer, or official and his authorized representative, whom the Town Board has designated as their agent for the administration of these regulations. He may provide the enforcement of this chapter by means of the withholding of building permits and occupancy permits and by instituting injunction, mandamus, or other appropriate action or such violation, or to prevent the occupancy of the building, structure, or land.
(Ord. Passed 1-14-80; Amend. Ord. Passed 4-10-92; Amend. Ord. Passed 12-13-82; Amend. Ord. Passed 6-10-85; Amend. Ord. Passed 12-14-87; Amend. Ord. Passed 7-9-90; Amend Ord. Passed 4-12-04)

§154.5 Interpretation

(A) In interpreting and applying these regulations, the requirements contained herein are declared to be the minimum requirements necessary to carry out the purpose of these regulations and are adopted for the promotion of the public health, safety, morals, and general welfare.

(B) Except as hereinafter provided, these regulations shall not be deemed to interfere with, abrogate, annul, or otherwise affect in any manner whatsoever any easement, covenants, or other agreements between parties.

(C) To be the minimum requirements necessary to carryout the purpose of these regulations and readopted for the promotion of the public health, safety, morals, and general welfare.

(D) In any event, wherever the requirements of this chapter are at variance with other requirements of lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive, or that imposing the highest standards, shall govern.

(E) Minimum requirements for uses not listed in §154.32 shall be based on similar district use regulations, the most restrictive applying.

(Ord. Passed 1-14-80, Amend. Ord. Passed 4-10-82)

§154.6 Compliance

No land, building, or structure shall be used, no building or structure shall be erected, and no existing building or structure shall be moved, added to, enlarged, or altered, except in conformity with this chapter.
(Ord. Passed 1-14-80) Penalty: see §154.999

§154.7 Validity

Should the courts declare any section or provisions of this chapter invalid, such decision shall not affect the validity of the chapter as a whole or any part thereof, other than the part so declared to be invalid.
(Ord. Passed 1-14-80)

§154.8 Number of principal dwellings on a lot

In any district, more than one (1) building housing a permitted principal use may be erected on a single lot, provided that setback, minimum lot area, and other requirements of this chapter shall be met for each building as though it were on an individual lot. This provision does not apply to Planned Unit Developments.
(Ord. Passed 1-14-80, Amend. Ord. Passed 6-10-85, Amend. Ord. Passed 12-14-87) Penalty: see §154.999

§154.9 Reduction of change in lot size

(A) No lot shall be reduced or changed in size so that the total area, minimum frontage, front, side, or rear setbacks, lot area per dwelling unit, or other dimensions, areas, or open spaces required by this chapter are not maintained.

(B) No lot shall be reduced in size so as to produce an additional lot, which is not in conformity with these regulations unless the lot is combined with other land to produce a conforming lot or unless the lot is needed and accepted for public use.

(Ord. Passed 1-14-80) Penalty: see §154.999

§154.10 Maintenance of open spaces

No yard shall be encroached on or reduced in any manner, except in conformity with these regulations. No yard for one principal building shall be considered as a yard for any other principal dwelling. Shrubbery, driveways, retaining walls, fences, curbs, ornamental objects, and planted buffer strips shall not construed to be encroachments on yards. Eaves shall be allowed to project no more than twenty four (24) inches into a minimum required yard. Appendages such as porches, canopies, stairways, carports, sundecks, and similar structures completely open except for necessary supports, shall be required to comply with applicable setback requirements.
(Ord. Passed 1-14-80, Amend. Ord. 6-10-85) Penalty: see §154.999

§154.11 Location of accessory uses or buildings

(A) Accessory uses and buildings shall be placed only in rear yards

(B) No accessory building in any residential district exceeding one hundred forty four (144) square feet or requiring a building permit shall be placed within ten (10) feet of any lot line, building, or structure. Accessory use buildings less than one hundred forty-four (144) square feet and not requiring a building permit shall not be located less than five (5) feet from any property line and ten (10) feet from any structure or building.

(C) No accessory use building shall exceed fifty (50) percent of the floor space of the principal use building.

(D) A garage or accessory use attached to any dwelling and constructed as part of such dwelling shall be considered as part of the dwelling and not as an accessory building.

(E) A garage for more than three (3) motor vehicles shall not be permitted as an accessory use in connection with any one (1) family or two (2) family dwelling, irrespective of the district in which it is situated.

(F) Not more than one (1) accessory use building or structure may be located on the property.

(G) No accessory use structure shall be permitted in any commercial use district.
(Ord. Passed 1-14-80) Penalty: see §154.999

§154.12 Visibility at intersections

On a corner lot nothing, except as herein provided, shall be erected, placed, or planted to exceed the height of three (3) feet, or to inhibit the visibility of a motor vehicle operator within a triangular area formed by the intersection of the right-of-way of two (2) streets or railroads, or of a street and a railroad, and a diagonal line which intersects the right-of-way lines at two (2) points each fifty (50) feet from the intersection of the right-of-way lines.
(Ord. Passed 1-14-80) Penalty: see §154.999

§154.13 Street access

(A) No building shall be erected on a lot, which does not abut an open street, which is either a public street, publicly maintained street, or an alley.

(B) Access from a Major or Minor Thoroughfare
(See Subdivision Code at §155 and Overlay District at §154.31)
(Ord. Passed 1-14-80) Penalty: see §154.999

§154.14 Lots with multiple frontages

(A) In the case of a corner lot having frontage on two (2) or more streets, all buildings shall be setback from each street a distance equal to the minimum for the front yard requirement for the district.

(B) If a building is constructed on a lot having frontage on two (2) roads but not at an intersection, a setback from each road shall be provided equal to the front yard requirement for the district in which the lot is located.
(Ord. Passed 1-14-80)

§154.15 Minimum frontage

Where a minimum frontage is specified in this chapter, it shall be measured at the front yard setback line.
(Ord. Passed 1-14-80)

§154.16 Uses prohibited

If either a use or class of use is not specifically indicated as being permitted in a district, either as a matter of right, as a conditional use, or on the approval of the Planning Board, such use or class of use shall be prohibited in the district.

§154.17 Fall-out shelters

Fall-out shelters are permitted as principal or accessory uses and structures in any district, subject to the yard requirements of the district. Shelters shall be maintained so as not to become a hazard or blight to the community.
(Ord. Passed 1-14-80)

§154.18 Landscape, buffering, and screening

(A) Intent

The purpose of this ordinance is to enhance the Town's visual and environmental character by:

(1) Encouraging the preservation of existing trees and vegetation;
(2) To separate adjacent land uses in order to minimize potential nuisances such as the transmission of noise, dust, odor, litter, and glare of lights;
(3) To conserve energy and aid storm water runoff;
(4) To enhance property values and to establish a sense of privacy.

(B) Definitions

(1) *Caliper Inches-* Quantity in inches of the diameter of trees measured at six (6) inches above the ground for trees four (4) inches or less in trunk diameter and twelve (12) inches above the ground for trees over four (4) inches in trunk diameter.
(2) *Canopy Tree-* A species of tree, which normally grows to a mature height of forty (40) feet or more with a minimum mature crown width of thirty (30) feet.
(3) *Dripline-* A vertical line extending from the outermost portion of a tree's canopy to the ground.
(4) *Understory Tree-* A species of tree, which normally grows to a mature height of fifteen (15) feet to thirty-five (35) feet.

(C) Procedures and applicability

(1) After the adoption date of this ordinance, these requirements shall apply to:
    (a) New principal non-residential buildings or expansions and re-constructions which will result in a parking or building increase of more than two-thousand (2,000) square feet;
    (b) New multi-family residential development;
    (c) Where the landscape ordinance and zoning district's dimensional requirements differ, the more restrictive requirement will control.
(2) A landscaping plan is required and shall be submitted showing:
    (a) Location, dimension, and square footage of required buffer strips, street yards, and parking lot landscaping areas. Individual species and number of trees and shrubs required and shrubs required and the number provided shall also be shown.
    (b) Details of required landscaping and landscape elements showing species, fencing materials, dimensions and spacing of constructed and planted

materials. The plan shall also show any existing vegetation to remain undisturbed.

(c) Timeline for installation of required landscaping.

(3) Installation Of Required Plant Materials

(a) A final certificate of occupancy for commercial, industrial, multi-family, and and/or non-residential uses shall not be issued until all required landscaping is in place.

(b) Where weather conditions or construction activity would endanger the health and survivability of required plantings, the enforcement officer may delay the installation. The developer shall submit a copy of signed contract for installation of the required planting areas and may be required to post a surety equal to 125 percent of the amount of the contract. The surety shall not be issued for more than one hundred eighty (180) days. For commercial, industrial, multi-family, and non-residential projects, a temporary certificate of occupancy may be issued.

(4) Alternate Methods Of Compliance

(a) Alternate landscape plans, plant materials, or methods may be used in situations where strict adherence to the provisions of this ordinance would result in impractical or unreasonable situations. Such situations may result from severe topography, natural rock formations, and utility easements, lot configurations, or other physical conditions. Alternate compliance shall be acceptable in the Commercial Downtown Zoning District where small lots and zero lot lines make compliance with buffer and streetscape requirements impossible.

(b) Alternate landscape plans shall be reviewed based on their effectiveness and performance in meeting the spirit and intent of this ordinance.

(c) The Zoning Administrator shall receive the alternate plan taking into account adjacent land uses, amount of plantings, species arrangement, and coverage.

(d) Decisions of the Zoning Administrator may be appealed to the Board of Adjustment.

(D) Landscaping Required

The following areas are required to be landscaped.

(1) Street planting yards: A planting area parallel to the street designed to provide continuity of vegetation along the right-of-way and a pleasing view from the street.

(2) Parking lot plantings: Planting areas within and adjacent to parking areas designed to provide shade and improve the attractiveness of a large area of pavement.

(3) Buffer yards: Planting areas located parallel to the side and rear lot lines designed to separate adjacent uses and provide privacy and protection against potential adverse impacts of an adjoining use. The size of a buffer shall be determined both by the proposed use and by the type of adjacent uses. Buffers shall not be located on any portion of any existing or proposed street right-of-way. Buffers shall be permitted to intersect utility easements or run parallel with them; however they shall not be permitted to run linear with and superimposed on them.

(E) Planting Area Requirements

(1) Street yards

(a) A street planting yard, a minimum of ten (10) feet in width, shall be provided parallel to all public rights-of-way.

(b) Street planting yards shall be planted at the rates of:

(1) Commercial and industrial uses: Two (2) canopy trees or three (3) understory trees or eight (8) shrubs per 100 linear feet or a combination thereof to include a minimum of fifty (50) percent evergreens.

(2) Multi-family uses: Two (2) canopy trees per 100 linear feet of frontage.

(2) Buffers

(a) Buffer descriptions

(1) Type "A": A Type A buffer is intended to provide a very dense sight barrier to significantly separate uses and land use districts. It is intended to reduce intrusive lighting and noise from adjacent properties.

(2) Type "B": A Type B buffer is medium density screen which is intended to create a visual separation between uses and land use districts.

(3) Type "C": A Type C buffer is a planting strip intended to separate uses, provide vegetation in densely developed areas and enhance the appearance of individual properties.

(b) Buffer yard determination

To determine the required landscape buffer use Table 1 first. Find the proposed use in the proposed use column. The size of each required buffer is determined by the buffer types along the adjoining use columns. Where a proposed use abuts multiple use types along the same side or rear yard, the largest buffer will apply. Next, determine the planting rate.

Table 1 – Buffer Type Chart

Proposed Use	***Adjoining Use***			
	Single Family and Duplex Residential	*Multi-Family Residential and Office & Institutional*	*Commercial*	*Industrial and Shopping Center*
Single Family Residential	None	B	A	A
Multi-Family Residential	B	C	B	A
Commercial	A	A	C	B
Industrial	A	A	B	C

Buffer Planting Rates

Type A Buffer – One (1) canopy tree every forty (40) feet, one (1) understory tree every twenty (20) feet, and one (1) shrub every five (5) feet with a width of twenty five (25) feet; or completely opaque consisting of fencing or walls and plantings with a width of ten (10) feet. Completely opaque is defined as having no horizontal openings from the ground to a height of six (6) feet within two (2) years of planting.

Type B Buffer – One (1) tree every twenty-five (25) feet and one (1) shrub every five feet, eleven inches (5'11") with a width of twenty (20) feet.

Type C Buffer - One (1) tree every forty (40) feet, one (1) shrub every eight (8) feet with a width of ten (10) feet.

(c) Additional buffer requirements

(1) A six (6) foot tall privacy fence, made of treated and stained wood, brick, stone, or other composite material as approved by the Zoning Administrator and maintained in a like-new manner. Walls can be used in Type B and Type C buffers to reduce the width by 25 percent.

(2) Parking lots should be landscaped at the rate of one (1) understory tree and three (3) shrubs every twelve (12) spaces in a curbed planting strip, measuring at least 8 feet by 18 feet, within the parking lot. Planting strips may have no bare soil. For parking lots of 24 spaces or less, trees and shrubs may be planted at the end of parking rows or in planting strips as defined above.

(3) Foundation plantings are required at a rate of one (1) shrub per every ten (10) linear feet of dwelling frontage.

(4) Subdivision plantings

(a) A street yard planting of one (1) tree per residential lot is required in subdivisions. Trees should be planted upon completion of construction and will be a requirement for the certificate of occupancy. The developer may choose a tree from the Acceptable Plant Material list (Appendix A) but a specific variety of tree should be used throughout the subdivision for consistency.

(b) Where there are abutting rear yards, one tree and one shrub will be required every twenty (20) feet on each lot.

(F) Design And Maintenance Standards

(1) Retention of existing vegetation: Existing vegetation shall be retained and maintained whenever possible so as to permit such vegetation to contribute to buffer and screening requirements. Such retained vegetation, which meets or exceeds the standards of this ordinance, may receive partial or total credit toward planting requirements within the buffer.

(2) Maintenance: All vegetative and other screening devices shall be maintained so as to continue their effectiveness. The owner shall replace any required plantings, which die or otherwise fail to satisfy the requirements of this chapter, within one hundred eighty (180) days with an equal or similar species and size. When plant material is severely damaged due to unusual weather conditions or other acts of God, the owner shall have up to two (2) years to replant.

(3) Canopy tree size: Canopy trees must be a minimum of eight (8) feet high and two (2) inches in caliper, measured six (6) inches above grade when planted. When

mature, a canopy tree shall be at least forty (40) feet high and have a crown of thirty (30) feet or greater.

(4) Understory tree size: Understory trees must be a minimum of six (6) feet high and one (1) inch in caliper, measured six (6) inches above grade when planted.

(5) Shrub size: All shrubs in bufferyards shall be minimum of one and one-half (1½) feet in height when planted. All shrubs in bufferyards shall reach a height of thirty-six (36) inches and a minimum spread of thirty (30) inches within two (2) years of planting.

(6) Plant protection: Whenever planting areas are adjacent to parking lots or drives, the planting areas shall be protected from damage by vehicles, lubricants, and/or fuels.

(7) Planting standards: All plant materials shall be installed in accordance with the standards found in the latest edition of *American Standards For Nursery Stock* published by the American Association of Nurserymen. After installation, plant materials shall be mulched with a two (2) to three (3) inch layer of appropriate material.

(G) Materials permitted

The Zoning Administrator shall maintain a list of acceptable plant material, which may be used to satisfy the requirements of this ordinance. If the applicant proposes a species which is not on the approved list, the Zoning Administrator may approve the plant material so long as it is appropriate for the local climate and meets the definition for the sue for which it is intended.

(Ord. Passed 9-11-95, Amend. 6-12-06, Amend. 6-11-07)

See Appendix A – Acceptable plant material

§154.19 Walls and fences

The setback requirements of this chapter shall not prohibit any necessary retaining wall or prohibit any required planted buffer strip, fence, or wall. However, no fence or wall shall exceed a height of six (6) feet in any front or side yard unless specified elsewhere. Such fences and walls shall be located on the lot with the principal building. See §154.26 for fencing around swimming pools.
(Ord. Passed 1-14-80; Amend. Ord. 4-10-82) Penalty: see §154.999

§154.20 Yard sales

Yard sale, garage sale, or any such sales are not to be conducted on the same lot for more than three (3) days (whether consecutive or not) during a ninety (90) day period.

§154.21 Substandard lots of record

Any lot of record existing as of February 4, 1965, which has an area or a width which is less than required by this chapter, shall be subject to the following exceptions and modifications:

(A) Adjoining lots: When two (2) or more undeveloped adjoining lots with continuous frontage are in one (1) ownership at any time after the adoption of this chapter, and such lots individually are less than the minimum square footage or have less than the

minimum width required in the district in which they are located, such group of lots shall be considered as a single lot or several lots of minimum permitted width and area for the district in which located.

(B) Lots not meeting the minimum lot size requirements: Except as set forth in §154.21(A) above, in any district in which single family dwellings are permitted, any lot of record existing at the time of the adoption of this chapter which has an area or a width which is less than required by these regulations may be used as a building site for a single-family dwelling.

(C) Side yard requirements: Except as set forth in §154.21(A) above, where a lot has a width required in the district in which it is located, the Zoning Administrator shall be authorized to reduce the side yard requirements for the lot. However, no side yard shall be less than ten (10) feet wide.

(Ord. Passed 1-14-80)

§154.22 Exceptions to height regulations

The district height limitations stipulated elsewhere in this chapter may be exceeded but the modification shall be in accordance with the following:

(A) Architectural projections such as spires, belfries, parapet walls, cupolas, domes, flues, and chimneys shall not exceed in height their distance from the nearest lot line.

(B) Special structures such as elevators, penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, and smoke stacks shall not exceed in height their distance from the nearest lot line.

(C) Essential services, utilities, water towers, electric power, and communication transmission lines are exempt from the height limitations of this chapter.

(D) Communication structures such as radio and television transmission and relay towers, aerials, and observation towers shall not exceed in height their distance from the nearest lot line.

(E) Agricultural structures, when applicable, such as barns, silos, tanks, and windmills, shall not exceed in height two (2) times their distance from the nearest lot line.

(F) Public or semipublic facilities, such as schools, churches, hospitals, monuments, sanitariums, libraries, and governmental offices and stations may be erected to a height of sixty (60) feet, provided all required yards are increased not less than one (1) foot for each foot or fraction thereof the structure exceeds the heights therein established.

(Ord. Passed 1-14-80)

§154.23 Structures in public right-of-way

No building, fence, or other structure or part thereof shall be erected or installed in any public road, street, lane, alley, or other public right-of-way.
(Ord. Passed 1-14-80) Penalty: see §154.999.

§154.24 Mobile offices as accessory uses

When a mobile office is located on a lot as an accessory use to a principal building, the mobile office shall not be located within fifteen (15) fee of any property line.
(Ord. Passed 1-14-80)

§154.25 Side yard setbacks in CS Zoning District (Commercial Shopping Center)

When a common wall is utilized in a CS District, no minimum side yard setback is required when that district adjoins another commercial district. When no common wall is utilized or when adjoining any other district, a twenty (20) feet side yard setback will be required.
(Ord. Passed 1-14-80)

§154.26 Fence around swimming pools

Upon the installation of any permanent in-ground or above-ground swimming pool, it shall be required that a fence of a minimum of four (4) feet in height be installed around the property or pool area so as to impede direct access to the facility from adjoining properties. All fences shall have self-locking gates. The distance between the boards or slats shall be no greater than four (4) inches. See §154.12 (Visibility at intersections) and §154.19 (Walls and fences).
(Ord. Passed 12-14-87) Penalty: see §154.999.

§154.27 Exterior Lighting

(A) Intent And Purpose
Outdoor lighting shall be designed to provide the minimum lighting necessary to ensure adequate safety, night vision, and comfort and not create or cause excessive glare onto adjacent properties and public street rights-of-way.

(B) IESNA Cutoff Classifications (translated into laymen's terms). See the appendix for diagrams of these cutoff classifications.

Full Cutoff – A fixture light distribution where no light intensity is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than ten (10) percent of the lamp's light intensity is emitted at an angle ten (10) degrees below that horizontal plane, at all lateral angles around the fixture.

Cutoff – A fixture light distribution where no more than two and one half (2.5) percent of a lamp's light intensity is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than ten (10) percent of the lamp's light intensity is emitted at an angle ten (10) degrees below that horizontal plane, at all lateral angles around the fixture.

Semi-Cutoff – A fixture light distribution where no more than five (5) percent of a lamp's light intensity is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than twenty (20) percent of the lamp's light intensity is emitted at an angle ten (10) degrees below that horizontal plane, at all lateral angles around the fixture

Noncutoff – A fixture light distribution where there is no light intensity limitation in the zone above the maximum distribution of light intensity.

(C) Definitions (translated in some instances into laymen's terms):

Candela – A measure of luminosity or light intensity in a certain direction. Useful in determining how much light is shining out of a fixture and in what direction.

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.

Footcandle (FC) – A quantitative unit measuring the amount of light (illumination) falling onto a given point. One footcandle equals one lumen per square foot.

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.

IESNA – The Illuminating Engineering Society of North America, a non-profit professional organization of lighting specialists that has established recommended design standards for various lighting applications.

Illuminance – The amount of light falling on a surface – measured in lux or footcandles.

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.

Light Source – The element of a lighting fixture that is the point of origin of the lumens emitted by the fixture.

Lumen – A quantitative unit used to identify the amount of light emitted by a light source. A lamp is generally rated in lumens.

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.

Medium Base – The size of lamp socket designed to accept a medium or Edison base lamp.

Outdoor Performance Area – An area permanently dedicated to the public presentation of music, dance, theater, media arts, storytelling, oratory, or other performing arts, whether publicly or privately owned, including but not limited to, amphitheaters and similar open or semi-enclosed structures.

Right-of-Way – An interest in land to the City which provides for the perpetual right and privilege of the City, its agents, franchise holders, successors, and assigns to construct, install, improve, reconstruct, remove, replace, inspect, repair, maintain, and use a public street, including related and customary uses of street rights-of-way such as sidewalks, bike paths, landscaping, mass transit facilities, traffic control, traffic control devices and signage, sanitary sewer, stormwater drainage, water supply, cable television, electric power, gas, and telephone transmission and related purposes in, upon, over, below, and across the rights-of-way.

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.

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" 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.

(D) Light Measurement Technique

Light level measurements shall be made at the property line of the property upon which the light to be measured is being generated. If measurement on private property is not possible or practical, light level measurements may be made at the boundary of the public street right-of-way that adjoins the property of the complainant or at any other location on the property of the complainant. Measurements shall be made at finished grade (ground level), with the light-registering portion of the meter held parallel to the ground pointing up. The meter shall have cosine and color correction and have an accuracy tolerance of no greater than plus or minus five (5) percent. Measurements shall be taken with a light meter that has been calibrated within two years. Light levels are specified, calculated and measured in footcandles (FC). All FC values below are maintained footcandles.

(E) General Standards for Outdoor Lighting

(1) Unless otherwise specified in subsections (e) through (n) below, the maximum light level shall be 0.5 maintained footcandle at any property line in a residential district, or on a lot occupied by a dwelling, congregate care or congregate living structure, unless otherwise approved by the town council.

(2) All floodlights shall be installed such that the fixture shall be aimed down at least forty-five (45) degrees from vertical flood lights and display lights shall be positioned such that any such fixture located within fifty (50) feet of a public 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 fifteen (15) degrees from perpendicular to the right-of-way.

(3) All flood lamps emitting one thousand (1,000) or more lumens shall be aimed at least sixty (60) degrees down from horizontal or shielded such that the main beam from the light source is not visible from adjacent properties or the public street right-of-way.

(4) All wall pack fixtures shall be cutoff fixtures.

(5) All fixtures installed by public agencies, their agents, or contractors for the purpose of illuminating public streets are otherwise exempt from this regulation.

(F) Lighting in Parking Lots and Outdoor Areas

(1) Other than flood lights and flood lamps, all outdoor area and parking lot lighting fixtures of more than two thousand (2,000) lumens shall be cutoff fixtures, or comply with subsection (3) below.

(2) The mounting height of all outdoor lighting, except outdoor sports field lighting and outdoor performance area lighting, shall not exceed thirty-seven (37) feet above finished grade, unless approved by the Planning Commission as having no adverse effect.

