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ARTICLE 4: ZONING DISTRICTS

A. ZONING DISTRICT GENERAL PROVISIONS

1. TYPES OF ZONING DISTRICTS

All land within the Town is classified by this Ordinance to be within one or more of the several Base Zoning Districts, Conditional Zoning Districts, and Overlay Zoning District areas as identified herein. These districts are established and intended to complement and help implement the Summerfield Comprehensive Plan through regulations that govern:

- (a) intent descriptions;
- (b) permitted uses;
- (c) permitted building types; and
- (d) intensity, open space, dimensional, and lot coverage standards.

2. BASE ZONING DISTRICTS

Base zoning districts are separated into the general categories of Agricultural, Residential, Commercial, Industrial, and Open Space.

3. CONDITIONAL ZONING DISTRICTS

(a) Purpose

- (1) Conditional Zoning Districts are districts with conditions voluntarily added only in response to a petition by the owner of all the property to be included in such district.
- (2) In accordance with NCGS §160D-703 specific conditions applicable to these districts may be proposed by the applicant or City but only those conditions mutually approved by the City and the applicant may be incorporated into the Conditional Zoning District.
- (3) Conditional Zoning Districts provide for orderly and flexible development under the general policies of this ordinance without the constraints of some of the prescribed standards guiding by-right development. Because Conditional Zoning District developments are constructed in a comprehensive manner, they may establish their own building, street, block, and lot pattern which may be unique from other surrounding blocks or neighborhoods.
- (4) These districts are not intended to relieve hardships that would otherwise be handled using a variance procedure.
- (5) In addition to modification of specific base district provisions (except use), the various provisions detailed in this Article may be varied if specifically requested by the petitioner as part of a Conditional Zoning District application.

(b) Permitted Uses

Permitted uses in any conditional zoning district may include or exclude any uses permitted as specified in the Permitted Use Table (Table 4.D.2(a)) for that particular base zoning district, excluding non-permitted uses.

4. OVERLAY ZONING DISTRICTS

Overlay zoning areas are superimposed over portions of one or more underlying base or conditional zoning districts.

- (a) Overlay Zoning Areas supplement generally applicable development regulations with additional and specific

development regulations that address special area-specific conditions, features, or plans while maintaining the character and purposes of the underlying zoning district.

- (b) Regulations governing development in an overlay area shall apply in addition to the regulations governing development in the underlying district. If the standards governing a zoning district expressly conflict with those governing any one or more overlay areas, the standards governing the most restrictive overlay area shall control.

5. COMPLIANCE WITH DISTRICT STANDARDS

No land within the Town shall be used or developed except in accordance with the zoning district use, development standards, and requirements of this article and all other regulations of this Ordinance, as applicable.

TABLE 4.A. ESTABLISHED ZONING DISTRICTS AND OVERLAY AREAS		
ZONING DISTRICT NAME	ABBREVIATION	COMPARED TO CURRENT ORDINANCE
Base Agricultural District		
Agricultural	AG	(same)
Base Residential Districts		
Residential	RS	(replaces RS-40, and RS-30)
Rural Residential	RR	(same)
Base Commercial Districts		
Neighborhood Business	NB	(same)
Business	BN	(replaces LB, GB, and HB)
Office/Institutional	OI	(replaces LO, PI, and CP)
Shopping Center	SC	(same)
Base Industrial District		
Industrial	IND	(replaces LI, HI, and CI)
Base Open Space Districts		
Open Space Residential District ¹	OSR	(replaces OSRD)
Open Space Mixed Use District ¹	OSM	(new)
Overlay Areas		
Flood Hazard Area ²	FHA	(same)
General Watershed Area ²	GWA	(same)
Watershed Critical Area ²	WCA	(same)
Scenic Corridor Area ¹	SCA	(same)
Town Core District – Residential ¹	TCR	(replaces TCD-R)
Town Core District – Mixed Use ¹	TCM	(replaces TCD-M)
Village District ¹	VIL	(new)
Voluntary Agricultural District	VAD	(new)

¹ OSR, OSM, TCR, TCM, VIL, and SCA districts are subject to the development standards below.

² FHA, GWA, and WCA districts are subject to the development standards and requirements of Article 9.

B. ZONING DISTRICT DESCRIPTIONS AND STANDARDS

1. AGRICULTURAL DISTRICT

Agricultural (AG)

The Agricultural District is primarily intended to accommodate uses of an agricultural nature, including farm residences, farm tenant housing, and farming operations. It also accommodates rural, non-farm residences on large tracts of land. The district also accommodates private and public activities intended to support agricultural uses including equestrian facilities, farm co-op operations, and farmers markets. The district is established for the purposes of preservation and the continued use of land for agricultural, forestry, and open space purposes; to maintain the rural nature of the community; and to avoid conversion of farmland to urban uses. Lots will typically be served by private well and individual septic tank systems. The overall gross density in AG zone districts shall be 0.33 units per acre with a minimum three (3) acre lot size. There is no open space requirement in the AG district. Building types allowed in the AG district are Farm Buildings, Detached House, Manufactured Home, Workplace, Storefront, and Accessory Structures.

2. RESIDENTIAL DISTRICTS

(a) Residential District (RS)

The Residential District is for accommodating single family detached residences on lots where environmental features, public service capacities, and/or soil characteristics necessitate low-density single-family development. It will be used for residential purposes, and lots shall be served by wells, community wells, individual septic systems, or community sewage treatment systems. Lots typically will be located within a minor or major subdivision. This district will include existing RS-40 Residential Single-Family District lots of record, with a minimum lot size requirement of 40,000 ft², and RS-30 Residential Single-Family District lots of record, with a minimum lot size requirement of 30,000 ft². The maximum overall gross density shall be 1.0 units per acre. This is subject to the density bonus for moderately priced housing as described in 4.B.5(f)(4).d.i (Cluster Development Practices, Development Standards). Open space requirements for RS developments are determined by a scale based on the number of residential units. Building types allowed in the RS zone district are Farm Building, Detached House, Duplex, and Accessory Structures.

- (1) Duplex Dwelling Structures shall be considered one (1) dwelling unit for determining overall density.
- (2) The minimum lot size shall be that which is required in the base zoning district, pending approval by the Guilford County Environmental Health Department.

(b) Rural Residential District (RR)

The Rural Residential District is for accommodating rural non-farm residences on large tracts of land. Its purpose is to preserve rural character, significant natural and man-made features, and environmentally sensitive areas. This district will be used for residential uses in the Watershed III, Tier 3 or as desired away from the center of the community. Lots will typically be served by private well and individual septic tank systems. The overall gross density shall typically be 0.33 units per acre or less with a minimum lot size of 60,000 SF. There is no open space requirement in the RR zone district. Building Types allowed in the RR zone district are Farm Building, Detached House, Manufactured Home, Rural Workplace, and Accessory Structures.

3. COMMERCIAL DISTRICTS

(a) Neighborhood Business (NB)

The Neighborhood Business District is intended to accommodate very low intensity office, retail and personal service uses within walkable and bikeable distances surrounding residential areas. The district is established to provide convenient, non-vehicle dependent locations for businesses which serve the needs of surrounding residents without disrupting the character of the neighborhood. It is not intended

to accommodate retail uses which primarily attract passing motorists. Compatibility with nearby residences is reflected in design standards for both site layout and buildings. Building Types allowed in the NB are Farm Building, Detached House, Attached House, Live/Work, Institutional, Workplace, Storefront, and Accessory Structures.

(b) Business District (BN)

BN is intended to accommodate a mixture of retail trade, business, professional and personal services, and eating and drinking establishments that will be located within a scenic corridor overlay area, away from residential areas, adjacent to a minor or major thoroughfare or all three. Development may take place on individual lots, as part of a mixed-use development or part of a unified commercial development. All development occurring within the BN zone district shall use architectural features that enhance the community's rural, historic nature. Uses that pose a threat to ground or surface water are limited, require mitigation measures, or not permitted. Development within this district shall employ landscape strategies, building placement, and architectural features to mark service and delivery areas. Building types allowed in the BN zone district are Townhouse, Attached House, Live/Work, Institutional, Workplace, Storefront, Commercial Center, and Accessory Structures.

(c) Office/Institutional District (OI)

OI is intended to accommodate public, semi-public, and institutional uses or medical, professional, administrative, and government office uses that might have a substantial land use impact or traffic generation potential. The OI district shall use architectural features that enhance the Town's rural, historic nature. Development shall employ landscape strategies, building placement, and architectural features to mark service and delivery areas. Building types allowed in the OI are Institutional, Workplace, Storefront, Commercial Center, and Accessory Structures.

(d) Shopping Center District (SC)

SC is primarily intended to accommodate a wide range of retail and service developments meeting community and area shopping needs. The district is established on large sites to provide locations for major developments that contain multiple uses, shared parking and drives, coordinated signage, and high-quality landscaping. The SC zone district is a central focus of the community and shall use architectural features that enhance the Town's rural, historic nature. Development shall employ landscape strategies, building placement, and architectural features to mark service and delivery areas. Building types allowed in the SC zone district are Workplace, Storefront, Commercial Center, and Accessory Structures.

4. INDUSTRIAL DISTRICT

Industrial District (IND)

The Industrial District (IND) is primarily intended to accommodate limited manufacturing, wholesaling, warehousing, research and development, and related commercial/service activities which in their normal operations would have no adverse effect upon adjoining properties, the community or the environment, particularly ground and surface water. This district also may provide appropriate locations and development regulations for uses that require special measures to ensure compatibility with adjoining properties and to address any environmental concerns, by special use permit. Uses that pose a threat to ground or surface water are limited, require mitigation measures, or not permitted. Development within this district shall employ landscape strategies building placement, and architectural features to mark service and delivery areas and enhance the view of all visible faces of structures. Building Types allowed in the IND zone district are Workplace, Storefront, and Accessory Structures.

5. OPEN SPACE DISTRICTS

- (a)** The Open Space Districts are established to encourage the preservation of community character through innovative land planning and site design concepts that preserve valuable open space, and support a high

quality of development, environmental sensitivity, energy efficiency, and support the goals and policies of the Town of Summerfield Comprehensive Plan by:

- (1) allowing meaningful identification and preservation of the Town's community character resources to include farmlands, woodlands, and historic resources;
- (2) allowing site design that respects and incorporates into the built environment a site's natural and man-made features, such as trees, streams, ponds, hillsides, floodplains, and historic features;
- (3) allowing greater freedom in providing a well-integrated blending of compatible uses in the same development;
- (4) allow a high degree of certainty for potentially impactful developments by requiring comprehensive submittals and public input at the time of approval;
- (5) create opportunities to meet the housing policies of the Town of Summerfield Comprehensive Plan through Cluster Development Practices as described in Article 4.B.5 *Open Space Districts*.

(b) Open Space Residential District (OSR)

The Open Space Residential District (OSR) is primarily intended to accommodate rural developments designed to preserve rural character, significant man-made features, and environmentally sensitive areas. The district permits open space, recreational, agricultural and residential uses that are part of a unified design. The district encourages compact residential development of a variety of single-family housing types while maintaining average overall development densities similar to those in other residential districts but designed to maximize soil and water recharge conditions. The overall gross density shall not exceed 1.0 unit per acre with a minimum lot size of 15,000 SF for Single-Family Detached Homes and 10,000 SF for Single-Family Attached Homes. The minimum overall district size for OSR is ten (10) contiguous acres under unified ownership or control. Building types allowed in the OSR zone district are Farm Building, Detached House, Attached House (Duplex), Attached House (Triplex, Quadplex), Townhouse, and Accessory Structures.

(c) Open Space Mixed Use (OSM)

The Open Space Mixed Use District (OSM) is primarily intended to accommodate developments that integrate a variety of residential and specified non-residential uses while preserving rural character, significant man-made features, and environmentally sensitive areas while providing incentives to build moderately priced housing. The district permits open space, recreational, agricultural, residential and non-residential uses that are part of a unified design. The district encourages compact, integrated development with a variety of housing types, with the addition of specified services convenient to nearby residences. This district is intended primarily for development corridors where soil and water recharge conditions are appropriate for residential densities greater than those of other residential districts. The overall gross residential density shall not exceed one (1) unit per acre based on the gross acreage of the entire development. The minimum lot size within OSM districts is 9,000 SF. The overall district size shall be between 50 and 200 acres unless part of a multi-phased development. Such a multi-phased development shall consist of separate neighborhoods. Building types allowed in the OSM are Farm Building, Detached House, Townhouse, Attached House (Duplex), Attached House (Triplex, Quadplex), Live/Work, Institutional, Workplace, Rural Workplace, Storefront, and Accessory Structures.

(d) Open Space Mixed Use-Village (OSM-V)

The Open Space Mixed Use-Village (OSM-V) district is hereby added to the Development Ordinance as a voluntary zoning district option in addition to the districts listed in Section 4-2 (District Descriptions) and in accordance with NCGS 47F (The North Carolina Planned Community Act). With project submissions to this district, the applicant would propose regulating documents to be negotiated and approved by Council as part of a Development Agreement pursuant to NCGS §160D-1001 et. seq.

- (1) Purpose. The Open Space Mixed Use-Village District (OSM-V) is a district based on and regulated by detailed, place-based plans, standards, and Form-Based Code adopted in the rezoning process as part of the Development Regulations rather than the concepts and rules of conventional zoning found in other sections of the UDO. This type of zoning creates a land development regulation that fosters predictable built results and a high-quality public realm by using physical form as the organizing principle for the code and using illustrations to explain design elements rather than using numeric standards and text. The district is structured to allow greater control than is allowed by the UDO over such elements as the landscape, the scale of buildings, the form and function of neighborhoods, and the placement of building types. The district is established for the following purposes:

 - a. To accommodate the development of large tracts or combinations of tracts that require more comprehensive planning to follow accepted Traditional Neighborhood design principals incorporating open space practices and preservation;
 - b. To regulate the orderly mixed-use development of large areas to be under unified ownership or control with a comprehensive and cohesive design
 - c. To avoid a saturation of large tracts used for disconnected, large-lot, cul-de-sac subdivisions;
 - d. To ensure a specific development outcome as described in a detailed plan typical of a Form-Based Code project, if applicable;
 - e. To establish cohesive living spaces within a plan designed around the unique characteristics of a particular land area;
 - f. To integrate roadways, buildings, and open spaces into the natural landscape of woodlands, pastures, streams, slopes, and other features offered by the location;
 - g. To establish neighborhoods or village areas with a unique sense of place; and
 - h. To provide a development tool that supports the Town's policies for, and complies with, federal fair housing regulations.
- (2) Minimum Size. Only a tract or a combination of tracts totaling a minimum of 450 acres may be considered for an OSM-V district.
- (3) Uses, Density, Design, and Building Types. The uses, density, building types, and design of development shall be included in and governed by Development Regulations with zoning maps that are created for the OSM-V district and approved at the time of rezoning, provided, however, that the maximum density for apartments in the OSM-V district shall be 0.70 apartments units per acre and the maximum overall density of dwelling units in the OSM-V is 3.70 dwelling units per acre. The Development Regulations shall be adopted as a component of a Development Agreement negotiated as part of the approval of a rezoning request.
- (4) Acknowledgement of the structure of the zoning regulation. Different development results may occur using Development Regulations that focus on the scale and design of buildings, the functional integration of several uses in a community setting, the use of open space, intentional interconnectivity, and the preservation and sustainability of a community's character based upon elements of building and landscape design. This type of place-based zoning is contrasted with mid-20th century conventional zoning that creates land development regulations based primarily on the separation of uses with much less focus on the appearance and function of the built form. The OSM-V district also acknowledges that the design of neighborhoods and villages requires flexibility not allowed by the conventional zoning standards in other sections of the UDO.
- (5) Unified ownership and control. A mechanism of unified ownership and control shall be set forth with

a Development Agreement approved with a rezoning to OSM-V, recorded with the Register of Deeds, and referenced in every deed of ownership. Among other things, the mechanism shall include provisions and responsibilities for design approval, permit approval, and enforcement of the Development Regulations.

