

Division 4. Special Districts

Sec. 44-441. Generally.

Purpose. It is the intent of this Article to establish special districts for the purposes of:

- ◆ *Protecting existing or proposed character or principal views of, from or through the areas;*
- ◆ *Protecting buildings and their visual environment where there is special and substantial interest in; or*
- ◆ *Creating higher development standards to accomplish the purpose for which the special district is established.*
- ◆ *Promoting the purposes set out in the adopted small area plans and other officially adopted plans of the County and to encourage land use and development in substantial accord with the physical design set out in the plans.*

(a) *Special district regulations.* The special district regulations are designed to promote the intent of the district, as set out in each district's purpose statement. In particular, such regulations may require submission of concept site plans, building plans and elevations, and maps indicating the relation of proposed development to surrounding or otherwise affected property in terms of the following:

- (1) Location, amount, character, and continuity of open space;
- (2) Protection of desirable principal views;
- (3) Convenience of access through and between buildings or in other locations where appropriate for public purposes and where such access will reduce pedestrian congestion on public streets;
- (4) Separation of pedestrian and vehicular traffic;
- (5) Signs;
- (6) Lighting;
- (7) Mixtures of proposed uses; and
- (8) Other matters appropriate to determine the relation of the special interest district and the objectives to be promoted.

(b) *Procedure for approval of special districts.*

Applications for special districts will be processed as a zoning map amendment (rezoning); therefore, the procedures outlined in Sec. 44-326 must be followed.

Sec. 44-442. Reserved.

Sec. 44-443. Planned Development (PD).

Purpose: The planned development district is established to encourage the master planning of large scale, multiple and/or mixed use development patterns. Applicants who propose a planned

development have more flexibility and creativity in design than is possible under conventional zoning regulations. The planned development process:

- ◆ *Allows for the layout of uses and open space that promote high standards in design and construction which furthers the purposes of the small area plans.*
- ◆ *Encourages well planned, efficient development to promote economical and efficient land uses.*
- ◆ *Allows a planned and coordinated mix of land uses which are compatible and are harmonious , but were previously discouraged by conventional zoning procedures.*
- ◆ *Encourages the development of contiguous large lot parcels into an integrated and orderly pattern, with particular attention to developing an efficient and coordinated network of internal streets.*
- ◆ *Promotes the clustering of structures and other uses in order to preserve unique and natural features such as woodlands, wetlands, natural drainage systems and scenic areas.*
- ◆ *Reserves adequate public right-of-way within development areas for the eventual extension of arterial and collector streets, including proper width and spacing of such streets.*
- ◆ *A planned development is defined based upon the following general characteristics:*
- ◆ *Aggregate size and number of non-residential buildings.*
- ◆ *Mixture of housing types including single family with multi-family.*
- ◆ *A combination of uses such as retail/commercial with residential or office uses.*

Sec. 44-443.01. Applicability.

The PD district is required when one or more of the following factors are proposed:

- (a) The aggregate square footage of the non-residential building(s) on a single zoning lot is more than 50,000 square feet gross leasable area regardless of the number of uses within the building or structures planned;
- (b) Multi-family attached units (apartments, condominiums, townhouses, 2 or more duplex buildings on the same lot, etc.) for rent or sale;
- (c) 3 or more duplex buildings on separate adjoining lots, planned cumulatively as of the adoption of this Chapter (see Sec. 44-614 for design criteria); or
- (d) A mix of housing types on a single zoning lot. An example of a mix of housing types would include the combination of single-family dwellings with duplex, multi-family or zero lot line developments. This does not include a lot with an accessory dwelling unit or temporary manufactured home.
- (e) A single-family residential subdivision consisting of 200 or more lots planned cumulatively as of the adoption of this Chapter. Subdivisions of less than 200 lots may chose to apply for a PD district at the developer's option.

(Ord. No. 2008-17, 10/20/08)

Sec. 44-443.02. General criteria for planned development amendments.

PD districts may be established in accordance with the general procedures and requirements set forth in this Article and the following criteria. Enhanced design standards and negotiated

amenities may apply subject to an application made for a voluntary planned development-conditional zoning in accordance with Sec. 44-327. The negotiated amenities could include public open space, trails, bicycle paths, conservation easements, traffic improvements, buffering and connectivity.

