1. Call to order
2. Introductions
3. Consent agenda:
   A. Meeting agenda
   B. Minutes of 6/24 meeting
4. UDO work session:
   A. Sign ordinance review (Art. 6)
   B. Open Space District – Residential & Open Space District – Mixed-Use review (Art. 4)
   C. Town Core District – Residential & Town Core District – Mixed-Use review (Art. 4)
   D. 1200’ buffer west of Summerfield Road - within TCD or Separate overlay district discussion (Art. 4)
   E. Rename Town Core District discussion
   F. Naming possible new overlay district from item C. above
5. Other business (as needed)
6. Public comments on items related to Agenda Items (limited to 3 minutes per speaker)
7. Adjourn
ZONING BOARD MINUTES

JUNE 24, 2019, 7:00PM, SFD COMMUNITY CENTER

Planning and Zoning Board
Richard (Dick) Feulner
George (Jeff) Davis
Scott Henson
Kathy Rooney
Trudy Whitacre

Alternates
Clint Babcock
Clark Doggett
Ryan Moats (absent)
Frank Ficca (absent)

Staff
Chris York, Town Planner
Lance Heater, Town Clerk

CONSENT AGENDA

Upon motion by Davis, seconded by Henson and unanimous vote, the consent agenda was approved. It consisted of the meeting agenda and the minutes of the 6/17 meeting (as amended).

CONDUCT PUBLIC HEARING ON CASE RZ-02-19

York stated that the request was to rezone parcels at 3683 and 3685 Oak Ridge Road from RS-40 to CU-GB and a parcel at 3687 Oak Ridge Road from AG to CU-GB. York noted the rezoning would complete a tract bordered by I-73, Deboe Road and Oak Ridge Road, consisting of approximately 86 acres, all of which would be zoned CU-GB. The request by the applicant included all permitted uses in the General Business District except the following uses which would not be permitted:

- Junked motor vehicles
- Shelter for the homeless
- Psychiatric hospital
- Bus Terminal
- Cemetery or mausoleum
- Country club with golf course
- Theater, adult
- Massage parlor, adult
- Equipment repair, light
- Live entertainment business, adult
- Ice manufacturing
- Landfills of any kind
- Fraternity or sorority (university or college related)
- Taxi terminal
- Warehouse, general storage, enclosed
- Truck & utility trailer rental & leasing, light
- Boat sales
- Bookstore, adult
- Motor vehicle sales
- Boat repair
- Electronic gaming establishments & internet sweepstakes
- Fortune tellers and astrologers

The applicant submitted the following development conditions in addition to those specified in the Summerfield Development Ordinance:

1) All parcels under this rezoning (approximately 6.71 acres) shall be combined with earlier zoning (approximately 79.28 acres) to allow a comprehensive review of all improvements and requirements of the ordinance and other regulations. This will include the design of proposed water source and wastewater treatment and stormwater provisions for the entire combined site.

2) A comprehensive master plan will be prepared and submitted for approval for the entire site (approximately 86 acres) using the site plans requirement for required
submittals.

3) The construction of the project may be phased, provided adequate utilities, parking, landscaping and access is constructed with each phase. Revisions to the master plan may be approved by the Town of Summerfield, if such should become necessary or desirable.

4) A comprehensive traffic analysis will be submitted, if required, with the master plan to identify appropriate access points and necessary improvements or traffic controls to minimize impacts to the community.

5) A master sign plan will be prepared and submitted with the comprehensive master plan for approval.

6) The front setback from existing road(s) will be increased from fifteen feet (15’) to thirty feet (30’) to allow for planting and preservation of shade trees, provided no additional right-of-way dedication is required.

7) Tree preservation will be addressed as a part of the master plan. The owner and developer agree that tree will not occur until a comprehensive master site plan and a tree conservation plan has been submitted and approved by the Town of Summerfield. The tree conservation plan will include an inventory of the types of trees, the approximate age of the trees, the number and location of the trees and an assessment of the physical condition of the trees. The owner and developer agree to make every effort to include significant existing tree stands or any extraordinary individual tree into their development plans.

York noted that it was not possible to complete a full assessment of the compatibility of the rezoning with the Town’s Comprehensive Plan because no specific plans or uses have been proposed. However, York offered a general assessment of the proposed conditional use district with the Comprehensive Plan.

Doug Stimmell, of Stimmell Associates, representing the developer, Summerfield/Oak Ridge Properties, was present to respond to questions from the Board.

Feulner declared the public hearing open at 7:20pm. The only person present who wished to comment was Jim Grdich, representing the developer, who stated that the developer had received input from citizens present at the open house (held on 6/13).

There being no other persons who wished to comment, Feulner declared the public hearing closed at 7:22pm.

Davis made a motion to recommend to Town Council that they approve the request, citing consistency with the Comprehensive Plan (appropriate, limited commercial development; community character preservation; and appropriate housing and residential development) and citing its reasonableness and its being in the public interest (complies with all regulations and
standards of the Development Ordinance and will be in harmony with the area in which it is to be located and with the general plans for land use and development of the Town). The motion included all of the conditions offered by the developer as previously noted. The motion was seconded by Henson and carried unanimously.

**PRELIMINARY PLAT REVIEW AND ACTION: WINDSOR**

York presented the request as approval of a preliminary plat for the Windsor subdivision, located at 6137-6159 Lake Brandt Road, consisting of +/- 19.90 acres. The applicant, Lake Brandt Development, LLC, was proposing 14 lots, a road, and common area. York noted that the property is located within Tier IV of the Greensboro Watershed Critical Area (WCA). The applicant proposes a public road for access to the lots, a cul-de-sac design constructed to NCDOT standards, less than the allowed 1600 linear-feet maximum cul-de-sac length in a WCA. York stated that the plat was consistent with the Town’s Comprehensive Plan and Development Ordinance, subject to review by a watershed engineer, emergency response, environmental health and transportation. Upon motion by Rooney, seconded by Henson and carried unanimously, the preliminary plat was approved, subject to the approval of the fire department and postal service.

**OTHER BUSINESS**

Davis expressed concern regarding the Board being asked to approve a preliminary plat prior to review by other agencies (watershed engineer, emergency response, etc.). Upon motion by Feulner, seconded by Davis and carried unanimously, the Board asked that staff seek other agency review prior to presenting preliminary plats to the Board for approval.

Feulner noted that the Board was waiting for McGill Associates to complete a final draft of the UDO prior to the next UDO review session of the Board.

**PUBLIC COMMENTS**

Don Wendelken questioned the amount of acreage remaining in Summerfield which could be developed.

Upon motion by Rooney, seconded by Henson and carried unanimously, the meeting was adjourned at 8:08pm.

__________________________  _______________________
Richard Feulner, Chair        Lance G. Heater, Town Clerk
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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 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 parallel Conditional Zoning District is established for each Base Zoning District denoted with a (C) in Table 4.A.

(a) Conditional zoning districts are established by this ordinance to provide landowners and the Town an alternative to rezoning the land to a base zoning district, where the base zoning district allows certain uses and development that may be appropriate but also allows uses and development that may not conform to Town plans or would have adverse impacts on public facilities or surrounding lands. Reclassification of land to a conditional zoning district allows a landowner to propose, and the Town Council to consider, additional conditions or restrictions on the range of allowable uses, use standards, development intensities, development standards, and other regulations applicable in the parallel base zoning district. This enables the Town to tailor a zoning classification to accommodate desirable development while avoiding or addressing anticipated problems that may arise from development otherwise allowed by the zoning classification.

(b) Except where adoption of this Ordinance translates or reclassifies land in a conditional use district under the previous zoning regulations to one of the conditional zoning district classifications in this Ordinance, land shall be classified into a conditional zoning district only in accordance with the procedures and requirements set forth in Article 3.D.2. Conditional Rezoning.

(c) Development in a conditional zoning district shall be subject to all the use and development standards and requirements that apply to development in the parallel base zoning district, plus the conditions imposed as part of the Conditional Rezoning approval, which may not be less restrictive than the regulations for the parallel base zoning district.

(d) After the effective date of this Ordinance, no application for conditional rezoning (See Article 3.D.2.) may split an existing site or lot of record into a conditional zoning district and a base zoning district. Nothing in this subsection shall limit a conditional rezoning that splits a lot or site into two or more conditional zoning district designations.
4. **OVERLAY ZONING AREAS**

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>
<thead>
<tr>
<th>TABLE 4A... ESTABLISHED ZONING DISTRICTS AND OVERLAY AREAS</th>
<th>ZONING DISTRICT NAME</th>
<th>ABBREVIATION</th>
<th>COMPARED TO CURRENT ORDINANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Base Agricultural District</td>
<td>Agricultural</td>
<td>AG, AG (C)</td>
<td>(same)</td>
</tr>
<tr>
<td>Base Residential Districts</td>
<td>Residential</td>
<td>RS, RS (C)</td>
<td>replaces RS-40, and RS-30</td>
</tr>
<tr>
<td>Base Residential Districts</td>
<td>Rural Residential</td>
<td>RR, RR (C)</td>
<td>(same)</td>
</tr>
<tr>
<td>Base Commercial Districts</td>
<td>Neighborhood Business</td>
<td>NB, NB (C)</td>
<td>(same)</td>
</tr>
<tr>
<td>Base Commercial Districts</td>
<td>Business</td>
<td>BN, BN (C)</td>
<td>replaces LB, GB, and HB</td>
</tr>
<tr>
<td>Base Commercial Districts</td>
<td>Office/Institutional</td>
<td>OI, OI (C)</td>
<td>replaces LO, PI, and CP</td>
</tr>
<tr>
<td>Base Commercial Districts</td>
<td>Shopping Center</td>
<td>SC, SC (C)</td>
<td>(same)</td>
</tr>
<tr>
<td>Base Industrial District</td>
<td>Industrial</td>
<td>ND, IND (C)</td>
<td>replaces LI, HI, and CP</td>
</tr>
<tr>
<td>Base Open Space Districts</td>
<td>Open Space Residential District</td>
<td>OSR, OSR (C)</td>
<td>replaces OSRD</td>
</tr>
<tr>
<td>Base Open Space Districts</td>
<td>Open Space Mixed Use District</td>
<td>OSM, OSM (C)</td>
<td>(new)</td>
</tr>
<tr>
<td>Overlay Areas</td>
<td>Flood Hazard Area</td>
<td>FHA</td>
<td>(same)</td>
</tr>
<tr>
<td>Overlay Areas</td>
<td>General Watershed Area</td>
<td>GWA</td>
<td>(same)</td>
</tr>
<tr>
<td>Overlay Areas</td>
<td>Watershed Critical Area</td>
<td>WCA</td>
<td>(same)</td>
</tr>
<tr>
<td>Overlay Areas</td>
<td>Scenic Corridor Area</td>
<td>SCA</td>
<td>(same)</td>
</tr>
<tr>
<td>Overlay Areas</td>
<td>Summerfield Road District</td>
<td>SRD</td>
<td>replaces TCD</td>
</tr>
<tr>
<td>Overlay Areas</td>
<td>Voluntary Agricultural District</td>
<td>VAD</td>
<td>(new)</td>
</tr>
</tbody>
</table>

1 Open Space Districts, Scenic Corridor Areas, and Summerfield Road districts are subject to the development standards of Article------below.

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

3
B. Zoning District Descriptions and Standards

1. AGRICULTURAL DISTRICT

Properties meeting the definition for a Bona Fide Farm per NCGS 160-A will fall within these districts but are not subject to the zoning regulations of this ordinance with the exception of non-farm uses.

(a) Agricultural (AG): The AG 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 following purposes: 1) to preserve and encourage the continued use of land for agricultural, forest, and open space purposes; 2) to sustain the rural nature of the community; and/or, 3) 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 areas shall be .36 units per acre with a minimum lot size of three (3) acres. 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):

RS is established to accommodate single family detached residences on large lots where environmental features, public service capacities, or soil characteristics necessitate very 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 old RS-40 Residential District approved lots of record existing prior to (insert new authorization date here) with a minimum lot size of 40,000 ft² and old RS-30 Residential District approved lots of recorded existing prior to (adoption date) with a minimum lot size of 30,000 ft². The overall gross density shall be 0.73 units per acre or less (representing an average lot size of 60,000 ft²). Open Space requirements for RS developments are determined by a sliding scale based on the number of residential units. Building Types allowed in the RS are Farm Building, Detached House and Accessory Structures.

(b) Rural Residential District (RR):

RR is established to accommodate rural non-farm residences on larger 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 and rural family occupation purposes 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 district. Building Types allowed in the RR are Farm Building, Detached House, Manufactured Home, Rural Workplace, and Accessory Structures.

3. COMMERCIAL DISTRICTS

(a) Neighborhood Business (NB):

The NB, 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 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 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. SC 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 are Workplace, Storefront, Commercial Center, and Accessory Structures.

4. **INDUSTRIAL DISTRICT**

   **Industrial District (IND):** 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 are Workplace, Storefront, and Accessory Structures.

5. **OPEN SPACE DISTRICTS**

   (a) **The Open Space Districts (OSR and OSM):** The Open Space Districts (OSR and OSM) 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) The Open Space Residential (OSR) District 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 .73 units 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 10 (ten) contiguous acres under unified ownership or control. Building Types allowed in the OSR are Farm Building, Detached House, Townhouse, and Accessory Structures.

(c) The Open Space Mixed Use (OSM) District 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. 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 .73 units per acre based on the gross acreage of the entire district. 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, Multi-Family, Live/Work, Institutional, Workplace, Rural Workplace, Storefront, and Accessory Structures.

(d) Standards for Residential Uses in Open Space Developments

(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 Two-Family/Townhouse dwellings will shall have direct access to thoroughfares or Scenic Corridors.

(e) Standards for Non-residential Uses in Open Space Mixed Use Developments: Non-Residential uses in an OSM development shall conform to the Design Standards of Article 6.B Commercial Office and Mixed-Use Design Standards, and the following:

(1) Allowable Acreage: Allowable Acreage in Non-Residential Use: The allowable acreage in non-residential (i.e. commercial) use shall be calculated as follows:

(a) Up to 10% of the gross parcel area.

Note: The 15,000 square foot minimum lot size number shall be employed in the equation regardless of the actual lot size as platted. Acreage occupied by community amenities such as a pool, tennis courts, golf course and clubhouse shall not be included in the equation.
(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.

(f) Development Standards for all Open Space Districts: 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) Open Space Credit: For every five (5) acres designated as open space in excess of the area required under Article 6— 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 common ownership with any change in ownership subject to the conditions of the approved district.
(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% of (Gross land area – street right of way) minus open space credits= required open space.

Example for a 50-acre tract with 500 feet of existing roadway plus 700 additional feet of proposed roadway: (50 acres – 1.65 acres) x 50% = 24 acres minus open space credits
(d) Qualifying open space areas shall be determined and conveyed in accordance with Article 6 Conservation 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 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 though optional Cluster Development Practices. These practices permit buildings to be clustered or grouped on a site, parcel, or property in order 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 Open Space district approval, or with the approval of all land owners within the area requested for Cluster Development.

(b) 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 as a whole 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 some 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 meet the Comprehensive Plan policies for variety and moderately priced housing, the overall maximum density of .73 units per acre may be increased to a maximum density of .84 units per acre (15% density bonus) if agree to build single family residential homes that a household earning an income up to 80% of the Summerfield median income may qualify for a mortgage. The target income level will be agreed upon by the Town and the developer and included in a development agreement. (Please review this highlighted section to ensure it's logical and makes sense. The density bonus was decided by the ZB workgroup. I used it as the basis for increasing the overall density from .73 to .84 by figuring 15% of .73 and adding it back. This figure can then be used in the total lot calculation. The difference in the total lots of .73 and .84 units per acre may be smaller are the bonus lots.) 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: 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. Fire protection: 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 an 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 will 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 Comp 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(trademark), innovative storm water control practices, Complete Streets, practices from The Green Growth Toolbox, and site design. Examples of specific methodologies and best practices are listed in Appendix –
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,

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.

6. OVERLAY DISTRICTS

(a) Flood Hazard Area Overlay (FHA): 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 (GWA and WCA): 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):** 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 WCA.

(2) **Critical Watershed Area Overlay (WCA):** 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 Overlays (SCA):** Scenic Corridor Overlay Areas (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 a mix of incentives and 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 (1000’ buffer):** This corridor extends for a distance of 1,500’ on either side of the right-of-way (ROW)* of I-73 within the boundaries of the Town limits.

2. **US-220 Scenic Corridor (1000’ buffer):** This corridor extends for a distance of 1,000’ on either side of the right-of-way* of US-220 from the northern Town limits to the southern Town limits.

3. **NC-150 Scenic Corridor (500’ buffer):** This corridor extends for a distance of 500’ on either side of the right-of-way* of NC-150 from the western Town limits to the eastern Town limits.

(d) **General Requirements For all Scenic Corridor Area Overlay Districts:** In addition to the development standards of Article 6, 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 truck parking areas. Recreational activities in the scenic corridor area shall be limited to passive recreation.

2. **Building Materials and Design:**
   
   i. 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.

   ii. **Accessory Structures (Non-Residential and Residential):** Prefabricated metal or fiberglass sheds shall not to be visible from the scenic corridor.

   iii. This section does not apply to single-family or two-family residential structures.

   iv. 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.

   v. Long, blank walls are not permitted. For every 30’ of building frontage, there shall be a change in front building façade, i.e., relief, elevation, design, building material, or other like distinction.

   vi. The Administrator or Planning and Zoning Board may approve alternative building designs that meet or exceed the standards established by this Ordinance.
(3) **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 development is encouraged required to use berms, walls, fencing, and vegetative materials in concert to produce effective screening.

(4) **Parking:**

i. Parking shall be located to the side or rear of the development. Side parking shall meet the minimum street yard setback and shall be screened with a combination of landscape berms (minimum 4’ high), walls, and fencing;

ii. Large expanses of parking shall not be approved;

iii. 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;

iv. Depending on the approval level for the type of proposed development, the Planning Director or Planning and Zoning Board may approve an alternate plan which meets or exceeds the standards of the Ordinance;

v. Interior parking will shall be required to have the following planting rate: one canopy tree per 12 parking spaces, one understory tree per eight parking spaces, and one shrub per three parking spaces.

(5) **Landscaping:** Except as provided in this section, landscaping shall follow the guidelines established in Article 6.E.4.(e).

(6) **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 will 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.

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

1. The I73 corridor is distinguished from other entry roads by its nature as a limited access interstate with high traffic speeds and potential noise, air, and light pollution. Goals of the I73 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 I73 SCA**

   a. Any development proposed after the adoption of this UDO within the I73 SCA shall be screened from visibility by motorists.

   b. All existing trees, vegetation, and other Community Character Resources within 500’ adjoining both sides of the right of way prior to the adoption of this UDO shall be preserved in accordance with Article 6. (open space, landscaping and tree preservation).
(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.

(d) The development of sidewalks, bicycle and trail facilities within the SCA buffer are strongly encouraged.

(f) **SRD – Summerfield Road District:**

The Summerfield Road District strives to preserve the small-town character of central Summerfield and is intended to encourage residents to visit the town center. By encouraging old-fashioned neighborhoods where one encounters natural and non-intrusive mixing of commerce, residential, and civic uses, the town shall provide access for the daily needs of its residents.

Allow density of up to 2 units per acre to meet the majority of lots along the same road, and in undeveloped areas in accordance with the design standards set forth herein.

1. **Location:** The limits of the Summerfield Road District are logical boundaries centered around Summerfield Road. The district limits are the intersections of Summer Haven Drive and US 220 North as the northern and southern boundaries, US 220 North as the eastern boundary, and the western boundary is the area within a 1,200-feet buffer extending from Summerfield Road.

2. There are two distinct areas included within SRD, identified for their unique characteristics and natural leanings:

   a. **Summerfield Road District – Residential (SRDR):** A residential district that encourages small scale traditional neighborhood development that permits one-half-acre (21,780 SF) or larger lot sizes and requires no open space.

   b. **Summerfield Road District – Mixed-Use (SRDM):** A central mixed-use area adjacent to Summerfield Road between Centerfield Drive at Summerfield Elementary School south to Highway 220 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.

3. Standards for the SRD 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 is allowed to be similar in home and lot size to the existing neighborhoods in the area;

   b. Residential and non-residential development are 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.

4. **Requirements for all properties in the SRD:** (Standards are specified for new residential development, and new and existing non-residential development.)

   a. **Uses:** Uses permitted areas of the SRD are designated within the permitted use schedule.
(b) **Pedestrian Movement and Access:** Adjacent uses shall be linked by pedestrian access throughout the SRD. 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 be greater than 10,000 square feet of gross floor area, with a building footprint not to exceed 5,000 square feet and a height of no greater than 2 ½ stories at grade, or 35 feet, 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 Town Council may approve alternative building designs that meet or exceed the standards established by this ordinance.

5) **SRD Residential requirements:** The residential requirements of the SRD 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. SRD 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 shall be built over a basement or crawl space; homes built on a slab foundation are not allowed.

(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 required by NC Building Code.

(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) **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.

iii. New residential dwellings will be required to plant and maintain a minimum of two canopy trees, as defined in Article 6—Landscape Requirements.

(6) **SRD Non-Residential requirements:**

SRD Non-Residential requirements apply to all non-residentially zoned parcels within the area identified as the Summerfield Road 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 this Overlay, provisions of the underlying zoning district for a particular parcel shall apply.

(a) **Nonconformities:** Existing non-residential properties need not be changed to conform to the standards of the SRD. SRD 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 SRD 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:**

(1) **Building Size:** No single building shall be greater than 10,000 square feet of gross floor area, with a building footprint not to exceed 5,000 square feet (*).
(2) **Building Height:** No building shall be greater than 2.5 stories at grade, or 35 feet, whichever is greater. (*)

(3) **Parking:**
   - **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). (*)
   - **Shared Parking:** Adjoining commercial and institutional development is encouraged to share parking, as set forth in Article 6 of the Summerfield Development Ordinance.

(4) **Drive Thru's:** Drive thru sales and services are prohibited.

(5) **Outside Storage, Display and Other Activities:**
   - **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.
   - **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.

(6) **Permitted Uses Limited By:**
   - **Hours of Operation:** Hours of operation (open to the public) shall be 6:00am to 11:00pm.
   - **Traffic Volume Generated:** Any land use that has an Average Trip Rate of 100 trips per weekday per 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. (*)

(7) **Fences, Walls and Hedges:**
   - **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.
   - **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.
   - **Chain Link Fences:** Chain link fences of any height are not permitted forward of the rear wall of the principal structure.

(8) **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.

(9) **Landscape Buffers:** When, within the SRD, 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.

(10) **Stormwater Retention:** When, within the SRD, 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.

(d) **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. **Permitted Uses**

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 4.C.1. A Uses prohibited within the Watershed Critical Area (WCA) are listed in Article 9.H Definitions Related to Environmental Regulations.

Uses have been divided into the following Use Classifications and General Use Categories, explained in detail herein:

1. **AGRICULTURAL**
   - Agriculture
   - Agricultural Crops and Pasture
   - Agricultural Tourism

2. **RESIDENTIAL**
   - Household Living
   - Group Living

3. **PUBLIC AND INSTITUTIONAL**
   - Community Services
   - Day Care
   - Educational Facilities
   - Government Facilities
   - Health Care Facilities
   - Institutions
   - Parks and Open Areas
   - Public Safety
   - Transportation
   - Utilities
4. **COMMERCIAL**
   - Adult Entertainment
   - Animal Care
   - Conference and Training Centers
   - Eating Establishments
   - Offices
   - Commercial Parking
   - Privately Owned Recreation Facilities, Indoor and Outdoor
   - Retail Sales and Services
   - Self-Service Storage
   - Vehicle Sales and Services, Heavy and Light
   - Visitor Accommodations

5. **INDUSTRIAL**
   - Extractive Industry
   - Industrial Services
   - Manufacturing and Production
   - Warehouse and Freight Movement
   - Waste-related Services
   - Wholesale Sales
PERMITTED USE TABLES

Understanding the Permitted Use Tables:

Letters within the appropriate columns of Table ----- have the following meanings:

“P”: uses permitted by right
“S”: uses requiring a Special Use Permit
“D”: uses permitted by right, with the additional development standards from Article 5.
“MP”: uses to be permitted in accordance with a unified master plan, and that may have additional development standards from Article 5.

“LUC”: the numbers in the LUC (Land Use Classification) are used to identify the type of Planting Yard requirements found in Article 6 Landscaping Requirements.

“ ”a blank cell indicates that the use type is prohibited in the corresponding zoning district.

### TABLE 4.C.1: PERMITTED USE TABLE

#### AGRICULTURAL USES

<table>
<thead>
<tr>
<th>LUC</th>
<th>AG</th>
<th>RS</th>
<th>RS-40</th>
<th>OSR</th>
<th>DSM</th>
<th>NB</th>
<th>OI</th>
<th>ND</th>
<th>SRD-A</th>
<th>SRD-B</th>
<th>SRD-C</th>
</tr>
</thead>
</table>

**AG (Agriculture)**

Characteristics: Activities in this category relate to the production, processing, sale or distribution of field crops, fruits, vegetables, ornamental and flowering plants, and the breeding, raising, 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 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. (See standards for individual uses for Agriculture as listed in Article 5).

Examples: Example use types include farms (arable, dairy, cattle, hog, poultry, sheep), orchards, vineyards, plant nurseries, timber forests, animal feeder/breeder, livestock services and care, agricultural processing for on-site uses, wholesale plant nurseries, and farm co-op operations.

Exceptions:

a. Activities performed on a Bona Fide Farm according to the definition in NCGS—are exempted from the zoning regulations of this ordinance. Non-farm activities located on a Bona Fide Farm are still subject to these zoning regulations.

b. Agricultural activities performed on a small scale for private use and consumption such as the raising of chickens are considered Customary Accessory Uses.

**AGCP (Agricultural Crops and Pasture)**

Characteristics: Activities in this category relate to crops and pasture for the production, processing, sale or distribution of field crops, fruits, vegetables, ornamental and flowering plants, and the breeding, raising, or keeping of livestock, horses, poultry, swine, and other animals for private 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, and irrigation systems, and repair facilities related to agricultural and silvicultural activities, and migrant tenant housing. AGCP is distinguished from AG with the intent to permit agricultural uses in harmony with other uses throughout a wider variety of zoning districts by providing alternatives to farming uses that are not suited adjacent to neighborhoods. The district is established for the following purposes: Building Types allowed in the AGCP District are Farm Buildings and Accessory Structures.

Examples: Example use types include farms livestock pasture (arable, dairy, cattle, hog, poultry, sheep), orchards, vineyards, plant nurseries, timber forests, animal feeder/breeder, livestock services and care, agricultural processing for on-site uses, wholesale plant nurseries, and farm co-op operations.

Exceptions: Activities performed on a Bona Fide Farm according to the definition in NCGS—are exempted from the zoning regulations of this ordinance. Non-farm activities located on a Bona Fide Farm are still subject to these zoning regulations.

**AGCT (Agricultural Tourism)**

Characteristics: Use types in this category provide support and services, available to the general public, to agricultural activities whether located on or off the site where the agricultural activities take place. (See standards for individual uses for Agriculture as listed in Article 5). Accessory uses may include storage areas, barns, stables, retail sales, classrooms, event venues, and irrigation systems. (See standards for individual uses for Agriculture as listed in Article 5).

AGT is intended to keep small family farms viable and to support the use of larger farms through commercial opportunities to accommodate a mix of farming and farm related activities subject to development standards that protect the character and value of adjacent properties.

Examples: Example use types include horseback riding activities open to the public, small produce stands for produce grown on site, corn mazes, hay-rides, farm-oriented children’s camps and education facilities, farmers markets, retail plant nurseries, and wineries.

Exceptions: Activities performed on a Bona Fide Farm according to the definition in NCGS—are exempted from the zoning regulations of this ordinance. Non-farm activities located on a Bona Fide Farm are still subject to these zoning regulations.

Produce Stands on private property are considered Customary Accessory Uses subject to development Standards in Article 5.
CIVIC AND INSTITUTIONAL USES

Community Services

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.

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

Exceptions: Parks are classified as Parks and Open Space.

Day Care

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.

Examples: Example use types include adult day care centers and child care centers.

Exceptions: This category does not include incidental child care 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.

Educational Facilities

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, fraternity or sorority houses, food service, laboratories, health and sports facilities, theaters, meeting areas, athletic fields, parking, maintenance facilities, and supporting commercial.

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.

Government Facilities

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.

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

Exceptions

a. Fire, police, and EMS facilities are classified as Public Safety.
### CIVIC AND INSTITUTIONAL USES (con't)

#### Parks and Open Areas

- **Characteristics:** Use types in this category focus on open space areas largely devoted to vegetative landscaping or outdoor recreation and that tend to have few structures. Accessory uses may include club houses, recreational structures, statuary, fountains, maintenance facilities, offices, meeting rooms, parking, and staff residences.
- **Examples:** Example use types include arboretums or botanical gardens, greenways, parks, public squares or plazas, community gardens, public golf courses, and cemeteries (not on the same property or adjoining an affiliated religious institution).
- **Exceptions:** Privately owned golf courses are classified as Outdoor Recreation/Entertainment.

#### Public Safety/Emergency Services

- **Characteristics:** Use types in this category provide public safety services to the general public.
- **Examples:** Example use types include fire and EMS facilities, ambulance services, police stations, substations for fire and police, and fire training facilities, police firing ranges. Accessory uses include offices, teaching facilities, meeting areas, lunch rooms and cafeterias, sleeping quarters, storage, parking, and maintenance facilities.

#### Transportation

- **Characteristics:** Use types in this category provide for the landing and takeoff of airplanes and helicopters, including loading and unloading areas. This use category also includes passenger terminals for surface transportation. Accessory uses include freight handling areas, concessions, offices, parking, maintenance, and fueling facilities.
- **Examples:** Example use types include airports, helicopter landing facilities, and passenger terminals for ground transportation (train, bus).

#### Utilities

- **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.
- **Examples:**
  - Examples of major utilities include wastewater treatment plants, potable water treatment plants, and electrical substations.
  - Examples of minor utilities include water towers, water and sewage pump stations, stormwater retention and detention facilities, telephone exchanges, ground-based electrical/telephone/cable vaults, and transit route facilities such as bus stops, bus shelters, and park-and-ride facilities.
  - 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.
- **Exceptions:** Landfills, recycling and salvage centers, and waste composting uses are considered Waste-Related Services.

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**Exclusions:**

- 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.
| Characteristics of all subgroups: 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. The uses in this category are divided into subgroups for the purposes of classifying various uses into zoning districts.

### 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 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 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.

### Examples

Example Use Types are described in subgroups below

#### 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.

#### 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.

#### 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.

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.

#### 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.

#### Retail 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.

### COMMERCIAL USES, NON RETAIL

| 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.
| 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 (motels/hotels largely devoted to providing room occupants films or other visual content).
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).

**Animal Care**

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

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

**Exceptions:** Animal care for livestock such as horses, cows, pigs, etc. is considered an Agriculturally Related Support Service.

**Conference and Training Centers**

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

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

**Eating Establishments**

**Characteristics:** Use types in this category prepare and sell food and beverages for immediate or direct on- or off-premise 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.

**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.

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

**Offices**

**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.

**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).

**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.

**COMMERCIAL USES, NON RETAIL (con’t)**

**Parking, Commercial**

**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.

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

**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.

**Recreation Facility, Indoor, Private Owned**

**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.

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

**Exceptions**

a. Banquet halls that are part of hotels (classified as Visitor Accommodation) or restaurants (classified as Eating Establishments) are accessory to those uses.
## Article 4: Zoning Districts

### Town of Summerfield, NC

**Development Ordinance**

**July 31, 2019 Draft**

<table>
<thead>
<tr>
<th>Recreation Facility, Outdoor, Private Owned</th>
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<tbody>
<tr>
<td>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.</td>
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<tr>
<td>Examples: Example use types include privately-owned arenas, amphitheaters, or stadiums, and outdoor commercial recreation uses (including private golf driving ranges and privately-owned miniature golf facilities; go-cart racing, race-track, or dirt-track facilities; drive-in movie theaters; privately-owned outdoor commercial tourist attractions, water parks, and amusement parks; campgrounds; and privately-owned active sports facilities such as ball fields, courts, and archery ranges), private golf courses, and outdoor swimming pools (private or non-profit).</td>
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<tr>
<td>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.</td>
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<table>
<thead>
<tr>
<th>Warehouse, Self–Service Storage</th>
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<tr>
<td>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 Service–Service Storage. The rental of trucks or equipment is also not considered accessory to the use.</td>
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<tr>
<td>Examples: Example use types include self–service storage establishments, also called “mini-warehouses.</td>
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<tr>
<th>Vehicle Sales and Services, Heavy</th>
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<tr>
<td>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.</td>
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<tr>
<td>Examples: Example use types include vehicle sales or rentals; significant automotive repair and servicing; automotive painting/bodywork; boat and marine sales or rental; aircraft parts, sales, and maintenance; transmission shops; and automotive wrecker services.</td>
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<tr>
<td>Exceptions</td>
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<tr>
<td>a. Refueling facilities for vehicles belonging to a specific principal use (fleet vehicles) are considered accessory uses if located on the site of the principal use.</td>
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<tr>
<td>b. Storage of inoperable vehicles or parts is considered a Waste-Related Service.</td>
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<tr>
<td>c. Sales of automobiles, oil change service, tire sales and service, and muffler shops are considered Light Vehicles Sales and services.</td>
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</table>

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<tr>
<th>Vehicle Sales and Services, Light</th>
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<tr>
<td>Characteristics: Use types in this category provide for the direct sales and servicing of automobiles, motorcycles, light trucks. Accessory uses include offices, sales of parts, maintenance facilities, parking, outdoor display, and vehicle storage.</td>
</tr>
<tr>
<td>Examples: Example use types include automotive sales or rentals (including the sales and rental of automobiles, motorcycles, and light trucks); light automotive repair and servicing such as oil changes, state vehicle inspections, and muffler shops; automotive parts sales and maintenance; car wash and auto detailing; and tire sales and mounting; services.</td>
</tr>
<tr>
<td>Exceptions</td>
</tr>
<tr>
<td>a. Refueling facilities for vehicles belonging to a specific principal use (fleet vehicles) are considered accessory uses if located on the site of the principal use.</td>
</tr>
<tr>
<td>b. Storage of inoperable vehicles or parts is considered a Waste-Related Service.</td>
</tr>
<tr>
<td>c. Sales of major recreational equipment, bodywork, painting, transmission work, or substantial engine repair are classified as Vehicle Sales and Service, Heavy.</td>
</tr>
</tbody>
</table>

### COMMERCIAL USES, NON-RETAIL (con't)

<table>
<thead>
<tr>
<th>Visitor Accommodations</th>
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<tbody>
<tr>
<td>Characteristics: Use types in this category provide lodging units or space for short-term stays of less than 30 days for rent, lease, or interval occupancy. Accessory uses may include pools and other recreational facilities, limited storage, restaurants, bars, supporting commercial, meeting facilities, offices, and parking.</td>
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<tr>
<td>Examples: Example Use Types include hotels or motels, bed and breakfast inns, and tourist homes.</td>
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<tr>
<td>Exceptions: Rooming houses are classified as Group Living.</td>
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</table>

### INDUSTRIAL USES

<table>
<thead>
<tr>
<th>Extractive Industry</th>
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<tr>
<td>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.</td>
</tr>
<tr>
<td>Examples: Example use types include quarries, borrow pits, sand and gravel operations.</td>
</tr>
</tbody>
</table>
Industrial Services

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.