(e) Standards for Residential Uses in OSR and OSM

- (1) Areas between structures shall be covered by easements where necessary to preserve access and to provide for maintenance and utility service.
- (2) No single family detached lots shall have access to thoroughfares or scenic corridors unless the lot has a minimum street frontage and lot width of three hundred (300) feet and a minimum lot size of three (3) acres.
- (3) No attached dwellings shall have direct access to thoroughfares or scenic corridors
- (4) The maximum allowable percentage of Attached Dwelling Triplex and/or Quadplex Dwelling Structures shall be ten percent (10%) in a subdivision.
- (5) The Triplex and Quadplex Dwelling Structures shall not qualify as units satisfying the moderately priced housing requirements for a density bonus.
- (6) Duplex, Triplex and Quadplex Dwelling Structures shall be considered one (1) dwelling unit for determining overall density.
- (7) The minimum lot size shall be that which is required in the base zoning district, pending approval by the Guilford County Environmental Health Department.
- (8) The maximum allowable intensity of Quadplex Dwelling Structures shall not be more than ten (10) bedrooms total for all dwelling units combined provided that the land can sustain a maximum of 10 bedrooms pending approval by the Guilford County Environmental Health Department.”

(f) Standards for Non-residential Uses in OSR and OSM

Non-residential uses in an OSM development shall conform to the Design Standards of Article 6.1 *Commercial, Office and Mixed-Use Design Standards*, and the following:

(1) Allowable Acreage

The allowable acreage in non-residential (i.e. commercial) use shall be up to 5% of the gross parcel area.

(2) Access

- a. Areas between structures shall be covered by easements where necessary to preserve access and to provide for maintenance and utility service; and
- b. primary vehicular access to commercial development shall not be through residential development;
- c. separate pedestrian and vehicular traffic such that pedestrians can safely walk between stores within a development and from parking areas to stores; and
- d. provide for pedestrian access from adjacent residential and office areas into commercial areas.

(g) Standards for OSR and OSM

In addition to the development standards of Article 6, the following development standards apply to all Open Space Districts established after the effective date of this ordinance:

(1) Open Space Districts Generally

- a. For every five (5) acres designated as open space in excess of the area required under Article 6.E.3 *Open Space Set-Aside Standards*, one (1) lot/dwelling unit may be added to the maximum number allowed.
- b. All acreage included in an Open Space dedication shall be perpetually held in unified ownership and control with any change in ownership subject to the conditions of the approved district and placed in a conservation easement recorded on the final plat.
- c. The minimum amount of required open space shall be calculated by excluding existing and proposed street right of way from the gross land area, multiplying the result by 50%, then subtracting open space credits. $50\% \text{ of } (\text{Gross land area} - \text{street right of way}) \text{ minus open space credits} = \text{required open space}$.

Example for a 50-acre tract with 500 feet of existing roadway plus 700 additional feet of proposed roadway: $(50 \text{ acres} - 1.65 \text{ acres}) \times 50\% = 24 \text{ acres minus open space credits}$.

- d. Qualifying open space areas shall be determined and conveyed in accordance with Article 6 *Conservation Area and Open Space Requirements* and depicted on an approved Resource Map.

(2) Boundary Treatment

- a. The scale and setbacks of open space development improvements within 150' of the perimeter of the open space development shall be in harmony with development on adjacent lands.
- b. No non-residential use shall be permitted within 150' of the perimeter of an open space development unless the same or a similar use exists adjacent to the perimeter at the time of the approval of the open space development.

(3) Parking

Off-street parking for each use in an open space development shall be provided and (subject to the exceptions) in accordance with the standards set forth in Article 6: *General Development Standards* for the same use or uses of similar intensity. The Planning Director may reduce the required number of parking spaces if the master development plan provides convenient pedestrian and/or bicycle access among uses.

(4) Cluster Development Practices

For new developments, the Town encourages the clustering of development and protection of open space through optional Cluster Development practices. These practices permit buildings to be clustered or grouped on a site, parcel, or property to optimize the use of land and resources. By clustering development, projects developed in accordance with these standards can obtain density bonuses while preserving unique natural features, efficiently providing infrastructure such as water, sewer, and streets, and organizing buildings on a site in a manner that promotes efficient multi-modal transportation. Cluster Development practices mandate the dedication of additional open space, a variety of lot sizes and housing types, publicly dedicated trails or sidewalks, and best practices for water use, re-use and recharge.

a. Applicability

Cluster Development practices may be requested for new Open Space Mixed Use development in undeveloped areas of the Town and in already developed areas with low building to land value ratios. The Cluster Development practices set forth below may only be applied to properties at the time of a request for an Open Space district approval, or with the approval of all landowners within the area requested for Cluster Development.

b. Access

Any site exercising these practices shall have at least one direct access point to an arterial road designed to carry the anticipated additional capacity of the development and shall provide an interconnected network of roadways to integrate the development into the existing transportation network. Private streets may be used to meet access requirements for residential lots in cluster developments provided the development abuts and has direct access to a publicly maintained street.

c. Intent

Cluster Development practices permit buildings to be clustered or grouped on a site, parcel, or property in order to:

- i. protect property value by promoting quality design and development that respects surrounding established land use character;
- ii. protect Summerfield's rural character by adequately buffering development from neighboring properties and roadways;
- iii. provide opportunity to respond to housing market demand that aligns with the policies of the Comprehensive Plan with a variety of lot sizes without compromising the character of the surrounding area;
- iv. promote environmentally sensitive practices in protected areas and areas vulnerable to development such as watersheds and properties with areas of steep slopes, streams and wetlands;
- v. direct greenspace development to areas where soil and water recharge conditions are appropriate for clustering;
- vi. provide for efficient use of land resulting in smaller networks of utilities and streets and thereby lowering development and housing costs;
- vii. efficiently provide infrastructure such as water, sewer, and streets while promoting efficient multi-modal transportation;
- viii. reduce the inflexibility or uniform design that sometimes results from strict application of zoning and development standards by applying those standards through variations in building design, density, lot sizes and arrangements, and site design; and,
- ix. maximize groundwater recharge through best practices for land cover and site design.

d. Development Standards

The following development standards shall apply to development exercising Cluster Development practices, in addition to the standards and conditions approved with the underlying Open Space district.

- i. In order to encourage a variety of moderately priced housing, the overall maximum density of 1.0 units per acre may increase to an overall maximum density of 1.15 units per acre (a 15% density bonus) if a developer agrees to build single-family residential homes, including duplexes and twin homes, defined as "moderately-priced housing" (see Article 11: Definitions). In order to qualify for the 15% density bonus, the developer must build a number of moderately priced homes throughout the development and equal to the home density bonus. The Town and the developer will agree on price ranges as part of a development agreement. This is subject to satisfactory demonstration and approval of cluster development practices.

- ii. Permitted building types shall be those allowed in the underlying open space district.
- iii. Building placement, parking placement, urban form, access, lot size and lot arrangement shall be controlled by regulating documents approved at the time of approval.
- iv. There shall be a minimum separation of 12 feet between all enclosed structures.
- v. The development shall include public sidewalk, bicycle, and trails, public greenspaces, and other amenities to benefit the general public along with the residents of the development.
- vi. Community wells and sewage treatment systems are permitted and encouraged as a means of promoting compact development within surrounding open space. The areas designated for these systems shall be indicated on the sketch plan and master development plan.
- vii. Any dwelling unit and associated garage constructed within 15 feet of another existing or planned dwelling unit or garage, as measured from the farthest protrusion of each structure, shall be protected through a residential fire protection pump and tank system installed in accordance with National Fire Protection Association (NFPA) standards and requirements and approved by the fire chief or his designee.

e. Approval

Cluster Development practices, if desired, shall be requested at the time of approval of the newly adopted underlying Open Space district. Approval shall be contingent upon the approval of conditions proposed by the applicant and approved by the Town Council with sufficient detail to determine conformity with the policies of the Comprehensive Plan and the intent of this section.

Conditions of approval should include methodologies and best practices mitigating the impact of the development on the area where it is proposed. Examples include methodologies for the provision and protection of water, treatment of wastewater, transportation impacts, Low Impact Development, Light Imprint, innovative storm water control practices, Complete Streets, practices from The Green Growth Toolbox, and site design.

f. Additional Requirements

In addition to the requirements for Open Space districts, requests for Cluster Development practices shall include plans and documents demonstrating the following:

- i. proposed density;
- ii. the development pattern of the proposed development demonstrating building placement, parking placement, urban form, access, lot size, and lot arrangement;
- iii. private and public sidewalk, bicycle, and trail networks;
- iv. open space, greenspace, and amenities available to the general public;
- v. areas vulnerable to development such as steep slopes, with practices for mitigating impact;
- vi. proposed watershed protection, as appropriate, and proposed stormwater control measures;
- vii. proposed methodologies and best practices for serving utilities to the site, including but not limited to water supply, wastewater output, pre-treatment of wastes and emissions

required or recommended, and any significant power structures and communications towers or facilities;

- viii. proposed methodologies and best practices for the impact of the development on roadways;
- ix. additional documentation relevant to demonstrate the appropriateness of the development pattern to the area and compliance with the Comprehensive Plan may be requested at the Administrator's discretion; and,
- x. zoning districts approved with Cluster Development Practices shall be noted on the zoning map as OSR/CDP or OSM/CDP. Approved details of the CDP shall be included in the approved Sketch Plan and Master Development Plan for the underlying Open Space district.

(h) Standards for OSM-V Districts

- (1) **OSM-V Standards Distinguished.** Notwithstanding other provisions in the UDO, including, but not limited to, provisions related to use, lot size, dimensional standards, open space, utilities, densities, parking, setbacks, overlays, lighting, and other restrictions or requirements, but subject to the maximum density limitations established the UDO Article 4.B.5.(d)(3)., the approval of an OSM-V district grants an applicant flexibility to create Development Regulations, subject to Town approval, that establish parameters including, but not limited to the district's restrictions and requirements for buildings, streets, signage, parking, lighting, density/intensity, connectivity, lot size, mixture of uses, setbacks, overlays, and open space, provided that the applicant can demonstrate:
- a. General conformity with the Town's Comprehensive Plan;
 - b. Effective standards of development that would not otherwise be required or be possible in a conventional zoning district, and
 - c. How the proposed development is compatible with existing land uses, such as the location of higher density housing in relation to existing lower density subdivisions.

Such Development Regulations shall control over contradictory restrictions or requirements in the UDO, to supplement applicable restrictions or requirements where indicated, and to function in lieu of any additional requirements when indicated. The regulations proposed within the Development Agreement with a rezoning request to OSM-V shall clarify when they are complete and when they are supplemental.

- (2) **Characteristics.** An OSM-V district shall establish a neighborhood or village or group of neighborhoods or villages that exhibit the following characteristics:
- a. A design that protects scenic vistas.
 - b. A design that considers and illustrates how natural areas such as fields, pastures, steeply forested slopes, and natural waterways are incorporated into the development.
 - c. A system of publicly accessible trails that connect parts of the development to outside streets and existing or planned municipal and regional public trails.
 - d. An interconnected network of streets that integrates with the existing network of streets outside the proposed district providing multiple connection points that define a framework of lots within blocks, and public and semipublic open spaces.
 - e. Non-residential uses that complement neighboring residences by providing occasional neighborhood convenience, services, or civic needs.
 - f. Housing types that vary in size and character, cost, and affordability.

- (3) **Contiguity.** Tracts along both sides of roadways, separated by ROW and/or owned by NCDOT, may be included in an OSM-V district and shall be considered contiguous. Noncontiguous tracts may be included in an OSM-V district if the noncontiguous tract or tracts is/are demonstrated to form a reasonable connection with the overall purpose of the development, are subject to the OSM-V Development Regulations and are under unified ownership or control. Noncontiguous tracts may not exceed 10% of the total contiguous area. Any acreage requested for later addition to an OSM-V district would be subject to a rezoning request according to the same laws in effect at the time of the adoption of the associated Development Agreement. Property may not be deeded to NCDOT to create contiguity.
- (4) **Permitted Uses.**
- a. OSM-V districts shall allow applicants to determine their own combination of permitted uses that enable the district to function as a traditional village. Uses not otherwise listed in the Town's table of permitted uses may be considered as part of an OSM-V district and approved as part of the map amendment ordinance or ordinance approving the Development Agreement.
 - b. Requirements related to location, dimensions, and/or form for individual uses shall be specified in the OSM-V Development Regulations.
- (5) **Development Regulations.** The OSM-V district shall be governed by (i) a Development Agreement and (ii) Development Regulations consisting of maps and standards subject to the approval and enforcement by the Town as set forth by the standards and the terms of a Development Agreement. Development Regulations, often referred to as "Regulating Documents," may be similar to or more extensive than a sketch plan and shall contain conditions approved as part of a conditional zoning district. The Development Regulations shall prioritize open space preservation with consideration of real estate investment economics and have sufficient specificity that they can be enforced by the Town.
- (6) **Content.** Development Regulations shall address the following:
- a. **Character Areas**

The district may be organized into one or more distinct Character Areas. A map or maps shall be provided that show the connections between or among Character Areas and how each Area is regulated. Maps shall show (i) site specific details responding to natural, historical, or cultural resources; (ii) newly created site conditions as part of the intended design of the proposed properties; (iii) natural areas and landscapes to remain undeveloped; (iv) useable open spaces within developed areas; and (v) developable areas, subject to future subdivision plan approvals. The developed areas shall be further divided into the classifications to which certain rules may apply within the Development Regulations, ranked in order of intensity. The borders of a Character Area may be adjusted as a minor modification to a subdivision plan or site plan provided the change does not (i) increase the overall density of the project, (ii) allow a use not already approved for the district, or (iii) reduce the open space below the overall stipulated percentage established by a Development Agreement.

The Development Regulations governing an OSM-V district shall include an introduction that explains how the standards shall be applied, and descriptions and illustrations of each Character Area designated in the Development Regulations. The Character Area descriptions should match those written in the Plan Narrative and shall include, at a minimum:
 - i. Definitions of terms not defined in the Town's UDO, or alternate definitions if a conflict in definition of terms prevents the use of and/or implementation of the

Development Regulations.

- ii. Bulk standards and building placement rules for each Character Area.
- iii. Proposed uses.
- iv. Plan books describing architectural styles and details.
- v. Thoroughfare cross sections and standards with road design and lot access requirements unique to the development.
- vi. Requirements that may be different than requirements applied to other districts, and that include, but are not limited to:
 - aa. Building placement and buildable areas within lots
 - bb. Setbacks, or built-to location
 - cc. Parking
 - dd. Landscaping
 - ee. Street, Sidewalk and Trail Standards
 - ff. Environmental Protections
 - gg. Protection of rural vistas
 - hh. Open space use and preservation

b. Thoroughfares

Major Thoroughfares that connect the developable areas to the outside street network, and Minor Thoroughfares that are internal to the project, and a variety of public and private road or street types such as vehicular roads, alleys, limited accessways for emergency vehicles, bike lanes, pedestrian paths, and trails may be included. Locations of Major Thoroughfare roadbeds may be adjusted at the time of future subdivision approval upon demonstration that the adjustment results from response to physical limitations or challenges of the landscape and topography. All roadways may be adjusted as needed at the time of subdivision or site plan approval but shall be generally consistent with the Development Regulations.

Vehicular access to a new, higher density residential use or to a non-residential use through an existing residential development located outside the proposed OSM-V district is prohibited except where the recorded plat for the existing residential development shows a “stub out” for a proposed future street connection. Non-vehicular access between an OSM-V district and adjoining non-vehicular and pedestrian greenways and trails shall be permitted with the approval of the Administrator.

Any use located in a zoning district which is also a permitted use in a neighboring zoning district may have vehicular and non-vehicular access through the neighboring zoning district without additional requirements.

Village design that emphasizes public space and Complete Streets policies may require deviations from geometric design standards and NCDOT’s traditional approach to thoroughfares. The town recognizes the need for flexibility regarding some standards that would compromise ideal village design intended to slow speed, reduce noise, and improve motorist and pedestrian safety. However, other standards, such as cross-sectional construction design, American Association of State Highway and Transportation Officials (AASHTO) standards, paving mixes, and sight/vertical curve distances should be considered in OSM-V Regulating Documents.