- (a) *Relation to major transportation facilities.* PD districts should be located within easy access to expressways, arterial and collector streets to provide direct access to and from the district without creating traffic along surrounding local streets in residential neighborhoods
- (b) *Relation to public utilities, facilities, and services.*
 - (1) When PD districts require connection to sanitary sewer or water lines, the extension or enlargement of such systems cannot result in higher net public cost, or earlier incursion of public cost than other types of development generally permitted under current zoning and development policies for the area. Connection to public water and sewer must conform to County code and policy.
 - (2) PD districts for multi-family uses are not permitted unless public water and sewer is available.
 - (3) PD districts, and uses within districts, should be located with respect to necessary public facilities (for example, schools, parks, and playgrounds in the PD districts that have housing uses).
- (c) *Plan consistency.*
 - (1) When nonresidential uses are proposed in a PD district, the district may be considered in any of the commercial, office and institutional or mixed use future land use designations identified in the small area plans, with exception of rural and neighborhood commercial nodes.
 - (2) When multi-family housing is proposed in a PD district, the district may be considered in any commercial, office and institutional, mixed use or multi-family areas designated in the small area plans, with exception of rural and neighborhood commercial nodes.
 - (3) A PD consisting of 3 or more duplexes may be considered in any commercial, office and institutional, mixed use or residential (single-family or multi-family) areas designated in the small area plans.
 - (4) Consideration is given to the existing and prospective character of surrounding development to help protect property values in surrounding neighborhoods.
- (d) *Concept site plan relationships.* PD districts must be proposed according to site plans which include amenities such as streets, utilities, lots, buildings, parking, service areas, landscaped open space and their relationships to each other. Plans for other uses and improvements, along with a program for provision, operation, and maintenance of such areas whether for public or

private use, must also be provided. Procedure requirements in Sec. 44-326 must be met.

Sec. 44-443.03. Site plans.

In general, the concept site plan must provide a unified and well-organized arrangement of buildings, service areas, parking, pedestrian, and landscaped common areas providing for maximum comfort and convenience of visitors and occupants. Commercial buildings must be grouped, in relation to parking areas, so that visitors arriving by automobile can enter the walkway system, establishments can be visited conveniently with a minimum of internal automotive movements.

- (a) *External relationships.* Relation of the planned development district to surrounding areas must be as follows:
 - (1) *Requirement for street access.* No planned development should be located except where direct access to an arterial street is available, or will be made available, at convenient locations at the edges of or within the district. Street access must be at a scale and of a character suited to the needs of occupants and visitors.
 - (2) *Location of uses in relation to adjoining residential districts.* Where a planned development adjoins any residential district, with or without an intervening street or alley, to the maximum extent reasonably practicable, residential uses within the planned development district must be located adjacent to the residential district, and nonresidential uses and signs located and oriented away from the residential district.
- (b) *Internal relationships.* The concept site plan shall provide for safe, efficient, convenient, and harmonious groupings of structures, uses, facilities, and open spaces in a manner facilitating pedestrian movement between major origins and destinations within and adjacent to the district with a minimum of conflicts with vehicular traffic. In particular:
 - (1) Pedestrian amenities must relate to a network of exterior open spaces reserved for pedestrian use and enjoyment. Pedestrian ways must be scaled for anticipated traffic and form a convenient pattern connecting major concentrations of uses within the district.
 - (2) Streets, parking areas, and service areas must be located and designed to separate private vehicular use within the district from principal pedestrian areas. The separation may be horizontal, with vehicular areas concentrated and grouped in a logical location at edges of the district adjacent to major or collector streets, or vertical, with vehicular areas under buildings.
 - (3) Relationship of uses must work so that major commercial and service establishments are grouped for maximum pedestrian convenience along frontages. Residential or general office uses may be in separate areas within the districts or be separated vertically from commercial and service areas.

- (4) The development must be in complexes where residential (when proposed), commercial, and office uses are scaled, balanced, and located to reduce general traffic congestion by providing housing close to principal destinations and convenient pedestrian circulation systems. In general, local streets cannot be connected with streets outside the districts in such a way to encourage use of such local streets by substantial amounts of through traffic.
- (5) A vacated building and an adaptive reuse plan for buildings greater than 75,000 square feet (“big box” design) must be submitted at the site plan approval stage.

Sec. 44-443.04. Permitted principal and accessory uses and structures.

Permitted principal and accessory uses and structures in the planned development district are as follows:

- (a) The following permitted principal uses and structures are allowed:
 - (1) One-family, two-family, and multi-family dwellings, detached, semidetached, and attached;
 - (2) Offices, clinics, studios, laboratories;
 - (3) Banks, savings and loan associations, and similar financial institutions;
 - (4) Retail establishments, not including vehicle sales;
 - (5) Eating and drinking establishments, catering establishments, delicatessens, and bakeries with products sold at retail on the premises;
 - (6) Barbershops, beauty shops, and similar personal service establishments;
 - (7) Laundry and dry cleaning collection stations, laundry and dry cleaning plants employing not more than 5 persons in any one shift in actual laundering, or dry cleaning establishments where equipment is operated by customers;
 - (8) Tailoring, custom dressmaking, millinery, and similar establishments with on-premises retail sales only;
 - (9) Repair establishments for home appliances, bicycles, lawn mowers, shoes, clocks and watches, and the like;
 - (10) Hotels, motels;
 - (11) Child care nurseries; day care centers; pre-kindergarten, kindergarten, play and other special schools; or day care facilities for young children;
 - (12) Family care centers;
 - (13) Churches, synagogues, temples, and the like;
 - (14) Colleges, universities, technical college;

- (15) Schools – elementary, middle and high;
 - (16) Recreation establishments such as theaters and bowling alleys;
 - (17) Miniwarehouses; and
 - (18) Structures and uses required for operation of a public utility or performance of a governmental function, except uses involving extensive storage, or with storage as the principal purpose; railroad rights-of-way, stations or tracks, but not railroad yards, or major storage or warehousing operations.
- (b) Automobile, truck, recreational vehicle, boat, motorcycle sales or repair stations are not permitted in this district.
 - (c) Accessory uses and structures which are customarily and clearly incidental to permitted principal uses and structures are permitted in this district.