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.

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.

Manufacturing and Production

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.

Examples: 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

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.

Examples: 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.

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.

INDUSTRIAL USES (con't)

Warehouse and Freight Movement

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.

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.

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.

Waste-Related Services

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.
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.

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

<table>
<thead>
<tr>
<th>Wholesale Sales</th>
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<td>Characteristics</td>
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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.

Example
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.

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.

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<tr>
<th>ACCESSORY USES AND STRUCTURES</th>
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</table>
D. 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 and are permitted in accordance with Table ----All building types are subject to additional design and development standards in Article 6 Building Standards 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 (use statute)

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, TRIPLEX, QUADPLEX)**
   - Attached houses have the outward appearance of detached houses but accommodate two to four separate dwelling units within one building. They are appropriate on a wide variety of lot sizes.

5. **MULTI-FAMILY (RESIDENTIAL CARE FACILITIES)**
   - Multi-family buildings incorporate more than four dwelling units in a vertical arrangement within one building. Common entrances and interior corridors serve multiple units. These buildings are a minimum of two stories with parking typically located behind the buildings or underground.

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.
Understanding Building Types: The building type allowances in the Building Type Table shall be interpreted as:

P = Permitted    R = Required    DR = Permitted with approval of the Planning and Zoning Board

The examples in this table are examples for illustration purposes only and are not intended to regulate lot/building styles, patterns, or forms. Building types not listed in the Building Type Table are presumed to be prohibited. 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.

<table>
<thead>
<tr>
<th>Table 4.D.1: Permitted Building Types</th>
</tr>
</thead>
<tbody>
<tr>
<td>DETACHED HOUSE BUILDING TYPE</td>
</tr>
<tr>
<td>----------------------------------------</td>
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<tr>
<td><strong>LUC</strong></td>
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<tr>
<td>----------------------------------------</td>
</tr>
<tr>
<td>1. Detached houses shall face a street or pedestrian way and have a walkway connecting the front of the house to a pedestrian way or the street.</td>
</tr>
<tr>
<td>2. Where home designs are repeated in new development, lot sizes and dimensions shall be varied to distinguish between houses.</td>
</tr>
<tr>
<td>3. Attached garage requirements. For requirements for detached garages see Section 4.5.8, Accessory Structures.</td>
</tr>
<tr>
<td>a. In all zoning districts, attached garages with street-facing doors shall have a maximum width of 25 feet with individual widths no wider than 10 feet each.*</td>
</tr>
<tr>
<td>b. In all zoning districts, except as stated below, the front setback of a street-facing attached garage or carport shall be recessed a minimum of 10 feet behind the front façade of the house; except if the house has a porch with a depth of at least six feet extending along a minimum of 60 percent of the front façade (excluding garage width), the attached garage shall be a minimum of 10 feet behind the front of the porch, but not in front of the front façade. In all cases the front setback of a street facing garage or carport shall be a minimum of 20 feet behind the back of sidewalk.</td>
</tr>
<tr>
<td>c. In all zoning districts, if the street-side elevation of the garage is side-loaded, i.e. oriented at least 90 degrees to the street, the attached garage may be flush with, but shall not project in front of, the front façade of the house. If the front property line is at least 75 feet wide and the front façade has a covered porch that covers at least 60 percent of the front façade, then a side loaded garage, i.e. oriented at least 90 degrees to the front façade, may be flush with the front plane of the covered porch but shall not project in front of this plane.</td>
</tr>
<tr>
<td>d. In the Agricultural and Rural Residential zoning districts, attached garages may be placed flush with, or project in front of, the street-facing façade if the following criteria are met:</td>
</tr>
<tr>
<td>1. The lot is a minimum of two acres in size; and</td>
</tr>
<tr>
<td>2. The lot is not part of an approved master plan; and</td>
</tr>
<tr>
<td>3. The garage is at least 150 feet from the street; and</td>
</tr>
<tr>
<td>4. The garage is not visible from the street because of topography or screened in accordance with Article 6.*</td>
</tr>
<tr>
<td>4. For Detached House types that include non-residential activities:</td>
</tr>
<tr>
<td>a. The entire building must be built to commercial code, which requires Individual Building submittal and Design Review Board approval.</td>
</tr>
<tr>
<td>b. The ground floor of the building must be used as commercial or retail use.</td>
</tr>
<tr>
<td>c. Roofs: Roof forms shall not be flat.</td>
</tr>
<tr>
<td>d. Transparency: A minimum of 45% of the ground floor façade between 2'-0&quot; and 10'-0&quot; above grade facing the primary streets must be transparent. At least 30% of the upper floor’s façades between 3'-0&quot; and 50'-0&quot; above finished floor must be transparent.</td>
</tr>
<tr>
<td>e. Porches: Wrap-around porches shall be installed on at least two building sides, including all facades with primary street frontage. A minimum porch depth of ten feet is required.</td>
</tr>
<tr>
<td>f. Building and site design shall meet the requirements of Article 6.</td>
</tr>
</tbody>
</table>
**Attached House Building Type**

<table>
<thead>
<tr>
<th></th>
<th>AG</th>
<th>RR</th>
<th>IS-40</th>
<th>OS</th>
<th>OS-M</th>
<th>BB</th>
<th>CN</th>
<th>ND</th>
<th>SRD-A</th>
<th>SRD-B</th>
<th>SRD-C</th>
</tr>
</thead>
</table>

1. Attached houses have the outward appearance of detached houses but accommodate two to four completely separate dwelling units within one building. Duplexes, triplexes and quadplexes are examples of attached houses. Duplexes, triplexes, and quadplexes may be located on a single lot of record or subdivided for individual sale.

2. Attached houses shall face a street or pedestrian way and have a walkway connecting the front of the house to a pedestrian way or the street.

3. Where home designs are repeated in new development, lot sizes and dimensions should be varied to distinguish between all houses. Materials, color, and detailing should be varied to distinguish between tri-plex and quad-plex houses.

4. Attached housing types should be integrated with detached housing in terms of scale, proportion, form, architectural detailing and material use.

5. Complexes with multiple attached houses shall arrange the buildings to front the streets or to frame common open space and amenities.

6. Roofs for tri-plex and quad-plexes shall be simple forms such as hip, flat, shed, or gable and shall avoid excessive articulation.

7. The following requirements apply to attached house building types with attached garages. For requirements for detached garages see Section 4.5.8, Accessory Structures.

   1. In all zoning districts, attached garages with street-facing doors shall have a maximum width of 25 feet with individual doors no wider than 10 feet each.

   2. In all zoning districts, except as stated below, the front setback of a street-facing, attached garage or carport shall be recessed a minimum of 10 feet behind the front façade of the house; except if the house has a porch with a depth of at least six feet extending along a minimum of 60 percent of the front façade (excluding garage width), the attached garage shall be a minimum of 10 feet behind the front of the porch, but not in front of the front facade. In all cases the front setback of a street facing garage or carport shall be a minimum of 20 feet behind the back of sidewalk.

   3. In all zoning districts, if the street-side elevation of the garage is side-loaded, i.e. oriented at least 90 degrees to the street, the attached garage may be flush with, but shall not project in front of, the front façade of the house. If the front property line is at least 75 feet wide and the front façade has a covered porch that covers at least 60 percent of the front façade, then a side loaded garage, i.e. oriented at least 90 degrees to the front façade, may be flush with the front plane of the covered porch but shall not project in front of this plane.

   4. In the Agricultural and Rural Residential zoning districts, attached garages may be placed flush with, or project in front of, the street-facing façade if the following criteria are met:
      - The lot is a minimum of two acres in size; and
      - The lot is not part of an approved master plan; and
      - The garage is at least 150 feet from the street; and
      - The garage is not visible from the street because of topography or screened according to Article 6.
### Townhouse Building Type

<table>
<thead>
<tr>
<th>AG</th>
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<th>OSR</th>
<th>OSM</th>
<th>NB</th>
<th>EN</th>
<th>CI</th>
<th>IND</th>
<th>SRD-A</th>
<th>SRD-B</th>
<th>SRD-C</th>
</tr>
</thead>
</table>

1. A townhouse building type consists of a structure that contains two or more dwelling units placed side by side sharing a party wall. Each unit has its own exterior entrances. Units are typically aligned close to the public sidewalk, although sometimes there are variations in setback to provide landscaping or variety in the streetscape. A small rear yard or courtyard is provided for each unit as private open space.

2. Live/work units combine commercial and residential uses within a single dwelling unit of two or more stories. All units must be constructed to meet the commercial building code standards. At least 50 percent of the heated floor area must contain the residential dwelling unit(s).

3. The following standards apply to townhouses and live/work units:
   A. Each unit shall have a separate exterior entrance that includes a porch, stoop, courtyard or similar element which provides a transition from the public sidewalk to the private space within the building or unit.
   B. Complexes with multiple townhomes or live/work units shall arrange the buildings to front the streets or to frame common open space and amenities.
   C. The ground floor shall be taller than upper floors.
   D. Townhouses and live/work units shall not have front-loaded garages.
   E. For Live/Work buildings located in the Neighborhood Business and OSM District:
      1. Roofs: Roof forms shall not be flat.
      2. Building and site design shall meet the requirements of Article 6.

### Multi-Family Building Type

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<thead>
<tr>
<th>AG</th>
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<th>OSR</th>
<th>OSM</th>
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<th>CI</th>
<th>IND</th>
<th>SRD-A</th>
<th>SRD-B</th>
<th>SRD-C</th>
</tr>
</thead>
</table>

1. Multi-family buildings incorporate more than four dwelling units within one building. Common entrances and interior corridors serve multiple units. These buildings shall be two stories with parking typically located behind the buildings or underground. Examples of multi-family buildings include continuing care retirement facilities and nursing homes.

2. Multi-family building shall comply with the following:
   a. The ground floor shall be taller than the upper floors.
   b. Building and outdoor unit entrances on the ground floor shall face the street and include a porch, stoop, courtyard or similar element which provides a transition from the public sidewalk to the private space within the building or unit. Units above the ground floor may be accessed from a common stairwell. Common stairwells shall also have access from the fronting street. Exterior corridors fronting the street are not allowed.
   c. Complexes with multiple buildings should arrange the buildings to front the street or to frame common open space and amenities.
   d. Entrances should be differentiated architecturally to create a sense of human scale.

3. Multifamily buildings are not permitted to be constructed in pods of several buildings.....
1. Storefront buildings may accommodate either single or multiple uses or tenants in a single building. A group of storefront buildings may be combined to form a mixed-use neighborhood center. Individual storefront buildings shall be designed to accommodate commercial/retail uses on the ground floor, though office or residential uses are permitted above. Upper Floors are appropriate for office or residential use. They are a minimum of two stories, typically are aligned adjacent to a public sidewalk and include a high percentage of transparency in the ground level façade to encourage pedestrian activity.

a. The ground floor facing the primary streets shall be designed to accommodate retail uses.

b. At least 65% of the ground floor façade between 2'-0" and 10'-0" above grade facing the primary streets must be transparent. At least 30% of the upper floor’s façades between 3'-0" and 120'-0" above finished floor must be transparent.

c. The ground floor shall be taller than upper floors and lower floors should be differentiated architecturally to create a sense of human scale.

d. Building elements shall have a dominant vertical proportion.

e. All buildings shall provide street level, pedestrian-oriented, active uses on principal street fronts.

f. Large buildings fronting multiple streets should provide entrances from each street.

g. Major building entrances that provide access to the primary use of the building or a central lobby shall be distinguished from the entrances used for secondary uses.

h. The principal entrance to a building, and any ground-floor tenant space entrance, both functionally and architecturally, shall front the primary public street or a public open space such as a square, plaza, courtyard, or sidewalk.

i. Secondary uses and entrances may be located off a rear parking area.

j. For Storefront buildings located in the Neighborhood Business zoning district:
   1. The maximum allowable gross floor area (GFA) shall be 30,000 SF for a single development, and 6,000 SF for a single building.
   2. Roofs: Roof forms shall not be entirely flat.
   3. Transparency: At least 50% of the ground floor façade between 2'-0" and 10'-0" above grade facing the primary streets must be transparent. At least 30% of the upper floor’s façades between 3'-0" and 37'-0" above finished floor must be transparent.
   4. Building and site design shall meet the requirements of Article 6.
Workplace Building Type

1. The workplace building type may have either single or multiple uses or tenants. Office, industrial, and commercial tenants are typical. Mill villages provide examples of how these buildings can reasonably coexist with other businesses and homes. Workplace buildings are crucial to the town as employment centers and commercial service locations. They provide space for industry and offices. All workplace buildings are subject to the Individual Building process and Design Review Board approval. Multiple-story buildings with office, industrial, or commercial uses on all floors are typical workplace buildings. Residential tenants on upper floors are permitted.

2. At least 65% of the ground floor facade between 2'-0" and 10'-0" above grade facing the primary streets must be transparent. At least 30% of the upper floor’s facades between 3'-0" and 120'-0" above finished floor must be transparent.

3. Off-street parking areas are located behind the building or underground.

4. The ground floor shall be taller than upper floors and lower floors should be differentiated architecturally to create a sense of human scale.

5. Main entrances shall be distinguished architecturally from the remainder of the building.

6. Major building entrances that provide access to the primary use of the building shall be distinguished from the entrances used for secondary uses.

7. The principal entrance to a building, and any ground floor tenant space entrance shall front the primary public street or a public open space such as a square, plaza, courtyard, or pedestrian way.

8. Secondary uses and entrances may be located off a rear parking area.

9. Large buildings fronting multiple streets shall provide entrances from each street.

Accessory Structure Building Type

1. An accessory structure is an above-ground structure that is clearly and customarily subordinate to a principal use or principal structure located on the same lot. An accessory structure is smaller in area, extent, or purpose than the principal use or principal structure.

2. Accessory structures are permitted as established in the respective zoning districts for customary accessory buildings and structures in Article 4- (permitted use) provided they meet the specific standards set forth in this section.

3. Other accessory buildings and structures containing specific accessory uses listed in Table G.3.3: Accessory Uses and Structures may have additional development requirements found in Article 5 Use-Specific Standards.

4. Accessory structures shall not be allowed until a principal structure has been constructed or placed on the property except when approval is given by the Administrator conditioned upon a C.O. of the principal building.

5. Lots within the Agricultural and Rural Residential zoning districts that are part of an approved master plan are subject to all applicable ordinance requirements and are not eligible for the exceptions granted to individually-developed lots located within those zoning districts.
6. For the purposes of this ordinance, the establishment or construction of an accessory structure on an existing lot shall be considered an expansion of an existing use and/or structure and shall be subject to the approval procedures found in Article 3.

7. Number of Accessory Structures
   1. In the Agricultural and Rural Residential zoning districts, on lots over two acres where the proposed accessory structure is located more than 150 feet from the right-of-way or is not otherwise visible from the right-of-way, the number of accessory structures is not limited for Agriculturally zoned districts.
   2. In all other situations, the number of accessory structures on a lot may include a detached garage (if there is not an existing attached garage) and one other accessory structure. If the primary structure includes an attached garage, only one accessory structure is allowed.

8. Size of Accessory Structure
   a. The height (elevation above mean sea level) of an accessory structure shall not exceed the height (elevation above mean sea level) of the principal structure or may not exceed two stories, whichever is less.
   b. A non-residential accessory use shall not exceed 25% of any of the following measures: gross sales, building volume, floor area, land area, or any other appropriate measure of usage.

9. Location of Accessory Structure
   a. No accessory structure or building shall be erected in an easement.
   b. A minimum of ten feet shall be maintained between the proposed accessory structure and the following: 1) The principal structure; and, 2), any other accessory structure(s).
   c. Accessory structures shall be located behind the front building line except for the following:
      1) for lots that are 120,000 square feet or greater accessory buildings may be located in the front of the front building line of the principal structure with the approval of the Administrator to ensure the development of the property is in keeping with the surrounding area.
      2) for residential zoning districts: Clubhouses, rental or administrative offices, and mailbox kiosks or shelters may be located in front of the front building line or the principal building but shall follow the same street setbacks as the principal building. All other accessory buildings and structures shall be located behind the front building line of the principal building.
      3) for Non-Residential Zoning Districts: Accessory structures and buildings may be in front of the front building line of the principal structure but must follow the same street setback as the principal building.

10. Accessory structures shall not be served by a driveway separate from that serving the principal structure. A driveway serving a principal use may be extended to the accessory structure.

11. If the gross floor area (GFA) of the accessory building or structure is greater than 600 ft², it must meet the principal building(s) setback requirements. If the GFA of the accessory structure or building is less than or equal to 600 ft², the structure or building may be located 10’ from a side or rear line.

12. Exceptions or minor variations to the accessory structure location regulations may be permitted with the approval of the Administrator. Such provision shall only be for extraordinary site conditions.

13. Pools must be located in the rear yard only. Pools must also be at least 5 feet from the property line. All pools must meet Guilford County’s rules governing swimming pools.

   1. For the purpose of this ordinance, a detached garage is an accessory structure and shall meet all applicable standards of accessory structures, except as listed below.
   2. If a garage has a minimum of 15 feet of wall in common with the main body of the house, it shall be considered an attached garage. See also detached and attached house building type descriptions for standards of attached garages.
   3. An alley-loaded, detached garage may have a minimum zero side yard setback and may connect to and have a common wall with, another alley-loaded, detached garage if accessed from the same alley.
   4. A detached garage whose doors are located on an alley may have a 16-18 foot-wide garage door.
E. Dimensional Requirements and Zone Lot Standards

1. General:
   (a) The dimensional requirements in each district shall apply to all property within that district. (See Table 4.E.1 Dimensional Requirements for Zoning Districts)
   (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 Health Department.
   (d) The Administrator and Guilford County Department of Public Health may, in concert and only in full agreement to whatever increment is judged appropriate, 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 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 cover 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 0.73, then round up if resulting number has a fraction greater than 0.5.

Example: For a 50 AC tract with 500 linear feet (1.24 acres) in existing roadway, (50 - 0.69) x .73 = 35.9 means that the maximum allowable density would be 36 lots or dwelling units. This would equate to 36 single family lots, or 36 two-family attached homes on 18 lots.

The following Table includes the dimensional requirements for all Base Districts.

<table>
<thead>
<tr>
<th>TABLE 4.E.1: DIMENSIONAL REQUIREMENTS FOR ZONING DISTRICTS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>RESIDENTIAL DISTRICTS</strong></td>
</tr>
<tr>
<td>Allowable Density Max (dwelling units per acre)</td>
</tr>
<tr>
<td>AG</td>
</tr>
<tr>
<td>RR</td>
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<tr>
<td>RS</td>
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</table>

<table>
<thead>
<tr>
<th>NON-RESIDENTIAL AND MIXED-USE DISTRICTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allowable Density Max (dwelling units per acre)</td>
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<tr>
<td>---------------------------------------------</td>
</tr>
</tbody>
</table>

Town of Summerfield, NC        July 31, 2019 Draft       Development Ordinance
### Article 4: Zoning Districts

#### 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, and similar structures shall meet the special development standards for such uses as set forth in Article 5. See especially Article 5: Use-Specific Standards for Radio, Television, and Communication Tower, and Wireless Communications Facility.

(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,

<table>
<thead>
<tr>
<th>Intensity Max (gross floor area per building)</th>
<th>Space Min</th>
<th>Development Size Max</th>
<th>Width Min (feet)</th>
<th>Frontage Min (feet)</th>
<th>local/collector</th>
<th>local/sub-collector</th>
<th>local/sub-collector side</th>
<th>minor thoroughfare</th>
<th>major thoroughfare</th>
<th>Setback Min (feet)</th>
<th>Setback Max (feet)</th>
<th>% of lot</th>
</tr>
</thead>
<tbody>
<tr>
<td>OSM</td>
<td></td>
<td>6,000 SF/100* AC</td>
<td>9,000 SF/100* AC</td>
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<td>45</td>
<td>50</td>
<td>20</td>
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</tr>
</tbody>
</table>

Notes:
- A corner lot has two street setbacks. The side yard setback shall be determined by the street of lower category, or by the orientation of the house when both street categories are the same.
- Side and rear setbacks expressed as 0/5 are 5’ is setback is provided.
- Side and rear setbacks expressed as ranges (Open Space Districts (OSR and OSM) only) will be determined by the regulating plans approved with the zoning district.
- Required landscaping buffers may exceed setback requirements.
- Open space requirements are determined by Article 6.
- Nonconforming lots in the LB, GB, and HB Districts meeting the provisions of (legal nonconforming) must meet the minimum frontage and setback requirements of the BN zoning district.

*see intent descriptions
(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.

3. **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:

(1) **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.

(2) **Residential Group Development:** Two or more principal buildings are permitted in a multi-family 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.

(3) **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.

(b) **Street Access Requirements**

(1) **Access to Public Street Required:** Every zone lot shall abut and have direct access to a publicly-maintained 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 publicly-maintained 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 legally-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 publicly-maintained street unless that terminus is a turnaround approved and constructed in conformance with Article 6.A: Street 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.A.6: Standards for Private Lanes and Alleys.

(4) **Exceptions:** Special-purpose lots may provide access via easement in accordance with Article 4.N: Special-Purpose Lots, and lots served by exclusive access easements in accordance with Article 4.N.2.

(5) **Access Through Incompatible Districts Prohibited:** Vehicular access from a higher intensity development (such as a business, office/institutional, or industrial zoning district)
shall be prohibited through a lower intensity development (such as a lower intensity non-
residential district, or residential district). 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.

(c) **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.

4. **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.

(c) **Exemption:** These prohibitions shall not apply to Town, County, or State acquisition of land
5. 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….”

(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.
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ARTICLE 6: GENERAL DEVELOPMENT STANDARDS

A. GENERAL DESIGN STANDARDS

1. PURPOSE

The purpose of these guidelines is to give a sense of the physical aspect of the Town environment to those contemplating new development. Important to this physical appearance is the design of the site, the natural topography and plant life, and miscellaneous other objects that are observed by the public. These standards are not intended to restrict imagination, innovation, or variety, but rather to assist in focusing on design principles which can produce creative solutions that will develop a satisfactory visual appearance within the Town, preserve taxable values, preserve natural resources, and promote public health, safety, and welfare. Specific standards for subdivision and site design are found in Articles 6.A. through 6.L.

The landscape shall be preserved in its natural state insofar as practicable, by minimizing tree and soil removal. The preservation of natural vegetation reduces the risks of erosion and sedimentation. Any grade changes shall be in keeping with the general appearance of neighboring developed areas. The orientation of individual building sites shall be such as to maintain maximum natural topography and cover. Topography, tree cover, and natural drainage ways to the greatest extent possible shall be treated as fixed determinants of road and lot rather than as malleable elements that can be changed to follow a preferred development scheme.

Active farmland shall be considered a valuable resource when incorporated into site designs.

Roads shall be designed and located in such a manner as to maintain and preserve natural topography, cover, significant landmarks, and natural vegetation; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject parcel.

Proposed development shall be related harmoniously to the terrain.

The removal or disruption of historic, traditional, or significant uses, structures, or architectural elements shall be minimized insofar as practical, whether these exist on the site or on adjacent properties.

2. IMPROVEMENTS, DEDICATIONS, EASEMENTS AND MINIMUM STANDARDS REQUIRED

Each subdivision and developed site shall contain the improvements specified in this article, which shall be installed in accordance with the requirements of this Ordinance and paid for by the developer, unless other means of financing is specifically stated in this Ordinance and except the cost for the installation of a well and/or septic tank system may be assigned to the new owner. Land shall be dedicated, reserved, or easements provided in each project as specified in this Ordinance. Each project shall adhere to this article’s minimum standards of design.

3. SUITABILITY OF LAND

(a) Land which has been determined to pose an ascertainable danger to life or property by reason of its unsuitability for the use proposed shall not be platted for that purpose, unless and until the developer has taken the necessary measures to correct said conditions and to eliminate said dangers on the basis of engineering or other expert surveys.

(b) Areas that have been used for disposal of solid waste, construction debris, appliances, or other similar material shall not be developed unless the materials have been excavated and removed. Tests by the Guilford County Health Department, appropriate State agencies, a structural engineer, and a soils scientist determine that the land is suitable for the purpose proposed.

(c) Areas that have been used for surface or sub-surface mining or quarry purposes shall not be developed unless tests by appropriate State agencies, a structural engineer, and a soils scientist determine that the land is suitable for the purpose proposed. Any adjacent land under the same ownership, whether within
the proposed project or not, shall be tested to ensure that conditions on the adjoining property will pose no threat to life, property, or public safety and will have no impact on the proposed project.

(d) Where a parcel is adjoining a parcel with any of the conditions described above is to be developed, the parcel shall be tested to ensure that conditions on the adjoining property will pose no threat to life, property, or public safety and will have no impact on the proposed project.

(e) Project areas that are within a floodplain or special flood hazard area shall not be developed, except as provided in Article 9.

4. APPROVALS BY AGENCIES OUTSIDE THE TOWN OF SUMMERFIELD

Approvals for soil suitability, grading and drainage, erosion and sedimentation, building code, wells, sanitary waste, and solid waste standards shall follow Guilford County and State of North Carolina requirements.

5. GRADING AND DRAINAGE

(a) Grading shall be limited to that which is necessary. Natural vegetation and trees should be preserved where reasonably possible.

(b) Disruption of natural sheet flow of water shall be minimized to the greatest extent possible.

(c) Existing drainage ways, natural creeks, rivers, natural springs, or ponds shall not be diverted or altered. Natural vegetation within 30' (unless requirements are more restrictive elsewhere within federal, state or local regulations) of any such surface feature shall be left intact. No changes in the direction, flow, embankment, or bed of such a feature shall be altered, except necessary bank stabilization may be submitted for approval. No fill shall be allowed in water features or their natural floodplains, except for purposes of access and only where approved.

(d) The development shall not create erosion, drainage, or run-off problems either in the project or in adjacent properties or to downstream properties. Flows shall not be increased, adversely directionalized, or allowed to pond, except where approved stormwater facilities are utilized. The developer may be required to fence any intentional ponding for the safety of the public and residents of the project or the community. The grading and drainage plan shall be prepared and certified by a professional engineer or other design professional allowed by North Carolina General Statutes.

(e) Each lot shall be designed to provide a location for structures where water will not pond or accumulate under or around structures to be placed on the site. Each lot in which natural soil and vegetation are disturbed shall be graded and grassed to prevent erosion.

6. WATER SUPPLY WATERSHED PROTECTION

All subdivisions located either partially or totally within the boundaries of a watershed protection area shall conform to the requirements within Article 9 Water Supply Watershed Protection.

7. FLOODPLAINS

All subdivisions located either partially or totally within the boundaries of a floodplain shall conform to the requirements within Article 9.F Flood Damage Prevention.

8. NATURAL VEGETATION PRESERVATION AND LANDSCAPING

(a) Natural vegetation or landscaping is necessary to:

(1) promote attractive development;

(2) provide a visual and audio buffer between uses;

(3) protect and preserve water quality;

(4) prevent erosion and sedimentation;
(5) preserve the appearance and character of the surrounding area; and,
(6) delineate, define, and separate vehicular and pedestrian passageways within a subdivision.

(b) The developer shall include existing mature trees and natural plant materials in the design of the subdivision project to the greatest extent feasible using the appropriate standards of Article 6. The preservation of native and existing plant materials is a cost-effective method of providing landscaping. All banks and open areas shall be grassed, or other measures taken as defined by the Guilford County Erosion and Sedimentation Division to prevent erosion. Except for normal thinning and landscaping, existing vegetation shall be left intact to prevent soil erosion and absorb storm water runoff.

If the property has been clear cut, graded, cleared, or otherwise changed prior to land acquisition, a buffer shall be established with a combination of fences, walls, earthen berms, and plant materials to serve the purpose of providing a visual and audio screen, to help identify the boundaries of the project, and to separate the project from adjoining properties and possible conflicting uses. Trees clear cut prior to land acquisition shall be replaced in accordance with Article 6.

(c) Restriction of clear cutting in anticipation of development the Town may deny a building permit or refuse to approve a site or subdivision plan for either a period of up to:

(1) Three (3) years after the completion of a timber harvest if the harvest results in the removal of all or substantially all of the trees that were protected under town regulations governing development from the tract of land for which the permit or approval is sought and no tree clearing permit was requested.

(2) Five (5) years after the completion of a timber harvest if the harvest results in the removal of all or substantially all of the trees that were protected under town regulations governing development from the tract of land for which the permit or approval is sought and the harvest was a willful violation of the town regulations and no tree clearing permit was requested.

9. RESOURCE PRESERVATION

The Town of Summerfield Comprehensive Plan identifies environmental, cultural, historical, and other resources that represent the character of our community. It is a priority of the Town to protect and preserve these resources through a combination of regulation and incentives. Developers shall incorporate significant resources in the design of subdivision and site plans and identify them as Open Space according to the standards and requirements of Article 6.E. Example of resources include environmentally-sensitive areas, viewsheds, historic features and settlement patterns, pastures and farm buildings, woodlands, and other natural and man-made land features.

10. WATER

There shall be a safe, adequate, continuous, and conveniently-located potable water supply provided for each lot within a subdivision or project. The water supply and pressure shall be adequate for the development’s requirements. Water for drinking, cooking, laundry, and general sanitary uses for each individual structure within a subdivision shall be obtained only from faucets or other plumbing connections located within each individual structure.

11. NATURAL GAS

Extension and installation of natural gas lines to subdivisions is encouraged in areas of the Town where gas is available.

B. TRANSPORTATION, ROAD, AND CIRCULATION STANDARDS
(Note: As specified elsewhere and for purposes of this full Ordinance section, “street,” “road,” “roadway,” “highway,” “route,” and similar terms shall be used interchangeably.)

1. **GENERAL**

   Each road within, abutting, or adjacent to a proposed subdivision or project shall be designated as either public or private. The arrangement, character, extent, width, grade, and location of all roads shall be in keeping with existing and proposed transportation patterns, topographical and other natural features, public convenience and safety, and proposed uses of lands to be served by such roads.

2. **PUBLIC ROADS**

   Designation of any road on a plat as public shall be conclusively presumed to be an offer of dedication to the public. Public roads shall be constructed and maintained to the standards of this Ordinance, and the Minimum Construction Standards for Subdivisions established by the NCDOT, Division of Highways, as revised from time to time, as taken or modified from the American Association of State Highway Officials (AASHTO) manuals. Submittal for review and approval shall be in accordance with Section 136-102.6 of the NCGS. Any public road that is extended shall be continued as a public road. Where the Town Ordinances are more restrictive, the most restrictive requirement shall apply.

   Roads serving the general area that the Planning and Zoning Board determine should be extended to adjacent properties to serve as through-roads within a local network shall be designated as public roads.

3. **PRIVATE ROADS**

   All private roads shall have a suffix of “Lane.” A private road is to be designated on the plat as either existing, new, or extended and the following conditions apply:

   (a) **Existing Private Roads:** The existence of these can be established by documentary evidence, aerial photography, or judicial decree. All other private roads are either new private roads or extensions of existing private roads. Where no new private road or extensions of an existing private road is proposed in a subdivision or project, then that portion of the existing private road that serves as frontage for subdivision lots must meet or exceed private road standards.

   (b) **New or Extended Private Roads:** New private roads are limited to roads that have been determined as not being necessary as through-roads within a local road network serving the general area. New or extended private roads within a proposed subdivision or project that serve as frontage for lots must meet or exceed private road standards. Where a new private road or extension of an existing private road is proposed, thereby increasing the potential for additional traffic, a condition of final approval is that the connecting access road, if any, must meet the minimum private road standards of this section.