(3) Exceptions:

a. Non-cutoff fixtures may be used when the maximum initial lumens generate by each fixture shall not exceed 9500 initial lamp lumens per fixture.

b. All metal halide, mercury vapor, fluorescent, induction, white high pressure sodium and color improved high pressure sodium lamps used in non-cutoff

fixtures shall be coated with an internal white frosting inside the outer lamp envelope.

c. All metal halide fixtures equipped with a medium base socket must utilize either an internal refractive lens or a wide-body refractive globe as described in Section (C) Definitions.

(G) Lighting for Vehicular Canopies

Areas under a vehicular canopy shall have an average maximum horizontal illuminance of twenty four (24) maintained footcandles (FC). Areas outside the vehicular canopy shall be regulated by the standards of subsection (F) above. Lighting under vehicular canopies shall 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 (ceiling) of the vehicular canopy that provides a cutoff or shielded light distribution.
(2) Surface mounted fixture incorporating a flat glass that provides a cutoff or shielded light distribution.
(3) Other method approved by the Town of Wendell.

(H) Lighting of Outdoor Display Areas

(1) Parking lot outdoor areas shall be illuminated in accordance with the requirements for subsection (F) above. Outdoor display areas shall have a maximum average of illuminance of twenty four (24) maintained footcandles.
(2) All light fixtures shall meet the IESNA definition of cutoff fixtures. Forward throw fixtures (type IV light distribution, as defined by the IESNA) are required within twenty-five (25) feet of any public street right-of-way. Alternatively, directional fixtures (such as floodlights) may be used provided they shall be aimed in accordance with subsections (E)(2) and (E)(3) of this ordinance.
(3) The mounting height of outdoor display area fixtures shall not exceed thirty-seven (37) feet above finished grade, unless approved by the Planning Commission as having no adverse effect.

(I) Lighting of Buildings and Landscaping

(1) Lighting fixtures shall be selected, located, aimed, and shielded so that direct illumination is focused exclusively on the building façade, plantings, and other intended site feature and away from adjoining properties and the public street right-of-way.
(2) Minimum illumination on any vertical surface or angular roof shall not exceed 5.0 FC average maintained.
(3) To the extent practical and where possible, lighting fixtures shall be directed downward rather than upward.
(4) When aiming upward is used, placing low wattage fixtures with shields as needed close to the building to graze the façade is encouraged to minimize reflected light from windows and other surfaces that would be present from a flood design.

(J) Outdoor Sports Fields

(1) The mounting height of outdoor sports field lighting fixtures shall not exceed eighty (80) feet from finished grade unless approved by the Planning Board as having no adverse effect or approved by the town as part of a Special Use Permit.
(2) All outdoor sports field and outdoor performance area lighting fixtures shall be equipped with a glare control package (louvers, shields, or similar devices).

(3) The fixtures must be aimed so that their beams are directed and fall within the primary playing or performance area.
(4) Non-conforming fixtures lighting sports fields may be replaced or otherwise changed on an individual/small cluster basis with new non-conforming fixtures, however when all the fixtures are upgraded or otherwise changed, the fixtures must be brought into compliance with the requirements of this ordinance. The hours of operation for the lighting system for any game or event shall not exceed one (1) hour after the end of the event.

(K) Sign Lighting
Lighting fixtures illuminating signs shall be aimed and shielded so that direct illumination is focused exclusively on the sign. Top down mounting of light fixtures is required where wherever possible.

(L) Residential Subdivisions with Private Roads
Private roads in residential sub-divisions must conform to the general type(s) of fixture classification(s) described in this ordinance.

(M) Landscape/Holiday/Festive /Temporary Lighting
These types of lighting are exempt from these lighting ordinance regulations.

(N) Walkways, bikeways and Parks (Sections to be lighted only)
The walkway, pathway, or ground areas that are to be lighted shall be illuminated to a level of at least 0.2 and no more than 0.5 average horizontal maintained footcandles.

(O) Permits
The applicant for any permit required for work involving outdoor lighting shall submit documentation at time of site plan or plot plan approval that the proposed lighting plan complies with the provisions of this Code. The submission shall contain, but not be limited to the following, all or part of which may be part of or in addition to the information required elsewhere in this Code:
(1) A point-by-point footcandle array in a printout format indicating the location and aiming of illuminating devices. The printout shall indicate compliance with the maximum maintained footcandles 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 manufacturer's or electric utility catalog specification sheets and/or drawings, and photometric report indicating fixture classification [cutoff fixture, wall pack, flood light, etc.]).

The Inspections Department personnel may waive any or all of the above permit requirements, provided the applicant can otherwise demonstrate compliance with this Code.

(P) Nonconformities
(1) Any nonconforming lighting fixture lawfully in place or approved by the town prior to the adoption of this ordinance shall be exempt from these requirements. At the time that a non-conforming fixture, which was installed prior to the adoption of this ordinance, is replaced, moved, upgraded, or otherwise changed, the fixture must be replaced by either:

a. The same type of fixture that emits an equal or less amount of lumens as the original fixture; allows the trespassing of an equal or less amount of light onto neighboring properties; and restricts uplighting to an equal or less amount than the original fixture.

Or

b. A fixture that is in compliance with this ordinance.

Routine maintenance, including changing the lamp, ballast, starter, photo control, lens, and other required components, is permitted for all existing fixtures.

(2) Property owners that install lighting fixtures after the effective date of this ordinance and are found to be in non-compliance shall receive written notification and will be given ninety (90) calendar days from the date of written notification to bring the lighting system into compliance.

(3) Should the property owner fail to bring the lighting system into compliance, the owner shall be subject to a civil penalty of fifty dollars ($50.00) for the violation. Each day that the lighting system remains out of compliance with the requirements of this ordinance after the notification period shall constitute a separate violation.

(Amend. Ord. Passed 10-11-04)

§154.29 Parking Regulations for Commercial and Recreational Vehicles In Residential Districts

1. Definition: A "commercial, industrial or construction truck or vehicle" as used herein is defined as any motor vehicle having a gross weight of greater than 12,000 pounds or having three or more axles or which has a length in excess of 270 inches (22 feet, 6 inches) overall or a width in excess of 96 inches (8 feet). For purposes of clarification, but without limitation, this definition includes dump trucks, tractor-trailers, tankers, tank trucks, buses, large panel vans, trailers and construction equipment or any part thereof.

2. It shall be unlawful:
   a. to operate, park, store, maintain or repair a commercial, industrial or construction truck or vehicle within a residential area or on the public rights of way therein, except (i) for the sole purpose of, and for the time period reasonably required for, loading or unloading commodities or (ii) for an owner/driver of a tractor/trailer to park the tractor portion of the rig on property where he resides;
   b. to park a commercial, industrial or construction truck or vehicle in a commercial or industrial zone unless it is a least 25 feet away from any residential area;
   c. for any vehicle used, manufactured, or designed for transporting toxic or explosive materials or flammable liquids to park in any residential area or on the public rights of way therein;
   d. to park any recreational vehicles, including but not limited to campers, motorhomes, utility trailers, and boats, within a residential area on the public rights of way therein.

3. The penalty for violation of this ordinance shall be in accordance with §154.999.

(Ord. Passed 10-9-06)

Zoning Districts

§154.30 Establishments of districts

(A) Zoning Districts: For the purpose of this chapter, the town and its extraterritorial area are hereby divided into the following zoning districts.

(1) RA – Residential Agricultural: The purpose of this district shall be to create an area in which residential and agricultural uses can be compatibly mixed, achieving a healthful living environment for the residents of the district and at the same time preventing the development of blight and slum conditions. This district is limited to those agricultural sections of the jurisdictional area in which the mixing of such uses has been found to be necessary and desirable.

(2) R20 – Residential District: The purpose of this district is to provide low density residential development for predominately single family development at a maximum density of 2.18 units per acre or a minimum lot size of twenty thousand (20,000) square feet.

(3) R15 – Residential District: The purpose of this district shall be to maintain a minimum lot size of fifteen thousand (15,000) square feet and to allow for single family dwellings and such other uses which would not be detrimental to this district in order to protect the property in this district from the depreciating effects of more densely developed residential uses.

(4) R12 – Residential District: The purpose of this district shall be to maintain a minimum lot size of twelve thousand (12,000) square feet and to allow for single family and two family dwellings and such other uses, which would not be detrimental to this district.

(5) R10 – Residential District: The purpose of this district shall be to provide for a compatible mixture of single family, two-family, and multi-family dwellings through the use of adequate controls to ensure that high density residential development will not be detrimental to the surrounding neighborhood.

(6) R7 – Residential District: The purpose of this district shall be to provide for a compatible mixture of single family, two-family, and high density multi-family dwellings through the use of adequate controls to ensure that high density residential development will not be detrimental to the surrounding neighborhood.

(7) MH – Mobile Home Park District: The purpose of this district shall be to provide space for the development of mobile home parks, which incorporate good design to ensure a healthful living environment for its residents and the surrounding neighborhood.

(8) O&I – Office and Institutional District: The purpose of this district shall be to create an area in which residential, business, and professional uses can be compatibly mixed, achieving a healthful living environment for the residents of the district and at the same time preventing the development of blight and slum conditions. This district shall be limited to those sections of the town in which the mixing of such uses has been found to be necessary and desirable.

(9) CD – Commercial Downtown District: The purpose of this district shall be to provide for, enhance, and protect shopping facilities in the central business area.

(10) CH – Highway Commercial District: The purpose of this district shall be to provide for and encourage the proper grouping and development of roadside uses which will best accommodate the needs of the motoring public, the reduction of highway congestion and hazard, and the minimum of blight.

(11) CN – Neighborhood Commercial District: The purpose of this district shall be to provide convenient shopping facilities consisting primarily of the necessity goods and personal services required to serve a neighborhood.

(12) M&I – Manufacturing and Industrial District: The purpose of this district shall be to create and protect areas for those industrial uses which do not create excessive noise, odor, smoke, dust, and which do not possess other objectionable characteristics which might be detrimental to surrounding neighborhoods or to the other uses permitted in the district.

(13) CS – Shopping Center Commercial District: The purpose of this district shall be to provide for and encourage the proper grouping and development of retail and service facilities compatible in uses and appearance to ensure a properly designed shopping area.

(B) Conditional Use Zoning Districts: The purpose of these districts is to promote greater land use compatibility by allowing land owners to voluntarily place their property into classifications in which a conditional use zoning permit is required as a prerequisite to any use or development, as provided in this chapter.

(1) The following conditional use districts are established for the purposes indicated.

(a) RA-CUD – Residential Agricultural Conditional Use District: The purpose of this district is identical to that of the RA district except that a conditional use zoning permit is required as a prerequisite to any use or development as provided for in this chapter.

(b) R20-CUD – Residential Conditional Use District: The purpose of this district is identical to that of the R20 district except that a conditional use zoning permit is required as a prerequisite to any use or development, as provided for in this chapter.

(c) R15-CUD – Residential Conditional Use District: The purpose of this district is identical to that of the R15 district except that a conditional use zoning permit is required as a prerequisite to any use or development, as provided for in this chapter.

(d) R12-CUD – Residential Conditional Use District: The purpose of this district is identical to that of the R12 district except that a conditional use zoning permit is required as a prerequisite to any use or development, as provided for in this chapter.

(e) R10-CUD – Residential Conditional Use District: The purpose of this district is identical to that of the R10 district except that a conditional use zoning permit is required as a prerequisite to any use or development, as provided for in this chapter.

(f) R7-CUD – Residential Conditional Use District: The purpose of this district is identical to that of the R7 district except that a conditional use zoning permit is required as a prerequisite to any use or development, as provided for in this chapter.

(g) MH-CUD – Mobile Home Park Conditional Use District: The purpose of this district is identical to that of the MH district except that a conditional use zoning permit is required as a prerequisite to any use or development, as provided for in this chapter.

(h) O&I-CUD – Office and Institutional Conditional Use District: The purpose of this district is identical to that of the O&I district except that a conditional use zoning permit is required as a prerequisite to any use or development, as provided for in this chapter.

(i) CD-CUD – Downtown Commercial Conditional Use District: The purpose of this district is identical to that of the CH district except that a conditional use zoning permit is required as a prerequisite to any use or development, as provided for in this chapter.

(j) CH-CUD – Highway Commercial Conditional Use District: The purpose of this district is identical to that of the CH district except that a conditional use zoning permit is required as a prerequisite to any use or development, as provided for in this chapter.

(k) CN-CUD – Neighborhood Commercial Conditional Use District: The purpose of this district is identical to that of the CN district except that a conditional use zoning permit is required as a prerequisite to any use or development, as provided for in this chapter.

(l) M&I-CUD – Manufacturing and Industrial Conditional Use District: The purpose of this district is identical to that of the M&I district except that a conditional use zoning permit is required as a prerequisite to any use or development, as provided for in this chapter.

(m) CS-CUD – Shopping Center Commercial Conditional Use District: The purpose of this district is identical to that of the CS district except that a conditional use zoning permit is required as a prerequisite to any use or development, as provided for in this chapter.

(n) Mixed Use District – The purpose and intent is to provide lands that allow a mix of residential, professional office, and limited retail uses that are designed and developed consistent with neo-traditional principles. The district allows single family development on small lots, duplexes, bed and breakfasts, small-scale professional office and retail uses, and a combination of both commercial and residential uses within a single building of two (2) or more stories, wherein fifty (50) percent of the heated floor area contains residential dwellings on floors above street level. The district is to be built to a scale that is consistent with Wendell's small town character.

(2) A conditional use zoning district corresponds to each of the other districts authorized in this section. It is recognized that certain types of zoning districts would be appropriate at particular locations in the presence of special conditions. Where the applicant desires property to be rezoned to such situations, the conditional use zoning district is a means by which such special conditions can be imposed in the furtherance of the purposes of this chapter. The conditional use zoning district classification will be considered in response to a petition by the owners of all the property to be included. If, for any reason, any condition imposed pursuant to these regulations is found to be illegal or invalid or if the applicant should fail to comply with any condition, it is the intent of this section that the authorization of such conditional use zoning permit shall be null and void and of no effect and that the Town Board shall proceed to rezone the property to its previous zoning classification.

(3) Within a conditional use zoning district, only those uses authorized by this chapter as permitted or by conditional or special uses within the zoning district with which the conditional use zoning district corresponds shall be permitted, and all other requirements of the corresponding district and other requirements of this chapter shall be met.

(4) The conditional use zoning permit may further specify conditions based on the issues raised concerning conditional and special uses in this chapter and any other reasonable and appropriate conditions. The permit may further specify the

location on the property of the proposed use or uses, the number of dwelling units, the location and extent of supporting facilities (such as parking lots, driveways, and access streets), the location and extent of buffer areas and other special purpose areas at the timing of development, the location and extent of rights-of-way and other areas to be dedicated for public use, and other such matters as the applicant may propose as conditions upon request.

§154.31 Special overlay districts

The purpose of special overlay districts is to provide a means of defining an area within a larger zoning district whereby additional consideration of usage, bulk, setback, and appearance can be addressed, thereby promoting harmonious land use patterns and balancing the needs of land owners with the health, safety, and welfare of the larger area.

(A) MHOD – Manufactured Housing Overlay District: The purpose of this district is to provide opportunity to designate areas within R10 and R7 zoning districts, which are suitable for the location of manufactured housing.

(1) Land uses other than manufacturing housing shall be allowed within any manufactured housing overlay district as provided for by the standard district regulations.

(2) Manufactured housing located within any manufactured housing overlay district must meet both the requirements of the larger district and other requirements related specifically to manufactured housing. Where these requirements may conflict, the more restrictive or detailed provisions shall prevail.

(B) DROD – Downtown Retail Overlay District: The purpose of this district is to preserve a core of the Downtown Commercial (CD) zoning district for primarily retail, personal service, and financial service business uses while promoting an efficient use of space and enhancing the business community.

(1) The first story (street level) of all buildings within the district shall be used solely for businesses which offer a product or products for retail sale, for businesses offering personal services on site, and for businesses dealing with financial services.

(2) Uses permitted on the ground floor of buildings in the district shall not necessarily be limited to such, and additionally, second stories may also be used for general business offices, instructional/educational uses, and residential single family dwellings.

(3) Residential uses of property within the district shall be required to provide off-street parking at the rate of one (1) space per dwelling unit. Such parking must be within one hundred (100) feet of the dwelling unit.

(4) In addition to the above provisions the regulations governing the Downtown Commercial (CD) zoning district, not inconsistent herewith, shall apply to the Downtown Retail Overlay District.

(5) Appendix B shall be referenced to determine those uses permitted in the Downtown Retail Overlay District. Any use not listed as permitted, conditional, or special and not explicitly prohibited shall be subject to review by the Board of Commissioners as though it were listed as a special use. (Amended Ord. Passed 05-08-06)

See Appendix B – Downtown Retail Overlay District (DROD) Land Use Chart
See Appendix C – Downtown Retail Overlay District (DROD) Map

(C) SHOD – Special Highway Overlay District: The purpose of these regulations is to protect the natural scenic beauty along the thoroughfares leading to and from Wendell, which are in Wendell's jurisdiction while allowing the orderly development of land along its highways. It is the intent if these regulations that development in the Special Highway Overlay District shall be in harmony with, and shall preserve, to the extent possible, the natural beauty and wooded character of the district. Ensuring the attractiveness of uses will in turn contribute and enhance trade, tourism, capital investment, and general welfare.

(1) Application of section

(a) The SHOD shall be appropriately located on either side of an existing or proposed interstate, US Highway 64 Business (Wendell Boulevard), and other major/minor thoroughfares as determined by the Wendell Board of Commissioners, within the town's zoning jurisdiction. The district shall be six hundred (600) feet and shall follow identifiable geographic boundary lines whenever possible and may include adjacent lands where development may affect natural scenic beauty by travelers on the thoroughfare.

(b) The district does not replace or restrict the range of uses permitted in the underlying zoning district. The district includes additional development requirements that shall be met by any development within the district.

(2) Exceptions

District boundaries may be located closer to the special highway where:

(a) Intervening topography or other permanent features preclude adjacent development from being visible from the thoroughfare.

(b) The adjacent underlying zoning is residential and existing or approved residential development has already defined or substantially altered the natural character of adjacent land.

(3) Maximum building height.

(a) The height of any building shall be limited to sixty (60) feet above the centerline elevation of the thoroughfare's travel lanes nearest the building. For the purpose of measuring this height limit adjacent to proposed thoroughfares, the centerline elevation of the thoroughfare's travel lanes shall be determined from the best design information available from the North Carolina Department of Transportation or as otherwise determined by the Town of Wendell.

(b) Building materials shall be wood, brick, stone, or a complementary siding material.

(4) Overlay district development standards

The use and development of land or structures within the SHOD shall comply with the use and development regulations applicable to the underlying zoning district, except that the following regulations shall apply wherever they are more restrictive than those underlying zoning district.

(a) Facades shall enhance the pedestrian environment by use of features such as porches, columns, and cornices.

(b) Canopies and awnings shall be designed to complement the streetscape of the area.

(c) Service areas are to be in the area and side yards in a visually unobtrusive location and to be screened.

(d) A maximum of 25% of the required parking spaces may be located in the front yard. All other required parking spaces shall be located in side and rear yards. Parcels Zoned CS (Shopping Center) shall be exempted from the requirements of this ordinance. A developer may choose to put up to 75% of the required parking in the front yard if the parking area meets the following standards:

1. The parking area is set back at least 40 feet from the right of way.
2. The parking area is buffered by the equivalent of a Type B Bufferyard as defined in section §154.18 of the Wendell Zoning Ordinance.

(e) New service lines are to be placed underground.

(5) Ingress and egress

(a) For lots having more than five hundred (500) feet of frontage on a major thoroughfare, points of ingress and egress shall be no closer than five hundred (500) feet apart.

(b) For existing lots less than five hundred (500) feet, only one (1) point of ingress and egress onto the highway shall be allowed.

(c) Ingress and egress on a corner lot shall be limited to the more minor thoroughfare and shall be two hundred (200) feet from the intersection.

(d) No restrictions are placed upon the number of points of ingress and egress between a lot or lots and a marginal access or service road.

(e) Intersections with major or minor thoroughfares shall be at least eight hundred (800) feet apart. See §155.29 (Intersections)

(f) SHOD bufferyards

(1) A SHOD bufferyard shall be provided and maintained immediately adjacent to and along side of the thoroughfare right-of-way, including the full length of controlled access right-of-way associated with the thoroughfare. See §154.18 (Buffering and screening)

(2) Where the underlying zoning is a residential district and the principal use, either existing or proposed, is a one (1) family or two (2) family dwelling; the minimum width of the SHOD bufferyard shall be forty (40) feet, which shall be measured for the edge of the thoroughfare's ultimate right-of-way. See §154.21 (Connectivity and appropriateness to adjoining property and land uses)

(3) Where public necessity requires the location of major public utility lines adjacent to a thoroughfare and the easement or right-of-way for a line precludes a provision of a SHOD bufferyard immediately adjacent to the outer edge of the utility easement or right-of-way. The public utility line easement or right-of-way shall be screened in accord with the requirements listed below.

(4) Along that part of the SHOD bufferyard closest to the thoroughfare, existing vegetation shall be retained or supplemented with additional planting as necessary to provide a Type B screening. See §154.18 (Buffering and screening). Within the remainder of the bufferyard existing vegetation shall be left undisturbed except as necessary to allow the construction or installation of structures permitted in the bufferyard.

(5) Where public necessity requires the location of major public utility lines adjacent to a thoroughfare, sufficient vegetation

and/or other screening shall be retained or provided within the thoroughfare right-of-way to minimize any dominating linear view of the cleared utility line easement or right-of-way seen by travelers on the special highway.

(g) Structures permitted in a SHOD bufferyard.
The following minor structures are allowed in a SHOD bufferyard.
(1) Pedestrian or bicycle paths, including steps;
(2) Planters, retaining walls, fences, park tables and seating, hedges, and other landscaping structures;
(3) Utility lines (above and below ground), their support structures, and structures accessory to utility lines provided that they generally cross rather than run the length of the bufferyard.
(4) Monument signs

(h) Development within the SHOD will be required to dedicate additional right-of-way in order to comply with the highway's planned ultimate right-of-way as adopted in the Town of Wendell's Thoroughfare Plan.

(i) Lighting
All exterior lights shall be constructed or located so that the light source is not directly visible from a vehicle thoroughfare.

(Amended Ord. Passed 10-9-06)

See Appendix D – Special Highway Overlay District (SHOD) Map

(D) DDOD – Downtown Development Overlay District; The Downtown Development Overlay District is intended to provide for the infill development of existing undeveloped lots for residential, office, commercial, and public activity areas in the DDOD. The designs, density, scale, and arrangement of land uses should encourage pedestrian movement throughout the development.

(1) Intent
(a) Encourage commercial and office uses that do not attract large volumes of traffic and continuous customer turnover.
(b) Limit and discourage development of strip-type highway oriented commercial uses that create traffic hazards and congestion because they require numerous individual curb cuts and generate higher traffic volumes.
(c) Permit uses that promote conversion of existing buildings in a manner that maintains the visual character and architectural scale of existing development within the district.
(d) Minimizes visual and functional conflicts between residential and nonresidential uses within an abutting district.
(e) Encourages consolidation of curb cuts for vehicular access and promotes more sufficient and economical parking facilities.
(f) Encourage uses that minimize noise and congestion.

(2) Permitted Uses
Uses permitted in the DDOD are as noted in the table of district use regulations. See §154.32. In general, the following uses are permitted:
(a) Single family and multifamily residential uses
(b) Retail specialty shops including, but not limited to the sale of food, gifts, antiques, flowers, books, jewelry, apparel, tobacco and related supplies,

or craft shops making articles exclusively for sale at retail on the premises.

(c) Business offices including, but not limited to, security and commodity brokerage, real estate sales, travel agencies, insurance sales, advertising, mailing and stenographic services, and other services of a similar nature.

(d) Studios for dance, art, music, and photography.

(e) Professional offices for lawyers, engineers, architects, planners, accountants, economic consultants, doctors, dentist, or other professions similar to these listed above.

(f) Mixed use structures containing dwelling units and other permitted uses.

(g) Public offices or services including utility offices.

(3) Design Criteria

(a) Development must comply with the following design criteria:

Minimum lot area:	5,000 square feet
Minimum lot width:	50 feet
Minimum street setback:	10 feet from ROW
Minimum sideyard setback:	8 feet
Minimum sideyard setback (corner lot):	20 feet from ROW
Minimum rear setback:	15 feet
Maximum building height:	35 feet
Maximum impervious cover:	85%

(b) If any alley system is utilized to provide rear access, the minimum rear setback for an accessory building, such as a garage, shall be five (5) feet.