- c. Utility and access easements.
 - d. Site-specific requirements that address preservation of historic resources, heritage landscaping, landscaped buffers, vistas, or geographic constraints. An OSM-V district shall establish its own setbacks and rules related to protections of vistas and scenic corridors.
 - e. Standards for the consideration of vistas and scenic corridors meeting the intent of open space vistas and corridor overlays described in the UDO.
- (7) **Resource Maps.** Resource Maps shall depict environmental, cultural, historical, and other resources that represent assets of the property in the general spirit of the Town's Comprehensive Plan. Examples of resources include, but are not limited to, environmentally sensitive areas, viewsheds, historic features and settlement patterns, pastures and farm buildings, woodlands, and other natural and man-made land features. The Resource Map shall include the location and amount of land in flood hazard areas and other lands not to be developed.
- (8) **Open space.** The amount of open space shall be specified in a Development Agreement.
- (9) **Density.** Density in the OSM-V district shall be subject to the maximum density limits established by the UDO in Article 4.B.5(d)(3) and shall be governed by a Development Agreement with the following:
 - a. A minimum of 15% of the overall number of housing units in the development shall be affordable to low and moderate income households to achieve inclusive housing to broad ranges of income levels and to provide housing for those who live and work in the Town of Summerfield. The Town and the developer will agree on price ranges as part of the Development Agreement.
 - b. Any residential building may qualify toward satisfying the affordable housing requirement. Duplex, Triplex and Quadraplex dwelling structures shall be counted as part of the overall density.
 - c. A minimum of 5% of any Apartments within a Garden-Style apartment community within the development shall meet the criteria for affordable housing as established by HUD. Duplex, Triplex and Quadplex style housing is not included in the definition of Apartments for the purposes of this calculation.
 - d. Apartments shall not be built immediately adjacent to existing single family detached home subdivisions. Duplex, Triplex and Quadplex style housing is not included in the definition of "Apartments" for the purposes of this restriction.
 - e. Except for land located at highway intersections with I73, all commercial development shall be designed as neighborhood-serving businesses.
 - f. Density of a proposed project shall be calculated per the overall density of a project and not by individual phase, site plan, or similar review.
- (10) **General Standards.** Development Regulations shall also include General Standards that apply to all properties, regardless of classification, including, but not limited to, parking lot design, landscaping, street standards, and architectural details submitted by the applicant and approved with development regulations.
- (11) **Development Timing.** No more than one Garden-Style Apartment community shall be under construction at any given time.
- (i) **Application and Approval of OSM-V Districts.**
 - (1) **Pre-Submittal Conference.** The applicant shall meet with Town planning staff to identify the tract

or tracts, the broad concepts of the proposed OSM-V district, the process for approval, and other relevant issues prior to submittal of an application. The applicant shall provide a sketch plan that generally illustrates the layout and character of proposed developed and undeveloped areas, points of access to existing roadways, intended phasing, and provision of utilities. TRC review by entities/agencies identified within the UDO or determined by the Town as necessary for review of project details shall be required at site plan review for each phase of development.

(2) **Submittal.** The applicant shall present the following materials as part of the OSM-V district application:

- a. Application that identifies each tract and is signed by the owner or owners of each tract.
- b. A Project Narrative that:
 - i. Explains the concepts and goals of the OSM-V district;
 - ii. Identifies the project's principal planning and engineering consultants;
 - iii. Addresses how the project uses the developmental flexibility of an OSM-V district to create Development Regulations consistent with traditional neighborhoods guided by detailed, place-based plans and standards.
 - iv. A Statement of Conformity that addresses general consistency with the Comprehensive Plan.
- c. Development Regulations
- d. A Transportation Statement with sufficient detail to guide broad land use and site planning decisions but does not contain the level of detail expected of a full-scale traffic impact analysis (TIA). The Transportation Statement shall include:
 - i. Maximum projected build-out land use;
 - ii. Estimated maximum trip generation at full build-out;
 - iii. Mitigation measures on a large scale;
 - iv. A report summarizing the results with associated figures prepared for staff review and comment; and,
 - v. Comments and recommendations from NCDOT to the extent that their standards are followed.

After rezoning and prior to development, each phase of development shall provide a full TIA prior to site plan approval based on conditions that exist at that time. The TIA shall provide recommendations for improvements to the current and proposed transportation network, vehicular and nonvehicular.

- e. A groundwater availability and quality analysis prepared by a licensed geologist addressing at a minimum the impact of the proposed development on the groundwater supply in the proposed OSM-V district and the area surrounding it.
- f. A Resource Map.
- g. A broad description of meetings and other communications with adjoining or nearby neighbors, whether completed or planned.
- h. Any other pertinent documents or agreements that the Applicant determines are necessary for review by the Town as part of the OSM-V approval. Agreements with utility providers and documents related to special tax districts shall not be required at time of application.

- (3) **Fees.** The application fee shall be the standard application fee applied to all zoning districts.
- (4) **Approval.**
 - a. **Review.** An OSM-V district shall be approved in the same manner as other zoning map amendments.
 - b. **Neighborhood Communications.** At least 7 days prior to review by the Planning Board, the applicant shall inform all adjoining property owners of the application and shall conduct a public informational meeting or meetings and inform them where copies of the OSM-V Project Narrative, Sketch Plan, Development Regulations, Statement of General Conformity, Development Agreement, Transportation Statement, and any other relevant documents can be found. It would be sufficient that the applicant placed the documents onto a website that can be found by interested citizens.
- (5) **Site Plan Review**
 - a. **Purpose:** Site plan and subdivision review shall occur at the time the owner or developer is prepared to begin development of all or any part or phase of the OSM-V district. At the time of submittal, staff shall review site plans and/or subdivision plats for consistency with the Development Regulations approved as part of a map amendment. This section applies to any type of plan review required for permits and the recordation of plats.
 - b. **Submittal.** The owner or developer shall submit the required number of copies of the site plan or subdivision plat for preliminary review and comment by the Town. The developer's submittal shall include design approval of the site plan or subdivision plat from a Property Owner's Association or other similar governing entity created by the owner or developer to review plans for improvements for areas affected by the site plan or subdivision plat as required by the Development Agreement.
 - c. **Approval.** OSM-V site plans and subdivision plats shall be reviewed and approved administratively by the Administrator or his or her designee to ensure compliance with the Development Regulations. The Administrator or his or her designee may approve minor modifications to plans and supporting documents provided that the resulting change does not (i) increase the district's gross density, (ii) reduce overall open space, or (iii) allow uses not already permitted. Minor modifications may be allowed to accommodate issues such as, but not limited to, recent discoveries with the existing land conditions, discrepancies between surveys or regulatory diagrams and actual conditions, NCDOT requirements not specified at the time of initial approval, improvements to efficient lot sizes for specific building types not specifically designated at time of initial approval, and similar situations that require modified standards or designs. Minor modifications may also accommodate dimensional changes and lot and street configuration adjustments, including building setbacks and adjustments to the locations of borders between character areas, streets, and required open space areas. Minor modifications may also be used for changes in dimensional standards and building materials in architectural design standards if the flexible standards are included in the development standards. If the Administrator deems the requested change to exceed the criteria for a minor modification (as defined in the Development Agreement), the proposed revisions must follow the Town's approval process in Article 3, which involves the Planning Board.
 - d. **Watershed Protections.** Watershed restrictions shall be calculated based on built-upon area for the overall acreage of the total project rather than the built-upon area in each separate phase. Each phase will also be reviewed by the Town Engineer, or the City of Greensboro (as appropriate) prior to approval.

(6) Vesting

Purpose. OSM-V development is intended for large, multi-phase mixed use development pursuant to very specific regulations with the approval of required Development Regulations through details such as plans, general development standards and rules related to the protection of vistas and scenic corridors. Vesting rights are necessary to protect the design integrity of the approved development from future regulations adopted for general application throughout the Town.

Implementation. Rights to develop future phases of an OSM-V district shall be considered vested as provided by N.C. Gen. Stat. 160D-108(f), which establishes vested rights for the entire OSM-V district with the land development regulations then in place at the time of approval of the site plan for the initial phase of the multi-phase development. This statutory vested right shall remain in place for seven years from the date of site plan approval for the initial phase of the multi-phase development, unless further extended by a Development Agreement. When applying common law vesting, expenditures that relate to the entire project (including and not limited to a specific phase) shall be considered as applying to future phases.

(7) Modifications

- a. Defined. Provisions for major and minor modifications of the Development Regulations and other documents governing development of the district shall be included in an adopted Development Agreement. The Development Agreement shall define the distinction between major modifications which must be approved by the Town Council, and minor modifications which may be made at the staff level.
- b. Purpose. Minor modifications are generally limited to changes that do not materially affect the basic concept of the parameters set by the Open Space Mixed Use-Village Development Regulations. Minor modifications generally address technical considerations that could not reasonably be anticipated during the Open Space Mixed Use-Village rezoning process and any other change that has no material effect on the character of the approved Open Space Mixed Use-Village development and Development Regulations such as floorplan revisions internal to structures; minor shifts in building size or location; and facility design modifications for uses such as amenities.

(8) Conflicts

It is acknowledged that other articles and provisions of the UDO may conflict with a district based on specific place and design and guided and regulated by a project's Development Regulations. Where other provisions in the UDO conflict with the regulations of an OSM-V district, the OSM-V district regulations, as expressed in (a) the OSM-V district provisions in the UDO, (b) the Development Regulations, and (c) a Development Agreement, shall govern. Disputes not resolved by the foregoing shall be resolved by adopting an interpretation or following the rule or regulation that allows the OSM-V district to fulfill the purposes and intent expressed in the documents approved by the Town at rezoning.

Interpretations of other text provisions and their submittal shall be based on the following:

- a. The clear and plain meaning of the provision's wording, as defined by the meaning and significance given specific terms used in the provision, as established in Article 11: Definitions and by common and accepted usage of the term;
- b. The intended purpose of the provision, as indicated by purpose statements, its context and consistency with surrounding and related provisions, and any legislative history to its adoption; and
- c. The general purposes served by the OSM-V district, as set forth in Article 4.B.5.(d)1. Purpose

(9) Enforcement

Violations of the Development Regulations that are not enforced at site plan review shall be enforced as any other UDO violation.

6. OVERLAY DISTRICTS**(a) Flood Hazard Area Overlay (FHA)**

The Flood Hazard Area Overlay (FHA) is intended to set forth regulations which shall prevent the damage done by floods. It also limits development to prevent increases in flood levels and limits or prohibits land uses that pose a threat to water supplies. Building types allowed in the FHA are the same as those allowed in the underlying base zoning districts, subject to the requirements of Article 9.H *Definitions Related to Environmental Regulations*.

(b) Watershed Area Overlays

Watershed protection is accomplished by establishing low density development, limiting the amount of impervious surface, and limiting or prohibiting land uses that pose a threat to surface and groundwater supplies, which is especially critical for Summerfield. These regulations are in accordance with the requirements of the North Carolina Environmental Management Commission, the North Carolina General Statutes, and Best Management Practices. Summerfield has two watershed overlays that are specified in Article 9.

(1) General Watershed Area Overlay (GWA)

The General Watershed Area Overlay District (GWA) is intended to set forth regulations for the protection of public drinking water supplies and is applicable to all lands which drain toward such supplies and are outside of the Watershed Critical Area.

(2) Watershed Critical Area Overlay (WCA)

The Watershed Critical Area Overlay District (WCA) is intended to set forth regulations for the protection of public drinking water supplies and is applicable to all lands adjacent to and which drain toward existing or proposed supply intakes or reservoirs. Building Types allowed in the GWA and WCA are the same as those allowed in the underlying base zoning districts, subject to the requirements of Article 9.H *Definitions Related to Environmental Regulations*.

(c) Scenic Corridor Area Overlay Districts (SCA)

The Scenic Corridor Area Overlay (SCA) are established to protect the natural features and trees that provide a sense of arrival for residents and visitors traveling the major entrance roads and gateways to the Town. Properties along these entrance roads and gateways contribute significantly to the Comprehensive Plan's policies for Community Character Preservation and Attractive Community Appearance. The goal of these overlay areas is to protect the scenic value of the view corridors through development standards for building architecture, building materials, lighting, signage, and site design. These standards shall preserve the character and improve the appearance of the Town by maintaining the sense of a rural corridor in a developed environment; provide an aesthetically appealing experience for those traveling the corridor; increase safety along the corridors by reducing visual clutter and inappropriate site design, and provide safe multi-modal transportation options for motorists, bicyclists, and pedestrians. Regulations governing density, use, building type and development standards are set forth herein. The following Scenic Corridor Area Overlay Districts are hereby established:

- (1)** I-73 Scenic Corridor: This corridor extends for a distance of 1,500 linear feet on either side of the right-of-way of Interstate 73 within the boundaries of the Town limits.
- (2)** US 220 Scenic Corridor: This corridor extends for a distance of 1,500 linear feet on either side of

the right-of-way of US Highway 220 from the northern Town limits to the southern Town limits.

- (3) NC 150 Scenic Corridor: This corridor extends for a distance of 1,500 linear feet on either side of the right-of-way of NC Highway 150 from the western Town limits to the eastern Town limits.

(d) General Requirements for Scenic Corridor Area Overlay Districts

In addition to the development standards of Article 5, the following development standards apply to all Scenic Corridor Area Overlay Districts established after the effective date of this ordinance.

(1) Permitted Uses

All uses permitted in the underlying base district are permitted, except manufactured housing, outdoor storage, outside processing or assembly operations, outdoor advertising and commercial or fleet truck, trailer, or container parking areas.

(2) Building Materials and Design

- a. Materials such as brick, stone, wood, or other like and similar materials are required on all new construction and additions that are visible from the subject scenic corridors' public right-of-way.
- b. Prefabricated metal or fiberglass sheds shall not to be visible from the subject scenic corridors' public right-of-way.
- c. Buildings in the SCA shall have a positive visual impact with appropriate architecture, size, and compatibility with Community Character and Appearance policies of the Comprehensive Plan.
- d. Long, blank walls are not permitted. For every 30' of building frontage, façade, or opaque fencing, there shall be a change in building façade, i.e., relief, elevation, design, building material, or other like distinction.

(3) Signage

Freestanding signage within the SCA has additional requirements and restrictions beyond those dictated within Article 5.J. Sign Regulations. Within the SCA, all new freestanding signage shall be limited to no more than six (6) feet in height and fifty (50) square feet in area. Signage shall be compatible in scale, size, material, and character with the building and surrounding structures. This shall not preclude the replacement of existing nonconforming signage provided the size, height, and location do not increase the degree of nonconformity.

(4) Walls and Fencing

Walls and fencing shall enhance the rural or historic character of the development and community. Materials used for walls and fencing should complement or duplicate materials used in the buildings. Materials such as brick, stone, wood, or other like and similar materials are required for all fencing that can be viewed from the scenic corridor. Business developments are required to use berms, walls, fencing, and vegetative materials in concert to produce effective screening.

(5) Parking

- a. Parking shall be located to the side or rear of business developments. Side parking shall meet the minimum street yard setback and shall be screened with a combination of landscape berms (minimum 4' in height), walls, and fencing.
- b. Parking that is adjacent to the scenic corridor shall be required to have a street Type B planting yard buffering it from the scenic corridor.

- c. Depending on the review procedure for the type of proposed development, the Administrator or Planning Board may approve an alternate plan which meets or exceeds the standards of the Ordinance.
- d. Interior parking shall be required to have the planting rate of one canopy tree per 12 parking spaces, one understory tree per eight parking spaces, and one shrub per three parking spaces.

(6) Landscaping

Except as provided in this section, landscaping shall follow the guidelines established in Article 5.F.4(e).

(7) Existing examples of Community Character

Mature hardwood trees and other Community Character Resources such as farm fields existing prior to development shall be preserved and incorporated into site designs. Tree removal shall occur only when approved with site plan or subdivision approval. No tree removal within any SCA is permitted prior to the approval of a site plan or subdivision plan. After such approval, tree removal is subject to Administrator approval.

(e) I-73 Scenic Corridor Area Overlay District Distinguished

- (1)** The I-73 corridor is distinguished from other entry roads by its nature as a controlled access interstate with high traffic speeds and potential noise, air, and light pollution. Goals of the I-73 SCA include:

- a. provide a pleasant environment for motorist representative of Summerfield's Community Character;
- b. buffer the impacts of the interstate from adjoining properties;
- c. preserve the capacity of the corridor to accommodate high traffic volumes at high speeds; and,
- d. provide a desirable image to prospective residents and business owners.

(2) Requirements of the I-73 SCA

- a. Any development proposed after the adoption of this UDO within the I-73 SCA shall be screened from visibility by motorists on I-73.
- b. All existing trees, vegetation, and other Community Character Resources within 1,500 linear feet adjoining both sides of the right of way prior to the adoption of this UDO shall be preserved in accordance with Article 6: Landscaping Requirements.
- c. Existing mature hardwood trees and other Community Character Resources between 500' and the limits of the SCA shall be incorporated into the design of any site developed after the adoption of this UDO.

(f) Town Core District Overlay (TCD)

The Town Core District strives to preserve the small-town character of central Summerfield and is intended to encourage residents to visit the town center. By encouraging Traditional Neighborhood Development (TND) with the natural and non-intrusive mixing of commerce, residential, and civic uses, the town shall provide access for the daily needs of its residents. Boundary of the Town Core Overlay District is delineated on the Town of Summerfield Zoning Map.