   (c) **Permitted Use of Private Roads; Developments Using Cluster Development Practices:** Private roads shall be permitted where all of the land is held in joint ownership by a homeowner’s association (HOA). The following conditions apply:

      (1) Satisfactory evidence of the formulation of a homeowner’s association (HOA) shall be required and a copy of the articles of incorporation and bylaws of the HOA filed with the Planning Department. The HOA shall further provide for a one-lot, one-vote membership formula for its management.

      (2) The covenants governing ownership of the lots in the proposed subdivision or project shall require the payment of periodic assessments (no less frequently than annually) to the HOA in an amount sufficient to maintain the streets and roadways of the subdivision. The covenants shall further provide that unpaid assessments shall constitute a lien against lots when notice thereof is duly filed with the Clerk’s Office and indexed against the record owners of the property.
(3) All roads built under this subsection shall be constructed and maintained to the standards of this Ordinance, all other applicable standards of the County, and the NCDOT: Subdivision Roads, Minimum Construction Standards.

(d) **School Bus Access:** Provisions shall be made for school bus access within any subdivision with public and private roads. Said access shall allow the bus to enter, provide sufficient turning radius without backing up, and exit in the shortest distance possible. Review and approval of said route shall be determined by the Guilford County Superintendent of Schools in accordance with NCGS and Administrative Policies. A letter of waiver of liability and permission for the bus to enter and exit the subdivision or project shall be filed with the County school system. A copy of this letter shall be on file with the subdivision administrator prior to final plat approval.

(e) **Postal Delivery Access:** Provisions shall be made for postal delivery access within any subdivision with private roads. Said access shall allow the postal delivery vehicle to enter, provide sufficient turning radius without backing up, and exit in the shortest distance possible. The mail delivery point shall provide for central delivery within the subdivision or project for all lots, except where individual delivery to each lot on internal subdivision roads is approved by the USPS. Review and approval of the type and location of the central delivery point within the subdivision shall be determined by the Postmaster having jurisdiction over the subdivision. A letter of waiver of liability and permission for the postal delivery vehicle to enter and exit the subdivision shall be filed with the USPS. A copy of said letter shall be on file with the subdivision administrator prior to final plat approval. Postal delivery locations shall not be within the public right-of-way, within a vehicular sight triangle, or impede the flow of traffic into or out of the subdivision.

(f) **Other Permitted Use of Private Roads:** The requirement for public roads may be waived and private roads permitted under the following conditions where:

1. the road to be constructed cannot serve as part of a through-road within a local road network because physiographical characteristics (e.g., rivers, lakes, ponds, steep slopes, or flood hazard areas) or other intervening man-made characteristics (e.g., railroads, freeways, parks, or existing development) make it impractical to extend the public roads to connect to adjoining roads or land; or,

2. there will be less than two lots for each one-tenth of a mile (0.1 mile) of road and deed restrictions or zoning prevents further re-subdivision; or,

3. a road serves less than four lots, and deed restrictions or zoning prevents further re-subdivision; or,

4. a cul-de-sac is less than two-tenths of a mile (0.2 mile), serves less than four lots, and deed restrictions or zoning prevents further re-subdivision; or,

5. a subdivision access road (a road built through vacant property to provide access to the property being developed and without lots platted along it) is less than one mile and provides ingress and egress for less than five lots; or,

6. a subdivision access road is over one mile in length and provides ingress and egress for less than an average five lots per mile; or,

7. all adjoining land has been previously developed and the division of a tract or parcel into four or less lots within a five-year period are contained within a subdivision that does not provide access to adjoining property, will not create any new or residual parcels that do not satisfy the requirements of this Ordinance or other applicable local and State controls, does not involve the extension of public sewage or water lines or the creation of new drainage easements, and is not entirely or substantially located in a flood hazard area.
4. **PRIVATE ROAD AND ALLEY REQUIREMENTS**

The minimum standards for private roads and alleys are as follows:

(a) All roads built under this subsection shall be constructed and maintained to the standards of this Ordinance, all other applicable standards of the County, and the NCDOT: Subdivision Roads, Minimum Construction Standards, except that no pavement shall be required.

(b) A cul-de-sac or T-type turnaround shall be provided for private lanes in accordance with NCDOT Standards.

(c) The design, location, and improvement of private roads shall provide for safe intersection with public roads, safe passage of public service and emergency vehicles, and protection of adjoining parcels.

<table>
<thead>
<tr>
<th>MINIMUM RIGHT-OF-WAY WIDTH (FT.)</th>
<th>MINIMUM WIDTH OF ROADWAY (FT.)</th>
<th>STOPPING DISTANCE (FT.)</th>
<th>MINIMUM CENTER-LINE RADIUS (FT.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private Lane</td>
<td>50</td>
<td>18</td>
<td>dependent upon road speed</td>
</tr>
<tr>
<td>Private Alley</td>
<td>40</td>
<td>18</td>
<td>dependent upon road speed</td>
</tr>
</tbody>
</table>

**TABLE 6.A.6. MINIMUM PRIVATE LANE AND ALLEY DESIGN STANDARDS**

(d) The subdivider shall submit proposed agreements or covenants ensuring continued use and maintenance of any existing, platted, or proposed private roads by landowners served by such roads. These agreements will require that proposed private roads be adequately maintained to provide safe passage for public service and emergency vehicles, will specify how responsibility for road maintenance will be apportioned among the landowners served, and will provide enforcement rights for the maintenance agreement. The adequacy of such agreements shall be demonstrated to the reasonable satisfaction of the Planning and Zoning Board.

(e) **Disclosure Statement:** A disclosure statement in accordance with NCGS § 136-102.6 shall be approved by the Town Attorney, recorded simultaneously with the plat, and referenced on the Final Plat. The Disclosure Statement must contain the provision(s) for construction and/or maintenance of the Private Lane or Alley.

(f) A full set of construction drawings, including but not limited to, right-of-way, roadway width, centerline data, curve data, plan and profile sheets, location of all proposed traffic control devices, and drainage structures shall be prepared by a professional engineer or other design professional allowed by NCGS, and submitted for approval prior to commencing construction.

(g) The Town shall have the option of contracting for the review of said plans at the developer’s expense or shall review plans with appropriate staff.

(h) Construction shall be inspected by a professional engineer or other design professional allowed by NCGS as complying with NCDOT specifications. Laboratory test reports shall be submitted with one complete set of certified as-built plans for roadway construction at the completion of construction.

A certificate of inspection signed and sealed by a licensed professional engineer shall be filed with the Administrator prior to recordation of the Final Plat. A surety may be posted for a Private Lane or Alley in which case the certificate will be required after road construction is complete. This certificate shall at a minimum state that the private lane or alley has been constructed to meet the minimum design standards set forth herein.

(i) Construction and maintenance shall occur in accordance with the NCDOT Best Management Practices (BMP) and shall occur in accordance with the North Carolina Erosion and Sedimentation Act of 1973 and subsequent amendments.

(j) In lieu of actual prior approved construction, construction assurances as required in this Ordinance shall be required before final plat approvals.
5. BOTH PRIVATE AND PUBLIC ROADS

(a) Design Guidelines for both Public and Private Roads:

(1) Development is encouraged to incorporate the design guidelines and standards of the most current NCDOT Complete Streets Planning and Design Guidelines.

(2) Roadways shall be designed around existing site features such as ponds, creeks, trees, or other natural features whenever possible.

(3) All residential and nonresidential subdivision shall include streets in accordance with (I.F 4) of the “North Carolina Subdivision Roads, Minimum, Construction Standards”, NCDOT Complete Streets policies, and the standards in this Ordinance, whichever is stricter in regard to each particular item.

(b) Coordination with Existing Road System:

The proposed road layout within a subdivision shall be coordinated with the existing and proposed road network within the surrounding area (as established on adopted thoroughfare plans and the road layout within existing and approved subdivisions in the general area), including the extension and interconnection of roads between adjacent properties where appropriate to the development of a local road network. A network of extended and interconnected local roads is intended to provide each parcel in the general area the safe, convenient, and efficient means of access that will ensure the orderly development of the parcel and the area, provide a wholesome community environment, ensure the effective and efficient provision of emergency and other public services, and help to avoid degradation of existing roads and highways.

(c) Conformance with Thoroughfare, Collector, and Pedestrian/Bike/Trail Plans:

The location and design of streets shall be in conformance with applicable thoroughfare, collector, and pedestrian/bike/trail plans.

(d) Conformance with Adjoining Street Systems:

The planned street layout of a proposed development shall be compatible with existing or proposed streets and their classification on adjoining or nearby tracts.

(e) Street Classification:

The classification of streets in a proposed development shall be made by the Administrator through NCDOT.

(f) Required Road Extensions to Adjoining Property:

(Reserved)

(g) Access to Adjacent Properties or Future Phases:

Where it is necessary or desirable to provide for public road access to an adjoining property or future phase(s), the developer shall extend proposed roads to the boundary of such property and provide a temporary turnaround. All streets providing access to adjoining property shall be public roads and located so as to best ensure the safe, convenient, and efficient movement of traffic within a local road network as well as the orderly development of adjacent properties. The terminus of any such street shall be posted with a sign reading: “RESERVED FOR POTENTIAL FUTURE CONNECTION.”

Where an adjoining property gains access to a public road through the project site: 1) this access shall either be included in a public road right-of-way that conforms with the lines of such easements or with the agreement of the owner of the adjoining property; or, 2) the original access abandoned (must take the form of a document and be recorded with the final plat) and an alternative access easement dedicated that follows a new alignment for a public road within the proposed subdivision.
(h) Reserve Strips and Non-Access Reservations:
Reserve strips or non-access reservations that control access to roads, waterways, parks or the like, and
other reserved strips shall be permitted only if their purpose, location, dimensions, and manner of control
is approved by the Planning Director.

(i) Access to Thoroughfares:
(1) It is the intent of this regulation to limit access onto major thoroughfares and to ensure safe access
onto minor thoroughfares, where appropriate, in order to maintain traffic capacity, encourage
smooth traffic flow, and increase public safety for both the residents of the subdivision and those
using the roads.

(2) In situations where strict compliance with this provision is impossible or impractical due to
topographic conditions, configuration of the parcel to be developed or other condition beyond the
control of the developer, the Planning and Zoning Board may permit other approaches or exempt
the property owner from requirements of Sections (c) and (d), below.

(3) Where a tract of land to be subdivided borders on an existing major thoroughfare, the Planning
and Zoning Board may regulate access from a subdivision or individual lot directly onto a major
thoroughfare by requiring that:
   (a) rear or side yards abut the major thoroughfare and the front or side yards abut an existing
       parallel local road; or,
   (b) a parallel local road be created and that roads internal to the subdivision access the local road
       at a right angle; the rear or side yards of terminal lots must abut the major thoroughfare; or,
   (c) a marginal access or service road be constructed parallel to and separated by a grass strip
       from the major thoroughfare; the access road may have access to the major thoroughfare at
       suitable points and shall serve as the principal access road to the subdivision; no direct access
       from the lots onto the major thoroughfare will be allowed; or,
   (d) another access design, such as joint driveways, be used to achieve the intent of this
       regulation, or,
   (e) private driveways are prevented from having direct access to the principal arterial where
       reverse frontage is established.

(4) The Planning and Zoning Board shall consider the following criteria when reviewing the proposed
design for such subdivision or individual lot:
   (a) the thoroughfare’s road classification;
   (b) traffic counts as related to capacity;
   (c) level of congestion;
   (d) ultimate cross-sectional design of the major thoroughfare; and,
   (e) the sight distance of approaching traffic from the point where any proposed access intersects
       the major thoroughfare.

(5) In no instance shall access to a major or minor thoroughfare require backing up onto the street.

(j) Road Names:
All standards and specifications are found within the “Street Name, Address, Sign, and Closing” section of Article 3 of this Ordinance.

(k) Half Streets:
The dedication of half streets of less than 60’ at the perimeter of a new subdivision or project shall be prohibited. Where there exists a half street in an adjoining subdivision, the remaining half shall be provided by the proposed subdivision.

(l) Direct Access to Adjoining Major Thoroughfare:
Where a subdivision is proposed adjacent to a major thoroughfare, the Planning and Zoning Board may require that lots have no direct access to such roads if alternative access from a road of lower classification is possible.

(m) Major Thoroughfare Right-of-Way Dedication or Reservation:

(1) Dedication of Right-of-Way Abutting Existing Major Thoroughfares:
If: 1) a subdivision or project site abuts an existing major thoroughfare with a right-of-way width less than that recommended in the Transportation or Thoroughfare Plan, and 2) development in the proposed subdivision is expected to add a significant amount of traffic onto that major thoroughfare, then the subdivision shall include dedication of any additional right-of-way along the site’s frontage on the major thoroughfare that is needed to widen the right-of-way from the centerline of the roadway.

(2) Proposed New Thoroughfares:

(a) Incorporation of Thoroughfare: If: 1) the Thoroughfare Plan proposes a new major thoroughfare across part of a subdivision site; 2) an alignment for the thoroughfare has been determined to a reasonable degree of certainty (e.g., as a centerline alignment on a functional design plan); and 3) the thoroughfare could appropriately serve to provide direct access to the subdivision (e.g., it would not be a freeway or other restricted access road), then the subdivision shall incorporate the major thoroughfare into its internal road layout by having one of the subdivision roads run along the proposed thoroughfare alignment. Such road, however, need only be constructed to NCDOT standards for a residential collector road.

(b) Reservation of Future Right-of-Way: If: 1) the Thoroughfare Plan proposes a new major thoroughfare across part of a subdivision site or project site; 2) an alignment for the thoroughfare has been determined to a reasonable degree of certainty (e.g., as a centerline alignment on a functional design plan); and 3) the Town’s development regulations reasonably allow the subdivider to both realize the maximum lot density allowed by the site’s zoning and physical characteristics and avoid developing that part of the site needed as future right-of-way for the proposed thoroughfare, then the subdivision shall include reservation of the thoroughfare’s future right-of-way. That is, it shall not include lots or other development within the land area needed as the thoroughfare’s future right-of-way.

Land area needed as future right-of-way shall be determined from NCDOT plans where available or otherwise by applying half the right-of-way width recommended in the Guilford County Thoroughfare Plan along each side of the thoroughfare’s proposed centerline alignment.

(c) Applicability: If neither provision 1 or provision 2 applies to a proposed subdivision across which a major thoroughfare is proposed, then no incorporation of the major thoroughfare or reservation of future right-of-way for the major thoroughfare is required.
The Planning and Zoning Board may not delay approval of a particular subdivision plan for failure to comply with provision 2 for more than three years after the date the application for plan approval has been accepted by the Administrator as complete.

(d) **Record Plat Notice of Future Right-of-Way:** If the Thoroughfare Plan recommends the widening of an existing major thoroughfare abutting a subdivision site or project site or proposes a new major thoroughfare across part of a development site, the record plat for the subdivision shall include notice of such. If the land area needed for the planned widening or new thoroughfare can be ascertained with a reasonable degree of certainty, the record plat shall delineate it and label it as future right-of-way.

(3) **Road Design in Water Supply Watersheds:**

(a) All proposed roads shall follow topographical contours of the site as closely as possible.

(b) Curb and gutter shall be prohibited.

(c) New roads shall be designed and constructed to divert stormwater runoff away from directly draining into surface water supply waters to the extent possible and shall utilize watershed Best Management Practices to minimize water quality impacts. All stormwater provisions apply.

(n) **Subdivision Street Disclosure Statement:**

The right-of-way of any new street or change in any existing street shall be delineated on the development plan or plat with particularity and such streets shall be designated either public or private in accordance with NCGS § 136-102.6. Any street designated on a development plan or plat as public shall be conclusively presumed to be an offer of dedication to the public of such street and shall meet NCDOT standards as are required for public roads. A certification designating each road as either public or private shall be affixed to the face of the final plat in accordance with Section 304.1.2.

Streets which are not eligible to be put on the State highway system because there are too few lots or residences shall, nevertheless, be dedicated to the public and shall be in accordance with the standards in this Ordinance or the standards necessary to be put on the system, whichever is stricter in regard to each particular item, so as to be eligible to be put on the system at a later date. A written maintenance agreement with provisions for maintenance of the street until it is put on the State system shall be included with the final plat.

(o) **Subdivision and Project Access and Entrances:**

(1) Access shall be consolidated where ever possible.

(2) The applicant must demonstrate that access from a public road to the site is adequate, has the capacity to handle traffic generated by the proposed project, and will not endanger the safety of the general public.

(3) Wherever possible, at least two entrances to the subdivision should be provided.

(4) All entrances to the development shall be a minimum of 300’ from the intersection of two public roads. If a subdivision has more than one direct access to a public road, such access points shall be a minimum of 200’ apart.

(5) All entrances shall be in conformance with the “NCDOT Policy on Street and Driveway Access to North Carolina Highways.”

(6) The aligning of site entrances across the access road is encouraged.
(p) Driveway Permits:

Approval of the location of an individual lot driveway entrance to either a public or private road shall be given with a Development Clearance Certificate prior to the issuance of a building permit and should adhere to the following:

1. There shall be a minimum of 150’ between an individual driveway and an entrance to the subdivision or project.
2. A driveway entrance shall be located a minimum of 150’ from the intersection of two roads within the subdivision or project.
3. There shall be a minimum of 550’ clear sight distance for any driveway onto a public or thoroughfare road.
4. Exceptions may be submitted for consideration to the Planning and Zoning Board as part of a Cluster Development Practice application or where extreme conditions of topography make this requirement unreasonable.

(q) Intersections:

1. Streets shall intersect as nearly as possible at right angles, within topographic limits, with the most acceptable intersections being those with angles of 75 to 90 degrees. Intersections with angles from 60 to 75 degrees may be submitted for consideration to the NCDOT District Engineer and may be acceptable under extreme conditions. Where a street intersects a public road, the design standards of the North Carolina Department of Transportation, Policy on Street and Driveway Access, shall apply.
2. Off set intersections are to be avoided. Where intersections which cannot be aligned, the centerlines of said streets shall be offset by a minimum length of 200 ft.
3. All streets crossing natural areas, wetlands, or stream buffers must cross at or as near to ninety (90) degrees as possible within topographic limits.
4. The grade on stop streets approaching an intersection shall not exceed 5% for a distance of not less than 100 feet from the centerline of the intersection. Grades exceeding 5 percent may be reviewed by the NC DOT District Engineer for consideration. Grades less than 0.5 percent should not be used unless reviewed individually by the District Engineer to determine potential maintenance problems.
5. An intersection shall not include more than four (4) road approaches.
6. Private Lanes:
   (a) shall intersect with roads as nearly as possible at right angles. Intersections at angles less than sixty (60) degrees are not permitted;
   (b) may not intersect with another Private Lane;
   (c) may not intersect with another private alley; and,
   (d) shall be connected at both ends with a public or private roadway.

(r) Non-Residential Alleys:

1. Alleys shall be required to serve lots used for commercial and industrial purposes except that this requirement may be waived where other definite and assured provisions are made for service access.
2. The width of a non-residential alley shall be at least 18ft.
(3) Dead end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turn around facilities at the dead end as may be required by the Planning and Zoning Board.

(s) Permits for Connection to Public Roads:
An approved permit is required for connection to any existing state system road. This permit is required prior to the construction of the street or road. The application is available at the Office of the District Engineer of the Division of Highways. All permit applications shall be in conformance with NCDOT, Policy on Street and Driveway Access.

(t) Street Lighting:
If street lighting is proposed, a unified street lighting plan meeting the standards set forth within this Ordinance shall be required. All street lighting must comply with all Night Sky provisions.

(u) Curb and Gutter:
Curb and gutter shall be not be required unless the continuity of previous street work necessitates curb and gutter. The use of curb and gutter in rural subdivision design is not desirable. It causes disruption of natural sheet flow. It is not desirable to directionalize storm water runoff, nor to increase the volume and velocity of storm water runoff caused by curb and gutter. Where curb and gutter is unavoidable, such construction shall be in conformance with NCDOT standards.

(v) Street Naming Signs:
The Town shall be responsible for the acquisition of all street naming signs. Guilford County will be responsible for the installation of all street naming signs.

The developer shall be responsible for the costs of signs and the costs for installing the signs. The costs for the signs and installation shall be included in the fee schedule. These costs shall be calculated and shall be payable upon preliminary plat approval.

The proposed construction schedule should reflect the time of installation of traffic and street naming signs. Developer shall have the responsibility to coordinate installation with the county. Locations for installation shall be staked by the surveyor in accordance with the construction schedule.

C. OFF-STREET PARKING, LOADING, AND CIRCULATION

1. PURPOSE AND INTENT
The purpose of this section is to ensure that developments provide the off-street parking, loading, and circulation facilities needed to meet demands created by occupants, employees, visitors, customers, and patrons—and that these demands be met without adversely affecting local traffic patterns or adjacent land uses and neighborhoods. The standards in this section are intended to allow the flexibility needed to accommodate alternative solutions and achieve town policies of accommodating appropriate development, encouraging pedestrian-oriented development, avoiding excessive paved surface areas, promoting low impact development, and safeguarding natural and historic resources.

2. APPLICABILITY
(a) General
The off-street parking, loading, and circulation standards of this section shall apply to all development in the Town of Summerfield.
(b) Responsibility for Provision

The responsibility for providing the off-street parking, loading, and circulation areas required by this section shall be that of whoever develops the land or changes an existing use requiring parking and loading areas. Review for compliance with the standards of this section shall occur during review of an application for a Site Plan (Article 3.B.5), Building Permit (Article 3.B.11) or Temporary Use Permit (Article Section 3.B.9), as appropriate.

(c) Existing Development

(1) Change in Use, Including Exemption for Minor Additional Parking

Any change in use within an existing development shall provide any additional off-street parking, loading, and circulation facilities required to comply with the minimum off-street parking, loading, and circulation standards applicable to the new use. If the change in use would require an increase of less than ten percent (10%) in the required number of spaces, no additional off-street parking shall be required.

(2) Expansion

Any expansion or enlargement of an existing structure that will increase the number of units upon which the applicable parking standard is based (e.g., square feet, employees, dwelling units, seats) shall provide additional off-street parking, loading, and circulation facilities as required by application of these minimum off-street parking, loading, and circulation standards.

(3) Nonconforming Parking or Loading Facilities

Refer to Article 8.E Nonconforming Sites when proposing substantial remodeling, expansion or enlargement of an existing use or structure on a nonconforming site.

3. GENERAL STANDARDS FOR OFF-STREET PARKING, STACKING, AND LOADING AREAS

(a) Parking Area, Stacking Area, or Loading Space for Intended Use Only

All vehicular parking areas, stacking areas, methods of vehicular ingress and egress, internal aisles, and loading spaces required by this section may be referred to as “vehicular use area”, and shall be used only for their intended purposes. Any other use—including, but not limited to, vehicular storage, vehicle sales, vehicular repair work, vehicle service, material or product storage, or display of any kind—shall constitute a separate business use of the space. Any facilities requiring drop off of riders must provide an acceptable queuing plan as part of the initial plan review process.

(c) Paving or Surfacing of Parking

(1) Except as provided for in Article 6.C.7.(f) Alternative Materials, all off-street parking, loading, and circulation areas shall be surfaced with asphalt, concrete, brick, stone, pavers, aligned concrete strips, or an equivalent material sufficient to support anticipated traffic volumes and weights. These materials shall be maintained in a smooth, properly graded and drained condition.

(2) Paving shall not be required for:

   a. Parking facilities used on an irregular basis for churches, private clubs or other similar nonprofit organizations.

   b. Parking areas for agricultural uses in the Agricultural (AG) District.

   c. Parking areas in the Heavy Industrial (HI) District or manufacturing and industrial uses in the Light Industrial (LI) District, provided they are constructed with an all-weather surface.
d. Parking areas for tracked heavy construction equipment, skid-mounted equipment and similar
equipment, provided they are constructed with an all-weather surface. All facilities shall be
graded, properly drained, stabilized and maintained to minimize dust and erosion.

(3) Concrete pads for stationary refuse containers shall be provided beneath and in the approach to
each container sufficient to support anticipated service truck traffic and weights.

d) Painting, Marking or Identifying Parking and Loading Areas

Off-street parking areas of three or more spaces and off-street loading spaces shall include painted lines,
wheel stops, or other methods of identifying individual parking and loading spaces and loading areas and
distinguishing such spaces from aisles or other vehicular use areas.

(e) Arrangement of Parking and Loading

(1) Convenient Access

a. All off-street parking, loading, and circulation areas shall be arranged for the access and safety
of pedestrians and vehicles.

b. Off-street parking areas with three or more spaces shall be arranged so that no parking or
maneuvering incidental to parking shall occur on a public street or sidewalk, and so that an
automobile may be parked and un-parked without moving another automobile.

(2) Backing onto Streets Prohibited

Except for parking areas serving single-family detached dwellings, all off-street parking, loading,
and circulation areas shall be arranged so that no vehicle is required to back to or from such areas
directly onto a public street. Vehicular access ways and vehicular use areas on private lands are
not considered public streets.

(3) Easements

No off-street parking, loading, or circulation area shall be located within an easement without the
written consent of the person or agency who owns the easement.

(f) Parking Lot Access and Curb Cuts

(1) Any construction of or modification to an access drive or curb cut shall require prior approval of
the NC DOT.

(2) Access drives shall be surfaced and maintained to a distance at least twenty (20) feet from the
edge of road pavement for all parking and loading facilities, whether paved or unpaved. (See
Article 6.C.3.(c) concerning surface treatments)

(g) Parking Lot Cross-Access

(1) General

All development except single-family attached or detached dwellings and two- to four-family
dwellings shall be designed to allow for cross-access to adjacent compatible developments in
accordance with the following standards:

a. Limited to Two Parcels: Cross-access ways shall be designed and located based on the
standards of this section.

b. Future Stubs Required: A connection for future parking lot cross access shall be provided
to all adjacent vacant land within a Non-Residential or Planned Development zoning district.
Development subject to these standards shall be designed to provide future cross-access in
at least one location while remaining in compliance with all landscaping and stormwater
standards.
c. **Minimum Width:** Cross-access ways shall allow for two-way traffic between parcels through the use of a single drive aisle with a minimum width of twenty-four (24) feet, or through two one-way aisles, each with a minimum width of twelve (12) feet.

   (2) **Waiver**

   The cross-access standard may be waived by the Administrator if the applicant demonstrates it is impractical to provide cross-access due to:
   
   a. Topography, or natural features;
   
   b. The size and configuration of the site;
   
   c. Vehicular safety factors;
   
   d. The presence of incompatible uses; or
   
   e. Existing development patterns on adjacent developed sites. When cross-access is waived in accordance with this section, required bicycle and pedestrian connections shall be provided between adjacent developments or uses, unless it is unreasonable or impracticable.

(3) **Recording Required**

   Where provided, a cross-access easement shall be recorded by the owner/developer prior to issuance of a Certificate of Occupancy.

(h) **Drainage**

   All off-street parking, loading, and circulation areas shall be properly drained in accordance with the stormwater management standards in Article 9 so as not to cause any nuisance on adjacent land.

(i) **Exterior Lighting**

   When lighted, off-street parking, loading, and circulation areas shall be lighted so as to prevent glare or illumination and, unless exempted, shall comply with the standards of Article 6.G. Lighting Standards.

(j) **Landscaping**

   Except for parking areas serving single-family detached, two- to four-family, and attached residential buildings of 5,000 square feet in gross floor area or less, all off-street parking, loading, and circulation areas shall be landscaped to soften their visual impact on adjacent areas, and unless exempted, shall comply with the standards of Article 6.E.4.(e) Parking Lot Plantings.

(k) **Curbs and Motor Vehicle Stops**

   All off-street parking, loading, and circulation areas shall be designed to prevent vehicles from overhanging a right-of-way, sidewalk, walkway, or adjacent property.

(l) **Maintained in Good Repair**

   (1) **Maintained at All Times**

   All off-street parking, loading, and circulation areas shall be maintained in good repair and in safe condition at all times so as not to constitute a hazard to public safety, dust or a visual or aesthetic nuisance to surrounding land.

   (2) **Periodically Restored**

   All off-street parking, loading, and circulation areas shall be periodically resurfaced, resealed and/or repainted or otherwise restored to maintain a clear identification of separate parking stalls or loading spaces.
(m) **Construction of Off-Street Parking, Loading, and Circulation Areas**

All off-street parking, loading, and circulation areas shall be completed prior to the issuance of a Certificate of Occupancy and Compliance (Article 3.B.13.) for the use or uses they serve. In the case of phased development, surface off-street parking, loading, and circulation areas should only be provided for the portions of the development for which a Site Plan (Article 3.B.5.) is approved.

4. **OFF-STREET PARKING STANDARDS**

(a) **Parking Plan Required**

A parking plan (where appropriate) shall be submitted with every application for a Site Plan (Article 3.B.5.) Building Permit (Article 3.B.11) or Temporary Use Permit (Article 3.B.9) for any development that is required to provide more than three off-street parking spaces. The plan shall accurately designate the required parking spaces, access aisles, and driveways, and the relation of the off-street parking facilities to the uses or structures such facilities are designed to serve. The plan shall also indicate the minimum number of required spaces, maximum number of allowed spaces (if applicable), and an alternative parking plan, if requested (Article 6.C.7 Alternative Parking Plan).

(b) **Minimum Number of Spaces Required**

Unless otherwise expressly stated in this section, the minimum number of off-street parking spaces shall be provided in accordance with Table 6.C.4.(b) Minimum Off-Street Parking Standards:

ALL CHARTS, TABLES, ETC. throughout to be discussed for clarification in reference to the Board's wishes.
<table>
<thead>
<tr>
<th>USE CATEGORY</th>
<th>USE TYPE</th>
<th>MINIMUM # OF PARKING SPACES [1]</th>
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<tbody>
<tr>
<td><strong>AGRICULTURAL USE CLASSIFICATION</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agriculture</td>
<td>Plant nursery</td>
<td>1 per every 300 sf of garden center + 1 per every 1,000 sf outdoor nursery sales space</td>
</tr>
<tr>
<td></td>
<td>All other agriculture</td>
<td>See Article 6.C.4.(d)</td>
</tr>
<tr>
<td>Agricultural Support and Services</td>
<td>Equestrian facility</td>
<td>1 space + 1 per stall</td>
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<tr>
<td></td>
<td>All other agricultural support and services</td>
<td>See Article 6.C.4.(d)</td>
</tr>
<tr>
<td><strong>RESIDENTIAL USE CLASSIFICATION</strong></td>
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<td></td>
</tr>
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<td>Household Living</td>
<td>Dwelling, live/work</td>
<td>1 per DU</td>
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<td></td>
<td>Dwelling, multi-family</td>
<td>1.5 per 1 bedroom DU, 1.75 per 2 bedroom DU, 2 per 3 bedroom unit</td>
</tr>
<tr>
<td></td>
<td>Dwelling, single-family attached</td>
<td>2 per DU</td>
</tr>
<tr>
<td></td>
<td>Dwelling, single-family detached</td>
<td>2 per DU</td>
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<tr>
<td></td>
<td>Dwelling, two- to four-family</td>
<td>2 per DU</td>
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<tr>
<td></td>
<td>Dwelling, upper story</td>
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<td>Manufactured home, Class A[1]</td>
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<td></td>
<td>Manufactured home park (Class A or B)</td>
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<td>Group Living</td>
<td>Dormitory</td>
<td>1 per every 2 resident beds</td>
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<td></td>
<td>Fraternity or sorority house</td>
<td>1 per every 2 resident beds</td>
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<td></td>
<td>Group home, large</td>
<td>1 per employee + 1 per every 5 children or 1 per every 3 adults</td>
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<tr>
<td></td>
<td>Group home, small</td>
<td>2 + 1 per employee not residing in the home</td>
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<tr>
<td></td>
<td>Rooming or boarding house</td>
<td>1 + 1 per guest bedroom</td>
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<tr>
<td></td>
<td>Therapeutic home</td>
<td>2 + 1 per employee not residing in the home</td>
</tr>
<tr>
<td><strong>PUBLIC AND INSTITUTIONAL USE CLASSIFICATION</strong></td>
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<tr>
<td>Community Services</td>
<td>Community center</td>
<td>1 per every 300 sf</td>
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<tr>
<td></td>
<td>Cultural facility</td>
<td>1 per every 300 sf</td>
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<tr>
<td></td>
<td>Library</td>
<td>1 per every 300 sf</td>
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<tr>
<td></td>
<td>Museum</td>
<td>1 per every 500 sf</td>
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<td></td>
<td>Senior center</td>
<td>1 per every 300 sf</td>
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<td></td>
<td>Youth club facility</td>
<td>1 per every 300 sf</td>
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<tr>
<td>Day Care</td>
<td>Adult day care center</td>
<td>1 per every 5 persons up to 50, then 1 per every 10 persons</td>
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<td></td>
<td>Child day care center</td>
<td>4 + 1 per employee on the largest shift</td>
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<tr>
<td>Educational Facilities</td>
<td>Community College</td>
<td>1 per every 2 students + 1 per employee on the largest shift</td>
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<td></td>
<td>College, 4-year, on-campus housing</td>
<td>1 per every 3 students + 1 per employee on the largest shift</td>
</tr>
<tr>
<td></td>
<td>School, elementary</td>
<td>1 per employee + 5</td>
</tr>
<tr>
<td></td>
<td>School, middle</td>
<td>1 per every 30 students + 1 per employee</td>
</tr>
<tr>
<td></td>
<td>School, high</td>
<td>1 per every 300 sf</td>
</tr>
<tr>
<td></td>
<td>Vocational or trade school</td>
<td>1 per every 300 sf</td>
</tr>
<tr>
<td>Government Facilities</td>
<td>Government maintenance, storage, or distribution facility</td>
<td>1 per every 600 sf</td>
</tr>
<tr>
<td></td>
<td>Government office</td>
<td>1 per every 300 sf</td>
</tr>
<tr>
<td></td>
<td>Post office</td>
<td>1 per every 300 sf</td>
</tr>
</tbody>
</table>
### Health Care Facilities
- Blood/tissue collection facility: 1 per every 300 sf
- Drug or alcohol treatment facility: 1 per every 300 sf
- Hospital: 1 per 2 inpatient beds + 1 per employee
- Medical or dental clinic: 1 per every 300 sf
- Medical or dental lab: 1 per every 300 sf
- Medical treatment facility: 1 per 2 patient beds + 1 per employee
- Outpatient facility: 1 per every 300 sf
- Assisted living facility: 1 per every 3 resident beds

### Institutions
- Auditorium, Assembly Hall: 1 per 4 seats
- Club or lodge: 1 per 300 sf
- Convention center: 1 per 300 sf
- Halfway house: 1 per employee + 1 per every 4 persons
- Nursing home: 1 per every 3 patient beds
- Psychiatric treatment facility: 1 per every 3 patient beds
- Religious institution: 1 per every 3 seats in worship area

### Parks and Open Areas
- Arboretum or botanical garden: See Article 6.C.4.(d)
- Cemetery, columbaria, mausoleum: 1 per employee on largest shift
- Community garden: 2 + 1 per every 0.5 acre
- Greenway: See Article 6.C.4.(d)
- Park, public or private: See Article 6.C.4.(d)
- Public square or plaza: See Article 6.C.4.(d)

### Public Safety
- Correctional facility: See Article 6.C.4.(d)
- Fire or EMS facility: See Article 6.C.4.(d)
- Police substation: See Article 6.C.4.(d)
- Police station: See Article 6.C.4.(d)

### Transportation
- Airport: See Article 6.C.4.(d)
- Helicopter landing facility: See Article 6.C.4.(d)

### Utilities
- Telecommunications antenna, collocation on existing tower: None
- Telecommunications antenna, placement on existing building: None
- Telecommunications tower, freestanding: None
- Utility, major: 1 per employee on largest shift
- Utility, minor: See Article 6.C.4.(d)

### COMMERCIAL USE CLASSIFICATION
Uses in the commercial use classification shall not provide more than 140% of the minimum number of spaces required except through an approved alternative parking plan (See ___________).