(c) The Wendell Town Board of Commissioners shall review the proposed architectural style, renderings, and general design, the exterior surface treatment (including kind and texture of building material, and color or colors), the arrangement and location of buildings, their setbacks and structures on the site in question and their relationship to other buildings and structures, proposed landscaping, and the type and style of all windows, doors, light fixtures, signs, and other pertinent features.

(d) The Wendell Town Board of Commissioners may adopt, require, and apply specific guidelines to each separate special use within the DDOD based upon specific aspects of the proposed use.

(4) Parking and Street Design Standards

(a) The area between the building and the street right-of-way shall not be used for off-street parking.

(b) Streets classified as local, shall meet the following design standards outlined in §155.21. An alley system may be utilized to provide access to rear lots. All alleys shall be designed in accordance with the North Carolina Department of Transportation – Division of Highway's specification and standards and shall meet the design requirements outlined in §155.21.

(c) Street design shall utilize a modified grid so as to provide connectivity for cars, bikes, and pedestrians while preventing the concentration of traffic on one (1) street.

(5) Refuse Collection

All refuse collection shall be in accordance with §94.30 and §94.67.

(6) Landscaping

Buffering and street tree requirements shall be in accordance with §154.18

See Appendix E – Downtown Development Overlay District (DDOD) Map

§154.32 District use regulations

See Appendix F – District Use Regulations Table

§154.33 District dimension requirements

See Appendix G – District Dimension Requirements Table

§154.34 Thoroughfare density credits

It is the intent of this section to encourage applicants for development approval to reserve or dedicate those underdeveloped areas needed for proposed major thoroughfares by providing density credits on those portions of their land or other properties which will not be needed for major thoroughfare construction.

(A) Standards and Provisions of Density Credits

(1) Scope

This section may apply to any parcel of land abutting or intersected by a proposed major and/or minor thoroughfare, which has been resolved by the Wendell Town Board of Commissioners as having an impact on the area because of its traffic-carrying capacity and effect on the thoroughfare system. Density credits may be provided for any residential use in any residential district.

(2) Calculation of Density Credits

(a) To the extent that an application for a density credit dedicates or reserves underdeveloped land for a proposed major/minor thoroughfare as designated by the Wendell Town Board of Commissioners, an applicant may apply for density credits. Density credits shall be determined by calculating the maximum number of residential units that could be constructed in the reserved or dedicated area under the zoning regulation then in effect.

(b) In cases where the specific alignment of the major thoroughfare has not been determined, Town staff shall request such a determination from the North Carolina Department of Transportation (NCDOT). Should NCDOT fail to make said determination in a timely manner, the Town of Wendell Administration shall determine the alignment.

(c) As a condition to apply for density credits, the owner of land shall:

(1) Reserve land for the corridor which abuts or intersects his property and record in the office of the Wake County Register of Deeds sufficient legal documentation in the chain of title of the reserved land to evidence permanent alienation of development rights in that land; or

(2) Dedicate land of the corridor, which abuts or intersects his property to the Town of Wendell or the State of North Carolina, without any restrictions on its use.

(B) Application of Density Credits

This density credit may be applied to increase the allowed density of any other land as provided herein.

(1) Density credits may be applied to any tract of land located within Wendell's zoning jurisdiction, regardless of ownership, except land located within a water supply watershed.

(2) In order to apply density credits to the same or different tract; the application must be approved as a special use in accordance with the procedure in §154.46.

(3) By applying a density credit to a particular parcel, the owner or developer may increase the allowable density of uses by decreasing the size of the lot below that which is required in the district to the density of the next highest density zoning district.

(4) The owner of the density credits must apply for a special exception within five (5) years of the date he reserves or dedicates the land. After this period, his density credits become null and void.

(5) The depth and width of all required yards and minimum lot widths may be reduced to correspond with these requirements of the zoning district with which the reduced lot size most closely complies. Should the development have lots sized between the minimum lot sizes of the two districts, the requirements of the higher density district shall apply.

(6) The maximum amount of a lot which may be covered with impervious surfaces after application of density credits shall not exceed fifty (50) percent.

§154.35 Official zoning map; replacement; maintenance

(A) The town is divided into districts whose locations and boundaries are shown on the official zoning map for the town, which is hereby adopted by reference and declared to be a part of this chapter. It is attached and recorded in the minutes of the Town Board of Commissioners.

(B) The map shall be identified by the signature of the Mayor, attested by the Town Clerk, and bearing the official seal of the town under the following words: "This is to certify that this is the Official Zoning Map of the Zoning Ordinance for the Town of Wendell, North Carolina." The date of adopting shall also be shown.

(C) If, in accordance with the provisions of this chapter, changes are made in the zoning district boundaries or other matter shown on the map, such changes shall be made together with an entry on the map as follows: "On (date) by official action of the Town Board the following changes were made in the Official Zoning Map: (brief description of nature of change)." The entry shall be signed by the Mayor and attested by the Town Clerk. No amendment to this chapter that involves matter portrayed on the map shall become effective until after such change and entry has been made on the map. The Town Board shall give official notice of the zoning change to the Zoning Administrator within twenty-four (24) hours after passage of the change. Regardless of all copies of the map that may exist, the Official Zoning Map, which shall be located at Town Hall, shall be the final authority as to the current zoning status of land, water areas, and buildings in the town.

(D) In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret, the Town Board may by ordinance adopt a new Official Zoning Map, which shall be the same in every detail as the map it supersedes. The new map shall bear the signatures of the current Mayor and Town Clerk and shall bear the seal of the Town under the following words: "This is to certify that this is Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of Map replaced)." The date of adoption of the new Official Zoning Map shall be shown also.

(E) The Zoning Administrator shall be responsible for the maintenance and revision of the Official Zoning Map. Upon notification by the Town Board that a zoning change has been made, the Zoning Administrator shall make the necessary changes on the Official Zoning Map within twenty-four (24) hours of notification.

(Ord. Passed 1-14-80)

§154.36 Rules for interpretation of zoning district boundaries

Where district boundaries prove to be uncertain as to their location on the Official Zoning Map, the following rules shall apply:

(A) Unless otherwise specifically indicated, where district boundaries are indicated on the zoning map as approximately parallel to following the centerline of a street, highway, railroad right-of-way, utility easement, streambed, or riverbed, or such lines extended, then the lines shall be construed to be the district boundaries.

(B) Boundaries indicated, as approximately following platted lot lines, shall be construed as following the lot lines.

(C) Boundaries indicated, as approximately following the town limits, shall be construed as following the town limits.

(D) If a district boundary divides a lot, the requirement for the district in which the greater portion of the lot lies shall be extended to the balance of the lot, provided that such extension shall not include any part of the lot which lies more than fifty (50) feet beyond the district boundary, and further provided that the remaining parcel shall not be less than the minimum required for the district in which it is located.

(E) Where any public street or alley is hereafter officially vacated or abandoned, the regulations applicable to parcels of abutting property shall apply to that portion of the street or alley thereto by virtue of the vacation or abandonment.

(F) In case any further uncertainty exists, the Board of Adjustment shall interpret the intent of the map as to the location of the boundaries.

(Ord. Passed 1-14-80, Amend. Ord. 5-14-01)

Home Occupation

§154.40 Provisions regarding use

(A) A home occupation as permitted and defined in this ordinance shall be governed by the following requirements.
- (1) Only one (1) person other than those residing in the home shall be engaged in the occupation.
- (2) The occupation shall not be visible from the street.
- (3) The home shall continue to be used principally as a dwelling.
- (4) The occupation shall not involve the retail sales of products.
- (5) There shall be no change in the outside appearance of the building or premises.
- (6) No sign shall be allowed of any size to advertise the home occupation.
- (7) No equipment or process shall be used in the home occupation which creates noise, vibration, fumes, odors, or which causes electrical interference in radio and television reception.
- (8) No more than twenty-five (25) percent of the floor area of a dwelling shall be used for such occupations.

(B) Home occupations may consist of personal services including, but are not limited to, the following:
- (1) Accountant
- (2) Addressing service
- (3) Architects
- (4) Artists
- (5) Art teacher
- (6) Attorney
- (7) Beauty Shop
- (8) Computer operators
- (9) Drafting
- (10) Dressmaking
- (11) Engineers
- (12) Insurance agent
- (13) Manufacturer's representative
- (14) Music teacher
- (15) Notary public
- (16) Photographer
- (17) Real estate agent
- (18) Sound studio
- (19) Tax consultant
- (20) Typing service

(C) A home occupation, which operates out of an accessory use structure, shall comply with the §154.40 (A) and (B) and obtain a special use permit.

(Ord. Passed 1-14-80, Amend. Ord. Passed 4-10-82, Amend. Ord. 6-9-03) Penalty: see §154.999

Conditional and Special Uses

§154.45 Definitions

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Floor Area- The sum of areas of all floors of the building measured from the outer faces of the exterior walls, including halls, lobbies, stairways, elevator shafts, enclosed porches and balconies, and below grade floor areas used for habitation and residential access, but not including open terraces, patios, courts or balconies, accessory buildings not used for dwelling units and basement space not used for living accommodations.

Gross Land Area- All area within the lot boundaries, except that to be devoted to nonresidential purposes, plus half of the adjoining permanent open space such as streets, parks, lakes, cemeteries, and the like, provided that width of such open space credited shall be limited to a number of fee equal to the LUI rating applying to the land involved.

Livability Space- Part of the total open space appropriately improved and located as outdoor living space for residents and for landscaped areas, walkways, paved terraces and sitting areas, outdoor recreational areas, and landscaped portions of street right-of-way. Such space shall not be used for vehicles, except for incidental service, maintenance, or emergency actions.

Net Land Area- All area within the lot boundaries, except that to be devoted to nonresidential purposes.

Occupant Car Space- Parking space in a garage, carport, or other off-street parking area, together with appropriate access and maneuvering ways available to residents without time limits.

Open Space- The total horizontal area of uncovered open space plus half the total horizontal area of covered open space subject to limitations set forth below.

(1) Covered open space: Usable open space closed to the sky, but having at least two (2) clear unobstructed open or partially open sides. Partially open is to be construed as fifty (50) percent open or more. The square feet countable as covered open space shall not exceed the square footage of the open sides.

(2) Uncovered open space: Total gross residential land area not covered by buildings, plus open exterior balconies and roof areas improved as recreational space.

Recreation Space- Part of the total open space and liability open space that is the exterior area for common residential use. In general, such space shall have at least a dimension of fifty (50) feet, an average dimension of one hundred (100) feet, unless the Board of Commissioners approves different dimensions where anticipated needs of residents require smaller facilities. Active recreational space shall be at least twenty (20) feet from any primary or secondary residential window at the same general level.

Total Car Space- Occupant space plus other parking spaces available for unlimited or seldom limited time periods, primarily for guests. In addition, the occupant car ratio and total car ratio for the LUI rating times the number of dwelling unites equals the number of occupant and total parking spaces required.

(Ord. Passed 1-14-80. Amend. Ord. Passed 4-10-06)

§154.46 When conditional or special uses may be granted

(A) Conditional and special uses are permitted as indicated in §154.32. Conditional uses add flexibility to the zoning code by allowing uses, which would otherwise be undesirable, to be established in designated districts under conditions imposed by the Board of Adjustment. The Board of Commissioners grants special use permits. Applications for conditional and special use permits shall be filed with the Zoning Administrator, who shall transmit the application to the appropriate Board. After public hearing, as required by §154.145 through §154.149, the Board may grant permission to establish conditional or special uses as permitted in the district regulations, if the Board finds that:

(1) The proposed use does not affect adversely the general plans for the physical development of the town as embodied in this chapter and in any plan or portion thereof adopted by the Planning Board;

(2) The proposed use will not be contrary to the purposes stated for these regulations;

(3) The proposed use will not adversely affect the health and safety of residents and workers in the town;

(4) The proposed use will not be detrimental to the use of development of adjacent properties or other neighborhood uses;

(5) The proposed use will not be affected adversely by the existing uses;

(6) The proposed use will be placed on a lot of sufficient size to satisfy the space requirements of the use;

(7) The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, vehicular movement, noise, or fume generation or type of physical activity;

(8) The standards set forth for each particular use for which a permit may be granted have been met;

(9) The Board may impose or require such additional restrictions and conditions as may be necessary to protect the health and safety of works and residents in the community, and to protect the value and use of property in the general neighborhood;

(10) The proposed use shall be subject to the minimum area, setback, and other location requirements of the zoning district in which it will be located; and

(11) The proposed use shall be subject to the off-street parking and service requirements of these regulations.

(B) Wherever the Board shall find, in the case of any permit granted pursuant to the provisions of this chapter, that any of the terms, conditions, or restrictions, on which such permit was granted are not being complied, the Board shall rescind and revoke the permit after giving due notice to all parties concerned and granting full opportunity for a public hearing.

(Ord. Passed 1-14-80; Amend. Ord. Passed 6-10-85)

§154.47 Permitted conditional and special uses

See Appendix F – District Use Regulations Table

The Board of Commissioners may grant permission for the establishment of the uses listed below. The Board of Commissioners may impose conditions on said uses in order to satisfy the finding required by §154.46. Such limiting conditions shall be those set forth below and may include any other conditions as the Board of Commissioners deems fit:

(A) Agricultural supply sales, including sale and storage of fertilizers:
- (1) The front, rear, and side yards shall be a minimum of fifty (50) feet;
- (2) A fence, hedge, or evergreen shrub at least six (6) feet in height shall enclose the storage area.

(B) Animal hospitals
- (1) All yards shall be at least thirty-five (35) feet;
- (2) The minimum lot size shall be at least forty thousand (40,000) square feet.

(C) Automobile repair service: The storage yard shall be set back a minimum of fifty (50) feet from any residential district.

(D) Automobile self-service gasoline stations: No gasoline pump shall be located within fifty (50) feet of a residential district.

(E) Automobile service stations: No portion of the building or equipment shall be located within fifty (50) feet of a residential lot.

(F) Building supplies, sales, and installation.

(G) Bulk storage or oil, gasoline, and other flammable materials
- (1) The front, rear, and side yards shall be a minimum of fifty (50) feet;
- (2) The storage area shall be enclosed by a fence that is at least six (6) feet in height;
- (3) The yard shall be planted in evergreen shrubs to act as a buffer;
- (4) The tanks and other storage facilities shall meet the requirements of the National Fire Protection Association; and
- (5) A retaining wall of sufficient size to prevent spillage of the tank contents shall be built around the tank base.

(H) Clubs, lodges, and fraternal organizations: The side yards shall be a minimum of twenty-five (25) feet.

(I) Dwellings, multi-family
- (1) The minimum lot size shall be twenty thousand (20,000) square feet;
- (2) The maximum floor area ration shall be .200 x gross land area of the site (LUI rating of 40);
- (3) Yards, exclusive of required off-street parking, around the exterior of the site shall be at least twenty five (25) feet on all sides;
- (4) Minimum site width and depth shall each be at least one hundred (100) feet.
- (5) If a zoning lot contains more than one residential building, or a square building or U-shaped building around a courtyard, the following distances between buildings, or opposite wings of the building, shall be required:
  - (a) Front facing front: The minimum distance between the front walls of buildings oriented to face each other shall be equal to two (2) times the height of the taller structure. In no event shall such a distance be less than thirty-five (35) feet.
  - (b) Rear facing rear: The minimum distance between the rear walls of buildings oriented back to back shall be equal to one and one half (1 ½) times the height of the taller structure. In no event shall such distance be less than thirty (30) feet.

(c) Front facing side: The minimum distance between the front wall of a building and the sidewalls of another building shall be equal to the height of the taller structure. In no event shall such distance be less than twenty (20) feet.

(d) Side facing side: The minimum distance between the sidewalls of buildings shall be equal to three-fourths ($^3/_4$) of the height of the taller structure. In no event shall such distance be less than twenty (20) feet.

(e) Rear facing side: The minimum distance between the rear of a building and the side of another building shall be equal to the height of the taller structure. In no event shall such distance be less than twenty (20) feet.

(f) Rear facing front: The minimum distance between the rear of a building and the front of another building shall be equal to two (2) times the height of the taller structure.

(g) No building shall be closer than twenty (20) feet to any other building in the development.

(6) Buildings which are U, L, or X shapes or squares around a courtyard shall not have windows or doors which face each other, either directly or at an angle which is less than twenty (20) feet apart, measured on a straight line connecting the closest edges of the two (2) windows.

(7) Any building or group of buildings forming a courtyard shall have at least twenty-five (25) percent of the perimeter of such courtyard open for access by emergency vehicles.

(8) Width of outer courts, bounded on three (3) sides by building walls, shall not be less than twelve hundred (1,200) square feet.

(9) Inner courts formed on four (4) sides by building walls shall not be less than sixteen hundred (1,600) square feet.

(10) Depth of a court shall not be greater than one and one half (1 ½) times the width.

(11) Open space, livability space, recreational space, and parking space shall be provided in accordance with the following formula and table:

$$\frac{\text{Floor area in dwellings}}{\text{Gross land area in site}} = \text{FAR}$$

Find appropriate FAR in the table. Read across chart to determine OSR, LSR, RSR, OCR, and TCR

See Appendix H – Floor Area Ratio (FAR) Table

(12) A site plan of the proposed project shall be submitted to the Town Manager for review. The Town Manager will have forty-five (45) days within which to make a recommendation to the Board of Commissioners.

(13) Accessory Buildings, garbage and trash facilities, and recreational facilities may be located in the required rear yard, provided that such uses shall be at least fifteen (15) feet from any lot line, and buffered from the street and adjoining properties.

(14) Garbage and trash facilities shall be subject to the approval of the Town Manager.

(15) All parking shall be off-street. No parking space shall have direct access to a public street or road.

(J) Junk and salvage yards
- (1) The storage area shall be set back a minimum of fifty (50) feet from all property lines.
- (2) The storage area shall be screened by a continuous visual buffer at least eight (8) feet in height.
- (3) Salvaged auto parts shall not be allowed to collect water, which provides breeding grounds for mosquitoes and other insects, or harbor breeding grounds for rats and other rodents.

(K) Kennels
- (1) All buildings and structures related to the care of animals shall be located a minimum of one hundred (100) feet from any property line, unless the adjacent property is owned or occupied by the kennel owner or operator.
- (2) The storage area containing animals must be enclosed by a six (6) foot high security fence and surrounded by a vegetative buffer as described in §154.18 unless such storage area is entirely enclosed in an adequately ventilated and soundproof structure.

(L) Mobile classrooms
- (1) No mobile classroom may be located within one hundred (100) feet of a residence or within fifteen (15) feet of any other permanent structure.

(M) Mobile offices
- (1) Mobile offices may be permitted for a maximum of one (1) year.
- (2) The Board of Commissioners may grant one extension not to exceed one (1) year after a public hearing.
- (3) No mobile office may be located within one hundred (100) feet of a dwelling unit.

(N) Mobile home sales lots: The minimum lot size shall be two (2) acres.

(O) Nursing and rest homes
- (1) The minimum lot size shall be two (2) acres.
- (2) The structure shall have a minimum front, side, and rear yards of fifty (50) feet.

(P) Public safety and utility facilities: All water treatment and sewage treatment facilities, sanitary landfills, and electric substations shall be set back one hundred (100) feet from all exterior property lines. This area shall be planted with evergreen shrubs as a buffer strip. The entire perimeter inside the buffer shall be enclosed with a fence that is at least six (6) feet in height.

(Q) Taverns and nightclubs: The minimum distance from any school, church, or residential district shall be five hundred (500) feet.

(Ord. Passed 1-14-80; Amend. Ord. Passed 4-10-82; Amend. Ord. Passed 12-14-87; Amend. Ord. Passed 4-10-06)

§154.48 Effect on conditional and special uses

Those uses which existed prior to the effective date of this chapter, or any amendments thereto, and permitted only as conditional uses in the district in which they are located, or had received a conditional use permit from the Board of Adjustment, shall be considered to be legally established conditional uses. Any expansion, addition, or other change for which a zoning certificate is required shall be heard, considered, and approved or disapproved by the Board of Adjustment in the same manner as an original application for conditional approval.
(Ord. Passed 1-14-80, Amend. Ord. Passed 6-10-85)

Manufactured Home Parks

§154.55 Establishment

(A) Manufactured Home parks may be established in certain districts as prescribed in the district use regulations of this chapter are subject to the requirements of that district and provided that the minimum size Manufactured Home park shall be three (3) acres, and contain at least two (2) Manufactured Home spaces.

(B) No Manufactured Home park within the jurisdiction of the town shall be established or expanded until a special use permit has been issued by the Board of Commissioners.

(Ord. Passed 1-14-80, Amend. Ord. Passed 6-10-85) Penalty: see §154.999

Cross-reference: Manufactured Home in flood hazard areas, see §151.30(B)(3)

§154.56 Manufactured homes within parks

(A) It shall be unlawful to sell manufactured homes within a manufactured home park, except that an individual mobile home owner shall be allowed to sell the manufactured home in which they reside.

(B) Relocation of manufactured homes whether it be from an existing lot to another or from an outside location to within the park shall be required to meet the following:

(1) The assessed or appraised value of the manufactured home being relocated to within the park shall be greater than the manufactured home being moved, removed, or replaced from the park.

(2) The model year of the manufactured home being relocated to within the park shall not be more than 10 years of age**.**

(3) The square footage of the manufactured home being relocated to within the park shall be as great or greater than the manufactured home being moved, removed, or replaced from the park.

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(Ord. Passed 1-14-80; Am Ord., passed 4-12-04) Penalty: see §154.999

§154.57 Identification signs

Manufactured Home park identification signs shall be limited to one (1) sign per park entrance. No sign shall exceed thirty-six (36) square feet in area. Only indirect, non-flashing lighting shall be used for illumination.

(Ord. Passed 1-14-80) Penalty: see §154.999

§154.58 Administrative office

Within a Manufactured Home park, one (1) manufactured home may be used as an administrative office. (Ord. Passed 1-14-80)

§154.59 Convenience establishments

Convenience establishments of a commercial nature, such as food stores, coin-operated laundries, and beauty parlors, may be permitted in Manufactured Home parks subject to the following restrictions:

(A) Such establishments shall be subordinate to the residential use and character of the park;

(B) Such establishments shall present no visible evidence of their commercial character outside the park;

(C) Such establishments shall be designed to serve the trade and service needs of the park residents only; and

(D) Sewage disposal facilities outside the service area of the town's sewer system are subject to Wake County Environmental Services approval.

(Ord. Passed 1-14-80)

§154.60 Streets and paving

(A) Streets or drives shall provide convenient access to each manufactured home space with a minimum right-of-way of thirty (30) feet, of which twenty (20) feet shall be graded and drained for automobile circulation within the park. The owner or operator of the park shall provide maintenance of streets.

(B) Two (2) automobile parking spaces, each at least ten (10) feet by twenty (20) feet in size, shall be provided adjacent to each manufactured home park space but such spaces shall not be located within any public right-of-way or within any street in the park.

(Ord. Passed 1-14-80) Penalty: see §154.999

§154.61 Placement and recreation space

(A) All manufactured homes shall be located on individual manufactured home spaces. Each manufactured home space shall contain at least seventy five hundred (7,500) square feet of ground area. However, if individual sewage disposal systems (septic tanks) are used, each manufactured home space shall contain at least twenty thousand (20,000) square feet of ground area, subject to approval by Wake County Environmental Services. If subsoil conditions dictate, Wake County Environmental Services may require larger lots.

(B) Each manufactured home shall be located at least twenty (20) feet from any other manufactured home, at least fifteen (15) feet from any building within the Manufactured Home park, at least fifteen (15) feet from any property line, and at least fifteen (15) feet from the edge of the right-of-way of any street.