- (1)** There are two distinct areas included within TCD, identified for their unique characteristics and natural leanings.

a. Town Core District – Residential (TCR)

A residential district that encourages small scale traditional neighborhood development compatible with the existing nature of the residential community.

b. Town Core District – Mixed-Use (TCM)

A central mixed-use area adjacent to Summerfield Road including properties currently zoned as a non-residential district. This area is intended for low impact non-residential uses able to co-exist with nearby residences.

- (2) Standards for the TCD encourage a village style design that integrates new development with existing properties, establishes a hub for Summerfield's off-road trail and sidewalk network, allows new residential development in keeping with existing neighborhoods, and honors the historic identity of Summerfield's earliest settlement. The standards are set out to ensure that:

- a. residential development similar in house and lot size to the existing neighborhoods in the area;
- b. residential and non-residential development located and designed to allow walkable and bikeable access to daily needs;
- c. non-residential development is appropriate to its location and compatible in scale with surrounding uses; and,
- d. such non-residential development is a good neighbor to nearby residential properties, thereby protecting and enhancing property values overall.

(3) **Requirements for all Properties in the TCD**

(Standards are specified for new residential development, and new and existing non-residential development.)

a. Uses

Uses permitted in areas of the TCD are designated within the permitted use schedule.

b. Pedestrian Movement and Access

Adjacent uses shall be linked by pedestrian access throughout the TCD. New developments shall include sidewalks or designate sidewalk easements according to the requirements of Article 6 along all existing and new roads.

c. Setbacks

Setbacks from the street shall be fifteen (15) feet from the front property line, or forty (40) feet from centerline of the road, whichever is greater. Setbacks are reduced to create a more enclosed, pedestrian scale

d. Building Materials

Materials such as brick, stone, wood or other like and similar materials are required on all new construction and additions that are visible from a public right-of-way. The Governing Body may approve other building materials that meet or exceed the standards established by this ordinance.

e. Size

No single building shall have a gross floor area in excess of 10,000 ft², a building footprint exceeding 5,000 ft², or a height greater than 2.5 stories at grade, or 35 feet in height, whichever is greater.

f. Architectural Design

Long blank walls are prohibited. For every thirty (30) feet of building frontage, there shall be a change in front building façade, i.e. relief, elevation, design, building material, or other like distinction. The Planning Board may approve alternative building designs that meet or exceed the standards established by this ordinance.

(4) TCD Residential requirements

The residential requirements of the TCD employ neighborhood conservation principles with performance standards intended to help preserve the character and value of residential properties located along Summerfield Road. In addition to the standards of the underlying zoning district and the standards of Article 6, the following requirements apply to new single-family construction. TCD Residential requirements do not apply to properties with existing residential uses, including renovations and replacement construction. In the case of a conflict the stricter applies.

a. Design Orientation

Except for flag lots, the designed front building façade of a principal residential structure shall face the road.

b. Foundations

The principal residence may be built over a basement or crawl space and is encouraged. Homes built on a slab foundation are discouraged.

c. Porches

Porches shall be of functional depth (i.e. no less than 7 feet front to back) and extend across at least one half the front building façade. It is preferred but not required that porches have railings unless the NC Building Code does not require them.

d. Garages Detached Appearance

Garages shall have the appearance of being detached from the principal structure. Thus, a garage may be attached to the principal structure by a breezeway, overhead canopy or other similar proportionately smaller connection, so long as the garage presents the appearance and could stand, if detached, as a freestanding structure. This provision is intended to give the property owner flexibility in meeting building setback requirements under various scenarios.

e. Garage Apartments

Accessory apartments over garages are permitted and encouraged.

f. Accessory Structures

Accessory buildings shall be constructed of the same or like materials of residential structures and will shall be appropriate in scale and design.

g. Driveway Materials

Driveways formed of gravel, marl, crush and run, stone and pavers are permitted and preferred over continuous slabs or sheets of concrete or asphalt provided paved aprons at public roads are provided in accordance with NCDOT specifications. Paved wheel tracks no greater than 2 feet in width (each) with a grassed middle section are also permitted.

h. Fences, Walls and Hedges

i. Chain Link fences

Chain link fences are not permitted forward of the rear wall of the principal residence.

ii. Height

No fence, wall or hedge located forward of the front face of the principal residence shall be greater than 4 feet in height. Fences located in the front yard and taller than 2.5 feet shall have openings of at least 50 percent or more in the construction of the fence.

i. Street (Canopy) Trees

i. Number

There shall be at least one canopy tree in the front yard for every fifty feet of road frontage. The retention of existing canopy trees, (for which tree credit shall be given) is encouraged.

ii. Location

Front yard canopy trees need not be evenly spaced, nor do they need to be a consistent distance from the road.

(5) TCD Non-Residential requirements

TCD Non-Residential requirements apply to all non-residential zoned parcels within the area identified as the Town Core District on the official zoning map of the Town, including any future non-residentially zoned parcels within that area. No application for non-residential development on these parcels shall be approved that does not comply with these standards, plus the standards of the underlying base zoning district. For standards that are not specifically identified in the overlay, provisions of the underlying zoning district for a parcel shall apply.

a. Nonconformities

Existing non-residential properties need not be changed to conform to the standards of the TCD. TCD Non-residential standards apply only to properties that will undergo entirely new construction, or properties with new additions sufficient in magnitude to trigger a non-conforming situation as set forth in Article 8. It is possible that an existing structure or site may become a non-conforming structure or site under this TCD if the use is not in compliance with some aspect of the standards (e.g. is lacking a screening buffer for an adjoining residential use). This will not prevent owners from making changes to their property as long as these changes do not increase the non-conformance.

b. Exemptions

Certain existing institutional uses, such as schools, churches and emergency services, may be exempted from specified requirements of this overlay. When such exemptions are applicable, it shall be so noted in the text of this ordinance with an asterisk (*).

c. Design Requirements

i. Building Size

No single building shall have gross floor area greater than 10,000 ft² or a building footprint exceeding 5,000 ft².*

ii. Building Height

No building shall be greater than 2.5 stories at grade, or 35 feet in height, whichever is greater.

iii. Parking

aa. Location

Parking is discouraged in front of the building(s) closest to the street. Parking in

front of a building shall be limited to one single row, with the balance to the side or rear of the structure(s).

bb. Shared Parking

Adjoining commercial and institutional development is encouraged to share parking, as set forth in Article 6 of the Summerfield Development Ordinance.

iv. Drive Thru

Drive thru sales and services are prohibited.

v. Outside Storage, Display and Other Activities

aa. Location

Outside storage and/or display of goods for sale or materials used in the course of business shall not be located forward of the front face of the principal building. In the case of a group of buildings, such materials shall not be placed forward of the building closest to the street.

bb. Activities

Activities that would generate noise, vibration, dust, odor, light, visual or other affects beyond the property line of the use generating such impacts are prohibited.

vi. Permitted Uses Limited By

aa. Hours of Operation

Hours of operation (open to the public) shall be 6:00am to 11:00pm.

bb. Traffic Volume Generated

Any land use with Trip Generation of 100 trips/weekday/1000 square feet of gross floor area, as documented in the Institute of Transportation Engineers (ITE) Trip Generation Manual, is prohibited unless accessed from Hwy 220 or other major thoroughfare.*

vii. Fences, Walls and Hedges

aa. Height and Location

No fence, wall or hedge located forward of the front face of the principal structure shall be greater than 4 feet in height.

bb. When Located in a Side or Rear Yard

Fences and walls of up to eight (8) feet in height may be placed in any side or rear yard, provided that when such side or rear yard adjoins or is across the street from a residentially zoned lot, it shall be buffered by screening vegetation in accordance with the landscaping and buffering standards of Article 6 of the Summerfield Development Ordinance.

bb. Chain Link Fences

Chain link fences of any height are not permitted forward of the rear wall of the principal structure.

viii. Front Yard Landscaping

No less than twenty (20) percent of the lot area between the principal building and the street right of way shall be landscaped in something other than grass.

ix. Landscape Buffers

When, within the TCD, a new principal structure is built, or an existing non-conforming building or property is improved to an extent that the provisions of Article 8: Nonconformities are triggered, a screening buffer shall be provided along all side and rear property lines abutting a residentially zoned property. This requirement shall apply whether the side or rear yard immediately abuts the residential district or is across the street from such district. The type of buffer and its design shall be in accordance with the landscaping and buffering standards of Article 6 of the Summerfield Development Ordinance.

x. Stormwater Retention

When, within the TCD, a new principal structure is built, or an existing non-conforming building or property is improved to an extent that the provisions of Article 8: *Nonconformities* are triggered, stormwater capture and retention improvements shall be constructed in accordance with the provisions of Article 9.A *Stormwater Management/Watershed Protection Districts*.

(g) Village District Overlay (VIL)

The residential requirements of the Village District employ neighborhood conservation principles with performance standards intended to help preserve the character and value of nearby residential properties while creating opportunity for new residential Traditional Neighborhood Development. In addition to the standards of the underlying zoning district and the standards of Article 6, the following requirements apply to new single-family construction. VIL requirements do not apply to properties with existing residential uses, including renovations and replacement construction. In the case of a conflict the stricter applies.

(1) District Limit

The Village District Overlay buffer is a hard buffer. The development standards of the VIL district apply only to the land area within the 1,200' buffer, but not within the existing Town Core District overlay or Summerfield Historic District areas. A nexus between a lot and the district buffer does not allow the entire tract to be developed to the standards of the Village District Overlay.

(2) Minimum Lot Size

Minimum lot size within the VIL district may be reduced to one-half (0.5) acre or 21,780 ft². However, lot size requirements must be enough to meet the area requirements for well water and septic system services as determined by Guilford County Environmental Health Department.

(3) Open Space Requirement

An open space dedication is not a requirement of the district.

(4) Prohibited Uses

Non-residential uses are prohibited within the Village District Overlay.

(5) Design Orientation

Except for flag lots, the designed front building façade of a principal residential structure shall face the road.

(6) Porches

Porches shall be of functional depth (i.e. no less than 7 feet front to back) and extend across at least one half the front building façade. It is preferred but not required that porches have railings unless required by NC Building Code.

(7) Garages Detached Appearance

Garages shall have the appearance of being detached from the principal structure. Thus, a garage may be attached to the principal structure by a breezeway, overhead canopy or other similar proportionately smaller connection, so long as the garage presents the appearance and could stand, if detached, as a freestanding structure. This provision is intended to give the property owner flexibility in meeting building setback requirements under various scenarios.

(8) Garage Apartments

Accessory apartments over garages are permitted. All accessory buildings shall be constructed of the same or like materials of residential structures and will shall be appropriate in scale and design.

(9) Driveway Materials

Driveways formed of gravel, marl, crush and run, stone and pavers are permitted and preferred over continuous slabs or sheets of concrete or asphalt provided paved aprons at public roads are provided in accordance with NCDOT specifications. Paved wheel tracks no greater than 2 feet in width (each) with a grassed middle section are also permitted.

(10) Fences, Walls and Hedges**a. Chain Link Fences**

Chain link fences are not permitted forward of the rear wall of the principal residence.

b. Height

No fence, wall or hedge located forward of the front face of the principal residence shall be greater than 4 feet in height. Fences located in the front yard with a height greater than 2.5 feet shall have openings of at least 50 percent or more in the construction of the fence.

(11) Street (Canopy) Trees**a. Number**

There shall be at least one canopy tree in the front yard for every fifty feet of road frontage. The retention of existing canopy trees, (for which tree credit shall be given) is encouraged.

b. Location

Front yard canopy trees need not be evenly spaced, nor do they need to be a consistent distance from the road.

c. New residential dwellings shall be required to plant and maintain a minimum of two canopy trees, as defined in Article 6.F *Landscaping Requirements*.

(h) Voluntary Agricultural District (VAD)

To help promote the preservation of farmland in the Town of Summerfield, any voluntary agricultural district approved by the Guilford County Agricultural District Advisory Board within in or less than ¼ mile of the Town's corporate limits shall be recorded as an overlay on the Town's official zoning map. Provisions of the Guilford County Voluntary Agricultural District Ordinance may apply within the Summerfield town limits in accordance with Guilford County's Code of Ordinances Sec. 15-63 Certification and Qualification of Farmland

C. SYSTEM FOR CATEGORIZING USES

1. GENERAL

(a) Purpose

This section provides a system for categorizing land uses to determine how a particular land use activity, or combination of activities, is to be considered in applying the permitted use table and other provisions in this Ordinance. This section also provides support in categorizing a new or unanticipated land use not identified in the use table.

(b) Structure of this Section

(1) General

This section identifies each of the five use classifications in the Table 4.D.1 *Permitted Uses* and includes a section under each use classification identifying each use category. “Characteristics” and “examples” are given for each use category (individual uses are defined in Article 11: *Definitions*).

(2) Principal Use Characteristics and Accessory Uses

The “characteristics” subsection describes common characteristics of each use category. Principal uses are assigned to the use category that most closely describes the nature of the principal use. Also listed are examples of common accessory uses that, unless otherwise stated in this Ordinance, are allowed in conjunction with a principal use.

(3) Examples

The “examples” subsection lists common examples of use types included in the respective use category. The names of these sample uses are generic. They are based on common meanings and not on what a specific use may call itself. For example, a use that calls itself “wholesale sales,” but sells mostly to consumers, is included in the Retail Sales and Service Use Category rather than the Wholesale Sales Use Category.

(c) Developments with Multiple Principal Uses

When all permitted uses of a development fall within one use category, the entire development is assigned to that use category. A development that contains a coffee shop, bookstore, and bakery, for example, would be classified in the Retail Sales and Service Use Category. When the permitted uses of a development fall within different use categories, each permitted use is classified in the applicable use category and each use is subject to applicable regulations for that use category. Developments with multiple permitted uses, such as shopping centers, shall incorporate only those use types allowed in the applicable zoning district.

(d) Interpretation of Unlisted Uses

(1) Procedure for Interpreting Unlisted Uses as Permitted

The Zoning Administrator may interpret a particular land use not expressly listed in the use table in accordance with the procedure in Article 4.D.1(b) *Interpretation of Uses*, and based on the standards in Section 4.C.1(d)(2) *Standards for Approving Unlisted Uses*.

(2) Standards for Interpreting Unlisted Uses as Permitted

The Town Manager shall interpret an unlisted land use as permitted in a particular zoning district only after determining that the nature, function, and duration of the use and its impact are similar to those of a use type or use category allowable in the zoning district. In making such determination, the Town Manager shall consider the purpose and intent statements in this Ordinance concerning the zoning district, the character of use types allowable in the district, and all relevant characteristics of the unlisted use, including but not limited to the following:

- a. the volume and type of sales, retail, wholesale, etc.;
- b. the size and type of items sold and nature of inventory on the premises;
- c. any processing done on the premises, including assembly, manufacturing, warehousing, shipping, distribution;
- d. any dangerous, hazardous, toxic, or explosive materials used in the processing;
- e. the nature of storage and outdoor display of merchandise, whether enclosed, open, inside or outside the principal building; predominant types of items stored (such as business vehicles, work-in-process, inventory, and merchandise, construction materials, scrap and junk, and raw materials including liquids and powders);
- f. the type, size, and nature of buildings and structures;
- g. the number and density of employees and customers per unit area of site in relation to business hours and employment shifts;
- h. transportation requirements, including the modal split for people and freight, by volume type and characteristic of traffic generation to and from the site;
- i. trip purposes and whether trip purposes can be shared by other use types on the site;
- j. parking requirements, turnover and generation, ratio of the number of spaces required per unit area or activity;
- k. the amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation, and fumes;
- l. any special public utility requirements for serving the proposed use type, including but not limited to water supply, wastewater output, pre-treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities; and
- m. the impact on adjacent lands created by the proposed use type, which should not be greater than that of other use types allowed in the zoning district.

(3) Effect of Approval of Unlisted Use

- a. After interpreting an unlisted land use as permitted in a particular zoning district, the Administrator shall determine whether the unlisted use is likely to be common or to recur frequently, or whether its omission from the use table is likely to lead to public uncertainty and confusion. On determining that the unlisted use is likely to be common or would lead to confusion if unlisted, the Town Manager shall initiate an application for a text amendment to this Ordinance to list the use in the use table. Until final action is taken on the text amendment application, the Town Manager's interpretation shall be binding.
- b. If after interpreting an unlisted land use as permitted in a particular zoning district, the Administrator determines that the unlisted use is of an unusual or transitory nature, and unlikely to recur frequently, the interpretation shall be binding in accordance with Article 4.C.1(d)(3) *Effect of Approval of Unlisted Use*, without further action or amendment of this Ordinance.
- c. Appeals of the Administrator's decision shall be to the Board of Adjustment.