#### Adult entertainment
- Adult Entertainment: 1 per every 3 persons of maximum fire rated capacity

#### Animal Care
- Animal grooming: 1 per every 300 sf
- Animal shelter: 1 per every 300 sf
- Kennel, indoor: 1 per every 400 sf
- Kennel, outdoor: 1 per every 400 sf
- Veterinary clinic: 1 per every 300 sf

#### Conference and Training Centers
- Conference or training center: See Article 6.C.4.(d)

#### Eating Establishments
- Dinner theater: 1 per every 4 seats
<table>
<thead>
<tr>
<th>Activity Type</th>
<th>Per Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Restaurant, with indoor or outdoor seating</td>
<td>1 per every 150 sf (including outdoor waiting/seating/dining areas)</td>
</tr>
<tr>
<td>Restaurant, with drive-through service</td>
<td>1 per every 150 sf (including outdoor areas) Also see Article 6.C.10.(b) Stacking Spaces for Drive-Thru and Related Uses</td>
</tr>
<tr>
<td>Specialty eating establishment</td>
<td>1 per every 250 sf</td>
</tr>
<tr>
<td>Offices</td>
<td></td>
</tr>
<tr>
<td>Business services</td>
<td>1 per every 250 sf</td>
</tr>
<tr>
<td>Financial services</td>
<td>1 per every 250 sf</td>
</tr>
<tr>
<td>Professional services</td>
<td>1 per every 250 sf</td>
</tr>
<tr>
<td>Radio and television broadcasting studio</td>
<td>1 per every 500 sf</td>
</tr>
<tr>
<td>Sales (including real estate)</td>
<td>1 per every 250 sf</td>
</tr>
<tr>
<td>Parking, Commercial</td>
<td></td>
</tr>
<tr>
<td>Parking lot</td>
<td>None</td>
</tr>
<tr>
<td>Parking structure</td>
<td>None</td>
</tr>
<tr>
<td>Recreation/Entertainment, Indoor</td>
<td></td>
</tr>
<tr>
<td>Bowling Centers</td>
<td>4 per lane</td>
</tr>
<tr>
<td>Fitness Centers</td>
<td>1 per 200 sf of activity area</td>
</tr>
<tr>
<td>Theater</td>
<td>1 per every 4 seats</td>
</tr>
<tr>
<td>Other commercial recreation, indoor</td>
<td>1 per every 300 sf</td>
</tr>
<tr>
<td>Recreation/Entertainment, Outdoor</td>
<td></td>
</tr>
<tr>
<td>Amusements parks, fairgrounds</td>
<td>1 per 200 feet of activity area</td>
</tr>
<tr>
<td>Arena, amphitheater, or stadium</td>
<td>1 per every 4 seats</td>
</tr>
<tr>
<td>Golf course</td>
<td>4 per hole</td>
</tr>
<tr>
<td>Athletic field and clubhouse</td>
<td>35 per field plus 1 per 200 sf of clubhouse</td>
</tr>
<tr>
<td>Batting Cage/Shooting Range</td>
<td>1 per cage or firing point</td>
</tr>
<tr>
<td>Golf driving range</td>
<td>1 per tee + 1 per employee on largest shift</td>
</tr>
<tr>
<td>Swimming pool, private with outside members</td>
<td>1 per every 75 sf of water surface area</td>
</tr>
<tr>
<td>Swimming pool, private only</td>
<td>1 per every 100 sf of water surface area</td>
</tr>
<tr>
<td>Tennis court, private</td>
<td>3 per court</td>
</tr>
<tr>
<td>Tennis court, private w outside members</td>
<td>4 per court</td>
</tr>
<tr>
<td>Tennis court, public</td>
<td>5 per court</td>
</tr>
<tr>
<td>Miniature golf</td>
<td>2 per hole</td>
</tr>
<tr>
<td>Go-cart track</td>
<td>1 per go cart plus 1 per employee on largest shift</td>
</tr>
<tr>
<td>Other commercial recreation, outdoor</td>
<td>1 per every 5,000 sf of land area</td>
</tr>
<tr>
<td>Retail Sales &amp; Services</td>
<td></td>
</tr>
<tr>
<td>Bar, nightclub, or cocktail lounge</td>
<td>1 per 3 persons of maximum fire rated capacity</td>
</tr>
<tr>
<td>Entertainment establishment</td>
<td>1 per every 3 persons of maximum fire rated capacity, plus 2 per 3 employees</td>
</tr>
<tr>
<td>Crematory</td>
<td>1 per 4 seats in main assembly room</td>
</tr>
<tr>
<td>Financial institution, without drive-through service</td>
<td>1 per every 300 sf</td>
</tr>
<tr>
<td>Financial institution, with drive-through service</td>
<td>1 per every 300 sf Also see Article 6.C.10.(b) Stacking Spaces for Drive-Thru and Related Uses</td>
</tr>
<tr>
<td>Funeral home</td>
<td>1 per 4 seats in main assembly room, plus 2 per 3 employees</td>
</tr>
<tr>
<td>Activity</td>
<td>Density</td>
</tr>
<tr>
<td>-----------------------------------------</td>
<td>--------------------------------</td>
</tr>
<tr>
<td>Laundromat</td>
<td>1 per every 250 sf</td>
</tr>
<tr>
<td>Personal services (e.g. barber, beauty shop)</td>
<td>1 per every 300 sf</td>
</tr>
<tr>
<td>Tattoo parlor/body piercing establishment</td>
<td>1 per every 300 sf</td>
</tr>
<tr>
<td>Repair establishment</td>
<td>1 per every 300 sf</td>
</tr>
<tr>
<td>Convenience store, without gas sales</td>
<td>1 per every 250 sf</td>
</tr>
<tr>
<td>Convenience store, with gas sales</td>
<td>1 per every 250 sf</td>
</tr>
<tr>
<td>Drug store or pharmacy, without drive through service</td>
<td>1 per every 250 sf</td>
</tr>
<tr>
<td>Drug store or pharmacy, with drive through service</td>
<td>1 per every 250 sf</td>
</tr>
<tr>
<td>Equipment Rental/Leasing</td>
<td>1 per every 300 sf</td>
</tr>
<tr>
<td>Flea market</td>
<td>1 per every 200 sf of building or use area</td>
</tr>
<tr>
<td>Grocery store</td>
<td>1 per every 250 sf</td>
</tr>
<tr>
<td>Internet sweepstakes</td>
<td>1 per machine + 1 per employee on largest shift</td>
</tr>
<tr>
<td>Liquor Store</td>
<td>1 per every 250 sf</td>
</tr>
<tr>
<td>Retail sales, large establishment</td>
<td>1 per 350 sf</td>
</tr>
<tr>
<td>Retail sales, bulky items (e.g. furniture, white goods)</td>
<td>1 per 1000 sf of floor area</td>
</tr>
<tr>
<td>Other retail sales establishments</td>
<td>1 per every 250 sf</td>
</tr>
<tr>
<td>Self-Service Storage Mini-warehouse</td>
<td>1 per 100 units</td>
</tr>
<tr>
<td>Shopping Center: Less than 250,000 square feet gross floor area</td>
<td>1/200 square feet gross floor area in main building(s) (excluding theaters) plus parking as required for outparcels or theaters</td>
</tr>
<tr>
<td>Shopping Center: More than 250,000 square feet gross floor area</td>
<td>1,250 spaces plus 1/225 square feet gross floor area above 250,000 square feet</td>
</tr>
<tr>
<td>Vehicle Sales and Services, Heavy</td>
<td></td>
</tr>
<tr>
<td>Aircraft parts, sales, and maintenance</td>
<td>1 per every 300 sf</td>
</tr>
<tr>
<td>Automotive painting/body shop</td>
<td>1 per every 300 sf</td>
</tr>
<tr>
<td>Automotive wrecker service</td>
<td>1 per employee on largest shift</td>
</tr>
<tr>
<td>Boat and marine rental and sales</td>
<td>1 per every 400 sf + 1 per every 5,000 sf of outdoor display area</td>
</tr>
<tr>
<td>Recreational vehicle rental and sales</td>
<td>1 per every 400 sf + 1 per every 5,000 sf of outdoor display area</td>
</tr>
<tr>
<td>Transmission shop</td>
<td>1 per every 300 sf</td>
</tr>
<tr>
<td>Truck stop</td>
<td>1 per every 300 sf of retail + 1 per service bay + 0.5 per gasoline pump</td>
</tr>
<tr>
<td>Vehicle Sales and Services, Light</td>
<td></td>
</tr>
<tr>
<td>Automotive parts and installation</td>
<td>1 per every 300 sf</td>
</tr>
<tr>
<td>Automobile repair and servicing (without painting/bodywork)</td>
<td>1 per every 300 sf</td>
</tr>
<tr>
<td>Automobile sales or rentals</td>
<td>1 per every 300 sf of building area + 1 per every 5,000 sf of outdoor display area</td>
</tr>
</tbody>
</table>
### Article 6: General Development Standards

#### Car Washes

- **Car wash, automatic**: 1 plus 1 per employee on largest shift. Also see Article 6.C.11.b Stacking Spaces for Drive-Thru and Related Uses.

- **Car wash, full service**: 2 plus 1 per employee on largest shift. Also see Article 6.C.10.(b) Stacking Spaces for Drive-Thru and Related Uses.

- **Car wash, self service**: 1 plus 1 per employee on largest shift. Also see Article 6.C.10.(b) Stacking Spaces for Drive-Thru and Related Uses.

- **Taxicab service**: 1 per employee on largest shift.

- **Tire/muffler sales and mounting**: 1 per every 300 sf.

#### Visitor Accommodations

- **Bed and breakfast inn**: 2 + 1 per guest bedroom.

  - **Hotels and motels containing 5,000 square feet or less ancillary space, i.e. restaurant, meeting rooms, lounge or lobby or a restaurant/lounge containing 3,000 square feet or less**: 1.1/rental unit.

  - **Hotels and motels containing more than 5,000 square feet of ancillary space, i.e. restaurant, meeting rooms, lounge or lobby or a restaurant/lounge containing over 3,000 sq. feet**: 1.25/rental unit.

- **Tourist Home**: 2 + 1 per guest room.

### Industrial Use Classification

Uses in the industrial use classification shall not provide more than 140% of the minimum number of spaces required except through an approved Alternative Parking Plan (Article 6.C.7).

<table>
<thead>
<tr>
<th>Extractive Industry</th>
<th>All uses</th>
<th>1 per employee on largest shift</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial Services</td>
<td>Building, heating, plumbing, or electrical contractor</td>
<td>1 per every 1,000 sf</td>
</tr>
<tr>
<td></td>
<td>Electric motor repair</td>
<td>1 per every 400 sf</td>
</tr>
<tr>
<td></td>
<td>Fuel oil/bottled gas distributor</td>
<td>1 per employee on largest shift</td>
</tr>
<tr>
<td></td>
<td>General industrial service</td>
<td>1 per 1,500 sf</td>
</tr>
<tr>
<td></td>
<td>Heavy equipment sales, rental, or storage</td>
<td>1 per 400 sf + 1 per 5,000 sf outdoor display area</td>
</tr>
<tr>
<td></td>
<td>Heavy equipment servicing and repair</td>
<td>1 per every 1,000 sf</td>
</tr>
<tr>
<td></td>
<td>Laundry, dry cleaning, and carpet cleaning plants</td>
<td>1 per every 500 sf</td>
</tr>
<tr>
<td></td>
<td>Machine shop</td>
<td>1 per every 400 sf</td>
</tr>
<tr>
<td></td>
<td>Repair of scientific or professional instruments</td>
<td>1 per every 400 sf</td>
</tr>
<tr>
<td></td>
<td>Research and development</td>
<td>1 per every 800 sf</td>
</tr>
<tr>
<td></td>
<td>Tool repair</td>
<td>1 per every 400 sf</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Manufacturing and Production</th>
<th>Manufacturing, heavy</th>
<th>See Table 6.C.4.(c)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Manufacturing, light</td>
<td>See Table 6.C.4.(c)</td>
</tr>
</tbody>
</table>
### Warehouse and Freight Movement

<table>
<thead>
<tr>
<th>Function</th>
<th>Minimum Number of Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cold storage plant</td>
<td>See Table 6.C.4.(c)</td>
</tr>
<tr>
<td>Outdoor storage (as a principal use)</td>
<td>See Table 6.C.4.(c)</td>
</tr>
<tr>
<td>Parcel services</td>
<td>1 per employee on largest shift</td>
</tr>
<tr>
<td>Truck or freight terminal</td>
<td>1 per employee on largest shift</td>
</tr>
<tr>
<td>Warehouse (distribution)</td>
<td>See Table 6.C.4.(c)</td>
</tr>
<tr>
<td>Warehouse (storage)</td>
<td>See Table 6.C.4.(c)</td>
</tr>
</tbody>
</table>

### Waste-Related Services

<table>
<thead>
<tr>
<th>Function</th>
<th>Minimum Number of Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Energy recovery plant</td>
<td>See Table 6.C.4.(c)</td>
</tr>
<tr>
<td>Hazardous waste collection sites</td>
<td>1 per employee on largest shift</td>
</tr>
<tr>
<td>Incinerator</td>
<td>See Table 6.C.4.(c)</td>
</tr>
<tr>
<td>Land application of wastes</td>
<td>None</td>
</tr>
<tr>
<td>Landfill, land clearing and inert debris or construction debris</td>
<td>See Table 6.C.4.(c)</td>
</tr>
<tr>
<td>Landfill, sanitary</td>
<td>See Table 6.C.4.(c)</td>
</tr>
<tr>
<td>Recycling center</td>
<td>1 per employee on largest shift + 3 spaces</td>
</tr>
<tr>
<td>Recycling drop-off center</td>
<td>See Table 6.C.4.(c)</td>
</tr>
<tr>
<td>Salvage and junkyard</td>
<td>1 per every 10,000 sf of outdoor area + 1 per employee on largest shift</td>
</tr>
<tr>
<td>Tire disposal or recycling</td>
<td>1 per employee on largest shift</td>
</tr>
<tr>
<td>Waste composting</td>
<td>1 per employee on largest shift</td>
</tr>
</tbody>
</table>

### Wholesale Sales

<table>
<thead>
<tr>
<th>Function</th>
<th>Minimum Number of Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>All uses</td>
<td>See Table 6.C.4.(c)</td>
</tr>
</tbody>
</table>

**NOTE:** [1] DU = dwelling unit; sf = square feet of gross floor area unless otherwise noted

### Off-Street Parking Standards for Selected Service and Industrial Uses

Uses in Table 6.C.4(b) above that reference Table 6.C.4(c) below shall provide the minimum number of spaces established in Table 6.C.4(c) below, Off-Street Parking Standards for Selected Service and Industrial Uses:

#### TABLE 6.C.4.(c) OFF-STREET PARKING STANDARDS FOR SELECTED SERVICE AND INDUSTRIAL USES

<table>
<thead>
<tr>
<th>Function</th>
<th>Minimum Number of Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office or administrative area</td>
<td>1 per every 300 sf²</td>
</tr>
<tr>
<td>Indoor sales area</td>
<td>1 per every 250 sf</td>
</tr>
<tr>
<td>Indoor storage/warehousing/assembly/vehicular service/manufacturing area:</td>
<td></td>
</tr>
<tr>
<td>1 – 3,000 sf</td>
<td>1 per every 250 sf</td>
</tr>
<tr>
<td>3,001 – 5,000 sf</td>
<td>1 per every 500 sf</td>
</tr>
<tr>
<td>5,001 – 10,000 sf</td>
<td>1 per every 750 sf</td>
</tr>
<tr>
<td>10,001 sf or more</td>
<td>1 per every 1,250 sf</td>
</tr>
<tr>
<td>Outdoor sales/display/storage area (3,000 sf or less)</td>
<td>1 per every 750 sf</td>
</tr>
<tr>
<td>Outdoor sales/display/storage area (more than 3,000 sf)</td>
<td>1 per every 1,000 sf</td>
</tr>
</tbody>
</table>

**NOTES:**
1 The total number of required spaces is cumulative, based on the variety of different functions present in a single use.
2 sf = square feet (of floor area unless otherwise noted)

### Uses with Variable Parking Demand Characteristics
Uses that reference this subsection in Table 6.C.4(b) Minimum Off-Street Parking Standards, have widely varying parking and loading demand characteristics, making it difficult to establish a single off-street parking or loading standard. Upon receiving a development application for a use subject to this subsection, the Administrator shall apply the off-street parking, loading, and circulation standard specified for the listed use that is deemed most similar to the proposed use or establish minimum off-street parking standards on the basis of a parking and loading study prepared by the applicant. Such a study shall include estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE) or other acceptable estimates as approved by the Administrator and should include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability will be determined by density, scale, bulk, area, type of activity, and location. The study shall document the source of data used to develop the recommendations.

(e) Mixed Uses

Unless otherwise approved, lots containing more than one use shall provide parking spaces in an amount equal to the total of the standards for all individual uses. This provision shall not limit the ability to submit an Alternative Parking Plan (Article 6.C.7) to reduce the minimum number of required off-street parking spaces in recognition of different operating hours or peak business periods.

(f) Maximum Number of Spaces Permitted to 140 Percent of Minimum

For any use listed under the commercial or industrial use classification in Table 6.C.4(b) Minimum Off-Street Parking Standards, the number of off-street parking spaces shall not exceed 140 percent of the minimum number of parking spaces required, except that additional parking spaces may be allowed through approval of an Alternative Parking Plan in accordance with Article 6.C.7(a) Provision Over the Maximum Allowed.

(g) Compact Spaces

Off-street parking spaces provided in excess of the minimum number of required off-street parking spaces in Table 6.C.4(b) Minimum Off-Street Parking Standards, may be provided as compact car spaces, provided the following standards are met:

1. Minimum Dimensions
   Each compact car parking space shall have minimum dimensions of eight feet in width and 16 feet in length, with a total area of at least 128 square feet;

2. Location
   Compact car parking spaces shall be located no closer to the primary building entrance than any standard parking spaces; and

3. Designated
   All compact car spaces shall be designated by signage and pavement marking.

(h) Placement

1. The location or placement of off-street parking areas on a development site shall be limited in accordance with the placement standards of Article 6.H.4 of the Commercial, Office and Mixed Use Design Standards.

2. Placement of off-street parking, loading, or circulation areas within an easement shall require the written consent of the easement owner.

(i) Minimum Separation
All parking areas shall be separated at least eight feet from front building facades and side building facades facing a public street to allow room for sidewalks, landscaping, and other plantings between the building and the parking area. This separation may be eliminated to the rear of buildings in areas designed for unloading and loading of materials.

5. ACCESSIBLE PARKING SPACES FOR PHYSICALLY DISABLED PERSONS

Development required to provide off-street parking spaces shall ensure that a portion of the total number of required off-street parking spaces shall be specifically designated, located, and reserved for use by persons with physical disabilities, in accordance with the standards in the federal American with Disabilities Act.

6. DIMENSIONAL STANDARDS FOR PARKING SPACES AND AISLES

(a) General

Standard car parking spaces and parking lot aisles shall comply with the minimum dimensional standards established in Table 6.C.6 Dimensional Standards for Parking Spaces and Aisles:

<table>
<thead>
<tr>
<th>PARKING ANGLE</th>
<th>STALL WIDTH (FEET)</th>
<th>STALL DEPTH (FEET)</th>
<th>AISLE WIDTH FOR TWO-WAY TRAFFIC (FEET)</th>
<th>AISLE WIDTH FOR ONE-WAY TRAFFIC (FEET)</th>
</tr>
</thead>
<tbody>
<tr>
<td>90 degrees</td>
<td>9</td>
<td>20</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>60 degrees</td>
<td>9</td>
<td>18</td>
<td>20</td>
<td>11</td>
</tr>
<tr>
<td>45 degrees</td>
<td>9</td>
<td>18</td>
<td>20</td>
<td>10</td>
</tr>
<tr>
<td>Parallel</td>
<td>9</td>
<td>22</td>
<td>20</td>
<td>10</td>
</tr>
</tbody>
</table>

(b) Dimensional Adjustments

Parking structures may be subject to dimensional adjustments based on utilization, but in no case shall the standard parking space width be less than eight feet. Reduction in design standards shall be subject to approval by the Administrator.

7. ALTERNATIVE PARKING PLAN

The Administrator shall be authorized to approve an alternative parking plan that proposes alternatives to providing the number of required off-street parking spaces required by Table 6.C.4.(b) Minimum Off-Street Parking Standards, in accordance with the standards listed below. Nothing in this subsection shall limit the utilization of one or more of the following off-street parking alternatives by a single use.

(a) Provision over the Maximum Allowed

Requests to provide more than the maximum number of off-street parking spaces required by Article 6.C.4.(f) Maximum Number of Spaces Permitted, shall comply with the following:

(1) Parking Demand Study

Requests for exceeding the maximum number of required off-street parking spaces shall be accompanied by a parking demand study prepared by a North Carolina licensed engineer demonstrating how the maximum number of parking spaces specified by Article 6.C.4.(f) Maximum Number of Spaces Permitted, is insufficient for the proposed development.

(2) Minimum Amount Required
The maximum number of off-street spaces allowed shall be limited to the minimum number of additional spaces recommended as needed by the required parking demand study.

(b) Provision Under the Minimum Required

Requests to provide fewer than the minimum number of off-street parking spaces required by Table 6.C.4.(b) Minimum Off-Street Parking Standards, shall comply with the following:

(1) Parking Demand Study

Requests for reducing the minimum number of required off-street parking spaces shall be accompanied by a parking demand study demonstrating how the minimum number of parking spaces specified by Table 6.C.4.(b) Minimum Off-Street Parking Standards, is excessive for the proposed development.

(2) Minimum Amount Required

The minimum number of off-street spaces allowed shall equal the minimum number of off-street parking spaces recommended as needed by the required parking demand study.

(c) Off-Site Parking for Nonresidential Uses

Generally, all off-street parking areas for any nonresidential use shall be provided on the same parcel of land as the use it serves. Off-street parking for nonresidential uses may be located on another parcel of land, however, if there are practical difficulties in locating the parking area on-site or the public safety or public convenience is better served by off-site parking. Off-site parking for nonresidential uses shall comply with the following standards:

(1) Safe Pedestrian Way Required

A pedestrian way that complies with all applicable ADA requirements, and is not more than 300 feet in length shall be available, or provided if not available, from the off-site parking area to the use it serves. No such pedestrian way may cross an intervening major or minor thoroughfare without the availability or provision of an improved, safe pedestrian crossing, with approval of NC DOT.

(2) Directional Signage

Directional signage that complies with the standards of this Ordinance shall be provided to direct the public to the off-site parking spaces. If parking is available both on-site and off-site, it is preferable for the employees of an establishment to utilize the off-site spaces.

(3) Special Use Permit Required for Parking in Residentially Zoned Area

A special use permit shall be required for off-site parking serving a non-residential use that is to be located on a residentially zoned lot, with at least the following minimum standards:

a. Vehicular access to the off-site parking area is limited to the uses it serves; and

b. Portions of the offsite parking area not directly adjacent to the use it serves are surrounded by a decorative fence or wall that shall:

   i. Be at least 6 feet in height when adjacent to existing single-family development or lots in a single-family residential district;

   ii. Maintain a minimum opacity of at least 50 percent or not exceed three feet in height when adjacent to streets or walkways; and

   iii. Be landscaped with shrubs reaching a minimum height of 24 inches and planted in continuous rows adjacent to the fence or wall.
(4) No Undue Hazard

The off-site parking area shall be convenient to the use it serves without causing unreasonable:

a. Hazard to pedestrians;

b. Hazard to vehicular traffic;

c. Traffic congestion;

d. Interference with commercial activity or convenient access to other parking areas in the vicinity;

e. Detriment to the appropriate use of business lands in the vicinity; or

f. Detriment to any abutting residential uses.

(5) Recorded Agreement

In cases where off-site parking occurs on a lot under separate ownership, an off-site parking agreement shall be established between all owners of record. An attested copy of the agreement shall be recorded with the Register of Deeds. Recordation of the agreement shall take place prior to issuance of a Certificate of Occupancy for any use to be served by the off-site parking area. A parking agreement may be discontinued and revoked only if all required off-street parking spaces will be provided in accordance with the requirements of Table 6.C.4.(b) Minimum Off-Street Parking Standards.

(d) Shared Parking

The required parking for separate or mixed uses may be combined in one facility. Requests for shared parking shall comply with all of the following standards:

(1) Location

It is preferred that shared parking be located on adjoining property(ies) serving two or more non-residential uses. Shared parking spaces may, however, be located off-site in accordance with the standards of Section 6.C.7.(c) Off-Site Parking for Nonresidential Uses.

(2) Maximum Shared Spaces

The maximum reduction in the number of parking spaces required for all uses sharing the parking area shall be 50 percent.

(3) Shared Parking Plan

a. Justification: Those requesting to use shared parking as a means of satisfying the off-street parking standards must submit a shared parking plan as part of an alternative parking plan that justifies the feasibility of shared parking. Justification shall include information on the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces. Additional transportation and planned methods of ingress and egress to and from shared parking areas may be required upon staff review.

b. Recorded Agreement: A shared parking plan portion of an alternative parking plan shall be enforced through written agreement among all owners of record. An attested copy of the agreement between the owners of record must be recorded with the Register of Deeds. Recordation of the agreement shall take place prior to issuance of a Certificate of Occupancy for any use to be served by the shared parking area. A shared parking agreement may be revoked only if all required off-street parking spaces will be provided in accordance with the requirements of Table 6.C.4.(b) Minimum Off-Street Parking Standards.
c. **Duration:** A shared parking agreement shall remain in effect until one or more of the uses subject to the agreement changes.

(e) **Deferred Parking**

An applicant may submit a request to defer the construction of up to 30 percent of the number of parking spaces required in Table 6.C.4.(b) Minimum Off-Street Parking Standards, if the request complies with the following standards:

1. **Fewer Spaces Needed**

   The applicant shall demonstrate that because of the location, nature, or mix of uses, there is a reasonable probability the number of parking spaces actually needed to serve the development is less than the minimum required by Table 6.C.4.(b) Minimum Off-Street Parking Standards.

2. **Reserve Parking Plan**

   The request shall be accompanied by a Reserve Parking Plan identifying: (a) the amount of off-street parking being deferred, and (b) the location of the area to be reserved for future parking, if future parking is needed.

3. **Parking Demand Study**

   The applicant shall provide assurance that a Parking Demand Study evaluating the adequacy of the existing parking spaces in meeting the parking demand generated by the development will be submitted to the Administrator within 16 months after the initial Certificate of Occupancy is issued for the development. If the study indicates that the existing parking is adequate, then construction of the remaining number of parking spaces shall not be required. If the study indicates a need for additional parking, it shall be provided consistent with the Reserve Parking Plan and the standards of this section.

4. **Limitations on Reserve Areas**

   Areas reserved for future parking shall be brought to the finished grade, kept free of materials or obstructions, and planted with a suitable grass so as to allow for potential overflow parking during the period of the deferral.

5. **Landscaping Required**

   In addition to the planting of an appropriate ground cover for potential overflow parking, areas reserved for future parking shall be landscaped in accordance with all relevant parking lot perimeter landscaping standards of this Ordinance.

6. **Performance Bond Required**

   The applicant shall be required to post a performance bond in accordance with any required performance Guarantees equal to the estimated cost of completing the parking area or spaces designated for deferral.

(f) **Alternative Surfacing Materials**

   The use of pervious or semi-pervious parking area surfacing materials—including, but not limited to, grass, mulch, “grass-crete,” or recycled materials such as glass, rubber, used asphalt, brick, block and concrete—may be approved for the required vehicular surface area on a site, provided such areas are properly maintained. Where possible, such materials should be used in areas proximate to and in combination with on-site stormwater control devices.

(g) **Nonresidential Condominium Parking Allocations to Be Specified**

   If a condominium is a nonresidential condominium, the declaration shall contain the following provision:
“Parking spaces shall be allocated among the individual lots or units in such a manner that each unit is entitled to a sufficient number of parking spaces to comply with this Ordinance for the use intended to be located therein. The Owner’s Association shall maintain a register listing the total number of parking spaces in the development and the number of parking spaces allocated to each lot or unit. A copy of this register shall be available to the Summerfield Planning and Zoning Board upon request. The Owner’s Association shall not reduce the number of parking spaces allocated to an individual lot or unit without the express written consent of the owner thereof, and in no case shall the number of parking spaces allocated to an individual unit be reduced to a number below that required by this Ordinance.”

8. BICYCLE PARKING

Multi-family residential development with 10 or more dwelling units and nonresidential development with 2,500 or more square feet of gross floor area shall provide individual or shared bicycle parking facilities when located within 1000 feet from a designated pedestrian or bicycle corridor. Nonresidential uses of up to 20,000 square feet in size may share bicycle parking facilities in accordance with this section.

(a) General Standards

(1) Bicycle parking facilities shall be conveniently located, but in no case shall such facilities be located more than 150 feet from the primary building entrance.

(2) Bicycle parking spaces shall be provided at the rate of one bicycle parking space per every 10 residential dwelling units and one for each additional 2,500 square feet of nonresidential floor area.

(3) Bicycle facilities shall include a rack or other device to enable bicycles to be secured.

(b) Shared Bicycle Parking

Nonresidential uses of 20,000 square feet in size or less may share bicycle parking spaces provided:

(1) Each use provides or is served by improved pedestrian access from the bicycle parking facility to the primary building entrance; and

(2) The shared bicycle parking facility and improved pedestrian access is depicted on a site plan approved by the Administrator.

9. LOADING SPACE STANDARDS

(a) Number of Required Off-Street Loading Spaces

On-site loading spaces shall be provided in accordance with Table 6.C.9.(a) Required Off-Street Loading Spaces, depending on the use or its gross floor area. The developer shall determine if the use requires a greater number of spaces than those required by this section.

<table>
<thead>
<tr>
<th>TABLE 6.C.9(a) REQUIRED OFF-STREET LOADING SPACES [1]</th>
</tr>
</thead>
<tbody>
<tr>
<td>USE OR ACTIVITY [2]</td>
</tr>
</tbody>
</table>

Town of Summerfield, NC          July 26, 2019 Draft     Development Ordinance
### Office and Personal Service Establishments

<table>
<thead>
<tr>
<th>Space used by, designed for, or adaptable to a retail sales and services use</th>
<th>SF</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>6,000 sf or more</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>3,000 – 14,999 sf</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>15,000 – 49,999 sf</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>50,000 – 99,999 sf</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>100,000 sf or more</td>
<td>4 + 1 per every 100,000 sf GFA above 100,000 sf GFA</td>
<td></td>
</tr>
</tbody>
</table>

### Wholesale and Manufacturing Uses

<table>
<thead>
<tr>
<th>SF</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 15,000 sf</td>
<td>1</td>
</tr>
<tr>
<td>15,000 – 49,999 sf</td>
<td>2</td>
</tr>
<tr>
<td>50,000 sf or more</td>
<td>3 + 1 per every 50,000 sf GFA above 50,000 sf GFA</td>
</tr>
</tbody>
</table>

### All Other Commercial and Industrial Uses

<table>
<thead>
<tr>
<th>SF</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 40,000 sf</td>
<td>1</td>
</tr>
<tr>
<td>40,000 – 99,999 sf</td>
<td>2</td>
</tr>
<tr>
<td>100,000 – 159,999 sf</td>
<td>3</td>
</tr>
<tr>
<td>160,000 – 239,999 sf</td>
<td>4</td>
</tr>
<tr>
<td>240,000 – 319,999 sf</td>
<td>5</td>
</tr>
<tr>
<td>320,000 – 399,999 sf</td>
<td>6</td>
</tr>
<tr>
<td>400,000 sf or more</td>
<td>7 + 1 per every 100,000 sf GFA above 400,000 sf GFA</td>
</tr>
</tbody>
</table>

### Standards

1. **Minimum Dimensions**
   
   Each loading space required by this subsection shall be at least 12 feet wide by 25 to 65 feet long (or deep), depending upon the size of the trucks serving the use. There shall also be at least 14 feet of overhead clearance. Each off-street loading space shall have adequate, unobstructed means for the ingress and egress of vehicles.