(C) At least two hundred (200) square feet of recreation space per manufactured home space shall be provided for recreation and open space for the residents of the Manufactured Home park. No such recreation area shall contain less than three thousand (3,000) square feet. (Ord. Passed 1-14-80) Penalty: see §154.999

§154.62 Water and sewage connections

Each manufactured home space shall be provided with and connected to a source of water and a system of sewage disposal approved by Wake County Environmental Services.
(Ord. Passed 1-14-80)

§154.63 Lighting

All streets in the Manufactured Home park shall be adequately illuminated from sunset until sunrise. The minimum size street light shall be a one hundred and seventy five (175) watt mercury vapor (approximately 7,000 lumen class), or its equivalent, spaced at intervals of not more than four hundred (400) feet.
(Ord. Passed 1-14-80) Penalty: see §154.999

§154.64 Garbage and refuse

All garbage and refuse in every Manufactured Home park shall be stored in a suitable watertight and fly-tight receptacle. Wake County Environmental Services shall approve the method of garbage and refuse disposal, if not served by municipal garbage collection.
(Ord. Passed 1-14-80) Penalty: see §154.999

§154.65 Inspections

Wake County Environmental Services or the Zoning Administrator are hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this chapter. It shall be the duty of the owners or occupants of Manufactured Home parks to give these agencies free access to such premises at reasonable times for the purpose of inspection and to maintain the park, its facilities, and equipment in good repair and in a clean and sanitary condition.
(Ord. Passed 1-14-80) Penalty: see §154.999

§154.66 Application procedure for special use

(A) A preliminary plan drawn to scale of not less than one (1) inch equaling one hundred (100) feet shall be submitted to the Planning Board for all new or expanded Manufactured Home parks to determine if the proposal meets requirements and intent of this chapter.

(B) The preliminary plan should include among other things
- (1) The name of the park, the names and addresses of the owner or owners, and the designer or surveyor;
- (2) Date, scale, and approximate north arrow;
- (3) Site plan showing streets, driveways, recreation areas, parking spaces, service buildings, water courses, easements, manufactured home spaces, and all structures to be located on the park site;
- (4) Vicinity map showing the location of the park and the surrounding land uses;
- (5) Names of adjoining property owners; and
- (6) The proposed utility system for water, sewer, gas, surface water drainage, streetlights, and electrical power.

(C) After careful review and consideration of the preliminary plan, the Planning Board shall have forty-five (45) days within which to make its recommendations to the Board of Commissioners for special use permits.

(D) The Board of Commissioners, based on its own findings and on the recommendations of the Planning Board, shall approve or disapprove the Manufactured Home Park Plan.

(E) If the plan is approved, the Zoning Administrator shall issue the owner or developer a special use permit. This permit is authority to construct the Manufactured Home park.

(F) If the plan is disapproved, the conditions upon which it would be approved shall be stated. Once the conditions are agreed to by the owner or developer, the Zoning Administrator shall issue a special use permit, allowing the park to be constructed.

(Ord. Passed 1-14-80) Penalty: see §154.999

§154.67 Application procedures for permitted use

(A) A preliminary plan drawn to scale of not less than one (1) inch equaling one hundred (100) feet shall be submitted to the Zoning Administrator for all new or expanded Manufactured Home parks to determine if the proposal meets the requirements and intent of this chapter.

(B) The preliminary plan should include among other things:
- (1) The name of the park, the names and addresses of the owner or owners, and the designer or surveyor;
- (2) Date, scale, and approximate north arrow;
- (3) Site plan showing streets, driveways, recreation areas, parking spaces, service buildings, water courses, easements, manufactured home spaces, and all structures to be located on the park site;
- (4) Vicinity map showing the location of the park and the surrounding land uses;
- (5) Names of adjoining property owners; and
- (6) The proposed utility system for water, sewer, gas, surface water drainage, streetlights, and electrical power.

(B) After careful review and consideration of the preliminary plan, the Zoning Administrator shall have fifteen (15) days within which to approve or disapprove the plan.
- (1) If the plan is approved, the Zoning Administrator shall issue the owner or developer a zoning permit, which is authority to construct the Manufactured Home park.
- (2) If the plan is disapproved, the Zoning Administrator shall advise the owner or developer, in writing, the conditions upon which the plan will be approved. When the conditions are agreed to by the owner or developer, a Building Permit shall be issued, allowing the park to be constructed.

(Ord. Passed 1-14-80, Amend. Ord. Passed 6-10-85)

§154.68 Certificate of compliance

(A) When the developer has completed the construction of the Manufactured Home park, he shall apply to the Zoning Administrator for a certificate of compliance. The Zoning Administrator shall make an onsite inspection of the park.

(1) If the plan conforms to the park plan approved by the Board of Adjustment or the Zoning Administrator, the Zoning Administrator shall issue the developer shall issue the developer a certificate of compliance.

(2) If the plan does not conform to the approved plan, the Zoning Administrator shall delay issuance of the certificate of compliance until it comes into conformity.

(B) The certificate of compliance issued to the developer shall constitute authority to lease or rent spaces in the Manufactured Home park.

(C) All Manufactured Home parks shall be inspected annually by the Zoning Administrator. For new construction, the inspection required prior to the issuance of a certificate of compliance shall be deemed the first annual inspection. The fee for each initial annual inspection shall be ten (10) dollars, or twenty-five (25) cents per manufactured home, whichever is greater. No fee will be charged for subsequent regular annual inspections, but the same fee as for initial inspections shall be charged win the event a certificate of compliance must be revoked, and an additional inspection is required for a new certificate of compliance.

(D) All manufactured homes, whether located in Manufactured Home parks or on individual lots established after the effective date of this chapter must meet the requirements of the local building code prior to being approved for a certificate of compliance. This requirement shall not apply to any manufactured home which was manufactured after July 1, 1970, and bears the label or seal of compliance or a recognized testing laboratory having follow-up services, approved by the North Carolina State Building Code Council as authorized in North Carolina General Statute Chapter 143.

(Ord. Passed 1-14-80; Amend. Ord. Passed 4-10-82)

Planned Unit Development (PUD)

§154.75 Purpose and intent

(A) For the purpose of this subchapter, a "Planned Unit Development" is a development constructed on a tract of at least two (2) contiguous acres planned and developed as an integral unit and consisting of a combination of single family or multi family residential lots and commercial, office, and institutional uses.

(B) It is intended to encourage a more efficient use of land and of public or private services, more effective preservation of open space and natural land features, to reflect changes in technology of land development so that resulting economies may benefit those in need of more affordable housing, to lessen the burden of traffic on streets and highways, to encourage the building of new developments incorporating the best features of modern design, and to conserve the value of land. It is also intended, in aid of these purposes, to provide a procedure which can relate the type, design, and layout of residential development to the particular site and the particular demand for housing and other facilities, including the foregoing, at the time of development in a manner consistent with the preservation of the property values within established and surrounding residential areas, and to insure that the increased flexibility of the substantive regulations over land development authorized herein is subject to such administrative standards and procedures as shall encourage the disposition of proposals for land development without undue delay.

(Ord. Passed 6-10-85; Amended Ord. Passed 10-9-60)

§154.76 Definitions

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Congregate Care Facility- A structure containing two (2) or more dwelling units and rooming units limited in occupancy and occupied by persons sixty-two (62) years and older, and their spouses or surviving spouses, except for rooms or units occupied by resident staff personnel, providing indoor conveniently located food preparation service and major dining areas and common recreation, social, and service facilities for the exclusive use of all residents.

Floor Area- The sum of the areas of all floors of the building measured from the outer faces of the exterior walls, including halls, lobbies, stairways, elevator shafts, enclosed porches and balconies, and below grade floor areas used for habitation and residential access, but not including open terraces, patios, courts or balconies, accessory buildings not used for dwelling units, and basement space not used for living accommodations.

Gross Land Area- Computed as all area within the lot boundaries, except that to be devoted to nonresidential purposes, plus half of the adjoining permanent open space such as streets, parks, lakes, cemeteries, and the like, provided that width of the open space credited shall be limited to a number of feet equal to the LUI rating applying to the land involved.

Livability Space- Part of total open space appropriately improved and located as outdoor living space for residents and for landscaped areas, walkways, paved terraces and sitting areas, outdoor recreational areas, and landscaped portions of street rights-of-way. This space shall not be used for vehicles, except for incidental service, maintenance, or emergency actions.

Net Land Area- Computed as all area within the lot boundaries, except that to be devoted to nonresidential purposes.

Occupant Car Space- Parking space in a garage, carport, or other off-street parking area, together with appropriate access and maneuvering ways available to residents without time limits.

Open Space- The total horizontal area of uncovered open space plus half of the total horizontal area of covered open space subject to limitations set forth below.

(1) Uncovered open space is total gross residential land are not covered by buildings, plus open exterior balconies and room areas improved as recreation space.

(2) Covered open space is usable open space closed to the sky, but having at least two (2) clear unobstructed open or partially open sides. Partially open is to be constructed at fifty (50) percent open or more. The square feet countable as covered open space shall not exceed the square footage of the open sides.

Recreation Space- Part of the total open space and livability open space, is exterior area for common residential use. In general, such space shall have at least a dimension of fifty (50) feet, and an average dimension of one hundred (100) feet, unless the Board of Commissioners approves different dimensions where anticipated needs of residents require smaller facilities. Active recreational space shall be at least twenty (20) feet from any primary or secondary residential window at the same general level.

Total Car Space- Occupant space plus other parking space available for unlimited or seldom limited time periods, primarily for guests. Also, the occupant car ratio and total car ratio for the LUI rating times the number of dwelling units equals the number of occupant and total parking spaces required.
(Ord. Passed 6-10-85; Amend. Ord. Passed 11-9-87)

§154.77 Permitted uses

The following are uses permitted as Planned Unit Developments.

(A) Any and all uses permitted in R7, R10, R12, RA, O&I, CN, and CS Zoning Districts;

(B) Condominium dwellings;

(C) Townhouses and zero lot line dwellings;

(D) Single-family detached dwellings in accordance with §154.81;

(E) Congregate care facilities.
(Ord. Passed 6-10-85; Amend. Ord. Passed 11-9-87; Amended Ord. Passed 10-9-06)

§154.78 General requirements

The following shall apply to all uses permitted as Planned Unit Developments.

(A) Unless otherwise specified, all other subdivision regulation provisions shall be applicable. If any provisions of this subchapter conflict with the subdivision regulations, the more restrictive or detailed provision shall apply.

(B) All Planned Unit Developments with the water and sewer perimeter area of the town shall be required to connect to the Town's system. All extension policies shall be applicable.

(C) To the extent practicable, as determined by the Town Manager and Town Engineer, the developer will be required to design the development in a manner which will allow for the construction of looped watermains rather than dead ends.

(D) Swimming pools shall be completely isolated from adjacent properties and from streets by a fence or wall having a minimum height of four (4) feet and constructed so as to prevent the passage of small children.

(E) Home occupations shall be allowed only by granting of a conditional use permit by the Board of Adjustment.

(F) Mobile homes shall not be permitted in Planned Unit Developments.
(Ord. Passed 6-10-85)

§154.79 Condominium dimension requirements

(A) Dimensional and density requirements for condominium dwellings shall be in accordance with the requirements set forth in §154.47 which requires the following:
- (1) The minimum lot size shall be twenty thousand (20,000) square feet;
- (2) The maximum floor area ratio shall be .200 x gross land area of the site (LUI rating of 40);
- (3) Yards, exclusive of required off-street parking, around the exterior of the site shall be at least twenty five (25) feet on all sides;
- (4) Minimum site width and depth shall each be at least one hundred (100) feet;
- (5) If a zoning lot contains more than one (1) residential building, or a square building, or U-shaped building around a courtyard, the following distances between buildings, or opposite wings of the building shall be required:
  - (a) Front facing front: The minimum distance between the front walls of buildings oriented to face each other shall be equal to two (2) times the height of the taller structure. In no event shall this distance be less than thirty (30) feet.
  - (b) Rear facing front: The minimum distance between the rear walls of buildings oriented back-to-back shall be equal to one and one half (1 ½) times the height of the taller structure. In no event shall this distance be less than thirty (30) feet.
  - (c) Front facing side: The minimum distance between the front wall of a building and the sidewall of another building shall be equal to the height of the taller structure. In no event shall the distance be less than twenty (20) feet.
  - (d) Side facing side: The minimum distance between the side walls of buildings shall be equal to three fourths ($^3/_4$) of the height of the taller structure. In no event shall the distance be less than twenty (20) feet.
  - (e) Rear facing side: The minimum distance between the rear of a building and the side of another building shall be equal to the height of the taller structure. In no event shall the distance be less than twenty (20) feet.

(f) Rear facing front: The minimum distance between the rear of a building and the front of another building shall be equal to two (2) times the height of the taller structure.

(g) No building shall be closer than twenty (20) feet to any other building in the development.

(6) Buildings which are U, L, or X shapes or squares around a courtyard, shall not have windows or doors which face each other, either directly or at an angle which is less then twenty (20) feet apart, measured on a straight line connecting the closes edges of the two (2) windows.

(7) Any building or group of buildings forming a courtyard shall have at least twenty-five (25) percent of the perimeter of such courtyard open for access by emergency vehicles.

(8) Width of outer courts, bounded on three (3) sides by building walls, shall be not less than twelve hundred (1,200) square feet.

(9) Inner courts formed on four (4) sides by building walls shall not be less than sixteen hundred (1,600) square feet.

(10) Depth of a court shall not be greater than one and one-half (1 ½) times the width.

(11) Open space, livability space, recreational space, and parking space shall be provided in accordance with the assigned formula and table:

$$\frac{\text{Floor area in dwellings}}{\text{Gross land area in site}} = \text{FAR}$$

Find appropriate FAR in the table. Read across chart to determine OSR, LSR, RSR, OCR, and TCR

See Appendix H – Floor Area Ratio (FAR) Table

(12) A site plan of the proposed project shall be submitted to the Town Manager for review. The Planning Board will have forty-five (45) days within which to make a recommendation to the Board of Commissioners.

(13) Accessory buildings, garbage and trash facilities, and recreation facilities may be located in the required rear yard, provided that such uses shall be at least fifteen (15) feet from any lot line and screened from the street and adjoining property.

(14) Garbage and trash facilities shall be subject to the approval of the Town Manager.

(15) All parking shall be off-street. No parking space shall have direct access to a public street or road.

(B) Condominium developments contain no private open space but shall contain commonly owned usable open space as provided in §154.82 and in no case shall amount to less than twenty (20) percent of the total area to be developed. The usable open space or portions thereof, may be dedicated to the town if requested by the Town or maintained by a homeowners association in accordance with §154.83.

(C) A maximum of eight (8) dwelling units shall be allowed in each section of condominiums. All minimum yards for condominiums, including spacing between sections, shall comply with the provisions stated above.

(Ord. Passed 6-10-85)

§154.80 Townhouses; zero lot lines; and single family detached dwellings

(A) Townhouses, zero lot line, and single family dwellings differ from condominium developments in that they may allow for both private and commonly owned usable space.

(B) The maximum density of these types of development varies according to the applicable minimum lot (see §154.81) and usable open space (see §154.82) requirements.

(C) Any congregate care facility shall meet the density requirements as set forth by §154.79(A)(11) for floor ratio area (maximum LUI rating of 40).
- (1) Included under the floor area ratio standards shall be shared food preparation service and major dining, recreational, social, and service facilities which shall be provided at a minimum rate of thirty (30) square feet per dwelling unit or per rooming unit exclusive of circulation space.
- (2) Facilities for resident managers or custodians providing administrative services and medical services for the exclusive use of the residents shall be located on the site.
- (3) No congregate care structure or congregate living structure shall be constructed without a central interior circulation system to all units through at least one (1) main controlled entranceway to the congregate structure.

(Ord. Passed 6-10-85; Amend. Ord. Passed 11-9-87)

§154.81 Minimum lot requirements; additional requirements

(A) Minimum lot area
- (1) Five thousand (5,000) square feet for zero lot line and single family detached dwellings.
- (2) For townhouses, the minimum lot is based on the size of the dwelling unit (see lot coverage division in (F) below).

(B) Minimum lot width
- (1) Sixteen (16) feet for townhouses
- (2) Fifty (50) feet for zero lot line dwellings.
- (3) Sixty (60) feet for single-family detached dwellings.

(C) Minimum front yard depth
- (1) Ten (10) feet from the road right-of-way or drive.
- (2) Where units front on a frontage road, local street, minor or major thoroughfare, the front yard requirement shall be increased to twenty-five (25) feet from the right-of-way.

(D) Minimum side yard depth
- (1) None (0) for townhouses except those on corner lots. The minimum side yard of the corner side shall be twenty (20) feet.
- (2) In zero lot line lots, there shall be a minimum on one side and at least ten (10) feet on the opposite side. However, in no case shall a townhouse, zero lot line, or single-family detached dwelling be built closer than ten (10) feet to the lot line of a lot that contains a dwelling which has been or is scheduled to be developed according to the standard requirements of the zoning district in which the development is located. For zero lot line in and single-family detached

dwellings, the minimum side yard of the corner side of a corner lot shall be twenty-five (25) feet.

(E) Minimum rear yard depth

(1) There shall be no minimum rear yard setbacks for townhouses if the rear of the dwelling units are attached by common wall or abut common open space provided in accordance with §154.82. If private rear yards are utilized, the minimum rear yard setbacks shall be fifteen (15) feet.

(2) For zero lot line and single-family detached dwellings, the rear yard setback shall be twenty (20) feet.

(F) Maximum lot coverage

(1) None for zero lot line and single-family detached dwellings. A townhouse dwelling, including accessory structures shall not occupy more than fifty (50) percent of the platted lot on which each dwelling is located.

(2) A maximum of eight (8) living units shall be allowed in each row of townhouses. When an end unit of townhouses does not side on a street, an open space or court of at least twenty (20) feet in width shall be provided between it and the adjacent row of townhouses, and this open space shall be divided between the two (2) immediately adjacent townhouse lots as to property or lot lines.

(3) Where townhouse lots and dwelling units are designed to face upon open or common access court rather than upon a street, this open court shall be a minimum of forty (40) feet in width. The court shall not include vehicular drives or parking area.

(4) Townhouses shall be constructed up to side lot lines without side yards, and no windows, doors, or other openings shall face a side lot line except that the outside wall of end units may contain these openings.

(G) Zero lot line dwellings shall be constructed against the lot line on one (1) side of a lot, and no windows, doors, or other openings shall be permitted on this side.

(H) Except where common walls are utilized, a perpetual five (5) foot wall maintenance easement shall be provided on the lot adjacent to the zero lot line, which, with the exception of walls or fences, shall be kept clear of structures. This easement shall be shown on the plat and incorporated into each deed transferring title to the property. The wall shall be maintained in its original color and treatment unless otherwise agreed to in writing by the two (2) affected lot owners. Roof overhangs may penetrate the easement on the adjacent lot a maximum of twenty four (24) inches, by the roof shall be so designed that water runoff from the dwelling place on the lot line is limited to the easement area.

(I) Parking

(1) A minimum of two (2) off-street parking spaces shall be provided on each platted lot.

(2) Except for parallel parking on public roads, tandem parking is permitted only on individual lots and in the driveways connecting such lots with the adjacent roads, provided these driveways connecting such lots with the adjacent roads, provided these driveways are for the exclusive use of each individual lot. However, tandem parking shall be limited to no more than one tandem parking space for

each individual lot. Parking shall be prohibited on sidewalks. Garages will be credited toward the parking requirement.

(J) Each lot shall have a clear, direct frontage on public streets or to access ways complying with private street requirements as specified in §155.26.

(K) Each dwelling shall be located on its own individual platted lot. If areas for common use of occupants of the development are shown on the plat, satisfactory arrangements shall be made for the maintenance of the common open space and facilities as provided in §154.82. The plat shall indicate the zero lot lines and easements appurtenant thereto.

(Ord. Passed 6-10-85)

§154.82 Usable open space

(A) General Regulations

(1) Commonly owned usable open space for condominium dwellings shall comply with §154.79. Open space (common or private) for zero lot line or single-family dwellings shall be built according to the screening and buffering requirements. The total developable area for townhouse dwellings, including commonly owned usable open space, shall be a minimum of five thousand (5,000) square feet per dwelling. The amount of commonly owned usable open space shall be the difference between the total developable area and the total area of the privately owned platted lots on which each dwelling is located.

(2) At least forty (40) percent of the common open space shall be contiguous and of the total area of common open space, a maximum of forty (40) percent may be located in areas where development is normally prohibited. Bodies of water, including lakes or ponds, may account for as much as twenty (20) percent of the total amount of required common open space.

(3) For purposes of this section *Usable Common Open Space* means and area that:

(a) Is located on the tract under development as Planned Unit Development;

(b) Is not encumbered with any substantial structure;

(c) Is not devoted to use a roadway, parking area (paved or peripheral), or sidewalk;

(d) Is left in its natural state, if such a state is compatible with use of the area described in division (e) below or properly planted and landscaped. Facilities for the pursuit of passive types of recreation, such as picnic tables, are permissible.

(e) If capable of being used and enjoyed for purposes of informal and unstructured recreation and relaxation.

(f) Is illegally and practicably accessible to the residents of the development out of which the required open space is taken, or to the public if dedication of the open space is required.

(4) For congregate care facilities the required minimum outdoor open space shall be the great of ten (10) percent of the land area of the development or one hundredth of an acre per unit, or 435.6 square feet per unit, excluding private drives and off-street parking area. A majority of these open spaces or park areas shall be located no further than three hundred (300) feet from the controlled entranceway of any congregate structure.

(5) Off-street parking spaces shall be provided to serve the facility at the rate of one (1) space per two (2) dwelling units plus one (1) space for each employee.

(B) Buffering and Landscaping

(1) Buffering and landscaping, to be approved by the Town, shall be included to screen or buffer the Planned Unit Development from surrounding development as well as between mixed uses within the Planned Unit Development where deemed necessary.

(2) Where a natural screening or buffering is required by ordinance, the screening or buffering may be used in satisfying up to sixty (60) percent of the common open space requirements.

(3) No building within a Planned Unit Development shall be erected, reconstructed, altered, or moved nearer to the exterior project lines than thirty (30) feet.

(4) The owners and their agents shall be responsible for protecting and maintaining all landscaping in a healthy, growing condition, replacing it when necessary, and keeping it free of refuse and debris in accordance with the landscaping plan approved by the Town. All private and public open space shall be maintained in accordance with the Town's Refuse and Sanitation Ordinance.

(5) Provision for continuous maintenance of common open space set aside in accordance with the above regulations shall be made by the developer either through proposed dedication to the Town if acceptable to the Town, private easements, or through the establishment of a homeowners association as approved by the Town Attorney.

(6) For property within Planned Unit Developments adjacent to existing R15 Zoning District or uses, the buffer shall be a minimum of twenty-five (25) feet in width and shall be maintained solely as a vegetative area. It shall be landscaped, which includes any material such as grass, planted ground covers, shrubs, vines, hedges, trees, and other materials such as rocks, pebbles, or decorative paving employed to decorate and improve the visual appearance or appeal of a building or site. Either paved vehicular areas or structures shall not encroach on the buffer. The screen shall create a private sense of separation between uses throughout all seasons of the year.

(7) For property with Planned Unit Developments adjacent to all other zoning districts or uses, the buffer shall be a minimum of fifteen (15) feet in width and shall be maintained solely as a vegetative area. It shall be landscaped which includes any material such as grass, planted ground covers, shrubs, vines, edges, trees, and other materials such as rocks, pebbles, or decorative paving employed to decorate or improve the visual appearance or appeal of a building or site. The buffer shall not be encroached on by either paved vehicular areas or structures. The screen shall provide a sense of separation between uses throughout all seasons of the year.

(8) Buffering or screening may be utilized through the use of private easements for zero lot line and single family detached dwellings. However, if the establishment of a homeowners association shall be required to the responsibility to the responsibility for any necessary buffering or screening. Fences used as screening may only be allowed with the establishment of a homeowner's association.

(9) Existing vegetation may be used to satisfy these buffering and screening requirements.

(10) Required yard setbacks shall not be considered as part of required buffering and screening.

(Ord. Passed 6-10-85; Amend. Ord. Passed 11-9-87)

§154.83 Site plan review

(A) Staff Consultation Before Formal Application

(1) To minimize development planned costs, avoid misunderstanding or misinterpretation, and ensure compliance with the requirements of this subchapter, pre-application consultation between the developer and the Town is encouraged as provided in this section.