(e) Relationship to Individual Development Standards

For each use classification, examples of appropriate uses are given. See Article 5 *Use Specific Development Standards* for clarification of allowable activities associates with appropriate uses.

2. AGRICULTURAL USE CLASSIFICATION

(a) Agriculture

(1) Characteristics

Activities in this category relate to the production of field crops, fruits, vegetables, ornamental and flowering plants, and the breeding, raising, or keeping of livestock, poultry, swine, and other animals for food or other marketable products. The category also includes silvicultural activities related to the planting, management, protection, and harvesting of trees for timber or other forest products, as well as the breeding, raising, keeping, boarding, and training of horses. Accessory uses may include offices, storage areas, barns, stables, irrigation systems, and repair facilities related to agricultural and silvicultural activities.

(2) Examples

Example use types include farms (arable, dairy, cattle, hog, poultry, sheep), orchards, vineyards, plant nurseries, timber forests, and horse farms.

(b) Agricultural Support and Services

(1) Characteristics

Use types in this category provide support and services to agricultural activities, whether located on or off the site where the agricultural activities take place.

(2) Examples

Example use types include agricultural processing for on-site uses, agri-education, agri-tourism, farm co-op operations, agricultural research facilities, stables, equestrian facilities, and animal care for livestock and farmers markets.

3. RESIDENTIAL USE CLASSIFICATION

(a) Household Living

(1) Characteristics

Use types in this category provide for the residential occupancy of a dwelling unit by a household. Occupancy is typically on a long-term basis. Accessory uses commonly associated with household living are recreational activities, raising of pets, hobbies, and parking of the occupants' vehicles. Home occupations are accessory uses that are subject to additional regulations.

(2) Examples

Example use types include residential dwellings (single-family detached house, attached Duplex, Triplex, and Quadplex dwellings), manufactured homes, manufactured home parks, and other structures with self-contained dwelling units) and may include live/work dwellings in mixed use developments).

(b) Group Living

(1) Characteristics

Use types in this category provide for the residential occupancy of a structure by a group of people who do not meet the definition of "household." The size of the group may be larger than the average size of a household. Occupancy is typically arranged on a monthly or longer basis. Generally, group living structures have a common eating area for residents. The residents may receive care, training, or treatment. Common accessory uses include recreational facilities, dining facilities, and parking of vehicles for occupants and staff.

(2) Examples

Example use types include dormitories, fraternity or sorority houses, therapeutic homes, group homes, rooming or boarding houses, and migrant housing.

4. PUBLIC AND INSTITUTIONAL USE CLASSIFICATION**(a) Community Services****(1) Characteristics**

Use types in this category are of a public, nonprofit, or charitable nature that provide a local service to the community. Generally, such uses provide ongoing service on-site or have employees at the site on a regular basis. Community centers or facilities that have membership provisions that are open to the general public (for instance, any senior citizen could join a senior center) are included in the Community Services Use Category. The use type may provide special counseling, education, or training of a public, nonprofit, or charitable nature. Accessory uses may include offices, meeting, food preparation, parking, health, and therapy areas; and athletic facilities.

(2) Examples

Example use types include community centers, cultural facilities, libraries, museums, senior centers, and youth club facilities.

(3) Exceptions

Parks are classified as Parks and Open Space.

(b) Day Care**(1) Characteristics**

Use types in this category provide care, protection, and supervision for children or adults on a regular basis away from their primary residence, and typically for less than 24 hours per day. Care can be provided during daytime or nighttime hours. Accessory uses include offices, food preparation, recreation areas, and parking.

(2) Examples

Example use types include adult day care centers and childcare centers.

(3) Exceptions

This category does not include incidental childcare within a primary residence, drop-in or short-term day care provided in connection with employment or shopping center, recreational facility, religious institution, hotel, or other principal use, where children are temporarily cared for while parents or guardians are employed part-time or temporarily occupied on the premises or in the immediate vicinity.

(c) Educational Facilities**(1) Characteristics**

Use types in this category include public and private schools at the elementary, middle, or high school level that provide state-mandated basic education. This category also includes colleges, universities, and other institutions of higher learning such as vocational or trade schools. Accessory uses at schools include offices, play areas, cafeterias, recreational and sport facilities, auditoriums, and before or after school day care. Accessory uses at colleges or universities include offices, dormitories, food service, laboratories, health and sports facilities, theaters, meeting areas, athletic fields, parking, maintenance facilities, and supporting commercial.

(2) Examples

Example use types include public and private kindergarten schools, elementary schools, middle or junior high schools, and senior high schools, as well as colleges or universities, and vocational or trade schools.

(d) Government Facilities**(1) Characteristics**

Use types in this category provide for the general operations and functions of local, state, or federal governments. Accessory uses include maintenance, storage (indoor and outdoor), fueling facilities, satellite offices, and parking areas.

(2) Examples

Example use types include post offices, government offices, and government maintenance, storage, and distribution facilities.

(3) Exceptions

- a. Fire, police, and EMS facilities are classified as Public Safety.
- b. Passenger terminals for airports and surface transportation are classified as Transportation.
- c. Town, County, and State parks are classified as Parks and Open Space.
- d. Water, wastewater, gas, electric, and other infrastructure services, whether public or private, are classified as Utilities.

(e) Health Care Facilities**(1) Characteristics**

Use types in this category provide for medical or surgical care and treatment to patients as well as laboratory services. Hospitals and medical treatment facilities offer overnight care, as well as outpatient care. Accessory uses include offices, laboratories, teaching facilities, meeting areas, cafeterias, parking, maintenance facilities, housing for staff or trainees, and limited accommodations for family members.

(2) Examples

Example use types include hospitals, medical and dental clinics, outpatient facilities, medical and dental labs, medical treatment facilities, drug and alcohol treatment facilities, and blood/tissue collection facilities.

(3) Exceptions

- a. Uses that involve provision of residential care for the elderly or disabled are classified Institutions.
- b. Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol, or drug problems, where patients are residents and participants in a program, are considered Institutions.

(f) Institutions**(1) Characteristics**

Use types in this category are varied and include buildings that provide meeting areas for religious activities, civic or fraternal club activities, auditoriums, housing, and care for the elderly or disabled, and housing related to treatment programs. Accessory uses include school facilities, limited medical treatment facilities, kitchens/cafeterias, recreation areas, offices, meeting rooms, parking, and staff residences.

(j) Utilities**(1) Characteristics**

Use types in this category include both major utilities, which are infrastructure services that provide regional or community-wide service, and minor utilities, which are infrastructure services that need to be located in or near the neighborhood or area where the service is provided. Wireless telecommunications towers also are a type of utility. Services may be publicly or privately provided. Accessory uses may include parking and control, offices, monitoring, storage areas, or data transmission equipment.

(2) Examples

- a. Examples of major utilities include wastewater treatment plants, potable water treatment plants, and electrical substations.
- b. Examples of minor utilities include water towers, water and sewage pump stations, stormwater retention and detention facilities, telephone exchanges, ground mounted electrical, telephone, and cable vaults, and transit route facilities such as bus stops, bus shelters, and park-and-ride facilities.
- c. Examples of wireless telecommunications towers (free-standing, collocated, and roof-mounted) include facilities for transmitting wireless phones and pager services, and television and radio broadcasting equipment.

(3) Exceptions

Landfills, recycling and salvage centers, and waste composing uses are considered Waste-Related Services.

5. COMMERCIAL USE CLASSIFICATION**(a) Adult Entertainment****(1) Characteristics**

Use types in this category sell, distribute, or present material or feature performances or other activities that emphasize the depiction or display of specified sexual anatomical areas as defined by the North Carolina General Statutes.

(2) Examples

Example Adult Entertainment use types include adult book stores, adult video stores, adult arcades, and adult motion picture theaters (all distinguished by being largely devoted to selling, renting, or presenting media emphasizing sexually explicit content), as well as adult motels/hotels (motel/hotels largely devoted to providing room occupants films or other visual representations emphasizing sexually explicit content), and adult cabarets or night clubs (featuring live performances or services emphasizing the display of specified sexual activities or specified anatomical areas).

(b) Animal Care**(1) Characteristics**

Use types in this category provide medical services, general care, and boarding services for domestic animals.

(2) Examples

Example use types include animal shelters, animal grooming, kennels (outdoor and indoor), and veterinary clinics for domestic animals.

(3) Exceptions

Care for stock such as horses, cows, pigs, etc. is considered an Agriculturally Related Support Service.

(c) Conference and Training Centers

(1) Characteristics

Use types in this category include facilities used for business or professional conferences, seminars, and training programs.

(2) Examples

Example use types include conference centers, meeting facilities, and corporate retreat facilities.

(d) Eating Establishments

(1) Characteristics

Use types in this category prepare and sell food and beverages for immediate or direct on or off-premises consumption. Accessory uses may include bars or cocktail lounges associated with the establishment, decks and patios for outdoor seating, drive-through facilities, facilities for live entertainment or dancing, customer and employee parking areas, and valet parking facilities.

(2) Examples

Examples include restaurants with indoor and outdoor seating, restaurants with or without drive-through service, specialty eating establishments (ice cream parlors, bakery shops, dessert shops, juice or coffee houses), and dinner theaters.

(3) Exceptions

Bars, night clubs, or cocktail lounges are classified as Retail Sales and Services.

(e) Offices

(1) Characteristics

Use types in this category provide for office activities that generally focus on business, professional, or financial services. Accessory uses may include cafeterias, day care facilities, recreational or fitness facilities, parking, supporting commercial, or other amenities primarily for the use of employees in the business or building.

(2) Examples

Example use types include business services, professional services (such as lawyers, accountants, engineers, or architects), financial services (such as lenders, banks, brokerage houses, tax preparers), and sales offices (including real estate agents).

(3) Exceptions

- a. Offices that are part of and located with a principal use in another use category are considered accessory to the establishment's primary activity. Headquarter offices that are located in conjunction with or adjacent to a principal use in another use category are considered part of the other use category.
- b. Contractors and others who perform services off-site are included in the Offices Use Category if equipment and materials are not stored outside and no fabrication, services, or similar work is carried on at the site.
- c. Government offices are classified as Government Facilities.
- d. Medical and dental clinics, medical or dental labs, and blood collection facilities are classified as Health Care Facilities.

- e. Financial institutions offering drive-through or walk-up service to patrons (branch banks or credit unions) are classified as Retail Sales and Services.

(f) Parking, Commercial

(1) Characteristics

Use types in this category provide free-standing parking lots and structures that are not accessory to a specific principal use. A fee may or may not be charged. A parking facility that provides both accessory parking for a specific principal use and regular fee parking for people not connected to the principal use is also classified as Commercial Parking. Accessory uses may include small shelters for parking attendants.

(2) Examples

Example use types include surface parking lots and parking structures (parking decks or garages).

(3) Exceptions

- a. Parking facilities that are accessory to a principal use but charge the public to park for occasional events nearby, are not considered Commercial Parking.
- b. Parking facilities that are accessory to a principal use, even if the principal use leases the facility or those parking in the facility are charged a fee, are not considered Commercial Parking.
- c. Park-and-ride facilities are classified as Utilities.

(g) Recreation Facility, Indoor, Privately Owned

(1) Characteristics

Use types in this category include privately owned facilities housing indoor recreation activities requiring a relatively large, enclosed structure or structures. Accessory uses may include offices, concessions, snack bars, parking, and maintenance facilities.

(2) Examples

Example use types include country clubs open to the public, indoor commercial recreation uses (including fitness centers, bowling alleys, shooting ranges, dancehalls, skating rinks, indoor swimming pools, racquetball and squash courts, and indoor tennis club facilities), and theaters (including cinemas, screening rooms, and stages).

(3) Exceptions

- a. Banquet halls that are part of hotels (classified as Visitor Accommodation) or restaurants (classified as Eating Establishments) are accessory to those uses.
- b. Private clubs or lodges are classified as Institutions.
- c. Recreational facilities that are reserved for use by residents of particular residential developments and their guests are accessory to those residential use types.

(h) Recreation Facility, Outdoor, Privately Owned

(1) Characteristics

Use types in this category are large, generally commercial, and provide continuous recreation or entertainment-oriented activities that primarily take place outdoors. They may take place in a number of structures that are arranged together in an outdoor setting. Accessory uses may include concessions, parking, and maintenance facilities.

(2) Examples

Example use types include privately owned arenas, amphitheaters, or stadiums, and outdoor commercial recreation uses (including private golf driving ranges and miniature golf facilities; go-cart racing, racetrack, or dirt track facilities; drive-in movie theaters; outdoor commercial tourist attractions, water parks, and amusement parks; campgrounds; and active sports facilities such as ball fields, courts, and archery ranges), private golf courses, and outdoor swimming pools (private or non-profit).

(3) Exceptions

Publicly owned golf courses, tennis courts, swimming pools, basketball courts, ball fields, amphitheaters, and other similar outdoor recreational or entertainment-oriented facilities are classified as Parks and Open Space.

(i) Retail Sales and Services

(1) Characteristics

Use types in this category are involved in the sale, lease, or rent of new or used products to the general public. They may also provide personal services or entertainment or provide product repair or services for consumer and business goods. Accessory uses may include offices, storage of goods, manufacture or repackaging of goods for on-site sale, concessions, ATM machines, outdoor display/sales areas, and parking. Use types within this use category have been categorized based on their intensity, scale, and function.

(2) Examples

Example Use Types include uses from the following groups:

a. Bars, Nightclubs, and Similar Establishments

Establishments primarily devoted to the sale of alcoholic beverages for on-site consumption, along with dancing or other forms of entertainment (including live performances), and in which the sale of food is incidental.

b. Entertainment Establishments

Indoor continuous entertainment activities normally housed in relatively smaller spaces (i.e. compared to Recreation or Entertainment Facilities) Examples include coin operated amusements and pool halls.

c. Gasoline Sales

Uses engaged in the retail sale of gasoline and similar vehicular fuels (gas station or service station) that may or may not provide the range of goods or services associated with a convenience store.

d. Personal Services Establishments

Establishments meeting frequent or recurrent service needs of a personal nature, including financial institutions like check cashing establishments or payroll lenders, laundromats, laundry and dry-cleaning drop-off establishments, photographic studios, mailing or packaging services, photocopy and blueprint services, hair salons and barber/beauty shops, tanning and nail salons, tattoo parlors and body piercing establishments, massage therapy and day spas, dance or music instruction, martial arts classes, taxidermists, funeral homes and psychics or mediums.

e. Repair Establishments

Uses primarily engaged in providing repair services for TVs, bicycles, clocks and watches, shoes, guns, canvas products, appliances, and office equipment, and including tailors, locksmiths, and upholsterers.

f. Retail Sales Establishments

Stores selling, leasing, or renting consumer, home, and business goods, whether new or used, including art and art supply stores, audio/video stores, bicycle sales, book stores, clothing stores, convenience stores, department stores, dry good sales, electronic equipment stores, fabric shops, furniture stores, florists, garden supply centers, gift shops, grocery stores, hardware stores, home improvement centers, household products, jewelry stores, office supply stores, pet and pet supply stores, pharmacies, plant stores, and stationery shops.

(3) Exceptions

- a. Laundry and dry-cleaning plants are considered Industrial Services.
- b. Building trade contractors with on-site storage that sell primarily to contractors and do not have a retail orientation are classified as Warehouse and Freight Movement.
- c. Repair and service of automobiles, motorcycles, and light and medium trucks is classified as Vehicle Sales and Service, except that light repair and service is an allowable accessory to vehicle sales uses.
- d. Bakeries, dinner theaters, or entertainment establishments primarily engaged in the sale of food for on-site consumption are considered Eating Establishments.
- e. Cinemas, theaters, concert halls, and stages are considered Indoor Recreation/Entertainment.
- f. Uses providing financial, professional, or business services by appointment or with only limited contact with the general public are classified as Offices.
- g. Uses that involve the sales, distribution, or presentation of materials or activities emphasizing sexually explicit content are classified as Adult Entertainment.

(j) Self-Service Storage (Mini-Warehouse)

(1) Characteristics

Use types in this category provide individual, self-contained units or areas leased to individuals, organizations, or businesses for self-service storage of household and personal property. The storage units or areas are designed to allow private access by the tenant for storing or removing personal property. Accessory uses include leasing offices, outdoor storage of boats and campers, and living quarters for a resident manager or security guard. Use of the storage areas for sales, service, repair, or manufacturing operations is not considered accessory to Self-Service Storage. The rental of trucks or equipment is also not considered accessory to the use.