2. **Berths or Loading Docks**
   
   Buildings required to provide three or more loading spaces or buildings with nonresidential uses on three or more floors shall provide a loading dock adjacent to a loading space.

3. **Location**
   
   Where possible, loading areas shall be located to the side or rear of the use they serve. In addition, the loading area shall be located adjacent to the buildings loading doors, in an area that promotes their practical use.

4. **Delineation of Loading Spaces**
   
   All loading spaces shall be delineated by signage and striping and labeling of the pavement.

5. **Access to a Street**
   
   Every loading space shall be provided with safe and convenient access to a street, but in no case shall the loading space extend into the required aisle of the parking lot.

6. **Paving**

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**NOTES:**

[1] DU = dwelling unit; sf = square feet; GFA = gross floor area

[2] See Table 4.G.3.1 Permitted Use Table.
The ground surface of loading spaces shall be paved with a durable, dust free, and hard material, such as surface and seal treatment, bituminous hot mix, Portland cement, concrete, or some comparable material. Such paving shall be maintained for safe and convenient use at all times.

7) Landscaping

Loading spaces visible from the street or adjoining residential properties shall be buffered by a Type C Planting Yard, as described in Figure 6 E.3.(4). The Administrator or Planning Board, as applicable, may waive this requirement depending upon the nature of the volume, size and frequency of the loading operation relative to surrounding land uses.

8) Exterior Lighting

Exterior lighting for loading areas shall comply with the standards set forth in the Lighting Regulations section of this Ordinance.

10. OFF-STREET CIRCULATION

(a) Fire Lanes

Where streets or right-of-way provide insufficient access for fire fighting, unobstructed fire lanes with a minimum width of 20 feet shall be provided adjacent to a structure’s primary entrance in accordance with the local fire code. In no instance shall this standard waive the requirement for primary drive aisles constructed in accordance with Article 6.C.10.(e) Primary Drive Aisles, when these drive aisles are required by this Ordinance.

(b) Stacking Spaces for Drive-Thru and Related Uses

In addition to meeting the off-street parking standards in Table 6.C.4.(b) Minimum Off-Street Parking Standards, uses with drive-thru facilities and other auto-oriented uses where vehicles queue up to access a service facility shall provide the minimum number of stacking/standing spaces established in Table 6.C.10.(b), Required Stacking/Standing Spaces:
### TABLE 6.C.10.(b) REQUIRED STACKING / STANDING SPACES

<table>
<thead>
<tr>
<th>USE OR ACTIVITY [1]</th>
<th>MINIMUM NUMBER OF STACKING / STANDING SPACES</th>
<th>MEASURED FROM (must be out of DOT ROW)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Automated teller machine</td>
<td>3</td>
<td>Teller machine</td>
</tr>
<tr>
<td>Automobile repair &amp; service (all types)</td>
<td>2 per bay</td>
<td>Bay entrance</td>
</tr>
<tr>
<td>Car wash, automatic</td>
<td>3</td>
<td>Bay entrance</td>
</tr>
<tr>
<td>Car wash, full service</td>
<td>4</td>
<td>Bay entrance</td>
</tr>
<tr>
<td>Car wash, self-service</td>
<td>1 per bay</td>
<td>Bay entrance</td>
</tr>
<tr>
<td>Convenience store, with gas sales</td>
<td>1</td>
<td>Each end of the outermost gas pump island</td>
</tr>
<tr>
<td>Day care center, child and adult</td>
<td>3</td>
<td>Building entrance</td>
</tr>
<tr>
<td>Drug store or pharmacy, with drive-thru service</td>
<td>4 per lane</td>
<td>Agent window</td>
</tr>
<tr>
<td>Financial institution, with drive-through service</td>
<td>4 per lane</td>
<td>Teller window</td>
</tr>
<tr>
<td>Gas sales</td>
<td>1</td>
<td>Each end of the outermost gas pump island</td>
</tr>
<tr>
<td>Nursing home</td>
<td>3</td>
<td>Building entrance</td>
</tr>
<tr>
<td>Personal services with drive-through (e.g., laundry/dry-cleaning establishment,)</td>
<td>4 per lane</td>
<td>Agent window</td>
</tr>
<tr>
<td>Restaurant, with drive-through service</td>
<td>5</td>
<td>Menu Board</td>
</tr>
<tr>
<td>Unlisted</td>
<td>Standards for uses not specifically listed shall be determined by the Administrator based on the standards for comparable uses and on the particular characteristics of the use, or alternatively, on a parking demand study submitted by the applicant.</td>
<td></td>
</tr>
</tbody>
</table>

NOTES: [1] See Table 4.G.3.1 Permitted Use Table.

(c) Stacking Lanes for Parking Lot Entrances

Nonresidential uses shall provide stacking lanes between the edge of the driveway apron adjacent to the street right-of-way and entrances into off-street parking areas in accordance with the minimum stacking lane distance established in Table 6.C.10.2 Stacking Lanes for Parking Lots:

### TABLE 6.C.10.2 STACKING LANE DISTANCES FOR PARKING LOTS

<table>
<thead>
<tr>
<th>NUMBER OF OFF-STREET PARKING SPACES</th>
<th>MINIMUM STACKING LANE DISTANCE (FEET)1</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 – 49</td>
<td>25</td>
</tr>
<tr>
<td>50 – 249</td>
<td>50</td>
</tr>
<tr>
<td>250 – 499</td>
<td>100</td>
</tr>
<tr>
<td>500 or more</td>
<td>100 feet + 15 feet for every additional 50 spaces beyond 500</td>
</tr>
</tbody>
</table>

1 Stacking lane distance is measured from the edge of the driveway apron adjacent to the street right-of-way along the centerline of the stacking lane to its intersection with the centerline of the primary drive aisle through the parking area. Stacking is defined as when vehicles are lined up back to back in an idle formation awaiting entry into a driveway or driving area. Where state standards apply to stacking distances, the more restrictive standard shall apply.
(d)  Medians in Driveway Entrances

Medians may be provided within driveway entrances provided:

1. The median is surrounded by valley or other mountable curbing;
2. No signage is included within the median;
3. Planted material within the median is limited to understory trees, shrubs, and ground cover; and
4. The minimum aisle width is maintained for each travel and turning lane.

(e)  Primary Drive Aisles

Primary drive aisles within off-street surface parking lots with 250 or more spaces shall be designed to appear as an extension of the public street network extending from the public right-of-way along the full length of the primary facades of structures being served by the drive, and shall meet the following standards:

1. Primary drive aisles shall have a maximum cross section of 38 feet to serve two travel lanes and accommodate parallel parking spaces along both sides of the drive aisle in areas not needed for turning movements;
2. Primary drive aisles shall be striped to designate parallel parking spaces, where appropriate, but in no case shall parallel parking spaces be designated within 60 feet of the primary building entrance(s);
3. Sidewalks meeting or exceeding the town’s construction standards shall be provided adjacent to the building’s front facade; and
4. Both sides of the primary drive aisle shall be given priority for canopy tree plantings in accordance with Article 6.E.4.(e) Parking Lot Plantings

(f)  Pedestrian Pathways

Off-street surface parking lots with 150 or more spaces shall provide fully-separated, improved pedestrian pathways that:

1. Are located within planted landscaping strips located a minimum of every six parking rows;
2. Include, to the maximum extent practicable, a pathway aligned with and perpendicular to the primary entrance into the building served by the parking lot;
3. Are paved with asphalt, concrete, or other comparable material;
4. Are of contrasting color or materials when crossing drive aisles;
5. Terminate at drive aisle edges;
6. Connect to all existing or planned adjacent bike/ped facilities;
7. Meet all applicable ADA requirements;
8. Are properly drained; and
9. Provide safe and efficient pedestrian access to the use they serve.
D. TRAIL AND SIDEWALK STANDARDS

1. GENERAL REQUIREMENTS

(a) Where required

Except along controlled access facilities, a sidewalk or trail shall be required along at least one side of all thoroughfares and collectors and as may be identified in any adopted special area plans, corridor plans and pedestrian/bike plans. Safe access and circulation for non-vehicular transportation modalities shall be incorporated into the design of all new roadways, and for access and circulation in and between all non-residential sites. Exceptions to this policy are that no sidewalks or trails shall be required:

(1) On lots or sites in the AG Agricultural District or RR Rural residential District, unless identified in an adopted plan as noted under B.1.a above.

(2) In cases where environmental or topographic conditions make such provision impractical; and

(3) When an in-lieu fee consistent with Section 6.B.6.(c) is determined to be appropriate by the Planning and Zoning Board.

(b) Sidewalk or Trail Determination

Generally, a sidewalk shall be the minimum requirement under this section. A trail shall be installed instead of a sidewalk in the following instances:

(1) when identified in a pedestrian, bicycle, greenway or special area or corridor plan officially adopted by the Town;

(2) when a trail along a roadway segment would connect with an existing trail along an adjoining roadway segment;

(3) when anticipated demand by bicyclists and pedestrians warrants a facility wider than a sidewalk;

(c) Side of Street to be Determined

The side of the street on which the sidewalk or trail is to be installed shall be determined by several factors, some of which may include:

(1) existing sidewalk or trail locations;

(2) environmental or topographic conditions;

(3) the number of driveway cuts existing or anticipated;

(4) the number of other obstructions, existing or anticipated, in the path of the sidewalk or trail;

(5) recommended sidewalk or trail locations as specified in special area or highway corridor plans;

(d) When Required on Both Sides of Street

Sidewalks or trails may be required on both sides of the street where a significant “pedestrian-attractive” facilities are located, where demand is apparent, or where a continuation of the existing pedestrian system is achievable. Examples where sidewalks or trails on both sides of street may be required, include:

(1) Within a 5-minute pedestrian shed surrounding:
   a. Shopping facilities
   b. Schools
   c. Parks

(2) Where pedestrian paths are worn into vegetation.
3. Placement of Sidewalk or Trail Relative to Right of Way

1. Along Roads with Curb and Gutter Sections: When placed adjoining a road with a curb and gutter, the sidewalk or trail shall be placed just behind the right of way line.

2. Along Roads with Shoulder Sections: When placed adjoining a road with a shoulder section, the sidewalk shall be placed as close to the street right-of-way line as possible, but generally behind the slope of any roadside ditch or swale.

3. Sidewalk or Trail Easement Required. A permanent easement, no less than 10 feet in width for sidewalks, and no less than 12 feet in width for trails, shall be granted to the Town for sidewalk or trail public access, should the Town or other governmental authority accept that responsibility at some point in the future. (See Article 6. B.5. below concerning Maintenance) The width of the easement may need to be increased when the width of a drainage ditch or swale, and/or topographic or other conditions warrant it.

4. Sidewalk or Trail Within the Road Right of Way. Sidewalks and trails may be constructed within a street right-of-way, provided there is sufficient width in the right of way, and that such placement is approved by the Town and NCDOT.

(f) Timing of Sidewalk or Trail Construction

Sidewalks and trails shall be constructed at the time of development of any single lot being used for commercial or institutional purposes, and for any subdivision of land into building lots for residential, commercial or institutional purposes. The developer or sub-divider shall be responsible for sidewalk and trail construction on all new streets or roads created as part of the development, and for existing streets or roads that abut the property being developed.

2. SIDEWALK DESIGN STANDARDS

(a) Sidewalks shall be at least five feet wide, and may be required to be wider to:

1. match the width of a connecting sidewalk that exceeds five feet in width;

2. meet the sidewalk width requirements as identified in a ped/bike, special area or corridor plan;

3. where a greater than average volume of pedestrian traffic is anticipated.

(b) When the trail is adjacent to or parallel to a public or private street it shall be separated from the edge of pavement a minimum of four (4) feet.

(c) Sidewalks, other than those internal to a non-residential development and not adjoining a public street, shall be constructed of concrete with a brushed finish. All such sidewalks shall be consistent with an approved Site Plan, Subdivision Plat, and with the established sidewalk patterns in the general area of the development;

(d) Pedestrian street crossings at intersections and mid-block pedestrian crossings shall be designed for safety. Such crossings shall require approval of NC DOT.

(e) When paved sidewalks are installed adjacent to parking areas, the sidewalks shall accommodate vehicular bumper overhang and be functional.

(f) All sidewalk construction shall conform with construction norms necessary to meet the American Disabilities Act (ADA) standards.

3. TRAIL DESIGN STANDARDS
All trails within the Town of Summerfield shall follow the General Design Guidelines for Summerfield Trails.

(a) Trails shall be at least eight feet wide, when possible, but not less than six, and may be required to be wider to:
   (1) match the width of a connecting trail that exceeds six to eight feet in width;
   (2) meet the width requirements as identified in a ped/bike, special area or corridor plan;
   (3) where a greater than average volume of pedestrian and bicycle traffic is anticipated.

(b) When the trail is adjacent to or parallel to a public or private street it shall be separated from the edge of pavement a minimum of six (6) feet.

(c) Trails may be constructed of concrete or asphalt or a combination of these materials, consistent with an approved Site Plan, Subdivision Plat, and with any established trail patterns in the general area of the development;

(d) Trail crossings at street intersections and mid-block locations shall be designed for safety. Such crossings shall require approval of NC DOT.

(e) When trails are installed adjacent to parking areas, the trails shall accommodate vehicular bumper overhang and be functional.

(f) All trail construction shall conform with construction norms necessary to meet the American Disabilities Act (ADA) standards.

4. SIDEWALK AND TRAIL SYSTEM CONNECTIVITY

(a) Connections to Adjoining Sidewalks and Trails
   (1) Subdivision sidewalks and trails shall connect with existing or planned sidewalks and trails at property boundaries;
   (2) New nonresidential, mixed-use, and multi-family development shall provide sidewalk and trail connections between the development and the existing or planned adjacent public sidewalk or trail system;

(b) Mid-Block Trail Connections on Long Blocks: Where a block length exceeds 2,000 feet, at least one multi-use trail (bike/ped) shall be provided midblock to connect existing or future parallel sidewalks, trails, and/or streets on the long side of the block.

(c) Cul De Sac Trail Connections: Whenever cul-de-sac streets are created, and the head of the cul de sac is proximate to another new street, at least one twelve-foot-wide access easement for a multi-use trail shall be provided, between each cul-de-sac head or street turnaround and the sidewalk/trail system of the proximate other new street.

5. SIDEWALK AND TRAIL SYSTEM MAINTENANCE

For all sidewalks and trails located outside the public street right-of-way, maintenance of the sidewalk/trail network in a residential development shall be the responsibility of the appropriate Owners Association; for a non-residential development, maintenance shall be the responsibility of the property owner. Trails located within public street right-of-way may be maintained by the Jurisdiction (e.g. Town, County, or NC DOT) maintaining the public street, subject to the Jurisdiction’s approval. If the Jurisdiction cannot or will not assume maintenance, the Owners Association or property owner, as applicable, shall be responsible for maintenance.

6. EXCEPTIONS TO SIDEWALK AND/OR TRAIL REQUIREMENTS
(a) General

An applicant or developer may request the ability to provide payment-in-lieu for all or a portion of the required sidewalks or trails in accordance with this section. The payment of fees, in-lieu of installing a required public sidewalk or trail, may occur with approval of the Administrator, upon finding that:

(1) Alternate on-site sidewalks and/or trails, such as public greenways or multiuse paths, are adequate; or

(2) The right-of-way, developing lot, or lot abutting a proposed sidewalk or trail is not suitable for sidewalks or trails due to floodplains, wetlands, riparian buffers, required tree canopy retention areas, slopes exceeding 25 percent, or other unique site conditions.

(b) Procedure for Approval

The payment of such fees in-lieu shall be reviewed and approved as part of the Site Plan approval (Article 3. B.5.) or Final Plat approval (Article 3. B.6. (n)) as appropriate. Any applicant proposing to make such payment shall attach a letter to the Administrator requesting the payment of fees in lieu of installing the sidewalk or trail. Upon receipt of the application, the Administrator shall review the request. In the event of a dispute between an applicant who wants to make payment in-lieu, and a recommendation by the Administrator that sidewalks or trails should be provided, the Board of Adjustment shall make the final determination based upon findings of fact related to criteria set forth in Section 3.B.18 Appeals.

(c) Payment in Lieu for Trails and Sidewalks

(1) Time of Payment: The fees in-lieu of sidewalks or trails shall be paid prior to recording the Final Plat, or if no Final Plat is required, prior to the issuance of a Development Clearance Certificate (Section 3.B.12) for a nonresidential or mixed-use development.

(2) Amount of Payment: Where the payment of fees to the Town is to be made in-lieu of installing a sidewalk or trail as permitted by this subsection, the Administrator shall verify the cost estimate for installing the improvements in accordance with the adopted fee schedule, as amended.

(d) Use of Funds

Fees received in accordance with this subsection shall be used only for the development of new sidewalks and trails.
E. CONSERVATION AREA AND OPEN SPACE REQUIREMENTS

1. PURPOSE AND INTENT

The purpose of this section is to:

(a) Establish the standards under which new residential, new nonresidential, and new mixed-use development shall set aside a portion of the development area as conservation and open space set-aside lands for the retention and protection of natural resources (e.g., specimen trees, mature hardwood forests, wetlands, riparian areas, and other significant resources), and other lands;

(b) Set out the minimum ownership and maintenance standards for open space set-asides;

(c) Describe the procedure for determining the composition of open space set-aside lands;

(d) Set out the maximum requirements for the provision of open space set-aside lands; and

(e) Provide the option for payment of a fee-in-lieu for the provision of open space set-asides on small sites.

(f) Maintain open spaces that ensure opportunities for people to connect to the outdoors and to one another, encouraging citizens to understand and appreciate conservation principles.

(g) Ensure a built environment that is sensitive to existing and potential habitats in the area.

2. APPLICABILITY

(a) General

Unless exempted, the provisions of this section shall apply to development of all land in the town subject to a Master Plan (Article 3.B.4), Site Plan (Article 3.B.5), Preliminary Subdivision Plat (Article 3.B.6) or Building Permit (Article 3.B.11) as appropriate.

(b) Exemptions

Agricultural uses and a single-family detached or attached dwelling or two- to four-family dwelling on a platted lot in existence on _______ (effective date of this Ordinance) shall be exempt from the standards in this section.

3. OPEN SPACE SET-ASIDE STANDARDS

(a) Residential Open Space Set Aside Required

(1) Residential development shall provide at least the minimum amounts of open space set-aside identified in Table 6.E.3(a) Residential Open Space Set-Aside Standards, below:

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Allowable Number of Lots</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Less than 5</td>
</tr>
<tr>
<td>RS-30</td>
<td>Not Required</td>
</tr>
<tr>
<td>RS-40</td>
<td>Not Required</td>
</tr>
<tr>
<td>OSRD/OSMU</td>
<td>Not Required</td>
</tr>
<tr>
<td>RR</td>
<td>Not Required</td>
</tr>
<tr>
<td>AG</td>
<td>Not Required</td>
</tr>
</tbody>
</table>
(2) **Calculation of Allowable Number of Lots**: The maximum number of lots/dwelling units shall be determined as follows:

a. Calculate the gross acreage of the tract, excluding any existing street right-of-way;

b. Multiply the remaining acres by 0.73. Then round up if resulting number has a fraction greater than 0.5.

c. This is allowable maximum number of building lots.

(3) **Calculation of Open Space Requirement**: To calculate Open Space requirement, determine the allowable number of lots, then multiply the number of gross acres by the percentage from the appropriate table line.

(4) **EXAMPLE Calculations of Number of Lots and Open Space**: For a fifty (50) acre tract with five-hundred (500) feet of existing roadway plus seven-hundred (700) feet of proposed roadway:

roadway based on sixty (60) foot right of way

allowable number of lots = \((50 - 0.69) \times 0.73\) = 36 lots

required open space = \((50 - 1.65) \times 15\%) = 7.3\) acres

(5) **Open Space Buildable Area Requirement**: At least 50% of open space dedication requirement must be land that is buildable by the Summerfield and Guilford County standards.

(b) **Specific Non-Residential Open Space Set Aside Not Required**

Non-residential development shall not be required to set aside a specific percentage of lot area in open space. Rather, open space will be provided:

1. as a result of the several environmental and development standards required for all non-residential development in Summerfield. These include, for example, watershed development restrictions, conservation area requirements, and various buffering standards;

2. as a result of features and elements identified on a Resource map; and,

3. as a result of landscaping and buffering requirements, particularly when existing vegetation is incorporated into site designs.

(4) **Open Space Buildable Land Area Requirement**: At least 50% of open space dedication requirement must be land that is buildable by the Summerfield and Guilford County standards.

(Questions:

4. **QUALIFYING OPEN SPACE AREAS**

(a) **Designation of Primary and Secondary Conservation Areas**

Areas suitable for conservation and open space set asides shall be identified during the Resource Mapping requirement for specified development types. (see Article 3.B through E. Open Spaces) established around resources include two categories of conservation areas, as well as other public and private open space.

Conservation areas are described under Article 6.7 and consist of (1) Primary Conservation Areas and (2) Secondary Conservation Areas. In identifying such areas, the intent is to prohibit most disturbance within all Primary Conservation Areas and to avoid or minimize disturbance in Secondary Conservation Areas. Areas identified as Primary and Secondary conservation areas are not eligible for fee in-lieu of an open space set-aside for residential or mixed-use development requiring subdivision.
Other open space areas are described under Article 6.7 and consist of (1) Areas that receive full credit toward meeting the open space requirement, (2) Areas that receive partial credit toward meeting the open space requirement, and (3) Areas that receive one and half times the open space requirement.

In identifying such areas, the intent is to maintain Community Character and support Park and Recreation Improvements according to the policies of the Town of Summerfield Comprehensive Plan.

(b) Prioritization of Open Space Resource Set-Asides

Areas preserved as Open Space shall be prioritized as follows: The first areas preserved as Open Space shall be those areas located within a Primary Conservation area. If additional acreage is needed to meet required Open Space, then Secondary Preservation areas will be preserved, followed by recreational areas.

(c) Primary Conservation Areas Identified

Primary Conservation Areas include sensitive environmental features, cultural resources, and/or roadside buffers considered to be essential to preserving the natural, cultural or rural environmental value of the community. As such, they are the first type of open space designated on a submitted plan to satisfy the minimum open space requirements of this ordinance. Primary Conservation Areas consist of the following site features:

(1) Wetlands, including, but not limited to, steams, creeks, ponds, reservoirs, stormwater management facilities for watershed protection purposes, and adjoining land areas as identified by, but not limited to:
   a. The National Wetlands Inventory Maps for Guilford County, NC prepared by the U.S. Fish and Wildlife Service;
   b. The Guilford County, NC Soil Survey prepared by the USDA Soil Conservation Service;
   c. The Natural Heritage Inventory of Guilford County, NC as prepared by the Piedmont Land Conservancy;
   d. A required Environmental Assessment or Environmental Impact Statement; and/or
   e. A site analysis conducted by a registered engineer, land surveyor, landscape architect, architect, or land planner using data from the U.S. Army Corps of Engineers.

(2) Floodplains (100 year) and Alluvial Soils as identified by, but not limited to:
   a. The Flood Insurance Study: Guilford County, NC prepared by the federal Emergency Management Agency (FEMA);
   b. The Guilford County, NC Soil Survey prepared by the USDA Soil Conservation Service; and/or

(3) Steep Slopes, defined as those greater than 15 percent, as identified by, but not limited to:
   a. The Guilford County, NC Geographic Information System Digital Elevation Model Maps; and/or
   b. A site analysis by a registered engineer, land surveyor, landscape architect, architect or land planner and calculated using topographic maps from an actual survey or from the U.S. Geological Survey.
   c. Exemptions: Steep Slopes may be disturbed with the approval of Low Impact site designs and protective measures for clearing, grading, and stabilization.

(4) Wildlife Habitats, Corridors, and Managed Areas as identified by, but not limited to:
(5) **Historic and Archeological Sites** listed on the National Register of Historic Places or included on the State’s National Register study list, designated as a local historic landmark, designated as a local historic district, and/or identified as having high potential for archaeological remains are identified by, but not limited to:

a. The Historic Architecture inventory of Guilford County, NC;

b. A required Environmental Assessment or Environmental Impact Statement; and/or,

c. An independent site study conducted by a trained architectural historian or archaeologist.

(6) **Lands located within Zone 1 of all Jordan Lake Watershed Riparian Buffers**, i.e. within thirty (30) feet of certain designated water bodies and perennial and intermittent streams and as more fully described in Article 9.D.7.(d)(1).

(7) **Rural Character Roadside Buffers**, with standards as follows:

a. buffers are to be a minimum of fifty (50) feet in depth, as measured from the right of way line;

b. buffers are to be occupied by existing or planted canopy-type trees, indigenous to the area, at the rate of not less than four trees per 100 linear feet of roadway frontage (more are preferred). It is preferred that trees be clustered or randomly spaced rather than occurring in a uniform, urban street tree pattern;

c. buffers are not intended to create an opaque wall of vegetation along the road side but rather a “veil of trees along the road” when looking side to side, while providing for the appearance of a wooded roadway corridor when looking down the length of the roadway.

d. buffers may be disturbed only for driveway access and a single pedestrian sidewalk or trail placed in a winding fashion among the trees.

e. buffers are to be preserved or planted along all sections of major and minor thoroughfares that are undeveloped as of the effective date of this ordinance. Where such buffers are required, street yard planting requirements are waived.

f. In the event of unusual topography or elevation of a development site, or other unusual condition of the site, would make strict adherence to the roadside buffering requirements serve no meaningful purpose or would make it physically impossible to install and maintain the required buffer, the Administrator, or the Planning Board, as applicable, may alter the roadside buffering requirement as long as the existing features of the development site comply with the spirit and intent of the buffering requirement. Such an alteration may occur only at the request of the property owner who shall submit a plan to the Town showing existing site features that would serve the roadside buffering purpose and any additional buffer materials the property owner will plant or construct to satisfy the intent of the roadside buffer.

(8) **Rural Character Site Features:**
a. Open Space Set-Asides may incorporate and receive open space credit for preserving the following site features:
   i. Farm house or “home place”; farm structures, and other historical structures or archaeological areas;
   ii. Wood post fences, stone rows, and tree lines; and
   iii. Farm roads.

b. Rural character site features may be credited as open space under the provisions of this section or included in a lot or lots provided that the area(s) or structure(s) are identified on the required plans as submitted (and protected through zoning conditions).

c. The location of farm roads should be used as driveway access to dwelling units or as street access into the development, where feasible.

d. In the case of linear site features, such as farm roads and fences, the area credited shall be determined by a feature “right of way” extending five feet on either side of the feature.

9) Scenic Views, especially of natural and cultural features from designated scenic road corridors, including views from the road seen through the required roadside buffer, as well as views outward from potential home sites.

(d) Secondary Conservation Areas Identified

Secondary Conservation Areas include environmental features and/or cultural resources that, while not as critically significant as Primary Conservation Areas, are nonetheless deserving of special consideration in the development process. Secondary Conservation Areas consist of the following site features:

(1) Natural Areas, Natural Element Occurrences, Wildlife Habitats and Corridors, and Managed Areas as identified by, but not limited to:
   a. North Carolina Natural Heritage Program Conservation Data, as described in the Green Growth Toolbox Handbook, other than data rated “Very High”; and or;
   b. An independent site study conducted by a trained botanist and/or biologist.

(2) Woodlands, including forest land for the planting and production of trees and timber, where management practices such as selective timber harvesting and wildlife enhancement are employed. Such woodlands may consist of hardwood, pine, and/or mixed pine hardwood forests as identified by, but not limited to:
   a. A site analysis by a registered engineer, land surveyor, landscape architect, architect or land planner using aerial photographs and/or satellite imagery;
   b. A required Environmental Assessment or Environmental Impact Statement; and/or
   c. An independent site study conducted by a trained botanist and/or forester.

(3) Farmland, especially prime agricultural land identified by, but not limited to:
   a. The USDA Soil Conservation Service and which are in active use for the production of crops and/or raising livestock.
   b. Farmland also includes space on individual lots used for gardens, ponds, paddocks and barns, and similar uses.

(4) Active pasture Land
(5) **Slopes** which require special site planning due to their erosion potential, limitations for septic tank nitrification fields, and terrain or elevation changes. Such areas may be suitable for building, but higher site preparation and construction costs are to be expected.

(6) **Historic and/or archaeological sites** identified by the Town of Summerfield. Areas representative of area settlement patterns verified and approved by the Town of Summerfield are also included in this category.

(7) Public and/or private facilities, including:
   a. Septic tank nitrification fields, but such fields can only make-up twenty-five (25) percent of the total open space dedication.

(8) Lands located within Zone 2 of all Jordan Lake Watershed Riparian Buffers, i.e. within a band of property located no closer than thirty (30) feet and no farther than fifty (50) feet of certain designated water bodies and perennial and intermittent streams and as more fully described in Article 9.D.7.(d)(2).

Secondary Conservation Areas may be comprised of any of the remaining open space uses identified above, and, unless specified otherwise, receive full credit toward meeting the minimum open space requirement in developments.

(e) **Other Open Space Areas Identified**

Open Space for Summerfield includes features and resources that, while not necessary for the preservation of protected environmental and cultural features, are nonetheless representative of the character of the community and deserve special consideration in the development process. Areas designated as non-conservation open space shall be determined to meet the policies of the town of Summerfield Comprehensive Plan for Parks and Recreation, and Community Character to receive credit toward meeting the open space requirement.

(1) The following site features will receive full credit toward meeting the open space requirement:
   a. Trails and greenways. Trail corridors designed and dedicated for public use receives full credit toward meeting the minimum open space requirement for the acreage. Credit is calculated by multiplying the trail length by the width of the easement dedicated to the public.
   b. Undeveloped open spaces left to a natural, unfragmented state.
   c. Picnic areas.
   d. Community commons or greens.
   e. Linear parks along natural features such as river and creek floodplain in excess of buffer requirements.
   f. Recreational areas where resource conservation is one of the primary management goals. These areas are identified, and management goals set forth in recorded covenants for the development. Management goals must be approved by [ ].

(f) **Special Purpose Lots (i.e. Sewage Treatment. Community Wells)**

Special Purpose Lots or easements designated for off-site sewage treatment, community well recharge areas and community sewage treatment shall be used as a last resort and shall not comprise more than 25% of total required open space acreage. Septic areas or septic easements shall not be located in Primary Conservation Areas as set forth and provided in Article 6.D.4.(c).

5. **AREAS NOT CREDITED TOWARD OPEN SPACE:**

Areas not credited toward meeting the minimum open space requirement include:
(a) Active recreation areas such as golf courses, playing fields, playgrounds, swimming pools, and courts for tennis, basketball, volleyball, and similar sports and accessory structures. This is because they represent uses in which natural lands are cleared, graded, and managed for intensive activities.

(b) Private yards not subject to an open space or conservation easement;

(c) Public street rights-of-way or private street easements;

(d) Open parking areas and driveways for dwellings;

(e) Land covered by structures;

(f) Designated outdoor storage areas;

(g) Cul-de-sac islands and development entrance islands;

(h) Long narrow segments, unless part of a trail or stream greenway corridor. The shape of open space areas will be reasonably contiguous and coherently configured. Open Space is encouraged to abut existing or potential Open Space on adjacent properties or phases.

6 PROVISION IN MULTI-PHASE DEVELOPMENTS

(a) Multi-phase development shall preserve open space set-asides in phases, so that the first phase of development does not contain 100 percent of the open space allotted for the entire development, but does contain, at a minimum, its pro rata share of the total amount of required open space set aside.

(b) Open space set-asides shall be apportioned among phases such that the total amount of open space set aside in a phase and any previously approved phases meets the open space set-aside standard as applied to the total area of the phase and previously approved phases.

8. OWNERSHIP OF OPEN SPACE SET-ASIDES

(a) Homeowners or Property Owners Association.

Wherever possible, all open space set-aside areas shall be owned jointly or in common by the owners of the development through a recognized homeowners or property owner’s association, which should be established in accordance with the following:

(1) The landowner shall submit documents for the creation of the homeowners or property owner’s association to the Administrator for review and approval, including the association’s bylaws, all documents governing ownership, maintenance, and use restrictions for the open space set-aside, and a legal description of open space set-aside areas.

(2) The landowner shall agree that the association shall be established by the landowner or applicant and shall be operating (with financial subsidization by the owner or applicant, if necessary) before approval of the first subdivision Final Plat or Building Permit, whichever occurs first.

(3) Membership in the association shall be automatic (mandatory) for all purchasers of land, dwelling units, or structures in the development, and their successors in title.

(b) Town of Summerfield

Open space set-asides may be dedicated to the Town of Summerfield with the recordation of the first phase of development, and if first accepted by the Town Council in a public hearing. (See Article 6.D.9 Public Dedication of Open Space)

(c) Nonprofit Organization.

The landowners may decide to convey open space set-aside to a nonprofit organization such as a land trust or land conservancy for management and maintenance if the Town is provided adequate assurance the set-aside will be properly managed and maintained.
(d) **Agricultural Use**

Land designated for agricultural use only may be held in private ownership or by an owner’s association with a Town Council approved conservation easement.