(2) Before submitting an application for a special use permit authorizing a Planned Unit Development Subdivision, the developer may be required to submit a sketch plan of such a subdivision, drawn approximately to scale (one (1) inch equaling one hundred (100) feet). The sketch plan shall contain the following:

(a) The name and address of the developer;

(b) The proposed name and location of the subdivision;

(c) The approximate total acreage of the proposed subdivision;

(d) The tentative street and lot arrangement;

(e) Any other information the developer believes is necessary to obtain the informal opinion of the staff as to the proposed subdivision's compliance with the requirements of this subchapter.

(3) The administrator shall meet with the developer as soon as conveniently possible to review the sketch plan.

(B) It is the intent of this section that subdivision review under the Town's subdivision regulations be carried out as an integral part of the review of Planned Unit Developments. The final plat for the development shall be prepared and submitted in accordance §155.16.

(C) Procedures

(1) Subdivision preliminary plats, in accordance with the subdivision regulation and development plans, in accordance with the following section, shall be submitted to and reviewed by the Planning Board and forwarded to the Board of Commissioners with any necessary recommendations. The Planning Board will have forty-five (45) days within which to make a recommendation to the Town Board of Commissioners.

(2) The Town Engineer shall review the plans prior to submittal to the Planning Board. In addition, the Appearance Commissioner, Tree Board, Town Fire and Police Chiefs, Attorney, and members of other Boards of Commissioners may comment on the plan prior to the Planning Board Review.

(3) A notice of public hearing shall be given in accordance with §154.139(B).

(D) All applications for approval of a Planned Unit Development shall be accompanied by a development plan, which shall include, but not be limited to the following:

(1) A location map indicating existing zoning on the site and adjacent areas.

(2) Site plan at no less than one (1) inch equaling one hundred (100) feet, including the following information:

(a) Lot lines and setbacks;

(b) Location, shape, size and height of existing and proposed buildings, decorative walls, elements, and entrance features;

(c) Existing and proposed landscaping, to include proposed locations of all plant material to be planted on the site and a planting list ht shall include the quantity, size, height, caliper, and botanical and common names of all plant material to be planted;

(d) Recreation facilities (if applicable);
(e) Stages of development (if applicable);
(f) Location of off-street parking;
(g) Indication of exterior graphics;
(h) Indication of design methods used to conserve energy;
(i) Planned means of providing for the organization arrangements for the ownership, maintenance, and preservation of common open space.

(3) Floor plans and elevations of all typical units and any other structures such as recreational buildings.

(4) Information indicating the following:
(a) Gross and net acreage;
(b) Lot sizes (dimension and square footage);
(c) Building heights and stories;
(d) Building coverage for each lot;
(e) Amount of common open space in square feet;
(f) Parking required and provided;
(g) Such other architectural and engineering data as may be required to evaluate the development.

(5) Drafts of any covenants which create a homeowner's association for the maintenance of all privately-owned common areas including, but not limited to, streets, parking areas, easements, and the like, and drafts of any proposed declarations to be recorded pursuant to the North Carolina Unit Ownership Act. These documents must be approved by the Town Attorney and done as follows:
(a) All townhouses and zero lot line development proposals shall be subject to a conveyance of fee simple lots. The fee simple lots shall be of sufficient size to contain the proposed residential unit. All common areas are to be conveyed to a nonprofit corporate homeowners association with one hundred (100) percent membership or deeded to the Town if requested by the Town. The developer shall file with his application for approval a dedication of covenants. As a minimum, the declaration must meet the following criteria.
(1) A homeowners association shall be established before units are sold.
(2) The association shall be responsible for liability insurance, pertinent local taxes, and maintenance of all common open spaces.
(3) Sums levied by the association that remain unpaid shall become a lien.
(4) If the association is dissolved, the common open space is to be deeded to the town.
(5) If construction on a development approved under this chapter has not begun within one (1) year, or if construction is discontinued for a period of one (1) year, the permit of approval shall expire. An extension may be granted upon written request to the Town Board of Commissioners when good and sufficient cause for the delay can be demonstrated.
(b) Before the sale of any condominium units, a declaration establishing unit ownership must be recorded. The declaration must conform to the minimum criteria set forth below before recordation of the declaration can take place.
(1) The declaration must be a legal document.

(2) A plan must be submitted that shows a description of the general common areas and facilities as defined in the North Carolina Unit Ownership Act, the proportionate interest of each unit owner, unit designation, unit location, number of rooms, common area to which units have access, boundary lines between structures, description of all garages, balconies, and patios.

(3) Prior to sale, the homeowners association must be in legal existence. Membership in the association is mandatory.

(4) The homeowners association must provide local taxes on common areas, liability insurance, and maintenance of common open space and other facilities.

(5) The homeowners association must be empowered to levy assessments to meet its obligations and those not paid by the owners shall constitute a line.

(6) All easements over common areas for access, ingress, egress, and parking must be shown.

(Ord. Passed 6-10-85; Amend. Ord. Passed 12-14-87)

§154.84 Deviations from requirements permitted in certain cases

(A) The Board of Commissioners establishes the requirements of this subchapter as standards that presumptively will result in the provision of facilities and common open space consistent with officially adopted town plans or policies. The Board recognizes, however, that due to the particular nature of a tract, the nature of the proposed facilities, or other factors, the objectives of this subchapter may be achieved even though the standards are not adhered to with mathematical precision. Therefore, the Board of Commissioners is authorized to permit minor deviations from these standards whenever it determines that:

(1) The objectives underlying these standards can be met without strict adherence to them; and

(2) Because of the peculiarities in the developer's tract of land or the facilities proposed, it would be unreasonable to require strict adherence to these standards.

(B) Whenever the Board authorizes any deviation from the standard, the official record of action taken on the development application shall contain a statement of the reason for allowing the deviation.

(Ord. Passed 6-10-85)

Neo-Traditional Neighborhood District (NT)

§154.90 Purpose and intent

The Neo-Traditional District is development constructed on at least five (5) contiguous acres, intended to provide for the coordinated development of residential areas with supporting office, commercial, and public activity areas. The designs, density, scale, and arrangement of land uses should encourage pedestrian movement throughout the development. Furthermore, it is the intent of this district to:

(A) Encourage commercial and office uses that do not attract large volumes of traffic and continuous customer turnover.

(B) Limit and discourage development of strip-type, highway oriented commercial uses that create traffic hazards and congestion because they require numerous individual curb cuts and generate higher traffic volumes.

(C) Permit uses that promote conversion of existing buildings in a manner that maintains the visual character and architectural scale of existing development within the district.

(D) Minimize visual and functional conflicts between residential and nonresidential uses within and abutting the district.

(E) Encourage consolidation of curb cuts for vehicular access and promote more efficient and economical parking facilities.

(F) Encourage uses that minimize noise and congestion.

§154.90.1 Permitted uses

Uses permitted in the Neo-Traditional Neighborhood District are as noted in ***Appendix F – District Use Regulations Table***. In general, the following uses are permitted:

(A) Single family and multi-family residential uses;

(B) Retail specialty shops including, but not limited to, the sale of food, gifts, antiques, flowers, books, jewelry, apparel, tobacco and related supplies, or craft shops making articles exclusively for sale at retail on the premises;

(C) Restaurants without drive-in windows and taverns;

(D) Business offices including, but not limited to, security and commodity brokerage, real estate sales, travel agency, insurance sales, advertising, mailing and stenographic services, and other services of a similar nature;

(E) Studios for dance, art, music, or photography;

(F) Professional offices for lawyers, engineers, architects, landscape architects, planners, accountants, economic consultants, doctors, dentists, chiropractors, or other professions similar to those listed above;

(G) Mixed use structures containing dwelling units and other permitted uses;

(H) Public offices or service including utility offices.

§154.90.2 Design criteria

(A) Development must comply with the following lot design criteria:

Minimum lot area:	7,000 square feet
Minimum lot width:	50 feet
Maximum street setback:	20 feet from ROW
Maximum side yard setback:	8 feet
Minimum side yard setback (corner lot):	20 feet from ROW
Minimum rear yard setback:	15 feet
Maximum building height:	35 feet
Maximum impervious cover:	85%

(B) If any alley system is utilized to provide rear access, the minimum rear setback for an accessory building such as a garage shall be five (5) feet.

§154.90.3 Parking and street standards

(A) The area between the building and street right-of-way shall not be used for off-street parking.

(B) Streets classified as locals shall be meet the following minimum requirements:

Right-of-way width:	40 feet
Pavement width:	27 feet
Sidewalk width:	5 feet on both sides of street

(C) All other streets must be designed to comply with the street design standards outlined in §155 (Article III).

(D) An alley system may be utilized to provide access to the rear of all lots. All alleys shall be designed in accordance with the North Carolina Department of Transportation-Division of Highways specification and standards shall meet the design requirements outlined in §155 (Article III).

(E) Street design shall utilize a modified grid so as to provide connectivity for cars, bikes, and pedestrians while preventing the concentration of traffic on one street.

§154.90.4 Recreational area

The recreation area provided within the tract shall conform to the recreation area requirements and suitability standards as required by the Town of Wendell.

§154.90.5 Landscaping

(A) No buffers shall be required except where the property line forms an exterior boundary of the development in which case the development shall comply with the buffering requirements of §154.18.

(B) Screening of all parking areas will be in accordance with §154.18.

(C) So as to shade the sidewalks and provide a more pleasant travel experience, street tree plantings shall be in accordance with §154.18.

Off-Street Parking and Loading

§154.95 Off-street parking requirements

(A) At the time of erection of any new building, permanent off-street parking shall be provided in all districts, except the CD Zoning district, in the amount specified by this section.

(B) Each application for a zoning permit shall include information as to the location and dimensions of off-street parking and loading space, and the means of ingress and egress to such space. This information shall be in sufficient detail to determine whether or not the requirements of this section are met.

(C) The required parking space for any number of separate uses may be combined in one (1) lot, but the required space assigned to one (1) use may not be assigned to another use, except that on behalf of the parking space required for churches, theaters, or assembly halls, whose peak attendance is at night or Sundays, may be assigned to a use which will be closed at night or Sundays.

(D) If the off-street parking space required by this chapter cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within four hundred (400) feet of the principal use or building, provided such land is in the same ownership as the principal use. The land shall be used for no other purpose as long as the principal use exists.

(E) The minimum number of required off-street parking spaces shall be calculated from the table in division (F) below. In the case of a building or use not expressly provided for, the number of off-street spaces shall be the same as for a similar use or inclusive category, which is provided for. Where there is more than one (1) use in a single structure, or on a single tract, or two (2) or more instances of the same use, the minimum number of required off-street parking spaces shall be equal to the sum of the requirements of those various uses.

(F) The following parking requirements shall be applied as indicated in ***Appendix F – District Use Regulations Table.***

Category	Requirement
A	One (1) space per dwelling unit
B	Two (2) parking spaces per dwelling unit
C	One (1) parking space per room or unit plus ten (10) percent of that number for employees
D	Three (3) spaces in addition to resident's requirements
E	One (1) space for each four (4) seats in the principal place or assembly
F	One (1) space for each room or office plus one (1) space for each five (5) students over sixteen (16) years of age.
G	One (1) space for each two hundred (200) square feet of gross floor area
H	One (1) space for each one thousand (1,000) square feet of gross floor area

(Ord. Passed 1-14-80)

§154.96 Off-street loading

(A) Every building or structure used for business, trade, or industry, hereafter erected, shall proved space, as indicated herein, for the loading and unloading and maneuvering of vehicles off the street or public alley. The space shall have access to an alley, or if there is no alley, to a street.

(B) For the purpose of this section, an off-street loading space shall have a minimum dimension of twelve (12) feet by forty (40) feet, and an overhead clearance of fifteen (15) feet above the alley or street grade.

(C) The number of required off-street loading spaces shall be as follows:
- (1) Retail business- One (1) space for each twenty thousand (20,000) square feet of gross floor area or fraction thereof.
- (2) Wholesale trade business and industry- One (1) space for each twenty thousand (20,000) square feet of gross floor area or fraction thereof.
- (3) Office and institution business- One (1) space for each fifty thousand (50,000) square feet of gross floor area or fraction thereof.

(Ord. Passed 1-14-80)

§154.97 Curb cuts

(A) Lowered or cut-away curbs, for purposes of ingress or egress, shall be subject to the following provisions:
- (1) No more than one (1) combined entrance and exit shall be allowed on any parcel of property, the frontage of which is less than two hundred (200) feet on any one (1) street. Additional entrances or exits for parcels of property having frontage in excess of two hundred (200) feet shall be permitted after showing of actual requirements of convenience and necessity and on approval of the Planning Board. See §154.31(D) for Special Highway Overlay Districts.
- (2) At street intersections, no curb cut shall be located within twenty five (25) feet of the intersection of two (2) curb lines or such lines extended, or within fifteen (15) feet of the intersection of two (2) property lines, right-of-way lines, or such lines extended, whichever is least restrictive.
- (3) The distance between any two (2) curb cuts on the same side of the street shall be not less than fifteen (15) feet. The distance shall be measured between the points of tangency of the curb return radii and the established curb line of the abutting street.
- (4) All driveways shall be constructed so as to be at least five (5) feet from any property line, except that a curb return may become tangent to a curb line at a point where the property line extended intersects the curb line.
- (5) The maximum width of any driveway shall not exceed thirty six (36) feet measured at the right-of-way line.

(B) All driveways requiring curb cuts shall be paved from street to property line.

(Ord. Passed 1-14-80; Amend. Ord. Passed 4-10-82) Penalty: see §154.999

Signs

§154.100 Regulation

It is the purpose of this section to permit signs of a commercial nature in districts which have appropriate uses and to regulate the size and placement of signs intended to be seen from a public right-of-way in the interest of public safety and general welfare. The Wendell Sign Ordinance shall serve the following purposes:

To preserve Wendell as a community that is attractive to business;
To encourage the effective use of signs as a means of communication in the Town;
To enhance and maintain the pleasing look of the Town, which attracts to the Town major events and regional and statewide interest;
To improve pedestrian and traffic safety.
To minimize the possible adverse effects of signs on nearby public and private property; and
To implement relevant provisions of the Town's Comprehensive Plan.

All signs within the jurisdictional area shall be covered by these regulations and shall be erected, constructed, or maintained in accordance with the provisions of this section.

For the purpose of this section the following sign definitions shall apply unless the context clearly indicates or requires a different meaning.

AGGREGATE SIGNAGE.- The total surface area of all signs located on a particular tract not counting incidental signs. For double-sided signs the area of one side only will count toward calculating the total.

ANIMATED SIGN - A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this ordinance.

AWNING SIGN - A sign, which is painted, stitched, sewn, or stained onto the exterior of an awning.

BEACON - Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zoning lot as the light source; also a light with one or more beams that rotate or move.

BANNER - A sign of lightweight fabric or similar material that is mounted to a pole or a building at one or more edges. National flags, state or municipal flags or the official flag of an institution or business shall not be considered banners.

CHANGEABLE COPY SIGNS - A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this ordinance.

FLAG - Any fabric, banner or bunting containing distinctive colors, patterns or symbols uses as a symbol of a government, political subdivision or other entity.

INCIDENTAL SIGN - A sign which provides only information for the convenience and necessity of the public such as "entrance", "exit", and the like.

MONUMENT SIGN - Any sign, other than a pole sign, which is attached directly to the ground by means of one or more upright pillars, braces or posts and not attached to any other structure.

NONCONFORMING SIGNS. - A sign which was lawfully constructed and erected but which fails to comply with one or more of the provisions of this section by virtue of amendment to the section.

OBSOLETE SIGN. - A sign identifying a business establishment no longer in existence, products no longer being sold, services no longer being rendered, or events which have already occurred or a sign advertising a business, product or service which is no longer in operation or available at the location where the sign is located.

OFF-PREMISE SIGN. - Any sign, regardless of size or shape, which directs attention to a business, commodity, attraction, profession, service or event 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.

PENNANT - Any lightweight plastic fabric, or other material, whether containing a message of any kind, suspended from a rope, wire or string, usually in a series, designed to move in the wind.

POLE SIGN - A sign more than ten (10) feet but not more than twenty (20) feet in height which is attached directly to the ground by one or more upright supports of which shall be buffered by a evergreen vegetative buffer. Pole signs are permitted only in CH and CS Zoning Districts. (Ord., passed 1-14-80; Am. Ord., passed 10-10-2005).

§154.101 Signs Not Requiring A Permit

The following type of signs may be allowed in any district without a permit:

(A) Business and/or house number. Signs not exceeding one (1) square foot in area and bearing only property numbers, post office box numbers, names of occupants, or other identification not having commercial connotations;

(B) Directional and information signs. Signs erected and maintained by public agencies and governmental bodies;

(C) Temporary lease, rent, or sale signs. One sign per lot not to exceed three (3) square feet in area pertaining only to the lease, rental, or sale of the property on which displayed. No such sign shall be illuminated in a residential district. Signs may be indirectly illuminated in nonresidential district.

(D) Bulletin Boards. Churches, schools, community centers, and similar public and institutional uses may erect one sign or bulletin board not to exceed twelve (12) square feet in area for the purpose of displaying the name of the institution and

related information. Such signs shall be used as wall signs or shall be located a minimum of twelve (12) feet from the street line and side lot lines. Where side yards are required, no such sign shall be erected in the side yards. Such signs may be indirectly illuminated.

(E) Construction signs. During the construction, repair, or alteration of a structure, temporary signs which denote builder, or other participants in the project, or which denote the name of the structure and its occupants-to-be may be placed within the required yard setbacks as ground, wall, or roof signs. The total area of such signs shall not exceed thirty two (32) square feet.

(F) Subdivision signs. Subdivision signs advertising the sale of lots or buildings within new subdivisions on which they are located are permitted provided:

(1) They do not exceed twenty (20) square feet;
(2) They are non illuminated or indirectly illuminated;
(3) Not more than one such sign may be erected at each major entrance to the subdivision
(4) They meet all requirements applicable to principal structures with respect to yard, setback, and height requirements;
(5) Display of such signs shall be limited to a period of two years, unless the signs are of a permanent nature with advertising restricted to the name of the subdivision only, and are dedicated to and accepted by the county, a municipal government, or a lawfully-established homeowners, or community association responsible for the maintenance of commonly-owned properties of the development.

(G) Flags, banners, signs, and insignias of a government, erected by a governmental body. Flags of the United States, the state, the city, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such a flag shall not exceed sixty (60) square feet in area and shall not be flown from a pole the top of which is more than forty (40) feet in height. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes.

(H) Temporary political signs.

(1) Signs shall not be erected more than sixty (60) days prior to the election.
(2) Signs shall be removed within five (5) days following election.
(3) Temporary political signs shall not exceed thirty two (32) square feet in aggregate area per lot, and shall not exceed ten (10) feet in height. No such sign shall be located within or over the public right-of-way.
(4) At the voting place, any number of political signs not to exceed three (3) square feet each in size may be erected. Such signs shall not be placed 24 hours preceding the opening of the polls and shall be removed within 24 hours following the closing of the polls. The parties responsible for distributing the signs shall be responsible for collecting the signs within 24 hours following

the closing of the polls. (Ord., passed 1-14-80; Am. Ord., passed 10-10-2005)

(I) As part of customary holiday decorations and annual civic events, signs may be displayed so long as the they are not placed in any public right-of-way and shall be displayed for a period of not more than sixty (60) consecutive days, or more than ten (10) days following the event. (Ord., passed 1-14-80; Am. Ord., passed 4-10-82; Am. Ord., passed 10-10-2005).

(J) Real Estate Signs. (See §154.109). Signs advertising the sale, rental or lease of the premises on which the sign is located, provided such signs do not exceed one (1) sign per street frontage, and do not exceed three (3) square feet in area per display surface for a residential premises. Real estate signs are not to be located on any right-of-way.

For properties in excess of one (1) acre, signs may not exceed thirty-two (32) square feet of aggregate signage per street frontage. Signs are to be located a minimum of ten (10) feet off the right-of-way. The sign must be removed within ninety (90) days of the sale of the property. (Ord., passed 1-14-80; Am. Ord., passed 10-10-2005)

(K) Any sign inside a building, not attached to a window or door that is not legible from a distance of more than three (3) feet beyond the lot line of the parcel on which such sign is located.

(L) Banners and pennants may be displayed on a commercial building under the following conditions:

1. Only one (1) banner may be displayed by each business at any time and shall be no greater than thirty two (32) square feet in area.
2. No banner and/or pennant may be displayed unless the commercial message contained in the banner relates to a specific, special promotion of limited duration.
3. No banner and/or pennant may be displayed or used as a general or ongoing advertisement of the business or its customary activities.
4. No banner and/or pennant may be displayed or used as a replacement for permanent signage.
5. The Zoning Administrator shall have the authority to order the removal of any banner and/or pennant that:
   a. Is, or appears to be, out of date.
   b. Is, or appears to be deteriorated, or in a state of disrepair, wear, or neglect.
   c. Is, or appears to be, abandoned.

(Ord., passed 1-14-80; Am. Ord., passed 10-10-2005)

§154.102 Prohibited Signs

All signs not expressly permitted under this ordinance or exempt from regulation hereunder in accordance with this chapter are prohibited. Such signs include but are not limited to:

(1) *Traffic Safety*
No sign shall be erected or continued that does the following:
(A) Obstructs the sight distance along a public right-of-way or at intersections;
(B) Would tend by its location, color or nature to be confused with or obstruct the view of traffic signs or signals or would tend to be confused with a flashing light of an emergency vehicle; or
(C) Uses admonitions such as "stop", "go", "slow", "danger" and the like which might be confused with traffic directional signals.

(2) *Illumination*
No flashing or intermittent illumination shall be permitted on any advertising sign or structure. Illumination devices such as, but not limited to, flood or spot lights shall be so placed and so shielded as to prevent the rays of illumination from being cast on neighboring buildings or vehicles approaching from either direction.

(3) Animated, rotating or moving signs shall be prohibited.

(4) Separate Use Signs, excluding temporary, seasonal advertising of farm products (See 154.112).

(5) Billboards

(6) Pennants and strings of lights strung between poles, pillars or buildings unless they are from a recognized non-profit or charitable organization.

(7) Signs on vehicles that are parked or placed in a stationary position.

(8) Pole Signs, except in the Highway Interchange District and those specifically listed.

(Ord., passed 1-14-80; Am. Ord., passed 10-10-2005)

§154.103 Signs Requiring A Permit

- Principal Use Signs

The following regulations apply to principal use signs.

(A) Each principal use sign shall require a building permit.

(B) Principal use signs may be illuminated.

(C) If suspended from a canopy, the principal use sign must be at least eight (8) feet above the sidewalk level.

(D) Principal use signs, shall have a maximum surface area of one (1) square foot for each one (1) linear foot of store frontage, not to exceed a total of one hundred (100) feet in CD, CN, O&I, M&I, and CH Districts. Signs located in CS Districts shall have a maximum surface area of 1.25 square feet for each linear foot of store frontage up to two hundred (200) square feet. (Ord., passed 1-14-80; Am. Ord., passed 10-10-2005).

(E) Monument signs shall be limited to one (1) per street frontage and, shall not be located in any required buffer yard, or within ten (10) feet of a side property line. (Ord., passed 1-14-80; Am. Ord., passed 10-10-2005).

(F) All signs shall conform to the size, shape, color, material, appearance and character of the zoning district in which they are located.

(G) Signage posted on windows and doors shall not exceed twenty-five (25) percent of the window area. (Ord., passed 1-14-80; Am. Ord., passed 10-10-2005).

(H) Lighter than air signs shall be permitted at any given business up to two (2) times per year for no longer than three (3) consecutive days per use. The sign shall be situated so that the height of the sign is directly proportional to the distances to the property lines, not to exceed one hundred (100) feet in height. (Ord., passed 1-14-80; Am. Ord., passed 10-10-2005).

- Farm Products

Off premise signs advertising the seasonal sale of farm products may be permitted for a maximum period of sixty (60) days. Signs are not to exceed three (3) square feet in size and are to be located on private property off of the right-of-way.

§154.104 Mobile Signs

Signs mounted on a mobile framework, trailer, or other movable apparatus other than vehicles used for transporting are prohibited on a permanent basis. Such mobile signs will be permitted on a temporary basis at grand openings, open houses or special events in any commercial or manufacturing district for a total of forty (40) days in a calendar year and not to exceed ten (10) days in any one period. Such temporary permits may be obtained form the Zoning Administrator.