(2) Examples

Example use types include self-service storage establishments, also called “mini warehouses.”

(3) Exceptions

A transfer and storage business, where there are not individual storage areas, or where employees are the primary movers of property being stored or transferred, is classified as Warehouse and Freight Movement.

(k) Vehicle Sales and Services, Heavy

(1) Characteristics

Use types in this category provide for the direct sales and servicing of medium trucks, boats, and other consumer motor vehicles intended to transport persons or goods over land or water or through the air, whether for recreation, commerce, or personal transport. Accessory uses include offices, sales of parts, maintenance facilities, parking, outdoor display, and vehicle storage.

6. INDUSTRIAL USE CLASSIFICATION

(a) Extractive Industry

(1) Characteristics

Use types in this category involve the extraction, removal, or basic processing of minerals, liquids, gases, or other natural resources. Such uses include quarrying, well operation, mining, or other procedures typically done at an extraction site. Accessory uses include offices, limited wholesale sales, security or caretakers' quarters, outdoor storage, and maintenance facilities.

(2) Examples

Example use types include quarries, borrow pits, sand and gravel operations.

(b) Industrial Services

(1) Characteristics

Use types in this category provide for the repair or servicing of industrial, business, or consumer machinery equipment, products, or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site. Accessory activities may include limited retail or wholesale sales, offices, parking, warehousing, and outdoor storage.

(2) Examples

Example use types include machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; heavy equipment sales, rental, or storage; heavy equipment servicing and repair; building, heating, plumbing, or electrical contractors; fuel oil or bottled gas distributors; research and development facilities; laundry, dry cleaning, and carpet cleaning plants; and general industrial service uses.

(3) Exceptions

Contractors and others who perform services off-site are included in the Offices Use Category if equipment and materials are not stored outside and no fabrication, services, or similar work is carried on at the site.

(c) Manufacturing and Production

(1) Characteristics

Use types in this category provide for the manufacturing, processing, fabrication, packaging, or assembly of goods. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. The use category also includes custom industries (establishments primarily engaged in the on-site production of goods by use of hand tools and small-scale equipment). Goods are generally not displayed or sold on site, but if so, such sales are a subordinate part of total sales. Relatively few customers come to the manufacturing site. Accessory uses may include retail or wholesale sales, offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, fueling facilities, security and caretaker's quarters.

a. Heavy Manufacturing

Heavy Manufacturing is the manufacture or compounding process of raw materials. These activities may involve outdoor operations as part of their manufacturing process.

b. Light Manufacturing

Light Manufacturing is the mechanical transformation of predominantly previously prepared materials into new products, including assembly of component parts and the creation of products for sale to wholesale or retail markets or directly to consumers. Such uses are wholly confined within an enclosed building, do not include processing of hazardous gases and chemicals, and do not emit noxious noise, smoke, vapors, fumes, dust, glare, odor, or vibration.

(2) Examples

a. Heavy Manufacturing

Example use types of heavy manufacturing include but are not limited to the manufacture or assembly of textiles, machinery, equipment, instruments, vehicles, and appliances; rendering; concrete production; asphalt plants; glass and plastic production; cardboard fabrication; and petroleum refining.

b. Light Manufacturing

Example use types of light manufacturing include: production or repair of small machines or electronic parts and equipment; sewing or assembly of textiles into consumer products; woodworking and cabinet building; publishing and lithography; computer design and development; communications equipment, precision items and other electrical items; research, development, and testing facilities and laboratories; sign making, assembly of pre-fabricated parts, manufacture of electric, electronic, or optical instruments or devices; manufacture and assembly of artificial limbs, dentures, hearing aids, and surgical instruments; manufacture, processing, and packing of food products, cosmetics, and manufacturing of components, jewelry, clothing, trimming decorations, and any similar item.

(3) Exceptions

- a. Manufacturing of goods to be sold primarily on-site and to the general public is classified as Retail Sales and Services if the manufacturing area does not exceed 35 percent of the development's gross floor area.
- b. Manufacturing and production of goods from salvage material is classified as Waste-Related Services.
- c. Manufacturing and production of goods from composting material is classified as Waste-Related Services.

(d) Warehouse and Freight Movement

(1) Characteristics

Use types in this category involve the storage or movement of goods for themselves or other firms or businesses. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present. Accessory uses include offices, truck fleet parking, outdoor storage, and maintenance areas.

(2) Examples

Example use types include separate storage warehouses (used for storage by retail stores such as furniture and appliance stores); distribution warehouses (used for distribution by trucking companies; cold storage plants, including frozen food lockers; outdoor storage (as a principal use); and parcel services.

(3) Exceptions

- a. Contractor's offices that do not include storage yards are classified as Offices.

- b. Use Types that involve the transfer or storage of solid or liquid wastes are classified as Waste-Related Services.

(e) Waste-Related Services

(1) Characteristics

Use types in this category receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material or processing of scrap or waste material. This category also includes use types that receive hazardous wastes from others. Accessory uses may include offices, outdoor storage, recycling of materials, and repackaging and trans-shipment of by-products.

(2) Examples

Example use types include recycling and salvage centers, land application of wastes, sanitary landfills, land clearing and construction debris landfills, tire disposal or recycling, waste composting, incinerators, energy recovery plants, salvage yards and junkyards, hazardous waste collection sites; and recycling drop-off centers.

(3) Exceptions

Wastewater treatment plants and potable water treatment plants are classified as Utilities.

(f) Wholesale Sales

(1) Characteristics

Use types in this category involve the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. Such uses emphasize on-site sales or taking of orders and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer. Accessory uses may include offices, product repair, warehouses, minor fabrication services, outdoor storage, and repackaging of goods.

(2) Examples

Example use types include sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment and store fixtures; mail order houses; and wholesalers of food, clothing, plants and landscaping materials, auto parts, and building hardware.

(3) Exceptions

- a. Firms that engage primarily in sales to the general public or on a membership basis are classified as Retail Sales and Services.
- b. Firms that are primarily storing goods with little on-site business activity are classified as Warehouse and Freight Movement.

D. PERMITTED USES

1. PERMITTED USE TABLE

(a) Explanation of Permitted Use Table Structure

For each zoning district, land, buildings, and structures shall only be used and buildings and structures shall only be erected which are intended or designed to be used for uses listed in the Permitted Use Table (Table 4.D.3.1). Letters within the appropriate columns of Table 4.D.3.1 have the following meanings:

- “P”: use permitted by right;
- “S”: use requiring a Special Use Permit;
- “D”: use permitted by right, with the additional development standards;
- “Z”: use requiring a Manufactured Housing overlay;
- “MP” use to be permitted in accordance with a unified master plan, and that may have additional development standards that apply (Check Article 5 listings);
- “WCA”: an “X” in the WCA column means this use is prohibited in the Watershed Critical Area;
- “LUC”: the numbers in the LUC (Land Use Classification) are used to identify the type of Planting Yard requirements found in Article 5.F *Landscaping Requirements*; and,
- “ ” a blank cell indicates that the use type is prohibited in the corresponding zoning district.

(b) Interpretation of Uses

(1) Uses Not Listed

When a use is not listed in the Permitted Use Table, the Zoning Administrator shall interpret it in accordance with Article 4.C *System for Categorizing Uses*. If the Administrator should determine that a use is not listed and is not similar to a use in the Permitted Use Table, then said use is prohibited. Appeals of the Administrator’s interpretation shall be made to the Board of Adjustment.

(2) Uses Involved in Rental or Leasing of Commodities

Rental and leasing of any commodity shall be permitted under the same classification and in the same districts as are sales of that commodity, unless rental or leasing of that commodity is listed separately in the Permitted Use Table.

(3) Manufacturing Uses of Varying Intensity on Same Lot

If an industrial plant or facility involves one or more light manufacturing uses and one or more heavy manufacturing uses on the same zone lot, the industrial plant shall be permitted only in a zoning district where heavy manufacturing is permitted. (For example, an industrial plant preparing canned peanuts and also manufacturing the cans is allowed in a zoning district permitting can manufacturing).

2. USES RESTRICTED OR PROHIBITED WITHIN ZONING OVERLAY AREAS

Regardless of whether a particular use is identified in the table as a permitted use, special use, or otherwise, the use type may be restricted or prohibited, or subject to more restrictive additional requirements, in accordance with applicable overlay area provisions in Article 4.B.6 *Zoning Overlay Areas*. The following uses are prohibited in the Zoning Overlays listed.

(a) Flood Hazard Area Overlay

Storage or processing of materials that are flammable, corrosive, toxic or explosive, or which could otherwise be injurious to human, animal or plant life in time of flood shall be prohibited from the flood hazard areas.

(b) Scenic Corridor Overlay

Class A, B, and C Manufactured Dwellings are prohibited in the Scenic Corridor Overlay District.

(c) Town Core Mixed Use Overlay

See Article 4.B.6 *Zoning Overlay Areas* to determine the types of uses not allowed within this overlay area.

(d) Watershed Critical Area Overlay

See Article 9.C.6 *Spill Risk Reduction* for the full list of all uses prohibited in the Watershed Critical Areas.

TABLE 4.D.2(a) PERMITTED USE TABLE

USE CATEGORY	USE TYPE	ZONING DISTRICTS														
		SPECIAL		AGRICULTURE	RESIDENTIAL		COMMERCIAL					INSTITUTIONAL	OPEN SPACE DEVELOPMENT		TOWN CORE	
		WCA	LUC	AG	RR	RS	NB	BN	SC	IND	OI	OSR	OSM	TCR	TCM	

Agriculture	Agricultural Production (crops)		1	P	P	P	P	P	P	P	P	MP	MP	P	P
	Agricultural Production, (Pasture for Livestock)		1	P	D	D				D		MP	MP		
	Plant nursery	X	4	P				P		P		MP	MP		
	Agriculture, all other		4	P								MP	MP		
Agriculture Related Support Services	Agricultural Tourism Facility, minor		2	D								MP	MP		
	Agricultural Tourism Facility, major		2	D									MP		
	Animal Feeder/Breeder	X	1	D											
	Animal Services & Care (livestock)		3	P						P					
	Equestrian facility, w/o spectator events		2	S		S					S	MP	MP		
	Equestrian facility w spectator events		2	S							S	MP	MP		
	Horse Farm		4	D	D	D						MP	MP		
	Winery			D									MP		
	All other agriculturally related services		3	P								MP	MP		
Forestry	Forestry		1	P	P	P	P	P	P	P	P	MP	MP	P	P

"P": uses permitted by right | "D": uses requiring special development standards | "S": uses requiring a Special Use Permit | "Z": uses requiring a Manufactured Housing overlay | "MP": uses permitted under a master plan and which may have special development standards.

USE CATEGORY	USE TYPE	WCA	LUC	AG	RR	RS	NB	BN	SC	IND	OI	OSR	OSM	TCR	TCM	
Household Living	Dwelling, Caretaker		1	D	D		D	D	D	D	D	MP	MP	D	D	
	Dwelling, Live/work		2				P	P	P				MP		P	
	Dwelling, Multi-family (Triplex, Quadplex)		2									MP	MP			
	Dwelling, Single-family attached (townhouses)		2									MP	MP			
	Dwelling, Single-family detached		1	P	P	P	P					MP	MP	P	P	
	Dwelling, Duplex		1	P	P	P	P					MP	MP		P	
	Dwelling, Upper story												MP			
	Manufactured Home, Class AA		1	D	D	Z										
	Manufactured Home, Class A & B		1	D	D	Z										
	Manufactured Home Park		2													
	Residential Compound		1	D	D											
	Subdivision, Major						P	P					MP	MP	P	P
	Subdivision, Minor				P	P	P	P					MP	MP	P	P
Group Living	Boarding or rooming house, < 9 residents		2	S	S										S	
	Boarding or rooming house, >9 residents		2											P	P	
	Dormitory		2								P					
	Dwelling, Tenant (for migrant labor)			D												
	Family Care Home		1				P	P	P			MP	MP	P	P	
	Fraternity or sorority house		3					P	P	P	P					
	Group Care Facility		2				S	S			S	MP	MP			
	Therapeutic home		1		P	P	P	P				MP	MP			

“P”: uses permitted by right | “D”: uses requiring special development standards | “S”: uses requiring a Special Use Permit | “Z”: uses requiring a Manufactured Housing overlay | “MP”: uses permitted under a master plan and which may have special development standards.

USE CATEGORY	USE TYPE	WCA	LUC	AG	RR	RS	NB	BN	SC	IND	OI	OSR	OSM	TCR	TCM
Community Services	Community center		3	P	S	S	P	P	P		P	MP	MP		P
	Cultural facility		3				P	P	P		P		MP		P
	Library		3				P	P	P		P		MP		P
	Museum		3				P	P	P		P		MP		P
	Senior center		3				S	S	S		P		MP		
	Youth club facility		3				S	S	S		P		MP		
Day Care	Day care center Adult, 5 or less		1	D	D	D	D	D	D	D	D	MP	MP	D	D
	Day care center Adult, 6 or more		3	S	S		D	D	D	D	D		MP		S
	Day care center Child, 5 or less		1	D	D	D	D	D	D	D	D	MP	MP	D	D
	Day care center Child, 6 or more		3	S	S		D	D	D	D	D		MP		
Educational Facilities	Community College		3					P			P				
	College, 4-year, on-campus housing		3					P			P				
	School, elementary		3	D	D	D					P	MP	MP	D	D
	School, middle		3	D	D	D					P	MP	MP	D	D
	School, high		3	D	D	D					P	MP	MP	D	D
	Vocational, business, or trade school		3					P	P	P					P
Government Facilities	Government maintenance, storage, or distribution facility		3					P		P	P				
	Government office		3				P	P	P	P	P				P
	Post office		3				P	P	P	P	P		MP		P
Health Care Facilities	Blood/tissue collection facility		3				P	P	P						P
	Drug or alcohol treatment facility		3				S	P			P				
	Hospital		3								P				
	Medical or dental clinic		3				P	P	P		P		MP		P
	Medical or dental lab		3				P	P	P	P	P				P
	Medical or dental office(s)		3				P	P	P		P		MP		P
	Outpatient facility		3				P	P	P		P		MP		P

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USE CATEGORY	USE TYPE	WCA	LUC	AG	RR	RS	NB	BN	SC	IND	OI	OSR	OSM	TCR	TCM
Institutions	Assisted Living Facility		2		S	S	P	P			P		MP		P
	Auditorium, Assembly Hall		3					P	P	P	P				P
	Club or lodge		3	S	S	S	S	P	P			MP	MP	S	S
	Congregate Care / Nursing Home		3					P	P		S		MP		P
	Halfway house		3					D			D				D
	Homeless Shelter		3					D			D				
	Place of worship, religious institution		3	P	D	D	P	P	P	P	P	MP	MP	D	D
	Psychiatric treatment facility		3					P			P				
	Retirement Community, Continuing Care		2								P		MP		
Parks and Open Areas	Arboretum or botanical garden		2	D	D	D	D	D	D	D	D	MP	MP		
	Athletic Field		3	D	D	D	D					MP	MP	S	S
	Cemetery/ Mausoleum		2	D	D	D	D	D	D	D	D	MP	MP	D	D
	Golf course, public		1	D	D	D		D			D	MP	MP		
	Greenway		P	P	P	P	P	P	P	P	P	P	P	P	P
	Park, public		1	D	D	D	D	D	D	D	D	MP	MP	D	D
	Public square or plaza					P	P	P	P		P	MP	MP		
Public Safety/ Emergency Services	Ambulance Service		3	P	P			P	P	P	P		MP		P
	Fire or EMS facility		3	P	P	P	D	D	D	P	P	MP	MP		P
	Police substation		2	P	P	P	P	P	P	P	P	MP	MP	P	P
	Police station		3	P	S	S	P	P	P	P	P	MP	MP	P	P
Transportation	Airport	X	5							S	S				
	Transportation/Taxi/Bus Terminal	X	4					P		P					
	Helicopter landing facility	X	5					S		P	S				
	Landing field, private	X		S						D	D	MP	MP		