8. **PUBLIC DEDICATION OF OPEN SPACE:**

If the land owner proposes a public dedication of open space within the development, the following standards apply:

(a) The Town Council will hold a separate public hearing (after any applicable zoning hearing) on the suitability of the proposed land dedication. This review will include, by way of example, but is not limited to the following:

   (1) Accessibility;
   (2) Conservation goals of the Town;
   (3) Recreation goals of the Town;
   (4) Conformance with any adopted trail, greenway, conservation, or recreation plans or maps adopted by the Town Council;
   (5) Community impact to both new development and existing nearby development.

(b) The Town Council may require review of the property by any appointed Committee of the Town, by way of example, but not limited to, the Trails and Open Space Committee.

(c) The Town Council must accept ownership of the property within three (3) years of platting any phase of the development that includes an offer of public dedication. If the Town Council does not accept the offer, then the property reverts to the ownership of the Homeowners’ Association. The Town Council may extend this decision for up to two (2) years, but only after a public hearing is held to determine the reason why the decision should be delayed.

(d) If the property is suitable for active recreation, a master plan for park development must be instituted within two (2) years of acceptance of the property by the Town Council. Active recreation planning must take into account the nature of the protected land and the neighborhood in which it is located so as not to impact the community unnecessarily.

9. **MAINTENANCE OF OPEN SPACE SET-ASIDES**

The owner of the land shall be responsible for maintenance of all open space set-aside areas. Failure to maintain open space set-aside areas or other community facilities in accordance with the approved Master Plan (Article 3.B.4), Site Plan (Article 3.B5) or Final Plat (Article 3.B.6) shall be a violation of this Ordinance subject to the remedies and penalties in Article 10 Enforcement.

10. **OPEN SPACE SET-ASIDE FEES-IN-LIEU**

(a) **Generally**

The payment of fees in-lieu of open space set-aside may be accepted at the request of the developer in-lieu of an open space set-aside for residential or mixed-use development requiring subdivision in accordance with **Section [Section]**. Open Space Set-Aside, with approval of the Town Council, as appropriate, on a finding that:

   (5) The open space set-aside needs of the proposed development do not include primary or secondary conservation areas.
   (6) The open space set-aside needs of the proposed development can be met by other acquisition of open space sites by the Town, within reasonable proximity to the development.
(b) Procedure for Approval

(1) The payment of such fees in-lieu of open space set-aside shall be reviewed and approved as part of a Master Plan, Preliminary Plat, or Site Plan, as appropriate. Any developer desiring to make such in-lieu fee payment shall attach a letter to the Town Manager requesting the payment of fees in-lieu of open space set-aside.

(2) Upon receipt of the application, the town Manager shall review the request and submit any and all recommendations concerning the payment of fees in-lieu of set-aside to the Town Council.

c) Time of Payment

The fees-in-lieu of set aside shall be paid prior to recording the first Final Plat for the subdivision or approval of a Certificate of Occupancy for the development to which the fees relate.

d) Amount of Payment

(1) Where the payment of fees to the Town is to be made in-lieu of set-aside, the developer shall provide to the Town, at the developer’s cost, the assessed value of the land to be developed and the land that would be required to be set-aside in accordance with Article X.

(2) The documentation of the land’s assessed value, along with other evidence that, in the Town’s opinion, aids in the determination of assessed value of the land required to be set-aside may be used in the determination of the amount of a payment in-lieu.

(3) The Town Council, as appropriate, shall determine the in-lieu fee based upon this material and any other relevant information.

e) Use of Funds

In-lieu fees received in accordance with this subsection shall be used only for the acquisition of open space sites that serve the subdivision development consistent with the requirements of NCGS Section 160A-372(c).

F. LANDSCAPING REQUIREMENTS

1. APPLICABILITY

(a) Exemptions: These requirements shall not apply to:
(1) Single family detached dwellings or two-family dwellings on their own lots;

(2) Properties lines abutting railroad rights-of-way and utility easements in excess of sixty (60) feet in width; and

(3) Property lines abutting dedicated street right-of-way which has remained unopened for a period of at least fifteen (15) years shall be reviewed by the Administrator.

(4) Property lines abutting a roadway where a roadside buffer is provided in accordance with the open space standards of Article 6.D.4.(c)(7).

(b) Exceptions to Buffering for Large or Unusual Properties

In the event of unusual topography or elevation of a development site, the size of the parcel to be developed, the soil or sub-surface condition of the site would make strict adherence to the requirements of this section serve no meaningful purpose or would make it physically impossible to install and maintain the required buffer plantings, the Administrator, or the Planning Board, as applicable, may alter the requirements of this section as long as the existing features of the development site comply with the spirit and intent of the buffering requirement. Such an alteration may occur only at the request of the property owner who shall submit a plan to the Town showing existing site features that would buffer or screen the proposed use and any additional buffer materials the property owner will plant or construct to buffer the proposed use.

Note: This provision was also added to the roadside buffer section as requested.

(c) Application: These requirements shall apply to the following:

(1) New Principal Building or Use: Principal buildings or open uses of land constructed or established after the adoption of this Ordinance.

(2) Changes in Use: Changes in use which result in an increase of two (2) or more in the Land Use Classification number. The requirements of this Section shall be applicable to the entire zone lot.

(3) Expansions or Reconstruction: Expansions which will result in a parking or building square footage increases of more than three thousand (3,000) square feet for developments existing on the effective date of this Ordinance. In such cases the landscaping requirements shall apply only to the expansion.

(d) Reduction in Parking Requirements for Pre-Existing Developments: To allow compliance with the landscaping regulations, the number of required off-street parking spaces may be reduced by the Administrator up to ten (10%) percent.

2. PLANTING YARDS

(a) Required Planting Areas: The following areas are required to be landscaped:

(1) Street planting yards (not applicable where a roadside buffer is provided in accordance with the open space standards of Article 6.D.4.(c)(7));

(2) Planting yards; and,

(3) Parking lots

(b) Planting Area Descriptions:

(1) Street Planting Yard: A planting area parallel to a public street designed to provide continuity of vegetation along the right-of-way and a pleasing view from the road. No more than fifteen (15%) percent of the street planting yard may be used for walkways or signs. Parking merchandise display and off-street loading are prohibited in the street planting yard. See Figure 6.E.3.(1).
(2) **Type A Planting Yard:** A high density screen intended to block substantially visual contact between adjacent uses and create spatial separation. A type A Planting Yard reduces lighting and noise which would otherwise intrude upon adjacent uses. See Figure 6.E.3.(2)

(3) **Type B Planting Yard:** A medium density screen intended to partially block visual contact between uses and create spatial separation. See Figure 6.E.3.(3)

(4) **Type C Planting Yard:** A low density screen intended to partially block visual contact between uses and create spatial separation. See Figure 6.E.3.(4)

(5) **Type D Planting Yard:** A peripheral planting strip intended to separate uses, provide vegetation in densely-developed areas and enhance the appearance of individual properties. See Figure 6.E.3.(5).

(6) **Parking Lot Plantings:** Planting areas within and adjacent to parking areas designed to shade and improve the attractiveness of large areas of pavement. See Figure 6.E.4.(1).

3. **PLANTING YARD DETERMINATION**

To determine the planting yards required by this Ordinance, the following steps shall be taken:

(a) Identify the classification of the proposed or expanded land use and of any existing or proposed adjacent land use(s) by using Table 4.G.3.1 Permitted Use Table. A land use becomes existing on an adjacent property when a building permit is issued. If a zone lot contains uses with different land use classifications, select the higher numbered classification, then

(b) Use the Planting Yard Chart, Table 6.E.3.1, to determine the appropriate letter designation for each planting yard, then

(c) Match the letter designation obtained from the Planting Yard Chart with the Planting Rate Chart, Table 6.E.3.2, to determine the types and numbers of shrubs and trees required.

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<tr>
<th>Existing Adjacent Use(S)</th>
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<th>2</th>
<th>3</th>
<th>4</th>
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<tr>
<th>Yard Type</th>
<th>Minimum Widtha (ft.)</th>
<th>Min. Avg. Widtha (ft.)</th>
<th>Maximum Width (ft.)</th>
<th>Canopy Tree Rate</th>
<th>Understory Tree Rate</th>
<th>Shrub Rate</th>
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</tbody>
</table>
Article 6: General Development Standards

Street Yard | 8 | 8 | 25 | 2/100 1f | NA | 17/100 If
Type A Yard | 40b | 50b | 75 | 4/100 1f/oc | 10/100 1f/oc | 33/100 If/oc
Type B Yard | 25b | 30b | 50 | 3/100 1f | 5/100 1f | 25/100 If
Type C Yard | 15b | 20b | 40 | 2/100 1f | 3/100 1f | 17/100 If
Type D Yard | 5 | 5 | 10 | - | 2/100 1f | 18/100 If
Parking Lot | NA | NA | NA | 1/12 parking | NA | NA

If: linear feet  oc: on center

a Minimum Width and Minimum Average Width Explained: The minimum width is not intended nor permitted to be applied along the entire length of a required planting yard. Rather, it is the smallest width allowed at any point along the yard as installed. The minimum average width is determined by averaging the width of the planting yard along its entire length. Thus, if a planting yard is 25 feet wide for half its length and 15 feet wide for the other half of its length, the minimum average width for that yard as installed would be calculated as 20 feet (i.e. 25' + 15' = 40' / 2 = 20'). This example would satisfy the dimensional requirements for a Type C planting yard.

b Walls, a minimum of five (5) feet in height, constructed or masonry, stone, or pressure treated lumber or an opaque fence, a minimum of five (5) feet in height, may be used to reduce the widths of the planting yards by ten (10) feet.

c In streetyards, Type C and Type D planting yards, and parking lots understory trees may be substituted for canopy trees at the rate of two (2) understory trees for each required canopy tree.

d One understory tree may be substituted for each required canopy tree if the Administrator determines that there would be a major conflict with overhead utility lines.

Note: On lots of record less than fifty-five thousand (55,000) square feet in area, no development shall be required to place required landscaping on greater than fifteen (15%) percent of the site.

Figure 6.E.3.1 STREET PLANTING YARD

- 8' minimum average width, 25' maximum width
- 2 canopy trees per 100'
- 17 shrubs per 100'
Figure 6.E.3.2 TYPE A PLANTING YARD

- 50’ minimum average width, 75’ maximum width
- 3 canopy trees per 100’
- 10 understory trees per 100’
- 33 shrubs per 100’

Figure 6.E.3.3 TYPE B PLANTING YARD

- 30’ minimum average width, 50’ maximum width
- 3 canopy trees per 100’
- 5 understory trees per 100’
- 25 shrubs per 100’
Figure 6.E.3.4 TYPE C PLANTING YARD

- 20' minimum average width, 40' maximum width
- 2 canopy trees per 100'
- 3 understory trees per 100'
- 17 shrubs per 100'

Figure 6.E.3.5 TYPE D PLANTING YARD

- 5’ minimum average width, 10’ maximum width
- 2 understory trees per 100'
- 18 shrubs per 100’
4. LANDSCAPING DESIGN AND MAINTENANCE STANDARDS
(a) **Calculation of Street Planting Yards:** Street planting yard rate and width calculations shall exclude access drives.

(b) **Plant Species:** Species used in required street planting yards, parking lots and planting yards shall be of a locally adapted nature. Refer to the recommended plant materials lists in the current Guilford County Landscape Manual available at the Town offices. Other species may be approved by the Administrator.

(c) **Dimension of Planting Areas:** Each freestanding planting island containing trees, including those located in parking lots, shall have a minimum inside dimension of seven (7) feet and be at least two hundred (200) square feet in area.

(d) **Grouping:** For the Type B, C, and D planting yards, shrubs and trees may be grouped or clustered; however, not more than fifty (50%) percent of each required plant material may be grouped or clustered. The remainder of the materials shall be distributed throughout the planting yard. There shall be at least one row of evergreen shrubs or evergreen understory trees in all Type A planting yards.

(e) **Parking Lot Plantings:** Required canopy tree areas shall be distributed throughout parking lots and shall be located within or adjacent to parking lots as tree islands, at the end of parking bays, medians, or between rows of parking spaces. See Figure 6.E.4.1.

![Figure 6.E.4.1 PARKING LOT PLANTINGS](image)

- 1 canopy tree for every 12 parking spaces
- The illustration above shows examples of possible arrangements.
- Note the walkway provided within the central planting median.

(f) **Canopy Tree Size:** Canopy trees must be a minimum of eight (8) feet high and two (2) inches in caliper, measured size (6) inches above grade, when planted. When mature, a canopy tree should be at least forty (40) feet high and have a crown width of thirty (30) feet or greater.
Understory Tree Size: Understory trees must be a minimum of four (4) feet high and one (1) inch in caliper, measured six (6) inches above grade, when planted.

Shrub Size: All approved shrubs shall be installed at a minimum size of eighteen (18) inches, spread or height and are expected to reach a minimum height of thirty-six (36) inches, and a minimum spread of thirty (30) inches within three (3) years of planting.

Berms: Berms may be used in an alternate planting plan as a substitute for some plant materials, subject to approval of the Administrator or Summerfield Planning Board, as authorized.

Wall Planters: Wall planters shall be constructed of masonry, stone, or pressure treated lumber stamped for ground contact (AWPB LP-22 1980 or equivalent). The minimum height of the wall planter shall be thirty (30) inches. The minimum height of shrubs in the wall planter shall be six (6) inches. The effective planting area of the wall planter shall be four (4) feet in width. If the wall planter is to contain trees, the effective planting width shall be seven (7) feet.

Encroachments Permitted in Required Planting Yards: The following are permitted in required planting yards provided the landscaping requirements are met and 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. Ornamental entry columns and gates, flag poles, lamp posts, address posts, pumps, wells, fences, retaining walls, or similar structures.
3. Permanent runoff control structures. Such structures may project into the buffer for no more than 50% of the buffer width. In addition, landscape screening must be part of the design of the runoff control structure. (e.g. trees planted in a rain garden.)

Fence Location within Required Planting Yards: The setback of fences within a required planting yard shall be subject to the approval of a landscaping plan.

Setback Less than Planting Yard: If the required building setback is less than the required planting yard, the building setback shall control, reducing the required planting yard width only alongside the building. The planting rate of the required planting yard shall still apply.

Location of Planting Material Outside Shade of Building: Where a building is located less than ten (10) feet from a property line, and the planting yard would be heavily shaded by buildings on both sides of the property line, the required trees and shrubs may be planted outside the shaded area to improve survivability.

Obstructions: Landscaping shall not obstruct the sight lines for safe movement of motorists, bicyclists and pedestrians using any street, driveway, parking aisle, bikeway or pathway.

Location: Required trees and shrubs shall not be installed in street rights-of-way. Required trees and shrubs may be placed in water quality conservation easements. Required trees and shrubs may be planted in electric utility easements below overhead lines and in drainage maintenance and utility easements by approval of the Administrator.

Plant Protection: Whenever planting areas are adjacent to parking lots or drives, the planting areas shall be protected from damage by vehicles, lubricants or fuels.

Maintenance: The owner is responsible for maintaining all required plant materials and planting areas in good health and appearance. Any dead, unhealthy or missing plants must be replaced within one (1) year with vegetation which conforms to the initial planting rates and standards. When plant material is severely damaged due to unusual weather conditions or other acts of God, the owner shall have two (2) years to replant.
5. PROCEDURES

(a) Landscaping Plan Required: Prior to obtaining a building permit, an applicant must receive approval of a landscaping plan from the Administrator and the Summerfield Planning and Zoning Board, as authorized under Article 2. Site plans submitted in accordance with Article 3.B.5 may include a conceptual landscaping plan and delay submission of the landscaping plan for up to ninety (90) days after issuance of the building permit.

(b) Installation of Plant Materials

1. Installation of plant material shall occur prior to the issuance of a Certificate of Occupancy.

2. If at the time of a request for a Certificate of Occupancy, the required planting areas are not complete, and it can be determined that:
   a. plant materials are unavailable,
   b. completion of the planting areas would jeopardize the health of the plant materials, or
   c. weather conditions prohibit completion of the planting areas, then the installation of plant materials may be deferred by the Administrator or the Summerfield Planning and Zoning Board, as authorized under Article 2. The developer shall submit a copy of a signed contract for installation of the required planting areas and must be required to post a surety bond equal to the amount of the contract. In no instance shall the surety be for a period greater than one-hundred and eighty (180) days. The Town Manager may issue a Temporary Certificate of Occupancy but shall not issue a Certificate of Occupancy until the planting areas have been completed and approved.

6. ALTERNATE METHODS OF COMPLIANCE

(a) General Provisions:

1. Alternate landscaping plans, plant materials or planting methods may be used where unreasonable or impractical situations would result from application of landscaping requirements. Such situations may result from utility easements, streams, natural rock formations, topography, lot configuration, or where other physical conditions exist, or where other site conditions exist such as unified development design.

2. The Administrator may approve an alternate plan that proposes different plant materials, planting yard widths, or methods provided that quality, effectiveness, durability and performance are equivalent to that required by this division.

3. The performance of alternate landscaping plans must be reviewed by the Administrator to determine if the alternate plan meets the intent and purpose of this division. This determination shall take into account the land use classification of adjacent property, number of plantings, species, arrangement and coverage, location of plantings on the lot, and the level of screening, height, spread, and canopy of the plantings at maturity. See Landscaping Article 6F.

4. Decisions of the enforcement officer regarding alternate methods of compliance may be appealed to the governing body.

(b) Lot of Record Provisions: For zone lots less than one hundred (100) feet in width the following provisions may be applied:

1. For zone lots less than 100 feet and greater than 80 in width where type may be eliminated from the landscaping plan if the enforcement officer finds that strict application of the requirements of this section prevents reasonable use of the property. However, the plantings required for this yard shall be installed in remaining planting yards.
For zone lots less than 80 feet in width may be eliminated from the landscaping plan if the administrator finds that strict application of the requirements of this section prevents reasonable use of the property. All required plants for these yards shall be installed in remaining planting yards.

7. PROVISIONS FOR PRESERVATION OF EXISTING TREES

(a) General: Any existing tree or group of trees which stands within or near a required planting area and meets or exceeds the standards of this division may be used to satisfy the tree requirements of the planting area. The protection of tree stands, rather than individual trees, is strongly encouraged.

(b) Protection of Existing Trees: To receive credit, trees must be protected from direct and indirect root damage and trunk and crown disturbance. The following standards shall apply:

1) The protected area around trees shall include all land within the canopy drip line.

2) Construction site activities such as parking, material storage, soil stock piling and concrete washout shall not be permitted within tree protection areas.

3) Protective fencing shall be installed around tree protection areas prior to any land disturbance. Such fences shall be at least four (4) feet high and may consist of snow fence or polyethylene safety fencing. Fencing shall remain in place until construction is complete and other landscaping has been installed.

(c) Dead or Unhealthy Trees: No credit will be allowed for any dead tree, any tree in poor health or any tree subjected to grade alterations. The death of any tree used for preservation credit shall require the owner to plant new trees equal to the number of credited trees.

(d) Rate of Credit: Credits shall be allowed at the rate of one canopy tree for every three (3) inches of circumference measured at four and one-half (4.5) feet above grade. Credits shall be subtracted from the total number of canopy and understory trees required in the same planting yard where the tree is located. In every case, however, there shall be at least one canopy tree for every fifty (50) linear feet of street planting yard, existing or planted.

8. TREE COVERAGE AND PROTECTION STANDARDS

The primary objectives of tree coverage and protection standards are preservation and maintenance of undisturbed tree cover and provision for replacement tree cover on development sites. Tree coverage serves to reduce glare, noise, air pollution, and soil erosion; to moderate temperatures; to reduce stormwater runoff; to preserve remnants of the town's native ecology; to provide habitat for native plants and wildlife; to provide a healthy living environment; and to make the town a more attractive place to live.

9. TREE COVERAGE

Any new development shall include tree coverage areas on a portion of the development tract. The percentage of a tract that shall have tree coverage is as indicated in the following table. Tree coverage standards may be met either by preserving existing trees on the site or by planting replacement trees. Preserving existing trees on the site is preferable to a combination of preservation and planting and is reflected in the lower requirements. For the purposes of calculating tree coverage requirements, the water surface area of ponds, lakes and other water bodies (excluding stormwater control structures) shall be excluded from the total land area of the development tract.

<table>
<thead>
<tr>
<th>Preserved Tree</th>
<th>Replacement Tree</th>
<th>Total Tree Coverage</th>
</tr>
</thead>
</table>

TABLE 6.F.9.1: RESIDENTIAL DEVELOPMENT

Town of Summerfield, NC

July 26, 2019 Draft

Development Ordinance
**TABLE 6.F.9.2: NON-RESIDENTIAL DEVELOPMENT**

<table>
<thead>
<tr>
<th>Preserved Tree Coverage Area</th>
<th>Replacement Tree Coverage Area</th>
<th>Total Tree Coverage Area Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>10%</td>
<td>Plus</td>
<td>0%</td>
</tr>
<tr>
<td>8%</td>
<td>Plus</td>
<td>3%</td>
</tr>
<tr>
<td>6%</td>
<td>Plus</td>
<td>6%</td>
</tr>
<tr>
<td>4%</td>
<td>Plus</td>
<td>9%</td>
</tr>
<tr>
<td>0%</td>
<td>Plus</td>
<td>14%</td>
</tr>
</tbody>
</table>

(a) A tree preservation sketch plan shall be submitted in conjunction with all new development. A landscape plan prepared in accordance with Article 6F or a preliminary subdivision plat shall be presumed to meet the requirements of the tree preservation sketch plan, provided it contains the following information (applicants may use current aerial photography and other photographs in conjunction with the sketch plan to indicate the location of existing vegetation):

1. Location of wooded areas and specimen trees;
2. Location of any wooded areas and specimen trees that will be removed or destroyed during development or construction;
3. Location of wooded areas and specimen trees that will be retained after development or construction;
4. Location of any required buffer strips, existing and proposed; and
5. Location of any screening, existing and proposed.

(b) Tree preservation and tree replacement areas as indicated on the sketch plan shall be shown on all preliminary plats, final plats, site plans, landscaping plans, development plans, and special use permits in order to clearly assign tree replacement responsibility during development. Tree preservation and tree replacement areas on any individual lot shall be clearly shown on all plot plans for the lot.
(c) Property owners in developments other than single-family and duplex residential developments shall be responsible for protecting tree preservation and tree replacement areas in accordance with standard horticultural practice. Tree preservation areas located on single-family and duplex lots shall not be deemed to create an easement or enforceable obligation on owners who occupy a dwelling subsequent to issuance of a certificate of occupancy.

(d) Where practicable, tree coverage areas in new subdivisions shall be located in common open space or buffers required by other provisions of this chapter. Where this is not practicable, tree coverage areas may be located on individual lots in the subdivision, provided that the root zone protection areas can be adequately protected and that the trees can be reasonably expected to survive the construction process.

10. PRESERVED TREE COVERAGE.

Tree preservation to meet the tree coverage standards in Article 6.E.9. shall meet the following requirements:

(a) The tree coverage area for a group of trees is determined by the exterior boundary of the total canopy for all of the trees in the group. For parcels greater than one acre, no tree preservation area for a group of trees may be counted toward meeting the tree coverage standard unless it includes a minimum of 1,000 square feet and has no individual dimension of less than 25 feet. For parcels one acre or less, no single tree preservation area for a group of trees may be counted toward meeting the tree coverage standard unless it includes a minimum of 500 square feet and has no individual dimension less than 20 feet.

(b) The tree coverage area for an individual tree is determined by the tree’s canopy area. Individual trees may be counted toward tree coverage credit provided that the tree’s diameter is at least ten inches or greater measured at a point four and one-half feet above the ground. Where specimen trees of 18 inches or greater in diameter are preserved outside of other required buffers, tree coverage credit shall be granted at one and one-half times the canopy area.

(c) Tree preservation areas shall be located in floodway areas, floodway fringe areas, stream buffers, steep slope areas, and wetlands. Additional tree preservation areas may be located outside of these areas, in which case they should be located in order to preserve areas of predominantly hardwood forest, to preserve specimen trees and to preserve groupings of trees that add to the aesthetic quality of the development as viewed from the public right-of-way.

(d) At least seventy-five (75) percent of the tree coverage included within any tree preservation area must be created by trees of greater than two and one-half (2½) inch caliper.

11. REPLACEMENT TREE COVERAGE.

Tree replacement to meet the tree coverage standard in Article 30-993 shall meet the following requirements:

(a) For parcels greater than one acre, no tree replacement area may be counted toward meeting the tree coverage standard unless it includes a minimum of one-thousand (1,000) square feet and has no individual dimension of less than twenty-five (25) feet. For parcels one acre or less, no tree replacement area may be counted toward meeting the tree coverage standard unless it includes a minimum of 500 square feet and has no individual dimension less than twenty (20) feet.

(b) When replacement trees are provided in order to satisfy the requirements of Article 30-993, coverage credit shall be accrued in accordance with the following table. In meeting this standard, at least 50 percent of replacement trees shall be two and one-half inches or greater caliper. A minimum of 50 percent of replacement trees shall be large maturing hardwood species native to this region.

<table>
<thead>
<tr>
<th>TABLE 6.F.11. REPLACEMENT TREE CREDIT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Caliper of Tree</td>
</tr>
<tr>
<td>-----------------</td>
</tr>
<tr>
<td>2 1/2 inch</td>
</tr>
</tbody>
</table>

Town of Summerfield, NC July 26, 2019 Draft Development Ordinance
(c) The enforcement officer and/or governing body shall have the authority to approve replacement trees of different sizes or species in order to address unique site conditions, allow design flexibility and to better meet the objectives of Article 30-992.

(d) For parcels without trees prior to September 1, 2004, replacement trees shall be planted at a rate of four trees per building lot and of caliper greater than two and one-half inches.

(e) Replacement trees shall be planted before any certificate of occupancy is issued. However, for any lot other than an individual single-family or duplex residential lot, the planting may be postponed to the appropriate season in accordance with the requirements of subsection 30-989(b)(2).

12. PENALTIES AND REMEDIATION FOR DESTRUCTION OF EXISTING VEGETATION.

Any trees preserved on a development tract to meet ordinance requirements or otherwise indicated to be preserved shall meet the standards of Article 6.E.11. Damaging or destroying any tree preservation area that is indicated on any site plan, development plan, preliminary plat, final plat, major special use permit or minor special use permit shall constitute a violation of this chapter. However, damage or destruction of trees by an act of God shall not be subject to the provisions of this section.

(a) Where any tree with a diameter greater than ten (10) inches measured at a point four and one-half (.5) feet above the ground in an area indicated on approved plans to be preserved is damaged, destroyed or removed, such violation shall be penalized as follows:

(1) A civil penalty in an amount equal to one and one-half (1.5) times the monetary value of the trees damaged, destroyed or removed. For purposes of such determination the planning director or director’s designee shall apply the most current standards of the council of tree and landscape appraisers or a similar method in common use; and

(2) Trees shall be replaced by new trees of a similar species with at least a two and one-half (2.5) inch caliper and a cumulative total caliper at least greater than the original tree.

(b) Where tree preservation areas are damaged, destroyed or removed and no documentation exists about previous tree cover, such violation shall be penalized as follows:

(1) A civil penalty of two dollars ($2) per square foot of disturbed area, not to exceed forty thousand dollars ($40,000) per violation; and

(2) Replacement vegetation shall be provided in accordance with the buffer landscaping standards of the town.

Any civil penalty must be paid and required replacement trees planted before a certificate of occupancy is issued. Enumeration of these penalties shall not be construed to prohibit the use of any other remedy authorized by ordinance or law.

13. RESTRICTION OF CLEAR CUTTING IN ANTICIPATION OF DEVELOPMENT.

The Town may deny a building permit or refuse to approve a site or subdivision plan for either a period of up to:

(a) Three (3) years after the completion of a timber harvest if the harvest results in the removal of all or substantially all of the trees that were protected under town regulations governing development from the tract of land for which the permit or approval is sought.
(b) Five (5) years after the completion of a timber harvest if the harvest results in the removal of all or substantially all of the trees that were protected under town regulations governing development from the tract of land for which the permit or approval is sought, and the harvest was a willful violation of the town regulations.

G. FENCES AND WALLS

1. APPLICABILITY

The purpose of this section is to regulate the location, height, and appearance of fences and walls to maintain visual harmony within neighborhoods and throughout the Town, protect adjacent properties from the indiscriminate placement and unsightliness of fences and walls, and ensure the safety, security, and privacy of properties.

2. APPLICABILITY

(a) The provisions of this section shall apply to all construction, substantial reconstruction, or replacement of fences or walls not required for support of a principal or accessory structure, or any other linear barrier intended to delineate different portions of a lot.

(b) Temporary fences for construction sites or a similar purpose are exempted from these standards but shall comply with the requirements of the building code and the standards of Article 4.J Temporary Use and Event Standards.

3. REQUIREMENTS FOR FENCES AND WALLS

(a) General

(1) Fences or walls shall be located outside of public right-of-way. No fence or wall shall be placed or retained in such a manner as to obstruct vision at any intersection of public or private streets.

(2) Fences and walls are permitted on the property line between two or more parcels of land held in private ownership.

(3) Fences and walls may be located within any required yard.

(b) In Easements or Around Fire Protection Facilities

Fences which cannot easily be removed or that prevent access shall be prohibited within utility easements (including easements and accesses to off-site septic fields) or around fire protection facilities.

(c) Blocking Natural Drainage Flow

No fence or wall shall be installed so as to block or divert a natural drainage flow on to or off of any other land unless subject to an approved stormwater management plan. Nothing in this section shall be construed to prevent the installation of temporary fencing to protect existing trees, limit sedimentation, or control erosion.
(d) **Within Buffers**

Fences and walls shall be installed so as not to disturb or damage existing vegetation or installed plant material to the maximum extent practicable. The perimeter fencing or wall for a single development shall be of a uniform style that complies with the standards of this section.

(e) **Fences Around Swimming Pools**

A fence or wall shall be located around all in-ground swimming pools in accordance with the requirements of the State Building Code.

(f) **Historic Districts:** Fences in Historic Districts shall meet the guidelines for the particular Historic District in which it is located.

(g) **Obstruction of Access:** No fence or wall shall block access from doors or windows. Fences and (privacy) walls must have a clearance of at least two (2) feet from building walls, except where fences or walls project from or to a building wall.

(h) **Orientation of Barbed Wire:** On fences topped with barbed wire, the bottom strand must be at least six (6) feet above grade with vertical supports slanting inward away from the property line.

(i) **Location within Required Planting Yards:** The setback of fences within a required planting yard shall be subject to the approval of a landscaping plan.

4. **HEIGHT OF FENCES AND WALLS**

(a) **Residential Uses**

1. **Before Front Setback:** No fence shall exceed four (4) feet in height forward of the front setback line or front face of the building, whichever is farther from the street.

2. **Behind Front Setback:** No fence shall exceed eight (8) feet in height behind the front setback line or front face of the building, whichever is farther from the street.

3. **Exceptions:**
   a. No fence shall exceed four (4) feet in height within fifteen (15) feet of any public or private street right-of-way line in a group housing development unless the sole purpose is to enclose a patio; a patio enclosure shall not exceed eight (8) feet in height
   b. On through lots where a front setback abuts a major or minor thoroughfare and there is no driveway access or sight distance interference, a fence may be eight (8) feet in height as long as such fence is no closer than fifteen (15) feet from the thoroughfare right-of-way.

(b) **Recreational Uses:** No fence shall exceed twelve (12) feet in height if the fence is within the required setback. Otherwise, no fence shall exceed eight (8) feet in height.

(c) **Commercial, Industrial, Institutional or Office Uses:** No fence shall exceed eight (8) feet in height.

(d) **Sight Triangle Visibility Clearance.** Fences and walls shall not exceed a maximum height of 30 inches when located within required sight triangles or areas needed for visibility.

(e) **Exemption for Safety.** Fence height limitations may be exceeded by electric or gas substations, utility facilities, sewer plants or facilities, radio and television masts, towers and similar structures, municipal water storage facilities, public correctional and mental institutions, or military facilities, or hazardous or radioactive waste, storage, and disposal facilities, if approved by the Administrator.

(f) **Measurement of Height.**
(1) Fence height shall be measured in the same manner as buildings. However, where fences are located on man–made berms, the height of the berm shall be considered as part of the overall height of the fence.

(2) Fence height limitations do not apply to fences built in conjunction with electric or gas substations, utility facilities, sewer plants or facilities, radio and television masts, towers and similar structures, and municipal water storage facilities.

5. PROHIBITED FENCE TYPES

The following fence types are prohibited:

(a) Fences constructed primarily of barbed or razor wire, except for the purpose of enclosing livestock in agricultural zoning districts;

(b) Fences carrying electrical current, except for the purpose of enclosing livestock as permitted, or for underground fencing for domestic animal confinement;

(c) Fences constructed in whole or in part of readily flammable material such as paper, cloth or canvas;

(d) Fences topped with barbed wire or metal spikes in residential zoning districts, except those serving a public institution requiring a security fence for public safety purposes;

(e) Fences constructed of concertina wire.

(f) Fences or walls made of debris, junk, rolled plastic, sheet metal, plywood, or waste materials are prohibited in all zoning districts unless such materials have been recycled and reprocessed, for marketing to the general public, as building materials that resemble new building materials (e.g., picket fencing made from recycled plastic and fiber).

6. MAINTENANCE REQUIRED

Any fence which, through neglect, lack of repair, type or manner of construction, method of placement or otherwise, constitutes a hazard or endangers any person, animal or property is hereby deemed a nuisance. If such conditions exist, the Administrator shall require the owner or occupant of the property upon which the fence is located to repair, replace or demolish the fence causing the nuisance.