§154.105 Real Estate/Yard Sale Signs

Authorized Time Period for Displaying Yard Sale Signs, Realtor and Non-Realtor Open House Signs, and Special Event Signs: Yard sale signs, realtor and non-realtor open house signs, and special event signs of recognized non-profit or charitable organizations shall only be displayed on or after 4:00 p.m. on the Friday before the yard sale, open house, or special event, whichever is applicable, and shall be removed no later than 7:00 p.m. on the Sunday of the weekend of the yard sale, open house, or special event, whichever is applicable.

Size of Signs: Yard sale signs, realtor and non-realtor open house signs, and special event signs shall not exceed nine (9) square feet in size, not including the device attaching the sign to the ground.
Placement of Sign: Yard sale signs, realtor and non-realtor open house signs, and special event signs shall not be placed on utility poles, stop signs, street signs, public right of ways, etc.
Town of Wendell Zoning Code: This policy does not authorize non-compliance with §154.20 and §154.100-114 of the Town of Wendell Zoning Code, except as set forth in this policy.

§154.106 Downtown Retail Overlay District

(A) Maximum Surface Area: All signs are not to exceed one (1) square foot of surface area for every linear foot of building wall facing the street, up to a maximum of 100 square feet.

(B) Historic Plaques: Maximum of four (4) square feet of surface area

(C) Wall Signs: Twelve (12) inches maximum protrusion.

(D) Projecting Signs: Minimum eight (8) feet above ground, Maximum sixteen (16) square feet of surface area per side, maximum five (5) feet protrusion. (Ord., passed 1-14-80; Am. Ord., passed 10-10-2005).

(E) Awning & Canopy Signs: Signs painted or attached to awnings or canopies shall be considered in the sum of the permitted square footage allowed.

(F) No roof signs are allowed

(G) Signs are not to obscure building elements such as windows, cornices or decorative details of the structure.

(H) Style, size and location shall remain in congruous with the historic character in the Overlay District.

(I) Neon signs shall not exceed five (5) square feet in size. (Ord., passed 1-14-80; Am. Ord., passed 10-10-2005).

(J) Decorative flags are allowed. One flag for every twenty-five (25) feet of linear store frontage. No flag shall be less than eight (8) feet from the sidewalk and will be included in the allowable square footage of the sign. A North Carolina and/or American flag will not be counted toward the maximum allowable square footage.

(K) Signs should comply with all zoning requirements as listed in the Wendell Code of Ordinances.

§154.107 Highway Interchange District

(A) The maximum percentage of building façade coverage for a wall sign shall be no larger than ten (10) percent of the building façade or wall to which the sign is attached; or, the total amount of on premises sign permitted on any one lot shall not exceed 1.25 times the amount of street frontage. On lots with frontage on more than on street, the longest dimension may be used to calculate the maximum sign area permitted. When no freestanding sign other than a ground sign or monument sign is proposed, a ten (10) percent increase in permitted sign area shall be allowed.

(B) More than one wall sign may be erected provided the total surface area regulation is not exceeded

(C) No sign shall extend above the parapet wall, eave line, or above the roofline or buildings without parapet walls.

(D) No sign may project more than twelve (12) inches from the building wall.

(E) Wall signs may be illuminated, provided such signs shall be lighted from behind to silhouette letters and figures, or those utilizing floodlighting or other non-internally illuminated light sources shall be contained within a concealed fixture and angled so as to prevent a direct view of the light source from a public street or adjacent property.

(F) The maximum surface area of a sign shall be
1. Pole Sign, 80 square feet or 1 square foot per linear foot of street frontage along the street toward which such sign is primarily oriented.
2. Monument sign, 60 square feet or .25 square feet per linear foot of street frontage.
3. Ground sign, 60 square feet or .25 square feet per linear foot of frontage.
4. An increase of ten percent in maximum area may be permitted, subject to the provisions of this section. However, no pole, monument or ground sign shall exceed 200 square feet in surface area.

§154.108 Shod Sign Requirements (See §154.31)

§154.109 Setback Requirements

Ground level signs shall be set back such that no part of the sign shall be within ten (10) feet of any right-of-way or within twenty (20) feet of any right-of-way intersection. Ground level or monument signs shall not exceed five (5) feet in height above the finished grade. (Ord., passed 1-14-80; Am. Ord., passed 10-10-2005).

In no way shall a sign hinder or obstruct visibility of the right-of-way, either at intersections or points of ingress or egress from parking lots.

No non-governmental sign shall be attached to or painted on power poles, traffic signs or other objects not intended to support a sign. No signs shall be erected within the public right-of-way.

(Ord., passed 1-14-80; Am. Ord., passed 4-10-82; Am. Ord. 0-19-87, passed 12-14-87; Am. Ord. 0-27-92, passed 7-13-92) Penalty, see §154.999

§154.110 Construction

Permits shall be applied for and received from the Town of Wendell before erecting, placing, rebuilding, reconstruction, or moving a sign except those signs exempt from regulations. Every application shall be accompanied by plans drawn to scale and including:

(1) The dimensions of the sign.
(2) The dimensions of the sign supporting members.
(3) The maximum and minimum height of the sign.
(4) The proposed location of the sign in relation to the building, property line, right-of-ways and /or physical surroundings.
(5) Color scheme.
(6) Lettering or graphic style.
(7) Lighting.

(8) Location of each sign on the buildings; and
(9) Material.

§154.111 Maintenance

(1) Whenever a sign becomes structurally unsafe or endangered the safety of a building or the public safety the Zoning Administrator shall order the sign be made safe or removed. A period of ten (10) days following receipt of the order by the person, firm, or corporation owning or using the sign shall be allowed for compliance.

(2) Abandoned signs.
Signs meeting the definition of obsolete shall be classified as abandoned. Signs classified as abandoned must be removed within sixty (60) days of notification by the Town. Owners of property on which an abandoned sign is located shall be subject to authorized enforcement procedures should an abandoned sign fail to be removed within the allotted time. (Ord., passed 1-14-80; Am. Ord., passed 10-10-2005).

(3) All signs shall be maintained in proper working order.
(a) Lights and /or bulbs of illumination signs shall be replaced as needed. Burnt out, defective or missing bulbs shall be replaced within (10) working days following notification of the violation.
(b) Signs that are broken, vandalized, torn, rotten, faded or otherwise become unsightly or fall into a state of disrepair shall be improved, removed, or replaced within sixty (60) days following notification of the violation. (Ord., passed 1-14-80; Am. Ord., passed 10-10-2005).

(4) Nonconforming signs.
All signs not exempt by Appendix F shall be brought into compliance within three years of the adoption of this ordinance. Signs found to be exempt may be restored to their original condition and function if no enhancements as to the illumination or animation are added that were not originally part of the sign and that no part of the sign prohibits motorist/pedestrian visibility and/or safety concerns. (Ord., passed 1-14-80; Am. Ord., passed 10-10-2005).
(a) Signs not exempt by Appendix F requiring repair exceeding one hundred (100) percent of the original cost or which have been rendered unsafe may only be repaired or replaced in conformity with this section. (Ord., passed 1-14-80; Am. Ord., passed 10-10-2005).
(b) Nonconforming signs classified as abandoned shall not be allowed to remain.
(c) Signs exempt by Appendix F requiring repair shall be brought into conformity with this section within six (6) months of the adoption of this ordinance. (Ord., passed 1-14-80; Am. Ord., passed 10-10-2005).

§154.112 Minor Deviations

In keeping with the purpose of these regulations to accomplish coordinated, balanced and harmonious development in a manner which will best serve the general welfare while avoiding undue hardships, on approval by the Town Manager, a minor deviation of ten (10) percent of aggregate signage may be allowed by the Zoning Administrator.

§154.113 Enforcement

In addition to the remedies cited for criminal violation of the zoning code, the provisions of the Sign Code shall be enforceable through the issuance of a citation by the Zoning Administrator.

(A) Citations are in the form of a civil penalty and are separate offenses as set out below.

(B) If, following issuance of the first citation, the violation is not corrected, the Zoning Administrator shall make a report to the Board of Commissioners at their next regular meeting. The Town Board of commissioners may direct the Town Attorney to take legal action necessary to collect the civil debt owed due to any citations unpaid after a period of five (5) business days from the date of the citation. Further, the Town Board of Commissioners may direct the Town Attorney to seek injunctive or other judicial relief necessary to eliminate a violation of the sign code following issuance by the zoning Administrator of a fourth citation for noncompliance.

(C) Citation Schedule:

Offense	Fine	Time Period
Warning citation	$0	First occurrence of a violation on a given tract of land.
First citation	$25	Violation not corrected within 14 day period following issuance of warning citation
Second citation	$50	Violation not corrected within the next ten day period following issuance of a first citation.
Third and subsequent Citation	$100	Initial violation not corrected within each subsequent ten-day period following issuance of a second or subsequent citation.

Shopping Centers

§154.115 Application procedures

The following requirements shall be met prior to approval of a shopping center plan.

(A) Three (3) copies of a plan drawn the scale of not less than one (1) inch equaling one hundred (100) feet accompanied by a filing fee (see Schedule of Fees), shall be submitted to the Town Manager.

(B) The site plan shall be prepared and certified by a registered engineer, architect, or land surveyor and shall include the following:
- (1) The name of the shopping center, owner, engineer, architect, or land surveyor, title, date, north arrow, and scale.
- (2) The boundary of the tract to be developed drawn accurately with all bearings and distances shown.
- (3) The location of existing and platted property lines, streets, buildings, watercourses, railroads, transmissions lines, sewer, bridges, culverts, storm drains, water mains, and any public utility easements, both on the land to be developed and on the land immediately adjoining.
- (4) Location of the proposed and existing driveways and curb cuts on site and adjacent properties.
- (5) Location of the proposed and existing sidewalks and open space with existing plant materials and proposed landscaping.
- (6) Location and dimensions of proposed and existing surface paving and loading areas, including refuse collection.
- (7) Proposed minimum building setback lines.
- (8) Certified topographic map of tract, showing existing and proposed contours.
- (9) Zoning classifications of land to be developed and adjoining land.
- (10) Names of adjoining property owners.
- (11) Location of municipal boundaries, if necessary.
- (12) Vicinity Map.
- (13) Necessary certificates.
- (14) Tax Parcel numbers and deed and map book references.
- (15) Any other data deemed necessary by the Town Manager.

(Ord. Passed 12-13-82) Penalty: see §154.999

§154.116 Review of site plan

The site plan shall be reviewed by the Town Manager, other members of the Town staff and the Town's consulting engineers.
(Ord. Passed 12-13-82)

§154.117 Action by the Town Manager, approval or disapproval

(A) Within thirty (30) days of receipt of the site plan, the Town Manager shall approve or disapprove the plan.

(B) If the plan is approved, the developer may apply for building permit in accordance with the Town procedure.

(C) If the plan is disapproved, the building permit shall be denied and the developer may appeal the denial of the building permit to the Board of Adjustment.

(Ord. Passed 12-13-82)

§154.118 Contiguous shopping facilities

In order for the shopping facilities to be built contiguously, there must be at least five (5) commercial establishments. The construction must be shown on a site plan, which must be approved by the Town Manager. Only then may a shopping facility be placed in a CS Zoning District and thus be built to the side property lines. Single buildings, such as banks, service stations, and the like may also be placed on the lot with the shopping center, provided they meet the setback requirements.

(Ord. Passed 12-13-82)

Cross-reference: Side yard setbacks in CS Zoning Districts, see §154.33

Non-Conformities

§154.125 Pre-existing lots and structures

(A) Within the districts established by this chapter or amendments that may be adopted later, there may exist lots, structures, and uses of land and structures where were lawful before this chapter was adopted or amended, but which are prohibited under the terms of this chapter. Such lots, structures, and uses shall be termed nonconforming and shall be subject to the following provisions:

(1) Nonconforming vacant lots - This category of nonconformance consists of vacant lots for which plats or descriptions have been recorded in the Office of the Register of Deeds of Wake County, which at the time of adoption or amendment of this chapter, fail to comply with the dimensional requirements for the districts in which they are located. Any such nonconforming lot may be used for any of the minimum uses permitted by this section for the district in which it is located provided that it meets the yard requirements of that district.

(2) Nonconforming structures - This category of nonconformance consists of structures existing at the time of adoption or amendment of this chapter whose size or location does not conform with the yard, height, lot area, lot coverage, or other dimensional provisions of this chapter or any amendment thereto. Such structures may remain and their conforming uses may continue, provided that any enlargement to such structures must conform to all applicable requirements of this section. If such structures are damaged or destroyed by fire, explosion, or other calamity, they may be reconstructed, provided that when reconstructed they comply with all applicable requirements of this chapter.

(3) Nonconforming uses of land - This category of nonconformance consists of lots used for storage and salvage yards, used car lots, auto wrecking, and similar open uses where the only buildings on the lot are incidental and accessory to the open use of the lot and where the use is not permitted to be established hereafter, under this chapter or amendment thereto in the district in which it is located.

(B) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter.

(C) No nonconforming use may be changed to another nonconforming use.

(D) Where any nonconforming use of land, in part or whole, is made to conform to the regulations of the district in which it is located, the part or whole, which has been made to conform, may not thereafter be changed in such a manner as would be nonconforming.

(E) Nonconforming uses shall not be re-established after discontinuance for a period of one hundred eighty (180) days, except in conformance with this chapter.

(Ord. Passed 1-14-80) Penalty: see §154.999

§154.126 Non-conforming uses of buildings or structures

(A) This category of nonconformance consists of buildings or structures used at the time of enactment of this chapter or amendment thereto for purposes of use not permitted in the district in which they are located. Such uses may be continued as follows:

(1) No such conforming use shall be enlarged or increased, nor extended to occupy a greater area than was occupied at the effective date of adoption of amendment of this chapter.

(2) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this chapter.

(3) No nonconforming use may be changed to another nonconforming use, except that the Board of Adjustment may permit as a conditional use a change in nonconforming use if the Board finds that such new use would be more in character with the uses permitted in the district than in the previous use, provided that once the Board of Adjustment has permitted such substitution, the new use shall lose its status as a legal nonconforming use and become subject to any conditions required by the Board of Adjustment. Once such change has been made, use of the structure may not revert to the previous nonconforming use.

(B) Where any nonconforming structure or use, in part or whole, is made to conform to the regulations for the district in which it is located, the part or whole, which has been made to conform, may not thereafter be changed in such a manner as would be nonconforming.

(C) Nonconforming uses of structures shall not be re-established after discontinuance for a period of one hundred eighty (180) days, except in conformance with this chapter

(D) Maintenance and repairs necessary to keep a structure housing a nonconforming use in sound condition shall be permitted.

(E) Should a nonconforming structure be destroyed by any means to an extent of more than sixty-five (65) percent of its appraised value at time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter. The appraised value is the value recorded by the Wake County Tax Assessors Office.

(Ord. Passed 1-14-80) Penalty: see §154.999

§154.127 Avoidance of undue hardship

(A) To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and on which actual building construction has been diligently carried on.

(B) For purposes of this section, actual construction is defined to include the placing of construction materials in permanent position and fastened in a permanent manner, provided that actual construction work shall be diligently carried on until the completion of the building involved.

(Ord. Passed 1-14-80)

Board of Adjustment

§154.135 Creation and membership

The Town Board of Commissioners shall create a Board of Adjustment consisting of five (5) members. Three (3) members shall reside within the Town and shall be appointed by the Town Board of Commissioners. The Wake County Board of Commissioners shall appoint two (2) members, who reside in the extraterritorial jurisdiction area. If the Wake County Board of Commissioners fail to appoint these two (2) members within ninety (90) days after receiving the resolution from the town, the Town Board of Commissioners shall make the appointments.
(Ord. Passed 1-14-80)

§154.136 Terms of office; alternate members

(A) Terms of office – The initial appointment to the Board of Adjustment shall be as follows:
- (1) One (1) resident of the town and one (1) resident of the extraterritorial jurisdiction area shall be appointed for a three (3) year term.
- (2) Two (2) residents of the town and one (1) resident of the extraterritorial jurisdiction area shall be appointed for a two (2) year term.
- (3) Thereafter, all new terms shall be for three (3) years and members may be re-appointed.

(B) Alternate members – The Town Board of Commissioners shall also appoint two (2) alternate members to serve in the absence of regular members. One (1) alternate member shall reside within the town and one (1) shall reside within the extraterritorial jurisdiction area. Both the initial appointment and new terms shall be for three (3) years, and alternate members may be re-appointed. Each alternate member, while attending any regular or special meeting of the Board of Adjustment and serving in the absence of any regular member, shall have and may exercise all the powers and duties of a regular member.

(C) Officers and terms – The Board of Commissioners shall appoint a chairman and vice-chairman from the membership of the Board of Adjustment, for one (1) year terms (July to June). All officers shall be appointed for one (1) year and may be eligible to succeed themselves for an additional term. No officer shall serve more than two (2) consecutive one (1) year terms.
(Ord. Passed 1-14-80)

§154.137 Powers and duties

The Board of Adjustment shall have the following powers and duties.

(A) Administrative review – To hear and decide any appeal from and review any order, requirement, decision, or determination made by the Zoning Administrator. A fee (see Schedule of Fees) shall be paid to the Town for each appeal to cover advertising and administrative costs.

(B) Variances – To authorize on appeal any specific cases such variance from the terms of this chapter as will not be contrary to the public interest where, owning to special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship. In granting any variance, the Board of Adjustment may prescribe

appropriate conditions and safeguards in conformity with this chapter. The Board of Adjustment shall not grant a variance from the terms of this chapter unless and until it shall make a finding that:

(1) special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;

(2) literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;

(3) the special conditions and circumstances does not result from the actions of the applicant;

(4) granting the variance requested will not confer on the applicant any special privilege that is defined by the chapter to other land, structures, or buildings in the same district.

A fee (see Schedule of Fees) shall be paid to the Town for each application for a variance to cover advertising and administrative costs.

(C) Conditional uses – To hear and decide requests for conditional uses as prescribed by §154.45 through §154.48. A fee (see Schedule of Fees) shall be paid to the Town for each application for a conditional use to cover advertising and administrative costs.

(Ord. Passed 1-14-80; Amend. Ord. Passed 4-10-82)

§154.138 Proceedings

(A) Within sixty (60) days after the Board of Adjustment is appointed, it shall meet and the Chairman shall appoint a Secretary. The Board shall then draw up and adopt rules of procedure under which it will operate. All meetings of the Board shall be public and accurate minutes of each meeting shall be maintained, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and it shall keep records of its examinations and official actions, all of which shall be filed in the office of the Zoning Administrator for the public record.

(B) The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor or the applicant any matter on which it is required to pass under the provisions of this chapter. Every decision of the Board of Adjustment shall be subject to review by the Wake County Superior Court by proceedings in the nature of certiorari.

(C) The Chairman of the Board of Adjustment is authorized in his official capacity to administer oaths to witnesses in any matter coming before the board. Any member of the Board while temporarily acting as chairman shall have and exercise like authority.

(D) Every decision of the Board of Adjustment shall be subject to review by the Wake County Superior Court. Any appeal to the Wake County Superior Court shall be taken within thirty (30) days after the decision of the Board of Adjustment is filed in the office of the Zoning Administrator. The Zoning Administrator shall notify they applicant by registered mail within thirty (30) days of the Board of Adjustment's decision.

(Ord. Passed 1-14-80)

§154.139 Appeals

(A) Appeals from the enforcement and interpretation of this chapter, and requests for conditional uses or variances shall be filed with the Zoning Administrator, who shall transmit all such records to the Board of Adjustment.

(B) The Board of Adjustment shall fix a reasonable time, not to exceed sixty (60) days for a public hearing on appeals of the decision of the Zoning Administrator, and on requests for variances and conditional use permits. A notice of each public hearing shall be published in a newspaper of general circulation in the town, at least one (1) time a week for two (2) consecutive weeks prior to the public hearing. These requirements shall also apply to the granting of a special use permit by the Board of Commissioners.

(C) An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board of Adjustment that, based on the records of the case, a stay would cause damage to life or property, in which case proceedings shall not be stayed otherwise than by an order from the Wake County Superior Court.

(D) It is the intention of this chapter that all questions arising in connection with the enforcement of this chapter shall be presented first to the Zoning Administrator. All appeals from their decisions shall be presented to the Board of Adjustment. The Wake County Superior Court provides the next recourse from the Board of Adjustment decisions.

(Ord. Passed 1-14-80; Amend. Ord. Passed 6-10-85)

Amendments

§154.145 Amendment on a motion of the Town Board of Commissioners

This chapter, including the zoning map, may be amended, supplemented, or changed from time to time according to the following procedure:

(A) The Town Board of Commissioners may, from time to time, amend, supplement, change, modify, or repeal the boundaries of regulations herein, or those subsequently amended.

(B) Proposed changes or amendments may be initiated by the Town Board, Planning Board, Board of Adjustment, or by one (1) or more owners, optionees, or lessees or property within the areas that are proposed to be changed or affected. See §154.146(B).

§154.146 Petition for amendment

(A) All petitions to amend this chapter shall be direct to the Zoning Administrator, who shall transmit them to the Town Planning Board for review and recommendation. The Zoning Administrator must receive petitions fourteen (14) days prior to the next regularly scheduled meeting of the Town Planning Board to be considered at that meeting. The petition shall state the nature of the proposed amendment, and if applicable, a description of the property involved, names and address of the owners of the property, and a statement why the proposed amendment is necessary to promote public health, safety, and general welfare.

(1) If the proposed change involves rezoning to a conditional use zoning district, and the proposed use requires a conditional use permit generally issued by the Board of Adjustment, or a special use permit generally issued by the Board of Commissioners, both of which are specified in §154.45 through §154.48, the applicant shall, with the request for a conditional use zoning permit, simultaneously apply for the required conditional or special use permit for review by the Planning Board and Board of Commissioners. That is, the authorization of a conditional use zoning district shall preclude any requirement for obtaining a conditional use permit from the Board of Adjustment, where applicable.

(2) The applicant shall, as part of the conditional use zoning application, present a detailed description of the proposed use or uses for the district and, if the request involves other conditions, a detailed description of the proposed conditions. If a detailed site plan is not submitted as part of the conditional use approved by the Zoning Administrator, Planning Board, or Town Board, it shall be required by the Town Board as part of the conditions for the conditional use zoning permit before issuance of the zoning permit by the Zoning Administrator.

(3) The Zoning Administrator, Planning Board, and Town Board may require any information and plan details necessary to determine whether the property will be developed consistent with the purposes of this chapter, as part of the conditional use zoning application, including any information required by this chapter if the use would be a conditional use or special use in the corresponding district.

(B) Proposed changes or amendments may be initiated by the Town Board, Planning Board, Board of Adjustment, or by one (1) or more owners/lessees of the property within the areas proposed to be changed or affected, provided that rezoning to the conditional use zoning district classification may be initiated only by the owners of the property proposed to be in the conditional use zoning district. No land owned by the State of North

Carolina may be included in a conditional use zoning district without approval of the Council of State.

(C) A fee (see Schedule of Fees) to defray the cost of advertising and other administrative cost involved shall accompany each petition for amendment.

(Ord. Passed 1-14-80; Amend. Ord. Passed 4-10-82; Amend. Ord. Passed 4-14-86)

§154.147 Planning Board review and recommendation

The Planning Board shall have forty-five (45) days from receipt of an application by the Zoning Administrator within which to submit its recommendations on petitions for amendment. Failure of the Board to submit its recommendations within this time period shall constitute a favorable recommendation. The Board's report shall be submitted in writing to the Clerk of the Board of Commissioners and to the petitioner.

(Ord. Passed 1-14-80; Amend. Ord. Passed 4-10-82; Amend. Ord. Passed 4-14-86)

§154.148 Public hearing by the Town Board of Commissioners

(A) The Town Board of Commissioners shall hold a public hearing before the adoption of any proposed amendment to this chapter.

(B) No amendment shall be adopted by the Board of Commissioners until after a public hearing.

(1) Notice of public hearing shall be published in a newspaper of general circulation in the town at least one (1) time a week for two (2) consecutive weeks prior to the hearing, as required by North Carolina General Statute §160A-364. In addition, whenever there is a zoning classification action involving a parcel of land, the owner of that parcel of land as shown on the Wake County tax listing, shall be mailed a notice of the proposed classification by first class mail at the last address listed for those owners on the county tax abstracts. The person or persons mailing the notices shall certify to the Town Board of that fact, and such certificate shall be deemed conclusive in the absence of fraud. In addition, posting the property concerned may make notice.