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USE CATEGORY	USE TYPE	WCA	LUC	AG	RR	RS	NB	BN	SC	IND	OI	OSR	OSM	TCR	TCM
Utilities	Solar farms		5	D						D					
	Utility, major		5	S	S	S	S	S	S	S	S	MP	MP		
	Utility, minor		4	D	D	D	D	D	D	D	D	MP	MP	D	D
	Wireless Communication Facility, collocation on existing tower			P	P	P	P	P	P	P	P	MP	MP	D	D
	Wireless Communication Facility, placement on existing building			D	D	D	D	D	D	D	D	MP	MP	D	D
	Wireless Communication Facility, new freestanding		3	S				S		S	S		MP	D	D
Adult Oriented Businesses	Adult Oriented Business		3							D					
Animal Care	Animal shelter		3	S			D	D	D	P	S				
	Kennel, indoor		3	D				D	D	P					
	Kennel, outdoor		3	S						P					
	Pet grooming		3	P				D	D	P			MP		P
	Veterinary services, large animal		3	S						P					
	Veterinary services, domestic animals, outdoor kennel			S						P					
	Veterinary services, domestic animals, indoor kennel		3	P				D	D	P			MP		P
Conference and Training Centers	Conference, retreat or training center		3					P	P	D	P				P
Eating Establishments	Dinner theater		3					P	P						P
	Restaurant, indoor seating only		3				P	P	P	P			MP		P
	Restaurant with outdoor seating		3				D	D	D	D			MP		D
	Restaurant, take out, no drive thru		3				P	P	P				MP		P
	Restaurant, with drive-thru		3					P	P						

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USE CATEGORY	USE TYPE	WCA	LUC	AG	RR	RS	NB	BN	SC	IND	OI	OSR	OSM	TCR	TCM
Offices	Business services		3				D	P	P	P			MP		P
	Financial services, drive-through		3					P	P	P			MP		
	Financial services, no drive-through		3					P	P	P			MP		P
	Insurance Agency, No On-Site Claims Inspections		3				P	P	P	P			MP		P
	Insurance Agency, On-Site Claims Inspections		3					P	P	P					
	Professional services		3				P	P	P	P			MP		P
	Radio and television broadcasting studio		3					P	P	P					P
	Sales (including real estate)		3				P	P	P	P			MP		P
Parking, Commercial	Parking lot		3					P	P	P	S		MP	P	P
Recreation Facility, Indoor, Privately Owned	Bowling Centers		3					P	P	P					P
	Fitness Centers		3					P	P	P			MP		
	Shooting range, indoor		3	S				D		D					
	Skating rink		3					P	P	P					
	Theater		3					P	P						P
Recreation Facility, Outdoor, Privately Owned	Amusement park, Fairgrounds		4					S		S					S
	Arena, amphitheater, or stadium, privately owned		4							P	P				
	Athletic field, privately owned		1	S	S	S	P	P	P	P	P	MP	MP	S	S
	Batting Cages		3					D		D					
	Go-cart track		4					P		P					
	Golf course, w small clubhouse, private		1	S	S	S		D			D	MP	MP		
	Golf course with country club, private		1	D	D	S		D			D	MP	MP		
	Golf driving range		3	S				D		D					

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USE CATEGORY	USE TYPE	WCA	LUC	AG	RR	RS	NB	BN	SC	IND	OI	OSR	OSM	TCR	TCM
	Miniature Golf		3					P	P						
	Paint ball facility		3	S				S		S	S				
	Recreational vehicle park or campsite		4												P
	Shooting range, outdoor		5	S							S				
	Swimming pool, private with outside members		3	D	S	S		D		D	D	MP	MP		S
	Swimming pool, private only		3	D	S	S	D	D		D	D	MP	MP		S
	Tennis court, private		3	D	S	S		D		D	D	MP	MP		S
	Tennis court, private w/ outside members		3	D	S	S		D		D	D	MP	MP		S
	Tennis court, public		3	D				D			D		MP		D
Retail Sales & Services	Bars, Nightclubs and Similar														
	Bar, nightclub, cocktail lounge, bottle shop, or microbrewery		3					D	D	D					
	Hookah lounge														
	Wine Bar		3					D	D	D					
	Entertainment Establishments														
	Bingo games		3					P	P						
	Coin operated amusements		3					P	P						
	Electronic gaming establishment, Internet sweepstakes		3												
	Pool halls		3					P	P						
	Convenience														
	Convenience store, without gas sales	X	3						P	P	P		MP		P
	Convenience store, with gas sales	X	4						P	P	P		MP		
	Service station, gasoline sales	X	4						P	P	P				

“P”: uses permitted by right “D”: uses requiring special development standards “S”: uses requiring a Special Use Permit “Z”: uses requiring a Manufactured Housing overlay “MP”: uses permitted under a master plan and which may have special development standards.

USE CATEGORY	USE TYPE	WCA	LUC	AG	RR	RS	NB	BN	SC	IND	OI	OSR	OSM	TCR	TCM
Retail Sales & Services (continued)	Personal Services Establishments														
	Crematorium		3					S		P					
	Dance studio		3					P	P				MP		P
	Dry cleaner, drop off/pick up		3				P	P	P				MP		P
	Dry cleaner, on-site cleaning, but not a plant	X	3				D	P	D	P					
	Financial services, with drive-through or walk up service		3					P	P						P
	Fortune tellers, astrologers		3					P	P						P
	Funeral home		3					P		P					P
	Martial arts instruction schools		3					P	P						P
	Personal services (e.g. barber, beauty shop, manicurist, spas, massage)		3	D	D	D	P	P	P	P		MP	MP		P
	Tattoo parlor/body piercing		3					P	P						
	Repair Establishments														
	Clothing alterations		3				P	P	D				MP		P
	Equipment repair, light	X	3					D			P				P
	Furniture repair shop	X	3					P			P				
	Gunsmith		3					P			P				
	Lawnmower Repair		3					P			P				
	Repair & service shop (large & small appliances, washing machines, TV's, microwaves, etc.)		3					D			P				
	Retail Establishments														
	Antique Store		3				P	P	P						P
	Art and picture framing		3				P	P	P						P
	Art gallery, with works for sale		3				P	P	P						P

P": uses permitted by right || "D": uses requiring special development standards || "S": uses requiring a Special Use Permit || "Z": uses requiring a Manufactured Housing overlay || "MP": uses permitted under a master plan and which may have special development standards.

USE CATEGORY	USE TYPE	WCA	LUC	AG	RR	RS	NB	BN	SC	IND	OI	OSR	OSM	TCR	TCM
Retail Sales & Services (continued)	Drug store or pharmacy, without drive thru service		3				P	P	P				MP		P
	Drug store or pharmacy, with drive thru service		4					P	P				MP		
	Equipment & Tool Rental/Leasing, no outside storage	X	3					P	P	P					P
	Equipment & Tool Rental/Leasing with outside storage	X	4							P					
	Farmers Market		3	D			D	D	D	D	D		D		D
	Flea Markets, Swap Meets and Open-Air Markets		3					D	D	D	D				
	Florist		3				P	P	P				MP		P
	Garden Center or Retail Nursery		3					P	D	P					P
	Grocery store		3				D	P	P				MP		P
	Home Improvement Stores, no outdoor storage		3					P	P						P
	Home Improvement Stores, with outdoor storage		4					D	D	P					
	Landscape and horticultural services	X	4	S						P					P
	Laundromat	X	3				P	P	P						P
	Liquor Store (ABC)		3					P	P				MP		P
	Manufactured Home Sales		4					P		P					
	Musical Instrument Sales & Instruction		3				P	P	P						P
	Paint and Wallpaper Sales		3					P	P	P					P
	Pawn Shop		3						P						P
	Pest control	X	3						P		P				
	Photocopying and duplicating		3				P	P	P	P			MP		P
Photography studio		3				P	P	P						P	
Retail sales, bulky items (furniture, white goods)		3					P	P						P	
Retail sales, large establishment		3					P	P							

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USE CATEGORY	USE TYPE	WCA	LUC	AG	RR	RS	NB	BN	SC	IND	OI	OSR	OSM	TCR	TCM
Retail Sales & Services (continued)	Warehouse, Self-Service Storage		4					D		P					
	Shopping Center: < 250K ft² GFA		4					P	P						
	Shopping Center: > 250K ft² GFA		4						P						
	Taxidermist	X	3					P							P
Vehicle Sales and Services, Heavy	Automotive painting/body shop	X	4					P		P					
	Automotive towing and storage	X	3					D		D					
	Boat and marine rental, sales and service	X	4					P		P					
	Recreational vehicle rental, sales and service	X	4					P		P					
	Transmission shop	X	4					P		P					
	Truck and utility trailer rental and leasing, heavy	X	5							P					
	Truck stop	X	4					D		P					
	Truck washing	X	5							P					
Vehicle Sales and Services, Light	Automotive supply and parts		3					P	P						
	Automobile repair & servicing (w/out painting/bodywork)	X	3					P	P	P					
	Automobile sales or rentals	X	4					P		P					P
	Car wash, automatic	X	4					D	D	P					
	Car wash, full service	X	4					D	D	P					
	Car wash, self service	X	4					D	D	P					
	Tire/muffler sales and mounting	X	3					P	P	P					
	Truck and utility trailer rental and leasing, light	X	4					P		P					

"P": uses permitted by right "D": uses requiring special development standards "S": uses requiring a Special Use Permit "Z": uses requiring a Manufactured Housing overlay "MP": uses permitted under a master plan and which may have special development standards.

USE CATEGORY	USE TYPE	WCA	LUC	AG	RR	RS	NB	BN	SC	IND	OI	OSR	OSM	TCR	TCM
Visitor Accommodations	Bed and breakfast inn, tourist home		2	D	S	S	D	D					MP	S	S
	Hotels and motels with ≤ 5,000 ft² of ancillary space, or a restaurant/lounge with ≤ 3,000 ft²		3					P	P						
	Hotels and motels with > 5,000 ft² of ancillary space, or a restaurant/lounge with >3,000 ft²		3					P	P						
Extractive Industry	All uses														
Industrial Services	Contractor, no outside storage		3					P		P					P
	Contractor, with outside storage		4							P					
	Contractor, heavy construction		5							P					
	Electric motor repair		4					P		P					
	Fuel oil/bottled gas distributor	X	4							P					
	General industrial service		4							P					
	Heavy equipment sales, rental, or storage	X	4						P	P					
	Heavy equipment servicing and repair	X	4							P					
	Laundry, dry cleaning, and carpet cleaning plants	X	3					P	D	P					
	Machine shop		3							P					
	Repair of scientific or professional instruments		3							P					
	Research and development, testing		3							P					
	Tool repair	X													
Welding shop	X	4							P						

“P”: uses permitted by right “D”: uses requiring special development standards “S”: uses requiring a Special Use Permit “Z”: uses requiring a Manufactured Housing overlay “MP”: uses permitted under a master plan and which may have special development standards.

USE CATEGORY	USE TYPE	WCA	LUC	AG	RR	RS	NB	BN	SC	IND	OI	OSR	OSM	TCR	TCM
Manufacture and Production	Manufacturing, heavy	X	5							P					
	Manufacturing, light		4							P					
Warehouse and Freight Movement	Cold storage plant		4							P					
	Moving companies		4							P					
	Outdoor storage (as a principal use)	X	4					S		P					
	Parcel and courier services, central facility		4							P					
	Truck or freight terminal	X	5							P					
	Warehouse, distribution		4					D		P					
	Warehouse, storage, except self-service		4					D		P					
Waste-Related Services	Energy recovery plant	X	5							P					
	Hazardous & Radioactive Waste, Transportation, Storage & Disposal	X	5												
	Incinerator	X	5												
	Land application of wastes	X													
	Landfill, land clearing and inert debris or construction debris	X	5												
	Landfill, sanitary (*also WS-III)	X	5												
	Recycling processing center		4							D					
	Recycling drop-off Station		3					D		P					
	Salvage and junkyard	X	5												
	Septic Tank Services	X	4							P					
Tire disposal or recycling	X	5													

"P": uses permitted by right "D": uses requiring special development standards "S": uses requiring a Special Use Permit "Z": uses requiring a Manufactured Housing overlay "MP": uses permitted under a master plan and which may have special development standards.

USE CATEGORY	USE TYPE	WCA	LUC	AG	RR	RS	NB	BN	SC	IND	OI	OSR	OSM	TCR	TCM
	Waste composting	X	4	S						P					
	Waste transfer stations		4							P					
Wholesale Sales (See Article 5 for Special Development Standards for all Wholesale Sales Uses)	Agricultural Chemicals, Farm Supplies, Plants and Plant Products, Animals and Animal Products	X	5	D						P					
	Chemicals, Pesticides and Fertilizers	X	5							P					
	Minerals		5							P					
	Motor vehicles	X	4							P					
	Paints and varnishes	X	4							P					
	Petroleum and petroleum products	X	5							D					
	Retail Goods		4					P		P					
	Scrap and waste materials	X	5							P					
	All other wholesale sales		4							P					
	Miscellaneous Uses	Beneficial Fill Area			D	D	D	D	D	D	D	D	D	D	
Billboards			1	S	E	E	S	I	G	N		S	E	C	
Mixed Development								D	D				MP		D
Special Events Facility				D				D	D						D

"P": uses permitted by right "D": uses requiring special development standards "S": uses requiring a Special Use Permit "Z": uses requiring a Manufactured Housing overlay "MP": uses permitted under a master plan and which may have special development standards.

TABLE 4.D.2(b) TEMPORARY USES AND EVENTS (WITH PERMIT)

USE CATEGORY	USE TYPE	SPECIAL		ZONING DISTRICTS											
				AGRICULTURE		RESIDENTIAL			COMMERCIAL				INSTITUTIONAL	OPEN SPACE DEVELOPMENT	TOWN CORE
				WC	LUC	AG	RR	RS	NB	BN	SC	IND	OI	OSR	OSM
	Arts and Craft Shows						P	P	P	P	P				P
	Beverage, Food or Snack Wagon			D				D	D	D	D				D
	Carnivals and Fairs			D				D	D	D	D				
	Christmas Tree Sales			D				D	D	D	D		D		P
	Concerts, Stage Shows			P				P	P	P	P				
	Contractor's Office and Equipment Shed			D	D	D	D	D	D	D	D	D	D	D	D
	Corn Mazes			D			D	D	D	D	D		D		P
	Fireworks Sales														
	Fresh Foods Seller			D			D	D	D	D	D		D		D
	Outdoor Storage Container			D	D	D	D	D	D	D	D	D	D		
	Retail Sales, Outdoor							P	P						
	Real Estate Sales/Rental Office			D	D	D	D	D	D	D	D	D	D	D	D
	Religious Events, Outdoor			D				D	D	D	D	D	D		D
	Seasonal Buildings			D				D		D	D				
	Shelter, Temporary			D			D	D	D	D	D				
	Pumpkin Sales			D			D	D	D	D	D	D	D		P
	Turkey Shoots			S	S										

"P": uses permitted by right | "D": uses requiring special development standards | "S": uses requiring a Special Use Permit | "Z": uses requiring a Manufactured Housing overlay | "MP": uses permitted under a master plan and which may have special development standards.

E. PERMITTED BUILDING TYPES

Building types, differentiated by shape, configuration, and placement on a site are used as a regulatory mechanism in this ordinance. The names of the building types are not intended to limit uses within a building. Not all building types are permitted in all zoning districts. All building types are subject to additional design and development standards in Article 6 as applicable.

The maximum height for any building type within the Town of Summerfield is 50 feet, which may include a maximum of 3 partial stories above grade or 2 full stories above grade.

There are hereby established the following building types:

1. FARM BUILDING

Farm Buildings are any of the structures used in farming operations, which may include buildings to house families and workers, as well as livestock, machinery, and crops.

2. DETACHED HOUSE (SINGLE FAMILY)

Detached Single Family houses are the most predominant residential building type in Summerfield and are appropriate on a wide variety of lot sizes depending on the zoning district. Detached houses include modular homes, accessory carriage houses but do not include manufactured homes, mobile homes, or recreational or motor vehicles.

3. TOWNHOUSE

Townhouses are residential buildings with three or more dwelling units that share a common wall. Each unit has its own entrance. Units are typically aligned close to the public sidewalk, although sometimes there are small variations in setback to provide landscaping or diversity in the streetscape.

4. ATTACHED HOUSE (DUPLEX)

A Duplex Attached House has two separate dwelling units with external accesses to each unit.

5. ATTACHED HOUSE (TRIPLEX, QUADPLEX)

Attached houses have the outward appearance of detached houses but accommodate three or four separate dwelling units within one building.

6. MANUFACTURED HOME

Manufactured Homes provide alternatives to modular homes or buildings that are stick built on site and typically offer lower cost alternatives for the home buyer. These building types are often used as accessory dwellings.