7. TEMPORARY FENCES

Nothing in this Section shall preclude the installation of temporary fences around construction works, erected or maintained pursuant to the NC State Building Code or the Soil Erosion and Sedimentation Control regulations.

H. LIGHTING REGULATION

1. PURPOSE

The purpose of this section is to regulate light trespass to ensure the safety of motorists and pedestrians, to minimize any health and environmental impacts from high levels of artificial light at night, and to ensure lighting does not adversely affect land uses on adjacent properties or uses dependent upon any Night Sky ordinance in existence or as amended. More specifically, this section is intended to:

(a) Regulate lighting to assure that excessive light spillage and glare are not directed at adjacent properties, neighboring areas, and motorists;

(b) Ensure that all site lighting is designed and installed to maintain adequate lighting levels on site while limiting negative lighting impacts on adjacent lands and upward reflection or visibility that reduces dark sky conditions; and

(c) Provide security for persons and land.
2. **APPLICABILITY**
   
   (a) **General**
   
   All outdoor artificial illuminating devices shall be installed in conformance with the provisions of this Article, and applicable provisions of the NC Building Code.
   
   (b) **Form of Application**
   
   Any person submitting a site plan or applying for a building, electrical or sign permit to install outdoor lighting fixtures except for single family detached residences shall as a part of said application submit evidence that the proposed work will comply with this Section. This evidence shall be in the form of a Lighting Plan and support documents prepared by an electrical engineer or lighting professional with Lighting Certified credentials. The Lighting Plan and supporting documents shall include all of the items found in Appendix 1: Map Standards.

3. **ALTERNATIVE MATERIALS AND METHODS OF INSTALLATION**

   The provisions of this Section are not intended to prevent the use of any equipment, material or method of installation not specifically prescribed by this section provided the Administrator or Planning Board has approved the alternative. Any approved alternative must provide the approximate equivalence to the specific requirements of this Section.

4. **SHIELDING**

   All outdoor light fixtures including decorative luminaries except those exempted by Article 6.G.7 shall be fully shielded. A fully shielded fixture must be a full cutoff luminaire and is defined as outdoor lighting that is shielded or constructed so that all light emitted is projected below a horizontal plane which is parallel to the ground and runs through the lowest part of the fixtures.

5. **LIGHT TRESPASS**

   The maximum illumination at five (5) feet inside an adjacent residential use or zone area or public right-of-way, or beyond, from light emitted from an artificial light source are 0.5 horizontal foot-candles and 0.5 vertical foot-candles. Said illumination at ten (10) feet inside an adjacent commercial or industrial use or zone area or public roadway or beyond, shall not exceed 0.5 horizontal foot-candles and 0.5 vertical foot-candles. No line of site to a bulb is permitted five (5) feet or more beyond a residential or public right-of-way property line by an observer viewing from a position that is level with or higher than the ground below the fixture. Compliance is achieved with fixture shielding, directional control designed into the fixture, fixture location, fixture height, fixture aim, or a combination of these factors.

6. **GENERAL REQUIREMENTS FOR ALL ZONING DISTRICTS**

   (a) **Public or Private Recreational Facilities:** Where playing fields or other recreational areas are to be illuminated, lighting fixtures shall be specified in the Lighting Plan, mounted and aimed so that the illumination falls within the primary playing area and immediate surroundings. All playing fields except baseball fields shall have full cutoff fixtures and the light sources shall not be visible from other properties.

   (b) **Signage:** All illuminated signs must be lighted internally or lighted by top mounted lights pointed down. No sign may be illuminated by fixtures not shielded from upward transmission of light. Signs should be white or light-colored lettering on dark backgrounds. Lights that flash, pulse, rotate, move, or simulate motion are not permitted.

   (c) **Outdoor Lighting Fixtures:** All outdoor lighting fixtures, including display lighting and signs, shall be turned off after the close of business. However, fixtures nearest building entryways may remain lighted at minimum levels necessary for safety and security.
Article 6: General Development Standards

(d) **Aprons and Canopies:** The lighting fixture bulbs shall be recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling so that light is restrained to no more than eighty-five (85) degrees from vertical. As an alternative to recessed ceiling lights, indirect lighting may be used where the light is directed upward and then reflected down from the underside of the canopy. In this case, light fixtures shall be shielded so that direct illumination is focused exclusively on the underside of the canopy. The lighting for such facilities (pump islands and under canopies) shall have a maximum of fifteen (15) foot-candles average maintained illumination at grade.

(e) **Parking Lots, Loading Areas, Display Areas, and Exterior Building Illumination:** All Parking Lots, Loading Areas, Display Areas, and Exterior Building Illumination. This lighting requirement applies to townhouse and multi-family, educational, institutional, commercial, recreation, public, commercial business and retail, motor vehicle related, wholesaling, and limited and general industrial use categories identified within the Development Ordinance. Lighting for these areas shall not exceed an average horizontal illumination level of one (1) foot-candle at grade.

(f) **Residential Construction:** For new residential construction, fixtures must be fully shielded.

(g) **Communication Tower Lighting:** The nighttime use of white lighting or white strobe lighting is prohibited, unless required by the FAA.

(h) **Compliance of Existing Fixtures:** Whenever existing light fixtures are changed or upgraded, they must comply with the applicable provisions of this Ordinance.

(i) **Lighting standards for non-residential development in the Summerfield Road District:** Exterior lighting shall not be installed at a height of more than twelve (12) feet above grade and shall be so shielded as to cast no direct light upon adjacent property. (*school grounds and ballfields exempted).

7. **EXEMPTIONS**

(a) **Otherwise Unregulated:** Lighting which is not subject to this Ordinance by state or federal law.

(b) **Specific Fixtures:** Fixtures including the following: incandescent fixtures (other than floodlights or spotlights) less than one-hundred and sixty (160) watts, natural gas or liquid propane lights, and any light source of one-thousand eight hundred (1800) lumens or less.

(c) **Security Lighting:** Outdoor lighting on residential, agricultural, or commercial property that is controlled and activated by motion sensor devices for a duration of fifteen (15) minutes or less.

(d) **Flags:** Lighting of the United States of America or State of North Carolina flags except that they are limited to a maximum of four-thousand (4000) lumens.

(e) **Temporary Uses:** Temporary circus, fair, carnival, civic uses or holidays.

(f) **Special Conditions:** The Administrator or Planning and Zoning Board, as authorized, may grant an exemption to the requirements of Article 6.G.5 only upon a written finding that there are conditions warranting the exemption that there are no conforming fixtures that would suffice.

(g) **Construction and Emergency Lighting:** Lighting necessary for construction or emergencies is exempt from the provisions of this Section provided said lighting is temporary (one month or less) provided lighting does not create light trespass or hazardous glare.

(h) **Sports Lighting:** Sports lighting is exempt from the foot-candle limitations of this ordinance on the playing field only. Glare control fixture design is required, and light trespass requirements apply.

8. **AMENDMENT TO PERMIT FOR LIGHTING ON PRIVATE PROPERTY**

Should an applicant desire to substitute and install outdoor light fixtures or lamps on private property after a permit has been issued, the applicant shall submit all changes to the Administrator for approval, with adequate information to assure compliance with this Section.
9. **APPEALS**

Except for street lighting within the right-of-way and for temporary exemptions as provided in Article 6.G.10, any applicant’s appeal of the Administrator’s decision shall be made to the Board of Adjustment.

10. **REQUEST FOR TEMPORARY EXEMPTIONS**

(a) **Request:** Any person may submit a written request on a Town form (available from the Town Planning Department) for a temporary exemption to the requirements of this Section.

(b) **Required Information:** The request for Temporary Exemption shall contain the following information:

1. Specific exemptions requested.
2. Type and use of exterior light involved.
3. Duration of time for requested exemption.
4. Type of lamp and calculated lumens.
5. Total wattage of lamp or lamps.
6. Proposed location of exterior light.
7. Physical size of exterior light and type of shielding provided.
8. Previous temporary exemptions, if any.

(c) **Additional Information:** In addition to the above data, the Administrator may request any additional information that would enable a reasonable evaluation of the Request for Temporary Exemption.

(d) **Appeals:** The Administrator, within ten (10) days from the date of the properly completed Request for Temporary Exemption, shall approve or reject in writing the Request. If rejected, the individual making the Request shall have the right to appeal to the Board of Adjustment.

I. **COMMERCIAL, OFFICE AND MIXED-USE DESIGN STANDARDS**

1. **PURPOSE AND INTENT**

These design standards are intended to implement the Town’s Comprehensive Plan policies and actions for the design of commercial, office, and mixed-use development. The Town of Summerfield supports the view that well-designed, harmonious development is in the best economic interests of all residents and businesses. More specifically, the purposes of this section are to allow for appropriate commercial, office, and mixed-use development at suitable locations in the town, and to:

(a) avoid franchise style architecture
(b) require the use of building materials that are consistent with Summerfield’s early commercial properties in look and appearance [See Article 6.1.4.(d) below]
(c) encourage commercial development to locate in village like clusters set back from major roadways
(d) require circulation connections between adjoining commercial properties
(e) encourage a pedestrian-friendly environment with attention to human-scale design and site features
(f) foster greater compatibility between adjacent residential and nonresidential development
(g) limit the impacts of automobile-oriented development in commercial, office, and mixed-use areas, and
(h) allow for greater predictability during the development review process.
(i) Ensure the protection of natural and historic resources in the development of non-residential sites.

2. APPLICABILITY
   (a) General
   The standards of this section shall apply to all commercial, mixed-use and office development within the planning jurisdiction of the Town of Summerfield.

   (b) Timing of Review
   These standards shall apply during the review of (Article 3.D.4.), Site Plans (Article 3.B.5), Preliminary Plats (Article 3.B.6), or Building Permits (Article 3.B.11), as appropriate.

3. CONFLICTING REQUIREMENTS
Where these requirements conflict with each other or with another requirement of the Development Ordinance, the stricter, more visually compatible or more specific standards shall apply as determined by the Administrator. Any modifications necessary shall be made with the approval of the Administrator.

4. DESIGN STANDARDS
   All commercial, office, and mixed-use development subject to this section shall comply with the following standards:
   (a) Building Orientation
   The front façade of all buildings, as defined by the primary entrance, shall front onto a street. In the case of corner lots on lower level roads, the primary entrance shall face the street from which the building derives its street address. The Administrator may waive this standard through the administrative adjustment process (Article 3.B.16).

   (b) Multi-Building Development
      (1) Configuration. Development composed of multiple buildings shall be configured to apply the following principles
         a. Break up the site into a series of smaller "blocks" defined by on-site streets, vehicle access ways, pedestrian walkways, or other circulation routes;
         b. Frame the corner of an adjacent street intersection or entry point to the development;
         c. Frame and enclose a "main street" pedestrian or vehicle access corridor within the development site;
         d. Frame and enclose on at least three sides of parking areas, public spaces, or other site amenities; or
         e. Frame and enclose outdoor dining or gathering spaces for pedestrians between buildings.

      (2) Outparcel Development
         a. To the maximum extent practicable, outparcels and their buildings shall be clustered to define street edges, entry points, and spaces for gathering or seating between buildings.
         b. The even dispersal of outparcel sites in a widely-spaced, uniform pattern along streets is prohibited.
c. Spaces between buildings on outparcels shall be configured with small scale pedestrian amenities such as plazas, seating areas, pedestrian connections, and gathering spaces.

d. Parking areas between buildings on outparcels shall provide at least 25 percent more landscaping material than is required for other off-street surface parking areas as set forth in Article 6.E.4(e) Parking Lot Plantings.
(c) Façade Requirements

(1) Offsets Required
Front building façades of sixty (60) feet in width or wider shall incorporate wall offsets of at least one-foot in depth a minimum of every forty (40) feet. Each required offset shall have a minimum width of ten (10) feet.

(2) Offset Alternatives
The following alternatives can be used alone or in combination as an alternative to the required front façade offsets:
   a. Façade color changes following the same dimensional standards as the offset requirements;
   b. Pilasters having a minimum depth of eight inches, a minimum width of eight inches, and a minimum height of 80 percent of the façade’s height; or
   c. Roofline changes when coupled with correspondingly aligned façade material changes, provided.
      i. Roof line changes include changes in roof planes or changes in the height of a parapet wall (such as extending the top of pilasters above the top of the parapet wall); or
      ii. Roof line changes are vertically aligned with the corresponding wall offset or material or color changes.

(3) Side Facades
Street-facing side facades shall:
   a. be fully screened from off-site views through fences, walls, or landscaping eight (8) feet in height, or
   b. be configured with the same façade details as provided on the front façade.

(5) Outbuildings
Outbuildings located in front of other buildings within the same development shall include a consistent level of architectural detail on all four sides of the building as well as exterior materials and colors that are compatible with the primary building in the development.

(d) Architecture and Building Materials

(1) New and redeveloped commercial properties shall avoid monolithic or standardized franchise style architecture, especially such that the building itself becomes a recognizable sign.

(2) Preferred building materials are brick, stone, wood or like and similar building materials consistent with Summerfield’s early commercial properties. Trim and accents that have the traditional appearance of wood may be made of composite or man-made materials to allow for low maintenance.

(e) Glazing (Windows and Doors)

(1) At least 30 percent of the width of street level frontage shall be occupied by windows or doorways.

(2) All street-level windows shall be visually permeable.
(f) Roofs
   (1) Structures with a flat roof, except for green roofs (See Article 11 Definition) shall include parapet walls with a decorative three-dimensional cornice.
   (2) All rooftop equipment shall be screened from view from all streets.

(g) Off-Street Parking
   (1) Location: Single-story commercial, office, and mixed-use development shall be configured to locate all required surface off-street parking to the side or rear of the building, except buildings of two or more stories may locate up to two rows of off-street parking between the primary entrance and the street it faces (See Article 6C).
   (2) Design: To prevent huge expanses of asphalt visible from streets, parking shall be separated into sections separated by landscaping and other features. Larger parking areas shall be split into sections on different sides of the building or enclosed in an interior space between buildings so as not to be easily visible from the street to emphasize the building and de-emphasize the parking lot.

(h) Loading, Storage, and Service Areas
   (1) Loading, service, and equipment areas shall be located and/or screened in a manner that minimizes their visibility from off-site areas, to the maximum extent practicable.
   (2) Loading, service, and equipment areas that are associated with an outparcel building shall be screened through the use of structural elements and similar materials attached to and integrated with the building.
   (3) Outdoor storage areas shall be fully screened from adjacent streets and single-family development.

(i) Trash Containment Areas
    All trash containment devices, including compactors and dumpsters, shall be located and designed so as not to be visible from the view of nearby streets and properties.

(j) Auto-Oriented Uses
    Corner lots on all streets except thoroughfares and collectors shall locate automobile-oriented uses or facilities, including but not limited to gas pumps, drive-throughs, pick-up windows, or other accessory uses intended for access while inside a vehicle, to the side or rear of the principal building. In no instance shall an auto-oriented feature or accessory uses be located between a building and the street it fronts.

(k) Environmental Resources
    Developments shall minimize impacts on environmental resources in or near the property; such resources shall be identified on the Resource Mapping requirement for specified development types. (See Article 3.B through L.). Resource examples include historic properties, significant woodland areas, specimen trees, wetlands, steep slopes, floodplains, etc. Impacts on environmental resources shall be minimized by use of design, height, massing, scale, building orientation, site layout, and other development techniques to integrate new development into the site while preserving and working in harmony with environmental resources.

J. SIGN REGULATIONS
1. **APPLICABILITY**

Except as specifically exempted in this ordinance, no sign shall be erected, altered or displayed without a sign permit issued by the Town of Summerfield confirming compliance with the provisions of this ordinance. Signs made nonconforming by this ordinance shall be grandfathered until altered, abandoned, relocated, or removed. All lighting for signage must be in compliance with **Article--- (Dark Sky)**.

2. **PROHIBITED SIGNS**

The following signs are specifically prohibited by this ordinance.

- Snipe signs.
- Signs attached to light fixtures, curbs, sidewalks, gutters, streets, utility poles, public buildings, fences, railings, public telephone poles, or trees, rocks or other natural features.
- Windblown signs not specifically permitted in this Article such as pennants, streamers, spinners, balloons, gas filled figures and other similar devices, except as advertising for a temporary event or special promotion (permit required)
- Signs which prevent free ingress to or egress from any door, window, or fire escape.
- Signs erected or displayed in such a manner as to obstruct free and clear vision at any location, street, intersection, or driveway.
- Any sign which interferes with vehicular or pedestrian traffic as a result of its position, size, shape, movement, color, fashion, manner, or intensity of illumination, including signs with the potential to be confused with any authorized traffic sign, signal, or device.
- Signs erected or displayed on or over public rights-of-way or other public property.
- Portable signs, except as specifically permitted herein.
- Signs that move or flash or have moving or flashing components, except as permitted under Section 6 below; signs that are intermittently lighted or have changing colors; signs that revolve; or any other similarly constructed signs.
- Signs attached to the roofs of buildings or are otherwise located above the roofs of buildings.
- Signs carried by or attached to people, including costumes worn for the purpose of attracting commercial attention.
- Signs on vehicles that are parked in a location which is visible to the public and for a period of time which indicates that the principal use of the vehicle is for advertising rather than transport.
- Off-premises signs and billboards, including outdoor advertising signs, except those placed by governmental agencies for public purposes and yard sale and open house signs that are displayed as specifically permitted herein. The exception being that existing off-premises billboard signs that are non-conforming may be disassembled and replaced with a newer structure upon approval by the Planning Director per Article 6-…. The new signage shall be designed to result in no expansion of or increase in the non-conformity; shall not allow replacement with a digital sign; shall not exceed 30’ in height; shall be designed to limit lighting to the sign face; and shall be designed to enhance the architectural features of adjacent buildings. Color renderings or photographic simulations shall be submitted to the Planning Director, who shall have the authority to deny permits for signs that do not meet the intent of this Ordinance.

3. **EXEMPT SIGNS**

The following signs are exempt from the requirements of this ordinance except for instances where signs are lighted or require a building permit. This exemption shall not include permanent and temporary signs covered in section ------ of this Article.

- Any sign erected by or on behalf of a government body to post a legal notice, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.
- Warning and security signs, including signs placed by a public utility for the safety, welfare, or...
convenience of the public, including, but not limited to signs identifying fire department connections or high voltage, public telephone, or underground cables.

- Works of art with no commercial message (for purposes of this section only, permit will be required for three-dimensional art work)
- Noncommercial messages displayed on any commercial sign location.
- "No Dumping" and "No Trespassing" signs containing less than two square feet in area per sign face.
- Signs placed inside ball fields and outdoor amphitheaters that face toward the interior of the field or amphitheater and are primarily intended for viewing by persons attending events of performances.
- Address signs no greater than five square feet in area. Address signs in excess of five square feet in area shall be counted toward the area of signage permitted for attached or freestanding signs depending on placement.
- Retail store window displays of merchandise.
- Signs attached to vehicles provided the vehicles are not parked in such a manner as to create the effect of additional signage, whether on-premises or off-premises.
- Political signs containing no more than six square feet in area in residential districts and no more than 24 square feet in area in nonresidential or mixed-use districts, provided that no more than one sign per candidate or issue is displayed per zone lot frontage and such signs are erected no more than 30 days prior to the applicable election and removed no more than seven days after the applicable election.
- Flags of the United States, the State of North Carolina, Guilford County or the Town of Summerfield provided that they do not exceed 40 square feet in area, that they are displayed on flagpoles not exceeding 30 feet in height, that no more than one flagpole is displayed on a zone lot of less than one acre in size and not more than two flagpoles are displayed on zone lots of one acre or more in size, and that all flagpoles are setback at least the height of the flagpole from all property lines. Flagpoles may be roof or wall-mounted provided size, height and setback requirements as established in this exemption are met.
- One home occupation sign per approved home occupation, not to exceed four square feet in area, and which must be attached to the building.
- Holiday lights and decorations with no commercial message.
- One construction/financing sign per property street frontage for development projects under active building permits containing no more than six square feet in area in residential districts and no more than 24 square feet in area in nonresidential or mixed-use districts provided they are removed after the applicable permit is no longer active due to completion of permitted work or permit expiration. If combined with a real estate sign, the total exempt sign area may be increased to 32 square feet.
- Fence wraps displaying signage when affixed to perimeter fencing at a construction site. Signage shall be removed at the time the final Certificate of Occupancy is issued for the construction site or twenty-four months, whichever is shorter. Advertising shall be limited only to that sponsored by a person directly involved in the construction project and for which monetary compensation for the advertisement is not paid or required.
- Incidental signs containing no more than two square feet in area provided that not more than a total of six square feet of incidental signage is displayed per occupancy. Incidental signs that display solely the word “open” may flash provided they are located inside a building and no more than one such sign is displayed per occupancy.
4. **DESIGN GUIDELINES FOR ALL SIGNS**

The following general design guidelines for signs are provided in order to promote more attractive and functional design and placement of signs.

- Freestanding signs. Placement of freestanding signs should take into account existing trees and other site landscaping so as to maintain sign visibility. Landscaping around the base of freestanding signs is strongly encouraged to improve the overall appearance and visibility of these sign types as evidenced in the following example.
- Display windows are intended to offer opportunities to display merchandise or services available on the premises. Careful placement of signs in display windows will not obscure the visibility of merchandise or services. Additionally, display windows should not be “papered-over,” especially in pedestrian areas.
- Use high quality, durable materials.
- Minimize the need for sign lighting by placing signs where ambient light sources illuminate the sign. Where separate lighting is necessary, external illumination sources are preferred over internal illumination. All electrical conduit and junction boxes should be concealed.
- Backlit, individual letter signs (aka, halo lighting) are encouraged where illumination is needed as illustrated below.
- Avoid elaborate or confusing styles of text as illustrated in the following example.
- Attempt to use symbols rather than text; for example, this Norwegian pharmacy sign incorporates a symbol as well as text.
- Use sign styles and designs that complement the architecture of the site where the signs are located. The use of “period” signage, for instance, is strongly encouraged in the historic district.
- Signs extending over pedestrian and vehicular travel areas shall maintain a minimum clear distance between the ground and any portion of the sign and its associated support structure of nine and 14 feet respectively.
### Examples of General Design Guidelines

<table>
<thead>
<tr>
<th>Image</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><img src="image1" alt="Landscaping Around the Base of a Monument Sign" /></td>
<td>Landscaping Around the Base of a Monument Sign</td>
</tr>
<tr>
<td><img src="image2" alt="Externally Illuminated Sign" /></td>
<td>Externally Illuminated Sign</td>
</tr>
<tr>
<td><img src="image3" alt="Backlit Individual Letters" /></td>
<td>Backlit Individual Letters</td>
</tr>
<tr>
<td><img src="image4" alt="Overly-Complicated Style of Text" /></td>
<td>Overly-Complicated Style of Text</td>
</tr>
<tr>
<td><img src="image5" alt="Use of Symbols" /></td>
<td>Use of Symbols</td>
</tr>
<tr>
<td><img src="image6" alt="An Example of a &quot;Period&quot; Pole Sign in a New York City Suburb" /></td>
<td>An Example of a &quot;Period&quot; Pole Sign in a New York City Suburb</td>
</tr>
</tbody>
</table>
5. **DESIGN REQUIREMENTS FOR SPECIFIC SIGN TYPES**

All signs except those listed in Sections 6-1.3 and 6-1.4 above, shall not be installed until a permit has been obtained. The size, height and number of signs permitted are specified in Tables 6.1.5.1 and 6.1.5.2

(a) **Monument Sign Design Requirements:** Monument signs are intended to serve a wider range of aesthetic and architectural purposes than pole signs. Consequently, the following design requirements are established for monument signs.

(1) **General design requirements and sign area measurement for monument signs.** As in traditional building design, monument signs shall be designed to include a base, middle, and cap. The following illustration shows a monument sign having these architectural characteristics, as well as how sign area is to be measured on a monument sign.

(2) **Sign structure materials.** In general, monument sign structures should be constructed of materials that are similar to or complementary to the principal building(s) on the premises where they are located. Only the following materials shall be used in monument sign structure construction, singly or in combination:
   a. Brick, painted or unfinished
   b. Wood
   c. Concrete or stucco
   d. Natural stone or manufactured stone having a natural appearance
   e. Metal
   f. Glass

(3) **Sign copy materials.** Sign copy materials for monument signs shall include the sign structure materials listed above. For internally illuminated monument sign copy, acrylic may be utilized, provided not more than 50% of the sign face is illuminated.

(b) **Pole Sign Design Requirements:** The following design requirements are established for pole signs:

(1) **General design requirements.** Pole signs in Summerfield have traditionally been supported by two posts or suspended from a single post as shown in the following illustrations. Pole signs shall use one of these two forms of design.
(2) **Materials.** In general, pole signs should use materials that complement the principal building(s) on the premises where they are located. The following materials are acceptable for use in pole signs, singly or in combination:

   a. Wood
   b. Metal
   c. Brick, painted or unfinished
   d. Concrete or stucco
   e. Natural stone or manufactured stone having a natural appearance

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**Examples of Allowable Types of Pole Signs**

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6. **DIMENSIONAL REQUIREMENTS FOR PERMANENT SIGNS REQUIRING A PERMIT**

   In addition to the above listed design guidelines, the following tables and text provide design and dimensional requirements for specific types of permanent signs that require a permit. Requirements include area, number, type of illumination, and letter height for both attached and freestanding signs. Setback and height requirements are established for freestanding signs and detailed design requirements are provided for monument and pole signs. Additionally:
• Only one general attached sign (blade, V-type, or flat) is allowed per street or parking frontage.
• Only one monument or pole freestanding sign is allowed per street frontage.
• Height of freestanding signs shall be measured from the elevation of the ground at the point of contact with the sign provided that the grade of the site is not artificially altered to increase the allowable height of the sign. For sloping sites, the applicable point of contact shall be the point having the highest elevation.
• The following permanent special purpose signs are allowed in addition to general attached and freestanding signs under the limitations provided in the following tables and elsewhere in this Article. These signs are permitted in all zoning districts and may be installed without paying a sign permit fee.
  • Window.
  • Directional.
  • Attached Directory.
  • Awning.
  • Canopy.
  • Community identification other than a monument sign.
  • Historical or memorial plaques, tablets or markers.
  • Name and address plates, including those identifying home occupations and rural family occupations.
• Time and temperature signs are allowed as either attached or freestanding signs provided they are incorporated into the general or attached signage allowed for a nonresidential property, no more than one such sign is allowed per property, the message is limited to time and temperature information and changes no more frequently than once every five seconds, and the area of the time and temperature sign does not exceed 16 square feet. The square footage allowance constitutes an area bonus in addition to the maximum allowable area for the applicable sign type.
• Changeable copy signs are allowed as either attached or freestanding signs provided, they are incorporated into the general or attached signage allowed for a nonresidential property, not more than one such sign is allowed per occupancy, the sign message changes no more frequently than once every 4 hours for manually and mechanically changing signs and once every 15 seconds for digitally changing signs. Digitally changing signs are allowed only on properties zoned PI and for places of worship existing at the time of adoption of this ordinance. Unlike time and temperature signs, no area bonus is allowed for changeable copy signs.
• Only one of the total numbers of allowed signs for any individual building, to include multi-tenant buildings, may contain neon. The neon sign area shall not exceed ten (10) square feet and shall be approved by the Administrator regardless of permitting requirements.
## Permanent Attached Signs – General

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>Sign Area (sqft)</th>
<th>Sign Illumination</th>
<th>Min Letter Size</th>
<th>Maximum Number</th>
<th>Other Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blade (or Projecting)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Only one sign (blade, V-type or flat sign) allowed per occupancy per street or parking frontage One square foot of signage for each one square foot of occupancy frontage up to the maximum allowed Internally-illuminated signs – not more than 50% of sign face can be illuminated</td>
</tr>
<tr>
<td>V-type</td>
<td>32</td>
<td>Ambient External</td>
<td>6”</td>
<td>One per street or parking frontage per occupancy</td>
<td></td>
</tr>
<tr>
<td>Flat (or wall)</td>
<td></td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

## Permanent Attached Signs – Special Purpose

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>Sign Area (sqft)</th>
<th>Sign Illumination</th>
<th>Min Letter Size</th>
<th>Maximum Number</th>
<th>Other Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Window</td>
<td>8</td>
<td>Ambient</td>
<td>N/A</td>
<td>One per each 100 square feet of display or doorway window area or fraction thereof</td>
<td>A maximum allowance of three signs per street or parking frontage per occupancy Not more than 25% of sign face shall contain a logo or Commercial message *Only allowed for signs placed above a common entrance shared by multiple tenants of the same building; one sign per entrance</td>
</tr>
<tr>
<td>Directional</td>
<td>4</td>
<td>Ambient External</td>
<td>4”</td>
<td></td>
<td>N/A</td>
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<tr>
<td></td>
<td>12</td>
<td>Internal</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Directory</td>
<td>8</td>
<td>Ambient External</td>
<td>N/A</td>
<td>One per street or parking frontage per building</td>
<td></td>
</tr>
</tbody>
</table>
### Table: Sign Allowance, Height, and Other Requirements

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>Sign Allowance (sq ft)</th>
<th>Max. Sign Height</th>
<th>Sign Illumination</th>
<th>Minimum Letter Size</th>
<th>Maximum Number</th>
<th>Min Setback fr/ Prop Line(s)</th>
<th>Other Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Permanent Freestanding Signs</strong> – General and Special Purpose</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Monument</td>
<td>48</td>
<td>8'</td>
<td>Ambient External Internal</td>
<td>6&quot;</td>
<td>One per street frontage having access to the site</td>
<td>5 ft</td>
<td>Monument signs shall also comply with the design requirements of section 7.3</td>
</tr>
<tr>
<td>Pole</td>
<td>32</td>
<td>10'</td>
<td>Ambient External Internal</td>
<td>6&quot;</td>
<td>One per street frontage providing access to the site</td>
<td>10 ft</td>
<td>Pole signs shall comply with the design requirements of section 7.4</td>
</tr>
<tr>
<td>Community Identification</td>
<td>32</td>
<td>6'</td>
<td>Ambient</td>
<td></td>
<td>One per each gateway or primary entrance</td>
<td>0 ft*</td>
<td>Shall comply with design requirements for monument signs</td>
</tr>
<tr>
<td>Directory</td>
<td>16</td>
<td>6'</td>
<td>Ambient External Internal</td>
<td>4&quot;</td>
<td>One per street frontage having access to the Site up to 2 signs</td>
<td>25 ft</td>
<td>Only allowed for sites with multiple buildings. Shall not be displayed so as to be prominently visible from off-site locations</td>
</tr>
<tr>
<td>Directory for Hwy 220 ad I73</td>
<td>54</td>
<td>12</td>
<td></td>
<td></td>
<td>One per street frontage having access to the Site up to 2 signs</td>
<td></td>
<td>Only allowed adjacent to intersections with I 73 and along Hwy 220 N. Enhanced landscaping to include a mixture of low lying shrubs and medium sized trees</td>
</tr>
</tbody>
</table>
Directional

<table>
<thead>
<tr>
<th></th>
<th>3-4</th>
<th>3'</th>
<th>Ambient External Internal</th>
<th>4&quot;</th>
<th>Two per each driveway access to the site</th>
<th>0 ft*</th>
<th>Not more than 25% of sign face shall contain a logo; no other commercial message is allowed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Historical or Memorial Markers</td>
<td>6</td>
<td>6'</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

is required. All other signage associated with each intersection will follow the sign regulations found within the ordinance and will be focused toward the interior street network, rather than directed toward I73 or Hwy 220.
7. DIMENSIONAL REQUIREMENTS FOR TEMPORARY SIGNS REQUIRING A PERMIT

The following tables provide the design, dimensional, and time of display requirements for temporary signs. Additionally: Nonconforming temporary signs shall not be grandfathered (see section 17.12 of this Article). The temporary signs listed in the following table shall comply with the indicated zoning location and other requirements. All such signs, with the exception of searchlights, shall be illuminated solely by ambient light sources:

### Temporary signs requiring a Permit

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>Allowable Zoning Districts</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sandwich board signs</td>
<td>MS, MSP, C/MST, TND</td>
<td>One sign per occupancy having direct access onto any public or private sidewalk where sign is placed. “Direct access” shall mean an occupancy having a public entrance immediately from the sidewalk where the sign is placed. See additional sandwich board sign requirements in section 8.3 below.</td>
</tr>
<tr>
<td>Banners and flags</td>
<td>All commercial and mixed use districts</td>
<td>Up to 60 square feet of banner materials or one flag not exceeding 3 ft. by 5 ft. in size per occupancy may be attached to an occupancy space. Display time limit: 24 60 days, four times per calendar year with a 60 day separation between permits. Flags and banners may not be used simultaneously.</td>
</tr>
<tr>
<td>Opening or going out of business</td>
<td>Up to 60 square feet of banner materials may be attached to an occupancy space. Display time limit: 21 days; one time in the same calendar year when the business opens or closes.</td>
<td></td>
</tr>
<tr>
<td>Special event signs</td>
<td>All commercial and mixed use districts</td>
<td>One tethered balloon be located on-premises and displayed for not more than three consecutive days once per calendar year. Tethered balloons shall conform to all applicable FAA regulations. Joint special event signage for three or more commercial or non-profit occupancies may be approved by the Planning Director for theme-based special events. Such events shall not exceed seven days in duration or a cumulative total of 60 days per calendar year per occupancy with a 14 day minimum separation between permits. Event participants shall submit an application which outlines the types of signage desired and where such signage is proposed to be located. The Planning Director may meet with applicants on-site to determine acceptable locations for signage placement. Signage shall be consistent with the event theme and shall not exceed 60 sq. ft. per occupancy; however, accent balloons may also be displayed, with a maximum number of 12 balloons per occupancy.</td>
</tr>
</tbody>
</table>

### Temporary signs that do not require a Permit

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>Zoning District</th>
<th>Number of displays per event</th>
<th>Display Frequency</th>
<th>Size</th>
<th>Other Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open house signs</td>
<td>All districts</td>
<td>Up to three signs per event</td>
<td>May be displayed only between the hours of 12:00 PM (noon) Friday and 12:00 PM the following Monday. No more than three sales per zone lot per calendar year.</td>
<td>6</td>
<td>May be displayed off-premises on private property with the permission of the property owner. May be freestanding or attached. If freestanding, shall not exceed three feet in height. If attached, shall not be attached to any tree or other vegetation, post, utility pole, wall, or other structure except the building containing the event.</td>
</tr>
<tr>
<td>Yard sale signs</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Town of Summerfield, NC  
July 26, 2019 Draft  
Development Ordinance
8. ADDITIONAL REQUIREMENTS FOR SANDWICH BOARD SIGNS

Sandwich board signs offer businesses in pedestrian-oriented zoning districts and effective and creative way to market products or services. However, unless carefully regulated, sandwich board signs can create hazards for pedestrians and a cluttered and unattractive appearance. The following design standards are established to permit sandwich board signs to be utilized in a fashion which meets community safety and design expectations, as well as the need for businesses to market their products and services.