(2) The Town Board of Commissioners may change the existing zoning classification of the area in question or any part of parts thereof, to the classification requested or to a higher classification or classification without the necessity of withdrawal or modification of the petition. However, notices of hearings of such amendment shall inform the public that such action may be taken.

(C) The applicant for a zoning map change to any district other than a conditional use zoning district shall be prohibited from offering any testimony or evidence at the hearing concerning the specific manner in which the property is to be used or developed.

(1) If the applicant believes that development of the property in a specific manner will lessen adverse effects upon surrounding properties, or otherwise make the zoning map change more in accordance with the principles underlying this chapter, the applicant may apply for a zoning map change to the appropriate conditional use zoning district in accordance with this chapter, and shall specify the actual use or uses which are intended for the property specified in the petition. No permit shall be issued for any development within a conditional use

zoning district except in accordance with an approved conditional use zoning permit.

(2) For conditional or special use permits requested as part of a requested change to a conditional use zoning district, processed and considered simultaneously with the zoning map change request for conditional use zoning district, the voting procedure shall be the same as that required for the issuance of a special use permit. For conditional use zoning requests not applied for and not considered simultaneously with requests for conditional or special use permits, the voting procedure shall be the same as that required for zoning map change requests.

(3) In granting a conditional use zoning permit, the Town Board of Commissioners may impose such reasonable and appropriate special requirements upon the permit as it deems necessary as specified in §154.30 in order that the purpose and intent of this chapter is served, public welfare secured, and substantial justice done. If the applicant accepts all requirements and conditions, the Town Board of Commissioners shall authorize the issuance of the conditional use zoning permit; otherwise the permit shall be denied. Any conditional use zoning permit so authorized shall be perpetually binding upon the property included in the permit, unless subsequently changed or amended by the Town Board of Commissioners after a public hearing by the procedure specified in this section.

(Ord. Passed 1-14-80; Amend. Ord. Passed 1-14-86)

§154.149 Vote of the Town Board of Commissioners

(A) A simple majority of the Town Board of Commissioners shall be required to amend this chapter when recommendation by the Planning Board is favorable.

(B) A three fourths (¾) majority vote by the Town Board of Commissioners shall be required to amend this chapter when the Planning Board recommends against such amendments.

(Ord. Passed 1-14-80)

§154.150 Protest against amendment

In the case of a protest against a proposal duly signed by the owners of twenty (20) percent or more, either of the area of the lots included in the proposed change, or those immediately adjacent thereto, either in the rear thereof or on either side thereof, extending one hundred (100) feet from the street frontage of such opposite lots, the amendment shall not become effective except by favorable vote of three fourths (¾) of all the members of the Board of Commissioners.

(Ord. Passed 1-14-80)

§154.151 Denial of petition

When a petition for amendment is denied by the Town Board of Commissioners, a period of twelve (12) months must elapse before another petition for the same change previously involved may be submitted.

(Ord. Passed 1-14-80)

Enforcement; Appeals

§154.160 Zoning Administrator to enforce provisions

(A) The Zoning Administrator appointed by the Town Board of Commissioners, shall administer and enforce the provisions of this chapter.

(B) If the Zoning Administrator finds that any of the provisions of this chapter are being violated, he shall notify the person or persons responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall also take any other action authorized by this chapter to ensure compliance with or to prevent violation of its provisions.

(Ord. Passed 1-14-80)

§154.161 Zoning permit required

(A) No land shall be used or occupied and no structures shall be erected, moved, extended, or enlarged, nor shall any excavation or filling of any lot for the construction of any building be initiated until the Zoning Administrator has issued a zoning permit which will certify that the proposed work is in conformity with the provisions of this chapter.

(B) Upon approval by the Town Manager, The Zoning Administrator shall have the authority to grant one (1) six (6) month extension to previously issued zoning permits, provided no changes have occurred or are proposed which are contrary to what was initially submitted and that the initial issuance of the permit occurred no more than one (1) year prior to the extension.

(Ord. Passed 1-14-80; Amend. Ord. Passed 6-10-85) Penalty: see §154.999

§154.162 Certificate of occupancy required

(A) No land or building shall be used or occupied until a Certificate of Occupancy has been issued by the Building Inspector, stating that the building or proposed use complies with the provisions of this chapter and the North Carolina State Building Code.

(B) A Certificate of Occupancy, either for the whole or a part of a building shall be applied for before the structure is occupied, and shall be issued within ten (10) days after the erection or alteration of the building, or part, shall have been completed in conformity with the provisions of this chapter.

(C) No previously unoccupied structure shall be occupied until the Certificate of Occupancy is issued.

(Ord. Passed 1-14-80; Amend. Ord. Passed 4-10-82; Amend. Ord. Passed 6-10-85) Penalty: see §154.999

§154.163 Application for zoning permit

An application for a zoning permit shall be filed with the Zoning Administrator on a form provided by him and shall include two (2) sets of plans showing the dimensions and shape of the parcel of land to build on; the sizes, intended uses, and location of existing buildings and those proposed; and shall include such other information as may be necessary to determine conformance with this chapter.
(Ord. Passed 1-14-80; Amend. Ord. Passed 4-10-82; Amend. Ord. Passed 6-10-85)

§154.164 Records and invalidation

(A) A record of all zoning permits shall be kept on file in the office of the Zoning Administrator.

(B) Any zoning permit issued shall become invalid if the work authorized by it has not been commenced within six (6) months of the date of issuance, or if the work authorized by it is suspended or abandoned for a period of one (1) year.

(Ord. Passed 1-14-80; Amend. Ord. Passed 6-10-85)

§154.165 Right of appeal

If the zoning permit is denied, the applicant may appeal the action of the Zoning Administrator to the Town Board of Adjustment.
(Ord. Passed 1-14-80; Amend. Ord. 6-10-85)

§154.166 Temporary permit

(A) The Zoning Administrator is authorized to issue a temporary building permit for bazaars, fairs, carnivals, and similar uses. Such permits shall be issued for a fixed period of time, but shall not exceed ninety (90) days and shall be subject to such limitations as the Zoning Administrator may impose to protect the character of the district affected.

(B) The Zoning Administrator is authorized to issue a temporary building permit for construction offices. The permit shall expire fifteen (15) days after the final acceptance of the project by the owner.

(Ord. Passed 1-14-80)

§154.167 Minor deviations

(A) In keeping with the purpose of these regulations to accomplish coordinated, balanced, and harmonious development in a manner which will best promote the health, safety, and general welfare while avoiding undue and unnecessary hardships, on approval by the Town Manager, the following maximum minor deviations may be allowed by the Zoning Administrator:
   (1) Minimum lot area – five (5) percent
   (2) Minimum lot depth – ten (10) feet
   (3) Minimum lot width – five (5) feet
   (4) Minimum front yard – five (5) feet
   (5) Minimum rear yard – five (5) feet
   (6) Minimum side yard – one and a half (1 ½) feet

(B) Only one (1) minor deviation of dimensional requirements shall be allowed per lot.

(C) Prior to rendering a decision, the Zoning Administrator shall notify the Town Manager in writing of any minor deviation for approval.

(D) For flexibility in the administration of Planned Unit Developments, see §154.84.
(Ord. Passed 6-10-85)

Vested Rights

§154.200 Definitions

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Approval Authority - The Town Board of Commissioners authorizes to grant the specific zoning or land use permit or approval that constitutes a site specific development plan.

Phased Development Plan - A plan which has been submitted to the town by a landowner for phased development which shows the type and intensity of use for a specific parcel or parcels with a lesser degree of certainty than the plan determined by the Town to be a site specific development plan.

Site Specific Development Plan - A plan of land development submitted to the town for purposes of obtaining one (1) of the following zoning or land use permits or approvals:

(1) Planned Unit Development - §154.75 through §154.84
(2) Mobile Home Parks - §154.55 through §154.68
(3) Zoning Permit - §154.163
(4) Shopping Center Plan - §154.115 through §154.118
(5) Special Use Permits - §154.47
(6) Conditional Use Zoning Permit - §154.30(B)
(7) Subdivision Preliminary Plat - §154.17(D) through §154.17(K) – except that Phased Development Plans shall not be eligible for consideration under this chapter.

Notwithstanding the foregoing, neither a variance, a sketch plan, nor any other document that fails to describes with reasonable certainty the type and intensity of use for a specified parcel or parcels of property shall constitute a site specific development plan.

Zoning Vested Right - A right pursuant to North Carolina General Statute §160A-385.1 to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan.
(Ord. Passed 10-14-91)

§154.201 Establishment of a zoning vested right

(A) A zoning vested right shall be deemed established upon the valid approval or conditional approval, by the Town Board of Commissioners of a site specific development plan, following notice and public hearing.

(B) The approving authority may approve a site specific development plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety, and general welfare.

(C) Notwithstanding divisions (A) and (B), approval of site specific development plan with the condition that a variance be obtained shall not confer a zoning vested right unless and until the necessary variance is obtained.

(D) A site specific development plan shall be deemed approved upon the effective date of the approval authority's action ordinance relating thereto.

(E) The establishment of a zoning vested right shall not preclude the application or overlay zoning that imposes additional requirements but does not affect the allowable type of intensity of use, or ordinances or regulations that are general in nature and are applicable to all property subject to land use regulation by the town, including but not limited to, building, fire, plumbing, electrical, and mechanical codes. Otherwise applicable new or amended regulations shall become effective with respect to property that is subject to a site specific development plan upon the expiration or termination of the vested right in accordance with this subchapter.

(F) A zoning vested right is not a personal right, but shall attach to and run with the applicable property. After approval of a site specific development plan, all successors to the original landowner shall be entitled to exercise such right while applicable.

(Ord. Passed 10-14-91)

§154.202 Approval procedures and approval authority

(A) Except as otherwise provided in this section, an application for site specific development plan approval shall be processed in accordance with the procedure established by ordinance and shall be considered by the designated approval authority for the specific type of zoning or land use permit or approval for which the application is made.

(B) Notwithstanding the provision of division (A), if the authority to issue a particular zoning or land use permit or approval has been delegated by ordinance to a board, committee, or administrative official other than the Board of Commissioners in order to obtain a zoning vested right, the applicant must request in writing at the time of the application that the application be considered and acted on by the Board of Commissioners following notice and a public hearing as provided in North Carolina General Statute §160A-364.

(C) In order for a zoning vested right to be established upon approval of a site specific development plan, the applicant must indicate at the time of application, on a form to be provided by the town, that a zoning vested right is being sought.

(D) Each map, plat, site plan, or other document evidencing a site specific development plan shall contain the following notation: "Approval of this plan establishes a zoning vested right under North Carolina General Statute §160A-385.1. Unless terminated at an earlier date, the zoning vested right shall be valid until _____. "

(E) Following approval or conditional approval of site specific development plan, nothing in this subchapter shall exempt such a plan from subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approval are not inconsistent with the original approval.

(F) Nothing in this subchapter shall prohibit the revocation of the original approval or other remedies for failure to comply with applicable terms and conditions of the approval or the Zoning Ordinance.

(Ord. Passed 10-14-91)

§154.203 Duration

(A) A zoning right that has been vested as provided in this subchapter shall remain vested for a period of two (2) years unless specifically and unambiguously provided otherwise pursuant to division (B) hereof. The vesting shall not be extended by any amendments or modifications to a site specific development plan unless expressly provided by the approval authority at the time the amendment or modification is approved.

(B) Notwithstanding the provisions of division (A), the approval authority may provide that rights shall be vested for a period exceeding two (2) years but not exceeding five (5) years where warranted in light of all relevant circumstances, including, but not limited to, the size of the development, the level of investment, the need for or desirability of the development, economic cycles, and market conditions. These determinations shall be in the sound discretion of the approval authority at the time the site specific development plan is approved.

(C) Upon issuance of a building permit, the expiration provisions of North Carolina General Statute §160A-418 and the revocation provisions of North Carolina General Statute §160A-422 shall apply, except that a building permit shall not expire or be revoked because of the running of time while a zoning vested right under this section is outstanding.

(Ord. Passed 10-14-91)

§154.204 Termination

A zoning right that has been vested as provided in this subchapter shall terminate:

(A) At the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed;

(B) With the written consent of the affected landowner;

(C) Upon findings by the Town Board of Commissioners, by ordinance after notice and a public hearing, that natural or manmade hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and general welfare if the project were to proceed as contemplated in the site specific development plan;

(D) Upon payment to the affected landowner of compensation for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, all fees in consideration of financing, and all architectural, planning, marketing, legal, and other consultant's fees incurred after approval by the town, together with interest thereon at the legal rate until paid. Compensation shall not include any diminution in the value of the property which is caused by such action;

(E) Upon findings by the Town Board of Commissioners, by ordinance after notice and a hearing that the landowner of his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the approval authority of the site specific development plan; or

(F) Upon the enactment or promulgation of a state or federal law or regulation that precludes development as contemplated in the site specific development plan, in which case the approval authority may modify the affected provisions, upon a finding that the change in state or federal law has fundamental effect on the plan, by ordinance after notice and hearing.

(Ord. Passed 10-14-91)

§154.205 Voluntary Annexation

A petition for annexation filed with the Town under North Carolina General Statute §160A-31 or North Carolina General Statute §160A-58.1 shall contain a signed statement declaring whether or not any zoning vested right with respect to the properties subject to petition has been established under North Carolina General Statute §160A-385.1 or North Carolina General Statute §160A-344.1, or the failure to sign a statement declaring whether or not a zoning vested right has been established, shall be binding on the landowner and any such zoning vested right shall be determined.

(Ord. Passed 10-14-91)

§154.206 Limitations

Nothing in this subchapter is intended or shall be deemed to create any vested right other than those established pursuant to North Carolina General Statute §160A-385.1.

(Ord. Passed 10-14-91)

§154.207 Repealer

In the event that North Carolina General Statute §160A-385.1 is repealed, this subchapter shall be deemed repealed and the provisions hereof no longer effective.

(Ord. Passed 10-14-91)

§154.999 Penalty

Any person violating any provision of this chapter shall be guilty of a misdemeanor and on conviction shall be punished for each offense by a fine not to exceed fifty (50) dollars or by imprisonment not to exceed thirty (30) days. Each day such violation continues shall be deemed a separate offense.

(Ord. Passed 1-14-80)

Appendix A
Acceptable Plant Material

All plant material required by this section shall be of one (1) or more species listed below. However, the Zoning Administrator may approve other plant material not listed herein if he finds that such material will fulfill the requirements of this section. Specifically, the utility company shall approve trees proposed to be located below utility lines.

BOTANNICAL	***COMMON NAME***
Large Shade Trees	
Acer rubrum	Red Maple
Acer saccharum	Sugar Maple
Fraxinus pennsylvanica	Green Ash
Magnolia grandiflora	Southern Magnolia
Platanus occidentalis	Sycamore
Quercus coccinea	Scarlet Oak
Quercus hemisphaerica	Laurel Oak
Quercus palustris	Pin Oak
Quercus phellos	Willow Oak
Zelkova serrata – Village Green	Village Green Zelkova
Small Shade Trees	
Quercus acutissima	Sawtooth Oak
Betula nigra	River Birch
Cercis canadensis	Eastern Redbud
Cornus florida	Flowering Dogwood
Koelreuteria paniculata	Golden Rain Tree
Lagerstroemia indica	Crepe Myrtle
Prunus serrulata – Kwanzan	Kwanzan Cherry
Prunus x yedoensis	Yoshino Cherry
Ilex cassine	Dahoun Holly
Small Evergreen Tree	
XCupresso cyparis leylandii	Leyland Cypress
Ilex x attenuata – Fosteri	Foster Holly
Ilex x attenuata – Savannah	Savannah Holly
Ilex x attenuata – Nellie R. Stevens	Nellie R. Stevens Holly
Large Shrubs (Buffer Plants)	
Cleyera japonica	Cleyera
Elaeagnus pungens	Thornyl Elaeagnus
Ilex vomitoria	Yaupon Holly
Ilex x – Emily Bruner	Emily Brunner Holly
Ilex opaca – Greenleaf	Greenleaf American Holly
Ligustrum japonicum	Waxleaf Ligustrum
Prunus carolinana	Carolina Cherry-Laurel
Prunus laurocerasus	English Laurel

Medium Shrubs (Buffering Plant)

Ilex cornuta – Burfordii Nana	Dwarf Burford Holly
Ilex cornuta – Needlepoint	Needlepoint Holly
Ilex cornuta – Convexa	Convexa Japanese Holly
Ilex cornuta – Green Lustre	Green Lustre Holly
Ilex cornuta – Rotundifolia	Rotundifolia Holly

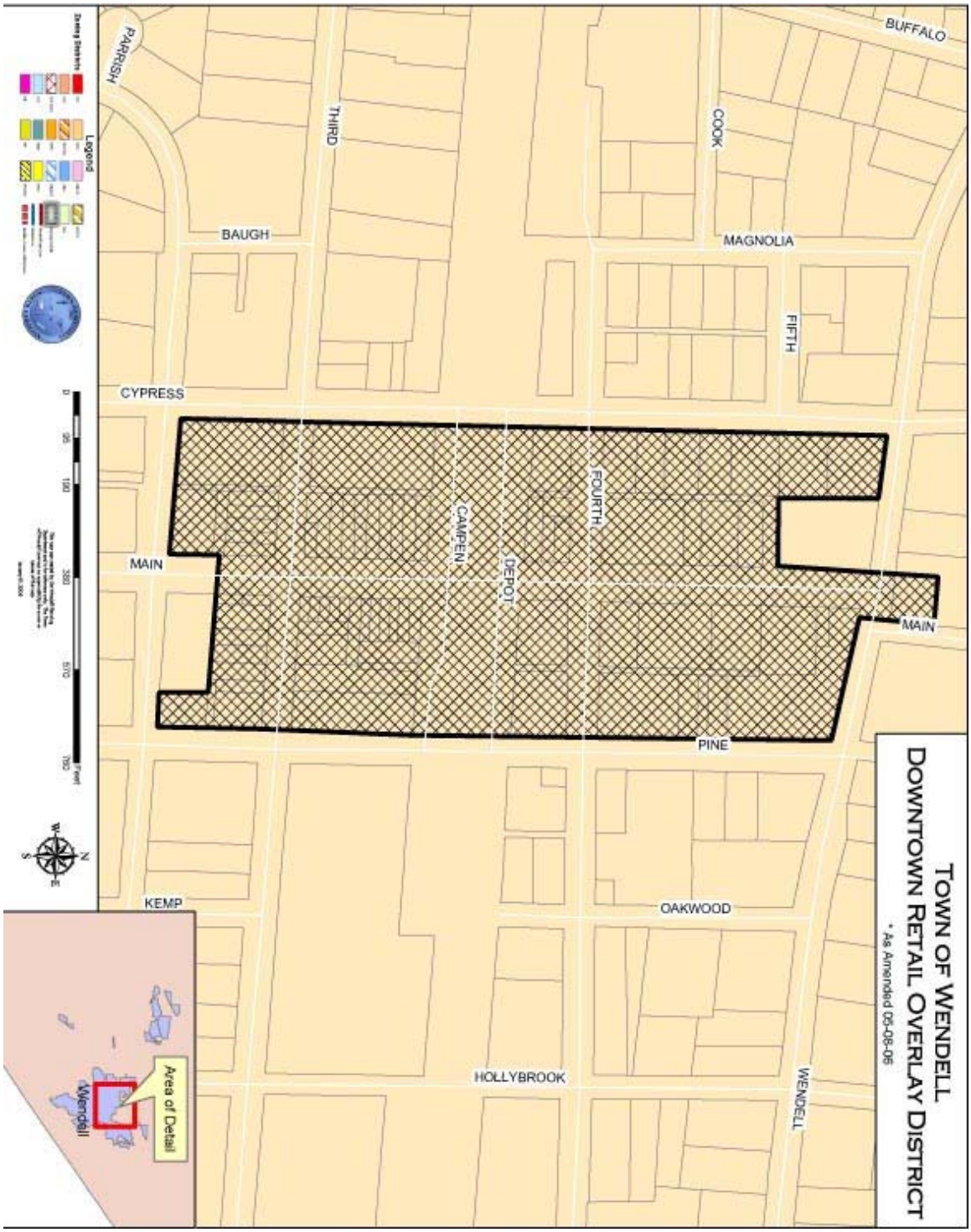
Appendix B

Downtown Retail Overlay District (DROD) Land Use Chart

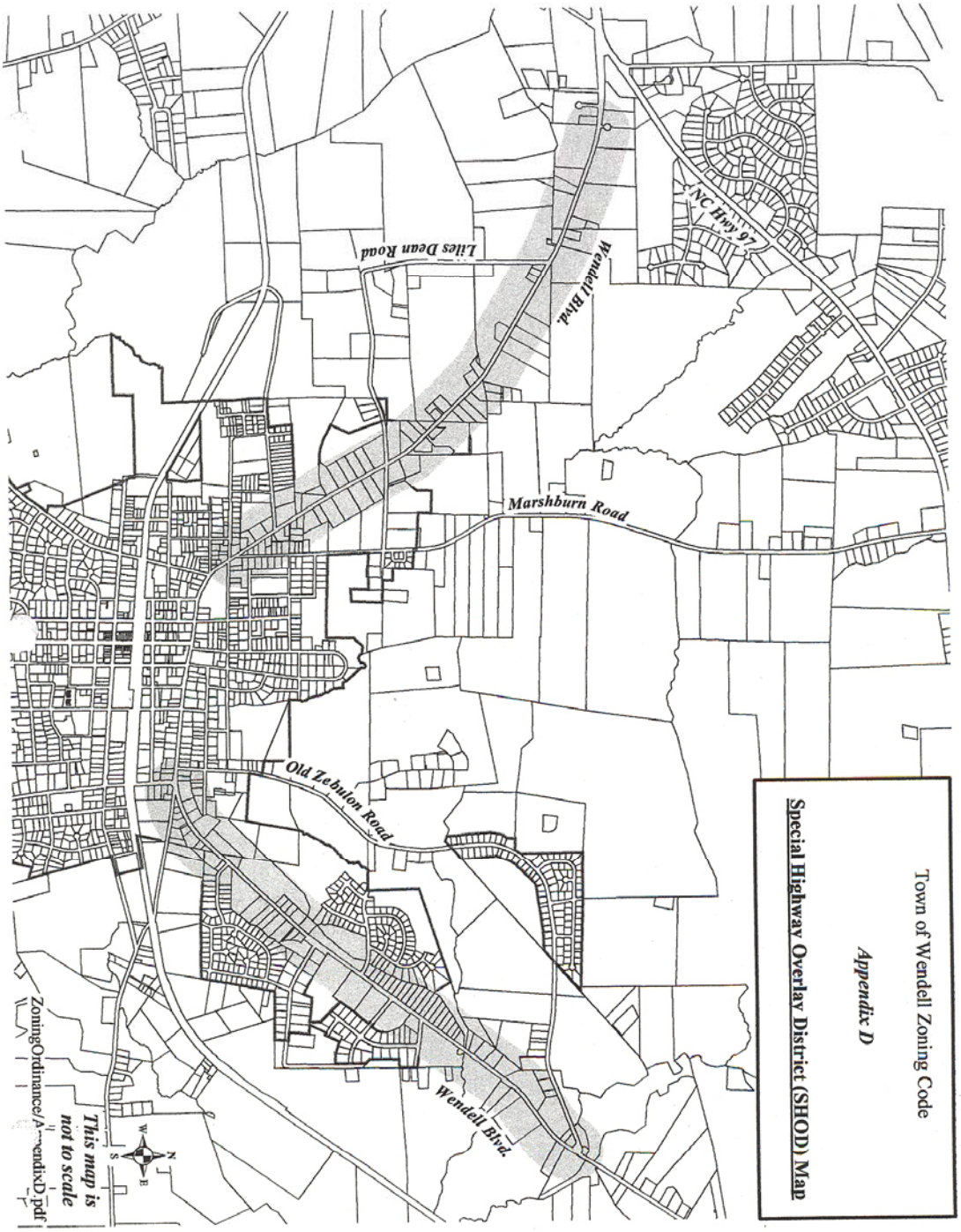
TYPE OF USE	GROUND FLOOR	SECOND FLOOR
Alcoholic Beverage Control (ABC) Store	P	P
Banks and loan offices	P	P
Barber and beauty shop	P	P
Churches		
Department store	P	P
Dry cleaners	C	
Dwelling - Single Family		P
Game room, pool hall, billiard hall		
Interior decorator	C	P
Laundromat	P	
Offices - financial and insurance	P	P
Offices - general		P
Offices - legal	P	P
Offices - real estate	P	P
Opticians	P	P
Photography studio	P	P
Printing	P	P
Recreation - Commercial (inside) (for profit)	S	
Restaurant - indoor	P	P
Restaurant - take-out only		
Shoe repair	P	P
Tavern	S	S
Video rental	P	P
Retail sale of the following and comparable items: Apparel; appliances; antiques; art; auto parts; baked goods; bicycles; books; cameras; carpet/flooring; drugs; flowers/gifts; furniture; groceries; hardware; ice cream; jewelry; newspaper/magazines; optical goods; pets; shoes; sporting goods; and toys.	P	P