7. LIVE/WORK

Live/work buildings are designed to combine commercial and residential uses within a single building of two or more stories. They are similar to a townhouse, with a storefront on the ground floor and a residential unit above. Storefront space may be a home-based business or may be leased independently; however, different NC State Building Code regulations apply in each case.

8. COMMERCIAL CENTER

Commercial Centers are designed to combine a grouping of commercial uses, designed as attached businesses (such as in a strip center) or detached businesses clustered around shared parking.

9. INSTITUTIONAL

Institutional buildings are used for public or semi-public purposes. These buildings must be designed appropriately to fit within neighborhoods as integral parts of the community. Their uses may include churches, libraries, post offices, and schools.

Institutional buildings serve as landmarks and places of assembly. They have a sense of prominence within their respective neighborhoods.

10. **WORKPLACE**

The workplace building is designed to accommodate either single or multiple uses or tenants with a wide range of internal activities in a single building.

11. **RURAL WORKPLACE**

The rural workplace building is designed to accommodate single tenants with a range of agricultural activities or rural family occupations in a single building.

12. **STOREFRONT**

A storefront building is designed to accommodate either single or multiple uses or tenants in a single building. A group of storefront buildings can be combined to form a mixed-use center. For example, individual storefront buildings can provide commercial uses with residential or office uses on the upper floors. They are a minimum of two stories, typically are aligned adjacent to the public sidewalk and include a high percentage of transparency in the ground level façade to encourage pedestrian activity.

13. **ACCESSORY STRUCTURE**

An accessory structure is an above-ground structure that is clearly and customarily subordinate to a principal use or principal structure. An accessory structure is smaller in size, extent, or purpose to the principal use or principal structure served.

F. DIMENSIONAL REQUIREMENTS AND ZONE LOT STANDARDS

1. **General**

- (a) The dimensional requirements in each district shall apply to all property within that district.
- (b) Where property is located within a Water Supply Watershed or Flood Damage Prevention overlay area subject to the requirements of Article 9, the most restrictive requirements for size, coverage, or dimensional regulation shall apply and prevail.
- (c) All minimum lot sizes are subject to a larger minimum where required by the Guilford County Environmental Health Department.
- (d) The Administrator may, after consultation with Guilford County Department of Environmental Health, reduce the minimum lot size, where evidence is submitted to show, through use of soil testing by a certified soils scientist and/or other supportable data, that the minimum lot size is in excess of the size required for adequate sewage disposal and where no proposed or existing well site would not be jeopardized. No request for a reduction of lot size will shall be considered unless submitted with appropriate evidence. Under no circumstances shall any lot be reduced unless sufficient space is provided for all required improvements, all required regulations, size, setbacks, dimensional regulations, and where impervious surface coverage requirements are met.
- (e) The maximum number of allowable residential lots/dwelling units for any district shall be determined as follows:
 - (1) Calculate the gross acreage of the tract, less any existing street right-of-way.
 - (2) Multiply the remaining acreage by 1.0, then round up if resulting number has a fraction greater than 0.5.

2. AGRICULTURAL AND SINGLE-FAMILY DISTRICT DIMENSIONAL REQUIREMENTS

(a) Dimensional Requirements for Agricultural, Rural Residential, and Single-Family Districts

TABLE 4.F.2. AGRICULTURAL AND SINGLE-FAMILY DISTRICT DIMENSIONAL REQUIREMENTS				
	AG	RR	RS	RS-30^c
Min. Lot Size (ft. ²)	130,680	60,000	40,000	30,000
Min. Lot Width (ft.)				
• Interior Lot	150	150	150	100
• Corner Lot	150	150	150	100
Min. Street Frontage (ft.)	50	50	50	50
Min. Street Setback (ft.) ^a				
• Local, Sub-collector, Collector-Front	40/65	50/65	40/65	40/65
• Local, Sub-collector, Collector-Side	40/65	40/65	40/65	20/45
• Minor Thoroughfare	45/80	50/80	45/80	45/80
• Major Thoroughfare	50/95	60/95	50/95	50/95
Min. Interior Setbacks (ft.)				
• Side Yard	15	15	15	10
• Rear Yard	30	30	30	30
Max. Building Height (ft.) ^b	50	50	50	50
Max. Building Coverage (% of lot)	30	30	30	30
^a Setback is measured from right-of-way line or property line/setback from street centerline, whichever is greater. ^b No more than three (3) full or partial stories entirely above grade. ^c Applies only to existing RS-30 zone district lots of record. <u>Notes:</u> 1) A corner lot has two street setbacks. The setback of lower setback category shall be considered the side street. If both streets are of the same setback category, the property owner shall designate the side street for his lot. 2) A through lot has two street setbacks but no rear yard setback. 3) On a corner lot of record, the side street setback may be reduced, if necessary, to yield a buildable width equal to sixty (60%) percent of the lot width. 4) For any lot of record, the street setback and the rear yard setback may be reduced, if necessary, to yield a buildable depth equal to forty (40%) percent of the lot depth. The rear yard setback shall be reduced first, but not below fifteen (15) feet and the street setback shall not be reduced by greater than ten (10) feet.				

3. NON-RESIDENTIAL DISTRICT DIMENSIONAL REQUIREMENTS

(a) Dimensional Requirements for Non-Residential Districts

TABLE 4.F.3 NON-RESIDENTIAL DISTRICT DIMENSIONAL REQUIREMENTS					
	OI	NB	BN	SC	IND
Min. Development Size (ac.)	—	—	—	5	--
Min. Development Width (ft.)	—	—	—	250	--
Min. Lot Size (ft. ²) ^a	40,000	9,000	60,000	20,000	60,000
Min. Lot Width (ft.)	150	60	150		100
Min. Street Frontage (ft.)	50	40	50	150	75
Min. Street Setback (ft.) ^{b, d}					
• Local, Sub-collector, Collector	30/55	20/45	40/65	30/55	25/50
• Minor Thoroughfare	40/75	30/55	45/70	40/75	30/65
• Major Thoroughfare	50/95	30/55	50/75	50/95	35/80
Min. Interior Setbacks (ft.) ^d					
Adj. To Non-Residential Zoning	0/5 ^c	0	0/5 ^c	20 ^f	0/5 ^c
Adj. To Residential Zoning	20	5	10	35 ^f	35 ^f
Max. Building Height (ft.) ^e	50/80 ^d	50	50/80 ^d	50/80 ^d	50/80 ^d
Max. Built Upon Area (% of lot)	—	--	—	—	60
Max. Gross Floor Area/Lot (ft. ²)	—	6,000	—	—	—
Max. Gross Floor Area/ Development (ft. ²)	—	25,000 ^g	—	—	—
Max Development Size (AC)		3			5

^a Lots of record having less than minimum required area may be developed pursuant to Section 8.B. *Nonconforming Lots of Record*.

^b Setbacks are measured from right-of-way line or property line/street centerline, whichever is greater.

^c Zero setback if no setback is provided. If setback is provided, it must be a minimum of five (5) feet.

^d Increase all setbacks by one (1) foot for every foot in height between fifty (50) and eighty (80) feet.

^e No more than three (3) full or partial stories entirely above grade.

^f Interior setback requirements apply to the development perimeter only.

^g The total maximum gross floor area may be increased for developments with unified development standards of high quality. Requires approval by the Planning Board.

Notes:

- 1) A through lot has two street setbacks but no rear yard setback.
- 2) Required landscaping buffers may exceed setback requirements.

4. OPEN SPACE DEVELOPMENT DISTRICTS (OSR and OSM) DIMENSIONAL REQUIREMENTS

(a) Dimensional Requirements for Open Space Residential (OSR) and Open Space Mixed Use (OSM) Districts

TABLE 4.F.4 OPEN SPACE DEVELOPMENT DISTRICTS DIMENSIONAL REQUIREMENTS			
	OSR	OSM	
		Residential	Non-Residential
Min. Lot Size (ft. ²)	15,000	15,000	9,000
Min. Lot Width (ft.)			
• Interior Lot	60	60	60
• Corner Lot	75	75	75
Min. Street Frontage (ft.)	40	40	40
Min. Street Setback (ft.) ^a			
• Local, Sub-collector, Collector-Front	20/45	20/45	20/45
• Local, Sub-collector, Collector-Side	20/45	20/45	20/45
• Minor Thoroughfare	40/75	40/75	40/65
• Major Thoroughfare	50/95	50/95	50/80
Min. Interior Setbacks (ft.)			
• Side Yard	10	10	0/5/20 ^c
• Rear Yard	20	20	0/5/20 ^c
Max. Building Height (ft.) ^b	50	50	50
Max. Building Coverage (% of lot)	--	--	--
Max Development Size (AC)			
^a Setbacks are measured from right-of-way line or property line/street centerline, whichever is greater. ^b No more than three (3) full or partial stories entirely above grade. ^c If adjacent to non-residential and no setback is provided, setback is zero. If adjacent to non-residential and setback is provided, it must be a minimum of five (5) feet. If adjacent to residential zoning, the setback is twenty (20) feet. Note: Dimensional requirements for two family homes in the OSR and OSM districts are set forth in Article 5			

5. Supplemental Dimensional Requirements

(a) Structures Permitted Above Height Limits

The height limitations of this Ordinance shall not apply to public buildings, church spires, belfries, cupolas, and domes not intended for residential purposes or to monuments, water towers, observation towers, power transmission towers, silos, grain elevators, chimneys, smokestacks, derricks, conveyors, and flag poles, provided such structures meet required NC State Building Codes. Radio, television, and communication towers, masts, aerials, and similar structures shall meet the special development standards for such uses as set forth in Article 5: Use-Specific Development Standards.

(b) Prevailing Street Setback

Where 50% or more of the lots on the same side of the block as the lot in question are developed with less than the required street setbacks, the average setback of the two principal buildings nearest that lot shall be observed as the required minimum setback.

(c) Encroachments into Required Setbacks

The following are permitted in required setbacks provided there is no interference with any sight area:

- (1) Landscaping features, including but not limited to, ornamental pools, planting boxes, sculpture, arbors, trellises, and birdbaths;
- (2) Pet shelters, at-grade patios, play equipment or outdoor furniture, ornamental entry columns and gates, flag poles, lamp posts, address posts, mailboxes, public utility wires and poles, pumps or wells, and fences or retaining walls subject to the requirements of this Ordinance;
- (3) Handicapped ramps; and,
- (4) Gatehouses/guardhouses and bus shelters.

(d) Easement Encroachments

(1) Utility Easements

In addition to the lines, boxes, structures, and substation buildings for which utility easements are intended, fences without foundations may be located within utility easements. (Note: The property owner should contact proper utility location providers prior to fence construction.)

(2) Water Quality Conservation Easements

Water-related improvements, such as soil erosion and sedimentation control structures, may be placed or constructed within water quality conservation easements.

6. Zone Lot Requirements

(a) Principal Buildings Per Lot

Every building hereafter erected or moved shall be located on a zone lot and in no case shall there be more than one principal residential building and its accessory buildings on a zone lot except as provided below:

(b) Non-Residential Group Development

Two or more principal non-residential buildings are permitted on a zone lot pursuant to a site plan approved by the Administrator, provided that an access driveway is maintained to each building in passable condition for service and emergency vehicle.

(c) Residential Group Development

Two or more principal buildings are permitted in a development pursuant to a site plan approved by the Administrator, provided that an access driveway is maintained to each building in passable condition for service and emergency vehicle.

(d) Development in the AG District

Two or more principal buildings or uses are permitted in the Agricultural District on the same zone lot pursuant to site plan approval provided that the lot contains at least 80,000 ft² per permitted principal use and that no more than one of the buildings is proposed for residential use. An access driveway shall be maintained to each building in a passable condition for service and emergency vehicles.

(e) Street Access Requirements

(1) Access to Public Street Required

Every zone lot shall abut and have direct access to a public street or other public right-of-way legally dedicated, except as provided in this section. No building or structure shall be constructed, erected, or placed on a zone lot that does not abut and have direct access to a public street or other public right-of-way legally dedicated, except as provided in this section. The zone lot shall have an open and passable access from the street where the assigned address is located to the principal building or structure. For corner lots, the access may be from the side street if the access is clearly visible from the street where the address is assigned.

(2) **Dead-End Streets**

For purposes of this section the terminus of a dead-end street does not provide the required access to a public street unless that terminus is a turnaround approved and constructed in conformance with Article 6.B *Transportation, Road and Circulation Standards* and approved for adequate emergency access.

(3) **Private Lanes**

Certain subdivision lots may abut and have access to private lanes platted in accordance with Article 6.B *Transportation, Road and Circulation Standards*.

(4) **Exceptions**

Special Purpose Lots may provide access via easement in accordance with Article 4.F.8 *Exemptions*, and lots served by exclusive access easements in accordance with Article 4.F.8 *Exemptions*.

(5) **Access Through Incompatible Districts Prohibited**

Vehicular access to a higher intensity development through a lower intensity development is prohibited. Non-vehicular access from a business, office/institutional, or industrial zoning district shall be permitted through a residential district with the approval of the Administrator.

(6) **Access Through Compatible Districts Permitted**

Any use located in a zoning district which is also a permitted use in a neighboring zoning district may have vehicular and non-vehicular access through the neighboring zoning district without additional requirements.

(f) **Unified Development**(1) **Street Access**

Individual parcels, whether leased or sold, in a unified development shall have shared rights of access along private streets and/or along private drives at least 24' in width leading to a publicly-maintained street. Private alleys may be permitted with at least 18' in width leading to a publicly- or privately-maintained street. Alley widths are required to include adequate stabilized compacted surface for access for emergency and service providers.

(2) **Parking and Landscaping**

A unified development shall be treated as a single zone lot for purposes of providing required off-street parking and required planting yards, even if out parcels for sale are included within the development.

a. If the entire development meets the total off-street parking requirement, it is not required that each parcel provide all the required parking for the use thereon. Shared parking is encouraged.

b. If required planting yards are provided along the development perimeter, including street frontages, and requirements for parking lot planting are met, planting yards are not required along property lines and lease lines between two parcels within the planned area unified development.

(3) **Plat and Notice Requirements**

If the owner of a development elects to organize it in a unified development, a plat shall be recorded displaying a prominent note identifying it as such and explaining that the property must be developed with common driveways and off-street parking and be subject to a common signage

plan and a common landscaping.

(4) **Common Areas and Improvements Maintenance**

Maintenance of all common areas and improvements shall be a mandatory responsibility, running with the land, exercised by a single entity which shall be composed on one landowner, an Owner's Association, or all owners acting collectively pursuant to a binding agreement.

7. Lot Size Reduction Prohibitions

(a) **Single Lot**

No lot shall be reduced in size so that noncompliance with respect to any frontage, building coverage, area, built-upon area, width, setback, parking, planting yard, or signage requirement of this Ordinance is created, nor shall any existing nonconformity or violation be increased.

(b) **Zone Lot**

Where two or more contiguous lots in one ownership collectively form a zone lot, that zone lot shall not be reduced in size so that noncompliance with respect to any frontage, building coverage, area, built-upon area, width, setback, parking, planting yard, or signage requirement of this Ordinance is created, nor shall any existing nonconformity or violation be increased.

8. Exemption

These prohibitions shall not apply to Town, County, or State acquisition of land.

9. Special Purpose Lots

Requirements of this Article with respect to street frontage, minimum lot area, and minimum lot dimensions shall not apply to lots for family or church cemeteries, sewer lift stations, radio, television, and communication towers, and similar utility uses. Such lots shall comply with the following requirements.

(a) **Minimum Size**

The special-purpose lot shall be permitted only after the Administrator has determined that the proposed lot has sufficient dimensions to accommodate the intended use and, where required by this Ordinance, planting yards.

(b) **Access**

Lots established for the purpose of sewage treatment shall have a minimum of 20' of direct access or platted easement to a public or private street/lane. Direct access or easements that provide access for the supply lines only from the lot it serves to the special-purpose lot may be a minimum of 10'. All easements shall be labeled "easement for ingress, egress, and regress for, etc."

(c) **Platting**

The subdivision to create the lot shall be approved in accordance with Article 7: Subdivision Standards. The final plat shall label the lot as a "special-purpose lot for use as..." A lot created for an individual septic system shall carry the number of the lot or lots it serves and the letter "A".

(d) **Conveyance**

A special-purpose lot for an individual off-site septic system shall be conveyed with the lot for which sewage treatment is provided.

(e) Special Purpose Lots for (improved such as cell towers) shall not have direct access to any public roadway or thoroughfare.