- Sandwich board signs shall not exceed four feet in height and 30 inches in width.
- Four feet of sidewalk clearance shall be provided to allow for unobstructed pedestrian access.
- Sandwich board signs are intended to inform and orient pedestrians to business locations and available products and services. Consequently, such signs shall be placed in close proximity to the public entrance to the occupancy with which they are associated and shall be oriented to communicate information primarily to pedestrian traffic utilizing the sidewalk on which they are located as opposed to vehicular traffic utilizing nearby public or private streets or private drives and parking areas.
- Sandwich board signs shall be moved to an indoor location for storage during times when the associated businesses are not open for customers.
- Standard design for sandwich board signs. Sandwich board signs shall be located in frames constructed of black anodized aluminum, black wrought-iron, or wood which has been painted black, as illustrated in the following photographs. Plastic, PVC, or other similar materials shall not be used as the frame. The display area within the frame shall be constructed of durable metal or wood if containing permanent messages; such permanent messages shall be applied to the display area with paint, metal or durable vinyl or shall consist of carved wood or cut metal lettering or images. Sandwich board signs containing changeable message display areas may be constructed of chalkboard style materials, durable plastic (such as a “dry erase” board), or similar materials, provided the display area background is either black, dark green or white in color and that the changeable message is applied using erasable chalk or erasable ink in a handwritten application. Unless otherwise specified, a muted color palette shall be used for any background or message, including lettering and images.
- Alternative design for sandwich board signs. As an alternative to the standard design described above, the planning director may permit alternative sandwich board sign designs which exhibit a distinctive and creative flair which the owner would otherwise be unable to replicate if the standard frame design was used. Such signs shall not contain changeable copy and images and lettering shall be permanently attached, painted, cut or carved onto the sign using a muted palette of colors. Wooden signs are preferred, but all such signs shall be made of durable materials. An example of an acceptable alternative design is illustrated in the following photograph.
9. **SIGNS LOCATED IN LOCAL HISTORICAL DISTRICTS**

Regardless of the other dimensional provisions of this Article, signs that are located in local historic districts shall be governed by the applicable design guidelines and review processes established for the local historic district.

10. **SIGN STANDARDS FOR SPECIFIC ZONING DISTRICTS**

   (a) **Sign Standards for all Open Space Districts:** 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) The size, height, setback, location, design, illumination, and number of signs shall be specified in the Master Development Plan.

      (2) All signs shall use a coordinated color, style, and lettering scheme.

      (3) Signs are prohibited within areas designated as open space except as provided in Articles I.3. (Signs exempt from regulation) and I.4 (signs that do not require a permit).

      (4) Street signs must be approved by the Administrator. All signs shall use a coordinated color, style, and lettering scheme.

   (b) **Sign Standards all Scenic Corridor Area Overlay Districts:** All freestanding signs shall be monument signs. All signage shall be limited to no more than 6’ in height and 50 ft2 in area. Signage shall be compatible in scale, size, material, and character with the building and surrounding structures. Sign design shall conform to the standards of Article 6 to include the prohibition of billboards.

   (c) **Signs Standards for all Summerfield Road Residential Development:**

      (1) **Number of Signs:** One sign only shall be permitted for an approved business activity on a residentially zoned lot.

      (2) **Size:** Signage for an approved business activity on a residentially zoned lot shall not exceed four (4) square feet per each of two sides.

      (3) **Height:** No sign shall exceed four (4) feet in height.

      (4) **Lighting:** If lit, signs shall be lighted from a shielded exterior source (i.e. shielded spotlight) from above (i.e. not pointed upward).

   (d) **Sign Standards for Non-Residential Development in the Summerfield Road District:**

      (1) **Type of Sign:** One sign per principal structure shall be permitted. This sign may be a ground sign, projecting sign, hanging sign (post shall not exceed 6 feet in height) or wall sign.

      (2) **Sign Area:** The area of the sign on each of its two sides shall not exceed 4 square feet plus 2 additional square feet for each 1000 square feet over 1000 square feet of gross floor area in the principal structure. In no event shall the total sign area exceed twenty (20) square feet.

11. **MASTER SIGN PLAN**

A Master Signage Plan shall be prepared for developments containing more than one sign, more than one building or more than one lot. Regardless of the other provisions of this Article, the Planning and Zoning Board may, at its sole discretion, approve a master sign plan for Traditional Neighborhood Development projects, Commercial, institutional, industrial, or mixed-use developments containing three or more acres in area, and areas of Town that are governed by a corridor plan or area plan that includes sign guidelines. The approved master sign plan may include signs of different sizes, types, locations, placement and height from those otherwise enumerated in this Article.
(a) **Purpose:** The purpose behind this section is to permit creativity in sign design and placement to address site issues and constraints associated with topography, pedestrian-orientation, way-finding and other conditions unique to the subject development or area of Town.

(b) **Submittal Process:** Master sign plan applications may be submitted for consideration at the time of original submittal of the proposed development or separately from the original development proposal. The following information or material shall be required for a signage plan application and shall be indicated on an application form provided by the planning director.

1. Owner and contact name, address, telephone number and signature(s), as applicable.
2. A master sign plan proposal illustrating the proposed signs, their proposed location, and their proposed purpose, along with a statement as to why the existing sign code cannot or should not be followed in the subject case if applicable.
3. An analysis showing how the proposed signage plan differs from what could be provided under the existing sign regulations set forth in this Article.
4. Other similar information determined by the planning director to be necessary for understanding the purpose and intent of the proposed master sign plan application and in sufficient detail to determine that the height, area, and sight triangle requirements of this Ordinance have been met.

(c) **Review Procedure:** The planning director shall schedule the master sign plan for Planning Board and Town Council consideration in accordance with the notice and public hearing procedures set forth in Article 5 for zoning map amendments. The protest petition provisions of Article 5 shall not apply to master sign plan hearings. In reviewing the proposed master sign plan, the Planning Board and Town Council shall take the following matters into consideration.

1. The extent to which the proposed master sign plan deviates from the sign allowances otherwise applicable in this Article.
2. The rationale provided by the applicant for the deviations.
3. The extent to which the master sign plan promotes Town goals associated with community character, way-finding, pedestrian-orientation, and business identification.
4. The degree to which the master sign plan creatively and effectively addresses the issues and constraints unique to the site with regard to signage.

The Planning Board shall provide a recommendation to the Town Council whether to deny or approve the proposed master sign plan in part or in total and shall further recommend conditions regarding approval where deemed warranted.

The Town Council may deny or approve the proposed master sign plan in part or in total and may establish conditions regarding approval. In the event that the master sign plan is denied, the applicant must wait at least 365 days before reapplying for a new master sign plan substantially similar (as defined in Article 3) to the proposed master sign plan.

(d) **Other Provisions:**

1. A Master Signage Plan shall be a part of any development plan, site plan, planned unit development or other plan required for development and may be processed simultaneously with such plan(s) and shall be approved prior to the issuance of any sign permit.
2. A Master Signage Plan may be amended by filing a new plan which conforms with all requirements of this Ordinance. Minor changes may be approved and noted by the Enforcement Officer on the existing plan.
(3) After approval of a Master Signage Plan, no sign shall be erected, placed, painted or maintained except in conformance with such plan and such plan may be enforced in the same way as any other provision of this Ordinance. In case of any conflict between the provisions of such a plan and any other provision of this Ordinance, the Ordinance shall control.

(4) An additional freestanding sign (See Figure 6.I.8.) in excess of the general limitation of one per frontage as shown in Table 6.I.5.1 will be approved provided:

   a. The lot frontage exceeds two hundred and fifty (250) linear feet.
   
   b. There is sufficient excess frontage to support the request for an additional sign based on the rates in Table 6.I.5.1. Note that if more than one sign is requested, there is no minimum area by right, and in no case shall the maximum area for a sign exceed two hundred (200) square feet.
   
   c. Each sign shall be a minimum of one hundred (100) feet from any other freestanding sign on the same zone lot and one hundred (100) feet from any other freestanding sign on an adjacent zone lot that contains more than one (1) freestanding sign.

12. PERMITTING

   (a) Signs shown as requiring a permit on Tables……. and ….. and billboards, shall be erected, installed or created only in accordance with a duly-issued and valid sign permit. Such permits shall be issued in accordance with the requirements and procedures of Article 3 Permits and Procedures.

   (b) Signs requiring sign permits under the provisions of this ordinance may also require additional permits, including building permits and electrical permits. It shall be the responsibility of the applicant to obtain all applicable permits.

13. NON-CONFORMING SIGNS

   A permanent sign which does not comply with one or more of the requirements of this Article shall be grandfathered until such sign is removed, physically altered beyond maintenance (as defined), relocated, damaged or destroyed, after which it shall be brought into compliance with all requirements of this Article. An exception shall be made for signs which must be relocated as the direct result of a governmental action (such as, but not limited to, the acquisition of street right-of-way, eminent domain action, or installation of infrastructure). Such an exception will be subject to review by the Planning Director, who will work to help property owners bring their signs into compliance. If no reasonable alternative exists, the Planning Director may allow a sign to be relocated to an acceptable location on the same property. Signs which are permitted to be relocated shall not be altered in such a manner to constitute a change in the sign. Changes in the sign beyond maintenance as defined shall result in the sign being brought into compliance. Appeals may be made to the Board of Adjustment per the procedure in this Land Development Ordinance.

   Existing off-premises billboard signs that are non-conforming may be disassembled and replaced with a newer structure upon approval by the Planning Director. The new signage shall be designed to result in no expansion of or increase in the non-conformity; shall not allow replacement with a digital sign; shall not exceed thirty (30) feet in height; shall be designed to limit lighting to the sign face; and shall be designed to enhance the architectural features of adjacent buildings. Color renderings or photographic simulations shall be submitted to the Planning Director for approval.
14. SIGN CERTIFICATES

The owner of a lot containing nonconforming signs shall obtain a Nonconforming Sign Certificate for such sign(s). Nonconforming Sign Certificates shall be issued by the Enforcement Officer for individual signs on each zone lot.

(a) Signs Existing on Effective Date

(1) A Nonconforming Sign Certificate shall allow the sign to remain in place and be maintained indefinitely as a legal nonconforming sign subject to compliance with the following:
   a. Normal maintenance of such sign shall be allowed including changing of copy, nonstructural repairs such as repainting or electrical repairs, and incidental alterations which do not increase the degree or extent of the nonconformity.
   b. No structural alteration, enlargement or extension of such sign shall be allowed.
   c. No relocation of such sign upon the premises shall be allowed.
   d. If damage to such sign from any cause is less than fifty (50%) percent of either the original or replacement value, whichever is less, the sign may be rebuilt or repaired to its original condition in its original location and may continue to be displayed.

(2) The application for a Nonconforming Sign Certificate may include multiple signs on the same zone lot and shall contain the following:
   a. A color print showing the entire sign(s) including any supporting framework;
   b. Dimensions of the sign(s) including length, width, height, and area in square feet;
   c. An elevation drawing with dimensions of the façade or wall area showing the location of any attached sign(s) in approximate scale; and
   d. A site plan showing the location of all signs on the same zone lot including any setback or spacing measurements and sight triangles, if appropriate.

(3) This information shall be certified as to its accuracy and completeness by the owner and/or occupant, whoever is in control of the sign(s).
   a. Signs Erected after Effective Date: For signs erected after the effective date of this Ordinance, a Sign Certificate shall be issued after approval of all inspections.
   b. Lapse of Sign Certificate or Nonconforming Sign Certificate: A Nonconforming Sign Certificate shall lapse automatically and the nonconforming sign shall be brought into compliance with this Section or removed if one of the following occurs:
      i. If such sign is damaged from any cause to an extent of fifty (50%) or more of either the original or replacement value, whichever is less;
      ii. If there is a change in the sign such that a sign or electrical permit is required; or
      iii. If the business activity on the premises is discontinued for a period of ninety (90) days or more.
   c. Assignment of Sign Certificate: A current and valid Sign Certificate or Non-conforming Sign Certificate shall be freely assignable to a successor as owner of the property or holder of a business license for the same premises, subject only to filing such application as the Enforcement Officer may require. The assignment shall be accomplished by filing and shall not require approval.
d. Map Amendment or Text Amendment: Any sign that is made nonconforming by reason of zoning map amendment or any subsequent amendment to the text of this Section, shall be removed or brought into compliance as provided in Section 6.I.10.(a) Signs Existing on the Effective Date.

15. ABANDONED SIGNS

Signs identifying an abandoned occupancy or use shall be considered abandoned signs and shall be removed by the owner of the property on which they are located. Failure to remove an abandoned sign shall be considered a violation of this ordinance. In addition, correction of an abandoned sign violation may include removal of the abandoned sign or signs by the Town at the owner’s expense after proper notice of the violation and failure to act by the owner within the timeframe established in the notice of violation.

16. MAINTENANCE

All signs, including exempt signs, shall be maintained in a satisfactory state of repair. This shall include, without limitation, correction of peeling or faded paint, repair or replacement of damaged panels, broken supports, loose appendages or struts, trimming of vegetation that obscures the sign(s), replacement of defective lighting of illuminated signs, secure attachment to the building for attached signs, and stable vertical alignment of freestanding signs.

17. ADMINISTRATION, ENFORCEMENT AND INTERPRETATION

The Planning Director shall be responsible for the administration, enforcement and interpretation of these sign regulations. Decisions and interpretations made by the planning director may be appealed to the board of adjustment in accordance with the appeal provisions of the board. Enforcement action taken by the Planning Director shall not be appealable to the Board of Adjustment; appeals of enforcement actions are reviewable in Guilford County Superior Court.

Enforcement action taken by the Planning Director shall be proactive and/or complaint-based except for exempt signs and window signs in which case enforcement shall be complaint-based. In no case shall violations of this ordinance be considered a criminal offense.

(a) General enforcement: Except for signs listed in in section …below, a violation of the sign regulations shall be enforced as provided below.

(1) Notice of violation. The Planning Director shall provide notice of the violation and any required remedies. The notice of violation shall be served by any means authorized under G.S. 1A-1, Rule 4, and shall direct the violator to correct the violation within 30 days after receipt of the notice of violation.

(2) Failure to comply with a notice of violation. Any person who fails to comply with a notice of violation of any of the provisions of this Article shall be subject to a civil penalty of two hundred dollars ($200.00). A civil penalty may be assessed from the date of the violation. Each day of a continuing violation shall constitute a separate violation. The decision of the Planning Director to assess a civil penalty may be delivered by personal service, by registered mail or certified mail returned receipt requested or by any means authorized under G.S. 1A-1, Rule 4.

(3) Appeal to Superior Court. Every decision of the Planning Director to assess a civil penalty shall be subject to review by the Guilford County Superior Court by proceedings in the nature of certiorari. Any petition for review by the Superior Court shall be filed with the clerk of Superior Court within 30 days after the decision of the Planning Director to assess a civil penalty.

(4) Failure to Appeal and/or Pay. Any civil penalty assessed a person who violates the provisions of Article VII shall be recovered by the Town in a civil action in the nature of a debt, to be brought in the Guilford County Superior Court if the violator fails to give notice of timely appeal and fails to pay the penalty within the prescribed period of time after he or she has been cited for the violation.
(b) **Enforcement Without Notice:** Nonconforming signs can constitute a particular hazard to public safety due to their tendency to create distracting visual clutter and litter; consequently, for the purposes of this Article, the following are regarded as a nuisance and the illegal placement of the same shall be enforced as provided below:

1. A sign for which a Nonconforming Sign Certificate has lapsed, or has been revoked, or for which the time allowed for the continuance of a nonconforming sign has expired, shall be removed.
2. Any sign installed or placed on public property or rights-of-way, except in compliance with this Section or under an encroachment agreement with the North Carolina Department of Transportation, shall be forfeited to the public and be subject to confiscation.
3. Any sign which advertises a business no longer conducted on the premises shall be removed within ninety (90) days of cessation of such business.
4. Any sign which is unsafe or insecure or is a menace to the public shall be removed after due notice by the Enforcement Officer has been given.
5. Any sign which has been abandoned or which has not been properly maintained, to include cleaning and painting of painted surfaces and replacement of damaged parts, shall be removed after due notice by the Enforcement Officer has been given.
6. Any sign which has been installed in violation of the NC Building Code or in violation of this Ordinance shall be removed after due notice by the Enforcement Officer has been given.

(c) **Confiscation:** The Planning Director or any agent of the Director or Town is hereby authorized to remove or confiscate any snipe sign visible from a public roadway that is located within the required setback of the zone lot on which the sign is located or 30 feet from the edge of a road or street, whichever is less, regardless of whether such sign is situated within the right-of-way or beyond it.

(d) **Responsible Parties:** For the purpose of snipe sign enforcement, the following parties shall be regarded as having joint and severable responsibility with regard to illegal placement of snipe signs:

1. The record owner of the property on which the snipe sign is located.
2. The entity or person identified in the sign.
3. The person placing or affixing the sign.

(e) **Civil penalties:** Civil penalties of $200 for each snipe sign determined to be in violation of the regulations of this Article may be imposed on any and all responsible parties by the Planning Director in accordance with the following notice and compliance provisions:

1. **First violation.** The Planning Director shall send a warning/education letter to the responsible party or parties explaining Town regulations pertaining to snipe signs and providing a list of penalties for violations thereof.
2. **Second violation or failure to comply with the warning/education letter.** The Planning Director shall provide notice of the violation and any required remedies. The notice of violation shall be served by any means authorized under G.S. 1A-1, Rule 4, and shall direct the violator to correct the violation within 48 hours after receipt of the notice of violation.
3. **Failure to comply with the notice of violation.** Any responsible party or parties who fail to comply with a notice of violation of any of the provisions of this Article shall be subject to a civil penalty of two hundred dollars ($200.00) for each snipe sign determined to be in violation of the regulations of this Article. A civil penalty may be assessed from the date of the violation. Each day of a continuing violation shall constitute a separate violation. The decision of the Planning Director to assess a civil penalty may be delivered by personal service, by registered mail or certified mail returned receipt requested or by any means authorized under G.S. 1A-1, Rule 4.
Civil penalties so imposed may be appealed to the Guilford County Superior Court in accordance with the provisions of section 17.15-1(C) above. Failure to appeal and/or pay the civil penalty shall be treated as a debt in accordance with the provisions of section 17.15-1(D) above.

18. OTHER SIGNS

No signs shall be allowed in a road right-of-way or safe sight distances; except those approved by the NCDOT and the Town of Summerfield. No billboards or other off-site signs shall be permitted.

19. 911 ADDRESS NUMBER REQUIRED TO BE POSTED

Each lot shall be clearly numbered with a permanent monument or marker at the intersection of the front lot line and the road right-of-way and must be clearly visible from the road at all times. The house number shall be readily identifiable by emergency personnel and inspectors. The number shall be at least 4 inches in height and the use of script in lieu of numeric characters in specifically prohibited.

(a) A temporary sign may be used during construction, provided said sign cannot be rendered unreadable by the weather and must be visible at all times from the road. The developer shall be responsible for maintaining the numbering on the lot until final occupancy is granted.

(b) Each structure within a subdivision shall be clearly numbered on the structure.

(c) No structure within a subdivision may be occupied until Section 423.1 and 423.3 have been met.

(d) The owner shall be responsible for maintaining the numbering on the structure and the monument or marker at all times.

(e) For the purposes of mail delivery, all mail receptacles shall have the structure or dwelling number posted in numerals at least two inches in height and the use of script in lieu of numeric characters in specifically prohibited. The owner shall be responsible for maintaining the numbering at all times.

K. OUTDOOR SALES, DISPLAY, AND STORAGE

1. PURPOSE

The intent of this Section is to provide for the appropriate location and design of outdoor sales, display, and storage areas and to mitigate any adverse impacts that such uses may have on adjacent properties and rights-of-way.

(a) Outdoor Sales and Display. Outdoor sales and display shall be permitted only when the following requirements of this Section are met:

(1) Outdoor sales and display shall only be permitted within an area not greater than eight hundred (800) square feet or ten (10) percent of the gross floor area of the ground floor of the building, whichever is greater, and shall be located at least twenty-five (25) feet from any residentially used or zoned property.

(2) When outdoor sales and display occurs within twenty-five (25) feet of a public right-of-way, item(s) shall not exceed five (5) feet in height and shall be completely screened from view from the public right-of-way.

(3) Stacked items located less than 50 feet from a public right-of-way shall not exceed 5 feet in height. Any material within 3 feet of any building entry shall not exceed 3.5 feet in height.

(4) Vending and ice machines shall be permitted outside of the building when located against and parallel to the building facade. Vending machines shall include newspaper, beverage, food, or snack dispensers.
(5) Outdoor sales and display of items shall be located on a hard and durable surface.

(6) Any area proposed to be used for outdoor sales and display in accordance with this Section shall be accurately delineated on applicable site or development plans.

(7) No outdoor sales and display shall be allowed in areas set aside, required, or designated for driving aisles, driveways, maneuvering areas, emergency access ways, off-street parking, or unloading/loading.

(8) Outdoor sales and display items, including newspaper boxes, shall not be located on sidewalks in the public right-of-way. Such items shall be permitted on privately owned walks or other areas intended for pedestrian movement provided an unobstructed, continuous path with a four (4) foot minimum width is maintained.

(9) Items for outdoor sale and display shall be completely screened from view from any abutting residentially zoned or used property.

(10) No outdoor sales, storage or display areas shall be located in any the sight distance triangle or located in any manner that would restrict or limit adequate sight distances for interior vehicular traffic movement.

(11) One additional parking space shall be required for each 500 square feet of outdoor sales and display area.

(12) Any outdoor display or sale item located outdoors in a manner constituting a sign must conform to the appropriate sign ordinance or regulations.

(13) Outdoor sales and display shall only be accessory to a principal nonresidential use that conducts most of its activities within a completely enclosed building or group of buildings, shall be conducted by employees of the principal use, and shall be owned by the owner of the principal use and not a consignment operation or arrangement.

(b) Outdoor Storage: All outdoor storage shall be permitted only when with the following requirements: have been met:

(1) Outdoor storage shall be limited to those areas designated for employees only and made inaccessible to the general public by means of a fence, wall or other permanent, secured enclosure or in areas that are set back a distance of not less than 50 feet from any public building entry, parking lot, pedestrian facility or similar publicly used area.

(2) Outdoor storage shall not occur within 25 feet of any public right-of-way.

(3) Outdoor storage shall be screened from view from any abutting property.

(4) Outdoor storage of new or used tires shall meet the following standards:
   a. Tires shall be stored in compliance with applicable public health regulations.
   b. Outdoor tire storage shall not occupy an area greater than 300 square feet
   c. Tires stored outside shall be neatly stacked; no stack shall be higher than 8 feet.

(5) All items stored outside shall be placed on a hard and durable surface.

(6) Outdoor storage may be located on privately owned walks or other areas intended for pedestrian movement provided an unobstructed, continuous path with a four (4) foot minimum width is maintained.

(7) No outdoor storage shall be located in the sight distance triangle or located in any manner that would restrict or limit adequate sight distances for interior vehicular traffic movement.
(8) Any storage item located outdoors in a manner constituting a sign must conform to the appropriate sign ordinance or regulations.

(c) Exemptions: The following uses are exempt from the requirements set forth in Section A and B of this Part:

(1) Areas designated for the outdoor sale, display or storage of plant material including live plants, fruits and vegetables and seasonal holiday related plant materials such as Christmas trees and pumpkins. This exemption does not include rock, mulch, pavers, building and landscape materials, and lumberyards.

(2) Sale or display for automobile, boat and similar passenger and recreational vehicles, farm equipment, or truck/trailer rentals which have met applicable requirements as set forth in these Regulations and all other applicable laws, rules, and regulations.

(3) Retail operations that occur under a permanent canopy structure attached to the principal structure on the lot.

2. OUTDOOR STORAGE IN INDUSTRIAL

(a) Outdoor Storage: All outdoor storage shall be permitted only when with the following requirements: have been met:

(1) Outdoor storage shall be limited to those areas designated for employees only

(2) and made inaccessible to the general public by means of a fence, wall or other permanent, secured enclosure or in areas that are set back a distance of not less than fifty (50) feet from any public building entry, parking lot, pedestrian facility or similar publicly used area.

(3) Outdoor storage shall not occur within twenty-five (25) feet of any public right-of-way.

(4) Outdoor storage shall be screened from view from any abutting property.

(5) Outdoor storage of new or used tires shall meet the following standards.

(6) Tires shall be stored in compliance with applicable public health regulations.

(7) Outdoor tire storage shall not occupy an area greater than three hundred (300) square feet

(8) Tires stored outside shall be neatly stacked; no stack shall be higher than eight (8) feet.

(9) All items stored outside shall be placed on a hard and durable surface.

(10) No outdoor storage shall be located in the sight distance triangle or located in any manner that would restrict or limit adequate sight distances for interior vehicular traffic movement.

(11) Any storage item located outdoors in a manner constituting a sign must conform to the appropriate sign ordinance or regulations.

L. PERFORMANCE AND MAINTENANCE GUARANTEES

1. PERFORMANCE GUARANTEES

(a) General

A performance guarantee in accordance with the standards in this section shall be required at the time the plat is recorded in the following circumstances:

(1) To ensure the completion of infrastructure and site improvements that may be required as part of an approved Preliminary Plat (e.g., streets, sidewalks, stormwater management facilities, potable water facilities, wastewater facilities, street lights), but are not approved by the Town Manager as
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complete before application for approval of a Final Plat (Article 3.B.6.(n) Minor and Major Final Plat Approval). As referenced herein, all streets shall be built to North Carolina (NC) Department of Transportation (DOT) standards to ensure that they may be brought into the NC DOT system. Such performance guarantee for streets herein shall only be released as set forth in Article 6 L.1.(d) and L.2 below;

(2) To ensure completion of infrastructure and site improvements (other than landscaping) that are required as part of an approved Site Plan (e.g., sidewalks, exterior lighting), but are not installed before application for a Certificate of Occupancy (Article 3.B.13) provided that the Administrator determines that the property may be safely occupied and used pending the delayed installation of the improvements; and,

(3) To ensure completion of landscaping that is required in accordance with Article 6.E. Landscaping Requirements but is not installed before issuance of a Certificate of Occupancy (in conjunction with the grant of an extension to the time limit for installation of required landscaping (see Article 6.E.5.(b) Installation of Plant Materials).

(b) Form of Performance Guarantee

(1) Where required, the owner or developer shall furnish a performance guarantee in one of the following forms, at the owner or developer’s choice:
   a. Surety bond issued by any company authorized to do business in this State.
   b. Letter of credit issued by any financial institution licensed to do business in this State.
   c. Other form of guarantee that provides equivalent security to a surety bond or letter of credit. Equivalency is to be agreed upon with the town attorney.

(2) The performance guarantee shall be conditioned on the performance of all work necessary to complete the installation of the required improvements within the term of the performance guarantee. Performance guarantees shall provide that in case of the owner’s or developer’s failure to complete the guaranteed improvements, the Town shall be able to immediately obtain the funds necessary to complete installation of the improvements.

(3) The performance guarantee shall only be used for completion of the required improvements and not for repairs or maintenance after completion.

(c) Amount of Performance Guarantee

(1) Performance guarantees for required improvements shall be in an amount equal to one hundred twenty-five percent (125%) of the estimated full cost of completing the installation of the required improvements, including the costs of materials, labor, and project management.

(2) Estimated costs for completing installation of required public infrastructure improvements shall be itemized by improvement type and certified by the owner’s or developer’s licensed design professional and are subject to approval by the Administrator. Estimated costs for completing installation of required landscaping shall be itemized and certified by the owner’s or developer’s design professional or contractor and are subject to approval by the Town Manager.

(3) Any extension of the guarantee necessary to complete required improvements shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated, as stated to reflect cost increases over time, cost of completion of the remaining incomplete improvements still outstanding at the time the extension is obtained.

(d) Release or Reduction of Performance Guarantees

(1) Requirements for Release or Reduction:
The Administrator shall release or reduce a performance guarantee only after:

a. The owner or developer has submitted to the Administrator a written request for a release or reduction of the performance guarantee that includes certification by the owner’s or developer’s licensed design professional, that installation of the guaranteed improvements has been completed in accordance with approved plans and specifications;

b. The engineer of record for design of transportation improvements intended to be designated as public under G.S. 136-102.6 shall provide a sealed certification to the city and the Division of Highways confirming that the transportation improvements have been completed according to the plans that received the certificate of approval pursuant to G.S. 136-102.6(d).

c. Town staff has performed an inspection of the improvements and certified in writing that installation of the guaranteed improvements has been completed in accordance with approved plans and specifications;

d. The owner or developer has reimbursed the Town for all costs associated with conducting any inspection that finds the guaranteed improvements have not been installed in accordance with approved plans and specifications;

e. The owner or developer has provided the Administrator assurances that liens against guaranteed public infrastructure improvements will not be filed after their acceptance by the Town (e.g., through affidavits, releases, or waivers of liens from all contractors and subcontractors); and

f. The owner or developer has provided the Administrator any required maintenance guarantee for the same public infrastructure improvements (Article 7.F.2.)

(2) Limits on Reductions:

No performance guarantee for public infrastructure improvements (including street trees planted within a public ROW) shall be reduced to less than fifty percent (50%) of the full amount of the performance guarantee until all guaranteed public infrastructure improvements have been completed by the owner or developer. No performance guarantee for required landscaping shall be reduced to less than seventy-five percent (75%) of the full amount of the performance guarantee, until all guaranteed private site improvements have been completed by the owner or developer.

(3) Releases Shall Be Documented:

The Town shall provide written notice of the Town’s final acceptance of the public infrastructure improvements.

(4) Right of claim:

No person shall have or may claim any rights under or to any performance guarantee or in the proceeds of any such performance guarantee other than the following:

a. The local government to whom such performance guarantee is provided.

b. The developer at whose request or for whose benefit such performance guarantee is given.

c. The person or entity issuing or providing such performance guarantee at the request of or for the benefit of the developer."

(e) Term of Performance Guarantees

The term of a performance guarantee shall reflect any time limit for completing installation of required improvements that is included in approval of the Final Plat or Certificate of Occupancy, as appropriate, but in any case, the initial term shall not exceed two years. If improvements are not completed upon
expiration of the performance guarantee, the Administrator shall extend the performance guarantee or require a new performance guarantee until such required improvements are complete, provided the developer demonstrates reasonable, good faith progress toward completion of the required improvements that are the subject of the performance guarantee or any extension. The form of any extension shall remain at the election of the developer.

(f) Default and Forfeiture of Performance Guarantee

(1) Improvements to be Completed 45 Days Before Guarantee Expires

All developments whose improvements are not completed and accepted 45 days prior to the expiration of the financial guarantee shall be considered in default.

(2) Notice of Failure to Install or Complete Improvements

If the owner or developer fails to complete installation of the guaranteed improvements within the term of the performance guarantee (as may be extended), the Town Manager shall give the owner or developer 30 days written notice of the default by certified mail.

(3) Town Completion of Improvements

After the 30-day notice period expires, the Town may draw on the security and use the funds to perform work necessary to complete installation of the guaranteed improvements. After completing such work, the Town shall provide a complete accounting of the expenditures to the owner or developer and, as applicable, refund all unused security deposited, without interest.

2. MAINTENANCE GUARANTEES FOR TRANSPORTATION IMPROVEMENTS

(a) General

A maintenance guarantee is required for transportation improvements to be designated as public under G.S. 136-102.6 to prevent degradation of those improvements until they are added to the State highways system for maintenance pursuant to 34 G.S. 136-102.6(d). Except as modified by this section, procedures and requirements for maintenance guarantees are as established by [Article ----- Performance Guarantees].

The developer shall provide a maintenance guarantee within 20 business days following the filing of the certificate of completion by the engineer of record.

(b) Release or Reduction of Performance Guarantees

The Administrator shall release or reduce a performance guarantee, as appropriate, only after any of the following occur:

(1) The transportation improvements are added to the State highways 32 system for maintenance pursuant to G.S. 136-102.6(d).

(2) The rerecording of a subdivision plat designating the transportation improvements as private

(c) Amount of Maintenance Guarantees

Maintenance guarantees shall be in an amount up to 15 percent of the reasonably estimated total cost of construction of the transportation improvements at the time the guarantee is issued.