(Ord. Passed 1-14-80; Amend. Ord. Passed 12-13-82; Amend. Ord. Passed 1-14-84; Amend. Ord. Passed 7-9-90; Amend. Ord. Passed 5-11-92, Amend. Ord. Passed 7-14-03 Amend. Ord. Passed 5-8-06)

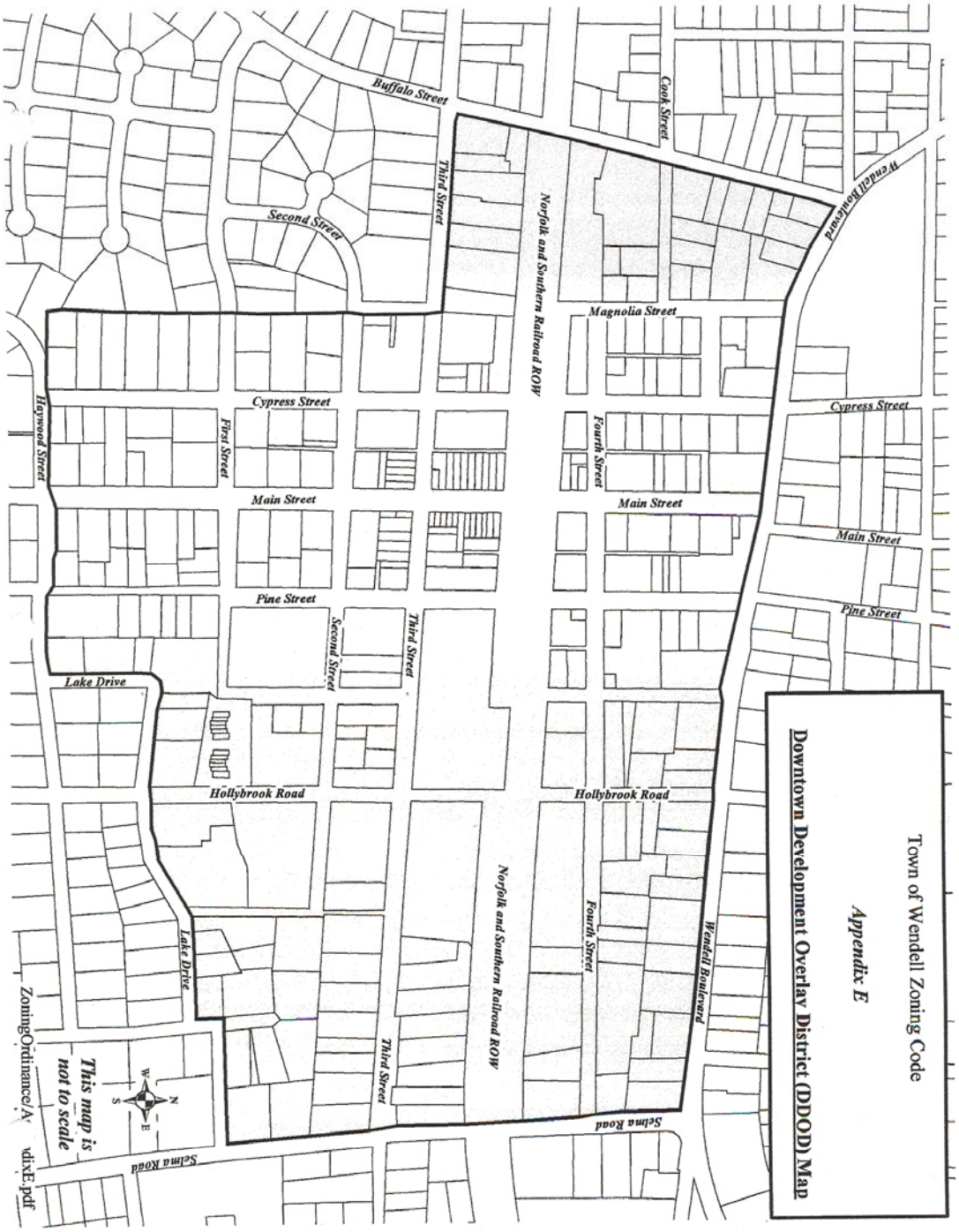
Appendix C


TOWN OF WENDELL
DOWNTOWN RETAIL OVERLAY DISTRICT
* As Amended 05-08-06
BUFFALO
COOK
MAGNOLIA
FIFTH
WENDELL
PINE
MAIN
OAKWOOD
HOLLYBROOK
FOURTH
DEPOT
CAMPEN
THIRD
CYPRESS
BAUGH
KEMP
PARRISH
Legend
Area of Detail
Wendell

Appendix D


Town of Wendell Zoning Code
Appendix D
Special Highway Overlay District (SHOD) Map
NC Hwy 97
Liles Dean Road
Wendell Blvd.
Marshburn Road
Old Zebulon Road
Wendell Blvd.
This map is not to scale
N
E
S
W

Appendix E


Town of Wendell Zoning Code
Appendix E
Downtown Development Overlay District (DDOD) Map
Wendell Boulevard
Cook Street
Buffalo Street
Third Street
Second Street
Norfolk and Southern Railroad ROW
Magnolia Street
Cypress Street
Fourth Street
First Street
Haywood Street
Main Street
Pine Street
Lake Drive
Hollybrook Road
Selma Road
This map is not to scale
N
E
S
W

Appendix F

Type of Use	***Zoning District***													***Parking Code***
	RA	***R20***	***R15***	***R12***	***R10***	***R7***	***MH***	***O&I***	***CD***	***CH***	***CN***	***CS***	***M&I***	
Adult Entertainment/nightclub														
Agricultural supply sales including fertilizer sales	S							S	S	P			P	H
Agriculture (including sale & processing of products produced on the premises)	P												P	None
Alcoholic Beverage Control Store	S								S	S		S		G
Animal Hospitals and Veterinarians	S							S		P		S		G
Antique Sales								P	P	P	P	P		G
Apparel Sales									P	P	S	P		G
Art Studios								P	P	P	P	P		H
Auditoriums, Civic Centers, and Public Assembly Buildings								S	S	P				E
Automobile Parking Lots								P	P	P			P	None
Automobile Part Sales									P	P		P		H
Automobile Repair Service									S	S			S	G
Automobile Sales (Franchise)									P	P				G
Automobile Sales (Used)									S	S				G
Automobile Self-Service Gasoline Station										P	S	S	P	G
Automobile Service Stations										P	S	S	P	G
Automobile Storage (outside with new, used, and wrecked vehicles)													S	H
Automobile Wash										S			P	G
Bakeries (retail)									P	P	P	P		G
Banks (Saving and Loan association)								P	P	P	P	P		G
Barber and Beauty Shops								P	P	P	P	P		G
Bicycle Sales and Repair									P	P	S	P		G
Billiard or Pool Halls									S	S		S		G
Boat and Boat Trailer (sales and installation)										S			S	G
Book and Stationary Stores								P	P	P	P	P		G
Building Supplies (sales and installation)									S	S		S	S	G
Bulk Storage of Oil, Petroleum, Gasoline, or other flammable material	S									S			S	None

Appendix F

Type of Use	***Zoning District***													***Parking Code***
	RA	***R20***	***R15***	***R12***	***R10***	***R7***	***MH***	***O&I***	***CD***	***CH***	***CN***	***CS***	***M&I***	
Cabinet, Woodworking, or Upholstery Shops	S									P			P	I
Carpet and Flooring Sales								C	P	P		P		G
Cemeteries	P												P	None
Child Day Care (four or more children)								S		S	S			F
Child Day Care (three or less unrelated children)	P	P	P	P	P	P	P							
Churches, Chapels, & Customary Accessory Uses	S	S	S					S	S	S	S		S	E
Clubs/Organizations (for-profit)								S	S	S	S	S	S	G
Clubs/Organizations (non-profit)								S	S	S	S		S	G
Convenient Stores (gasoline and food sales)										P	P	S	P	G
Dance Studios								P	S	S	S	S		H
Department Stores									P	P		P		G
Drug Stores								P	P	P	P	P		G
Dry Cleaners & Laundries									S	P	S	P	P	G
Dwellings (Multi-family)					S	S		S	S					B
Dwellings (Single-family)	P	P	P	P	P	P	P	P	S					B
Dwellings (Two-family)					S	S		S	S					B
Electrical Appliance Sales and Service									P	P		P	S	G
Electrical Equipment and Repair Shops									P	P			S	G
Electrical Equipment and Supplies (manufacturing of)													P	H
Farm Equipment Sales and Repair										P			P	I
Feed and Grain Sales and Storage	S									P			P	I
Finance and Loan Offices								P	P	P		P		G
Fire Stations	S	S	S	S	S	S	S	P	P	P	S	S	S	H
Florist and Gift Shops								P	P	P	P	P		G
Food and Grocery Stores								S	P	P	P	P		G
Food and Kindred Products (manufacturing of)													S	H
Funeral Homes	S							S		P				E
Furniture Sales								C	P	P		P		H

Appendix F

Type of Use	***Zoning District***													***Parking Code***
	RA	***R20***	***R15***	***R12***	***R10***	***R7***	***MH***	***O&I***	***CD***	***CH***	***CN***	***CS***	***M&I***	
Golf Courses and County Clubs	P	S	S	S	S	S								None
Greenhouse and Plant Nurseries	S									P			P	I
Hardware Sales									P	P		P		G
Health Centers and Clinics								P		P		S		C
Heavy Equipment Sales and Repair													S	G
Home Occupations	P	P	P	P	P	P	P	P	P					D
Hospitals								S		S				C
Hotels or Motels								S		S		S		C
Interior Decorator and Sales								P	P	P		P		H
Jewelry and Watch Sales and Repair								P	P	P	P	P		H
Junk and Salvage Yards														None
Kennels (commercial										P				None
Landscape, Lawn, and Garden Sales and Service	S									S			P	H
Laundromat								S	P	P	P	P		G
Libraries								P	P	P	P	P		G
Lumber and Building Supply Sales (outside storage)										S			S	G
Lumber and Wood Products														
Machine and Welding Shops													P	H
Manufactured Home (Class A)	P						P							B
Manufactured Home (Class B)	P						P							B
Martial Arts								P	S	S	S	S		H
Massage Therapist (Certified and Licensed By The State of North Carolina)								P	P	P	P	P		G
Metal and Fabricated Products													P	H
Mini-Storage Warehouse										S			P	I
Mobile Carwashes										S			S	none
Mobile Home Parks							S							
Mobile Offices (temporary construction)	P	P	P	P	P	P	P	P	P	P	P	P	P	G
Mobile Offices and Classrooms	S	S	S	S					S	S	S	S	S	F

Appendix F

Type of Use	*Zoning District*													*Parking Code*
	RA	*R20*	*R15*	*R12*	*R10*	*R7*	*MH*	*O&I*	*CD*	*CH*	*CN*	*CS*	*M&I*	
Motorcycle Sales and Repair										P			S	G
Musical Instruments Sales								P	P	P	P	P		G
Newsstands								P	P	P	P	P		G
Nursing and Rest Homes								S		S				C
Offices for Business (professional and personal services)					S			P	P	P	P	P		G
Opticians and Optical Goods								P	P	P	P	P		G
Paint sales									p	P		P		G
Paper Products (manufacturing of)													S	H
Parking required for permitted use	P	P	P	P	P	P	P	P	P	P	P	P		
Pet Shops and Grooming									P	P	S	P		G
Photography Studios								P	P	P		P		H
Planned Unit Development (PUD)	S			S	S	S		S						B
Plastic Products (manufacturing of)													S	H
Plumbing Supplies, Sales, and Service									P	P		S	S	G
Printing and Copying Services								P	P	P	P	P		H
Public Building and Uses								S	S	S		S		
Public Parks and Recreation Facilities	P	P	P	P	P	P	P	P	P		P			H
Recreation - Commercial (inside) (for-profit)									S	S	S	S		H
Recreation - Commercial (outside) (for-profit)										S	S	S		H
Recreation - Private (non-profit)		S	S	S	S	S	S							A
Restaurants (drive-in)										P		P		G
Restaurants (indoor) (including grilles and cafes)								P	P	P	S	P	S	E
Restaurants (takeout and delivery)								S	P	P	S	P	S	H
Schools (elementary)	S	S	S	S				S						F
Schools (junior and senior high)	S													F
Schools (nursery and kindergartens)	S	S	S	S				S						F
Schools (vocational and technical)	S													F
Scientific, Professional, and Photographic Goods (manufacturing of)													P	H

Appendix F

Type of Use	*Zoning District*													*Parking Code*
	RA	*R20*	*R15*	*R12*	*R10*	*R7*	*MH*	*O&I*	*CD*	*CH*	*CN*	*CS*	*M&I*	
Sheet Metal Shops										S			P	H
Shoe Repair									P	P	P	P		G
Shoe Sales								P	P	P	P	P		G
Signs (sales and service)								S	S	P	S	S	P	None
Sporting Goods Sales								P	P	P	P	P		G
Stone, Clay, Glass, and Concrete (manufacturing of)													P	H
Tailors and Dressmaking								P	P	P	P	P		H
Tavern								S	S	S	S	S	S	E
Telecommunications Tower	S									S				None
Textiles (manufacturing of)													P	H
Theatres								S	S	P		P		E
Tobacco Warehouses										P			P	H
Tourist and Bed and Breakfast	S				S	S		S	S		S			C
Video Rentals									P	P	P	P		H
Wholesale and Warehouse Storage										S			P	H

P = Permitted Use By Right
C = Conditional Use Permitted Upon Approval of The Board of Adjustment
S = Special Use Permitted Upon Approval of the Town Board of Commissioners
Parking Code = see 154.95(F)

Blank Or Unlisted Activity = Prohibited Use

1 = Allowable Within Designated Manufacturing Housing Overlay District (MHOD) only

(Ord. Passed 1-14-80; Amend. Ord. Passed 4-10-82; Amend. Ord. Passed 4-9-84; Amend. Ord. Passed 6-10-85; Amend. Ord. Passed 12-14-87; Amend. Ord. Passed 7-9-90, Amend. Ord. Passed 6-11-01, Amend. Ord. Passed 9-10-01, Amend. Ord. Passed 6-19-03, Amend. Ord. Passed 7-14-03, Amend. Ord. Passed 4-12-04, Amend. Ord. Passed 12-12-04, Amend. Ord. Passed 5-8-06)

Parking Codes

A = One (1) space per dwelling unit
B = Two (2) spaces per dwelling unit
D = Three (3) spaces in addition to resident's requirements
E = One (1) space for each four (4) seats in the principal place or assembly
F = One (1) space for each room or office plus one (1) space for each five (5) students over sixteen (16) years of age.
G = One (1) space for each 400 square feet of gross floor space
H = One (1) space for each one thousand (1,000) square feet of gross floor area

(Ord. Passed 1-14-80, Amend. Ord. Passed 1-9-06)

Appendix G

District and Type of Use	*Minimum Lot Area (sq. ft.)*	*Minimum Lot Width (feet)*	*Minimum Lot Depth (feet)*	*Minimum Front (feet from ROW)*	*Minimum Rear (feet)*	*Minimum Side (feet)*	*Maximum Building Height*
RA - Residential Agricultural							
Single Family Dwellings	20,000	100	125	30	30	15 (on corner lot add 15 feet on street side)	35
Nonresidential Uses	40,000	100	200	40	30	25	35
Planned Unit Development	See §154.75 through §154.84						
R20 - Single Family Residential							
Single Family Dwellings	20,000	80	125	30	25	10 (on corner lot add 15 feet on street side)	35
Nonresidential Uses	40,000	100	200	40	30	25	35
Planned Unit Development	See §154.75 through §154.84						
R15 - Single Family Residential							
Single Family Dwellings	15,000	75	125	30	25	10 (on corner lot add 15 feet on street side)	35
Nonresidential Uses	20,000	100	150	30	25	10 (on corner lot add 15 feet on street side)	35

District and Type of Use	*Minimum Lot Area (sq. ft.)*	*Minimum Lot Width (feet)*	*Minimum Lot Depth (feet)*	*Minimum Front (feet from ROW)*	*Minimum Rear (feet)*	*Minimum Side (feet)*	*Maximum Building Height*

R12 - Single Family Residential

Single Family Dwellings	12,000	60	125	25	20	10 (on corner lot add 15 feet to street side)	35
Two-Family Dwellings	15,000	80	100	25	20	10 (on corner lot add 15 feet to street side)	35
Nonresidential Uses	20,000	100	150	30	25	20	35
Planned Unit Developments	See §154.75 through §154.84						

R10 - Single Family Residential District

Single Family Dwellings	10,000	60	100	25	15	10 (on corner lot add 15 feet to street side)	35
Two-Family Dwellings	15,000	80	100	25	15	10 (on corner lot add 15 feet to street side)	35
Multi-Family Dwellings	20,000	100	150	25	25	25	35
Nonresidential Uses	20,000	100	150	30	25	20	35
Planned Unit Developments	See §154.75 through §154.84						

District and Type of Use	*Minimum Lot Area (sq. ft.)*	*Minimum Lot Width (feet)*	*Minimum Lot Depth (feet)*	*Minimum Front (feet from ROW)*	*Minimum Rear (feet)*	*Minimum Side (feet)*	*Maximum Building Height*

R7 - Single Family Residential District

Single Family Dwellings	7,000	50	100	25	20	10 (on corner lot add 15 feet to street side)	35
Two-Family Dwellings	12,500	75	100	25	20	10 (on corner lot add 15 feet to street side)	35
Multi-Family Dwellings	20,000	100	150	25	25	25	35
Nonresidential Uses	20,000	100	125	30	25	20	35
Planned Unit Developments	See §154.75 through §154.84						

MH - Mobile Home Park District

Single Family Dwellings	10,000	60	100	25	15	10 (on corner lot add 15 feet on street side)	35
Mobile Home Parks	3 acres	200	200	50	50	25	35
Nonresidential Uses	20,000	100	150	30	25	20	35

District and Type of Use	*Minimum Lot Area (sq. ft.)*	*Minimum Lot Width (feet)*	*Minimum Lot Depth (feet)*	*Minimum Front (feet from ROW)*	*Minimum Rear (feet)*	*Minimum Side (feet)*	*Maximum Building Height*
O&I - Office and Institutional District							
Single Family Dwellings	10,000	60	100	25	15	10 (on corner lot add 15 feet to street side)	35
Two-Family Dwellings	12,000	80	100	25	20	10 (on corner lot add 15 feet to street side)	35
Nonresidential Uses	7,000	60	75	25	15	10	35
Planned Unit Developments	See §154.75 through §154.84						
CD - Commercial Downtown District							
Use	0	0	0	See §154.18	0	0	35
CH - Commercial Highway District							
Use	10,000	50	100	40	25	20 (See §154.18)	35
CN - Commercial Neighborhood District							
Use	10,000	50	100	40	25	20 (See §154.18)	35
CS - Commercial Shopping Center							
Use	120,000	~	~	100	50	See §154.18, §154.12	35

District and Type of Use	*Minimum Lot Area (sq. ft.)*	*Minimum Lot Width (feet)*	*Minimum Lot Depth (feet)*	*Minimum Front (feet from ROW)*	*Minimum Rear (feet)*	*Minimum Side (feet)*	*Maximum Building Height*
M&I - Manufacturing and Industrial District							
Use	40,000	100	200	50	25	20 (See §154.18)	35

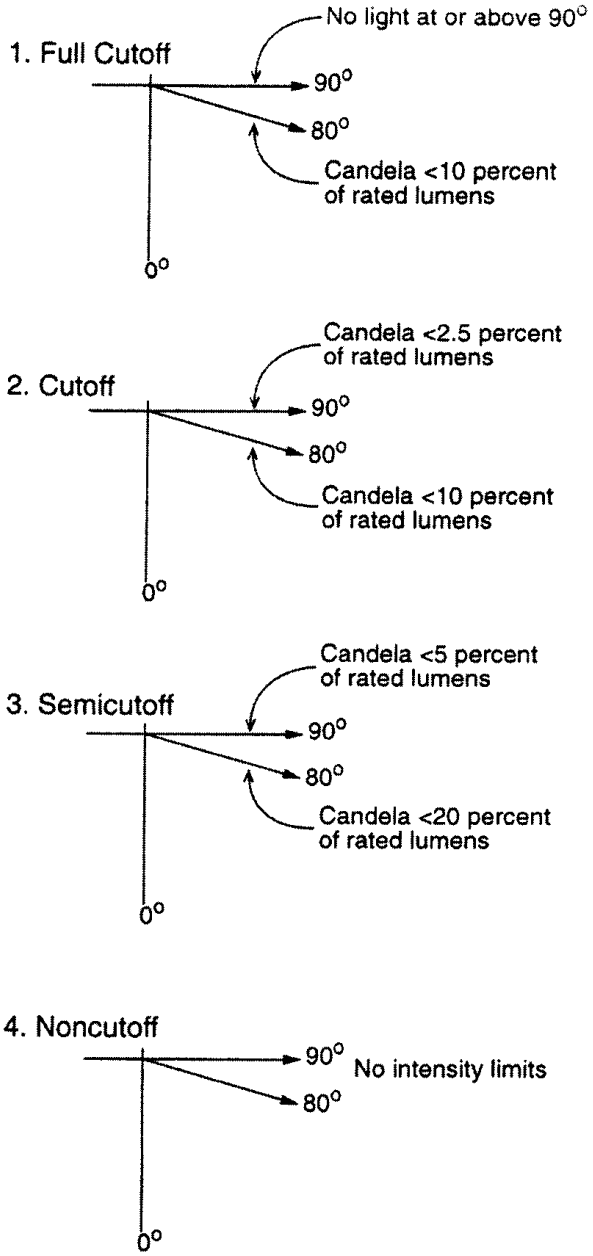
(Ord. Passed 1-14-80; Amend. Ord. Passed 4-10-82; Amend. Ord. Passed 12-13-82; Amend Ord. Passed 6-10-82)

Appendix H

$$\frac{\text{floor area in dwellings}}{\text{gross land area in site}} = \text{FAR}$$

Note: To the read the table, find the appropriate Floor Area Ratio (FAR) in the table. Read across to determine the Open Space Ration (OSR),
Livibility Space Ratio (LSR), Recreation Space Ratio (RSR), Occupant Car Ratio (OCR), and Total Car Ratio (TCR). Definitions are provided
in §154.76.

			Ratio X - Gross Land Area		***Ratio X - Dwelling Units***	
LUI Rating	***Floor Area Ration (FAR)***	***Open Space Ratio (OSR)***	***Livibility Space Ratio (LSR)***	***Recreation Space Ration (RSR)***	***Occupant Car Ratio (OCR)***	***Total Car Ratio (TCR)***
30	.106 or less	0.80	0.65	0.25	2.0	2.2
31	.107 to .114	0.80	0.62	0.26	1.9	2.1
32	.115 to .122	0.79	0.60	0.26	1.9	2.1
33	.123 to .131	0.79	0.58	0.28	1.8	2.0
34	.132 to .140	0.78	0.55	0.29	1.7	1.9
35	.141 to .151	0.78	0.54	0.30	1.7	1.9
36	.152 to .161	0.78	0.53	0.30	1.6	1.8
37	.162 to .173	0.77	0.53	0.32	1.6	1.8
38	.174 to .197	0.77	0.52	0.33	1.5	1.7
39	.187 to .199	0.77	0.52	0.36	1.5	1.7
40	.200	0.76	0.52	0.36	1.4	1.6

Appendix I

Diagrams of IESNA Cutoff Classifications:
Source: IESNA RP-33-99