Sec. 44-443.05. Minimum required gross land area.

The minimum required gross land area for the establishment of a planned development district is 80,000 square feet. Additional adjoining land may be combined with existing planned development districts. When this occurs, the additional land will be considered as part of the total development with regards to size and standards required in this Chapter. Adjoining land to be considered must be developed in harmony with the existing planned development with regards to review procedures, uses, design, access, and other standards as provided in this Chapter.

Sec. 44-443.06. Maximum permitted floor area ratio.

The maximum permitted Floor Area Ratio (FAR) for a planned development district is 1:2. In addition, all built-upon requirements of Sec. 44-434, Watershed Protection District (WP-O) must be met.

(Ord. No. 2008-17, 10/20/08)

Sec. 44-443.07. Pedestrian and landscaped common areas.

- (a) Non-residential planned development must reserve an area equal to 15% of the land area of the planned development for pedestrian use and landscaping and shall be improved and maintained accordingly. Such space may include covered malls for general pedestrian use as well as exterior walkways, pocket parks, play areas for children, outdoor seating areas, and the like. When covered malls are included, they must be excluded in computing floor area.
- (b) The requirements of Sec. 44-518 must be met. If sidewalks are installed, the land area can be counted toward the open space common area requirement.

Sec. 44-443.08. Open/recreation space.

- (a) Open space for passive or active recreation is required in a planned development for residential uses. The amount of open space must be in accordance with Sec. 44-543 based on the number of housing units in the development.

- (b) The requirements of Sec. 44-518 must be met. If sidewalks are installed, the land area can be counted toward the open space common area requirement.

Sec. 44-443.09. Landscaping buffer and screening requirements.

The landscaping buffer and screening requirements of Article V, Division 4 must be met. Planned developments must install a median-type entranceway at main entrances, subject to NCDOT approval. The median must be grassed and landscaped with shrubbery and small decorative trees.

Sec. 44-443.10. Off-street parking.

Off-street parking must be provided as required in Article V, Division 5 of this Chapter.

Sec. 44-443.11. Underground utilities.

All telephone, electric, cable and other utilities must be underground in any planned development.

Sec. 44-443.12. Signs.

Signs in planned development must be in conformance with the regulations established in Article V, Division 7.

Sec. 44-443.13. Minimum setback requirements adjacent to public streets.

Minimum front setbacks adjacent to public streets must be 30 feet. Structures built on properties fronting along existing roads in the R-40 district or along a rural preservation corridor must meet setbacks in Table 44-404-1 and 44-435 respectively.

Sec. 44-443.14. Setbacks required adjacent to residential or non-residential districts.

- (a) Where a non-residential planned development district adjoins a residential district without an intervening street or alley, a setback at least 50 feet in width must be provided along such joint boundary.
- (b) Where a residential planned development district adjoins a residential district without an intervening street or alley, a setback at least 50 feet in width must be provided along such joint boundary. No intensive recreational use or off-street parking is permitted within 25 feet of the district boundary in such circumstances.
- (c) Where a planned development district adjoins a non-residential district, a 35 foot perimeter setback must be provided.

(Ord. No. 2008-17, 10/20/08)

Sec. 44-443.15. Architectural elements.

Buildings within the PD must be designed with a consistent architectural theme and color scheme. Building height, rhythm, articulation, massing and bulk must be compatible with the individual site attributes and be compatible with the surrounding neighborhoods. The following also apply:

- (a) PD building facades must contain setback relief and a variety of roof component shapes.
- (b) *Big box design.* For buildings greater than 75,000 square feet (“big box” design) where the storefront length is greater than 60 feet, recesses and projections of 4 feet or more from the primary building line must be provided comprising a total of at least 33% of the storefront length along all sides facing public streets. An exception to the recesses and projections requirements may be granted where the intended affect can be accomplished through a different architectural design which breaks up the appearance of the building façade.
- (c) *Building construction standards:*
 - (1) *Building front.* Ribbed paneling consisting of vinyl or metal material, or unpainted cinder blocks are prohibited as the building material for the front of a building facing a public right-of-way. For the purposes of this Subsection, buildings located on corner lots are only considered to have one front.
 - (2) *Façade(s) visible from public rights-of-way.* Building façade(s) consisting of ribbed vinyl or metal material, or unpainted cinder blocks are prohibited along the portion(s) of the building, other than the front, which are visible from public rights-of-way. An exception can be made where a solid vegetative screen exists or is installed which shields that portion of the façade(s) from public view, as determined by the planning director.
 - (3) *Façade(s) not visible from public right-of-way.* Sides not visible from public rights-of-way may use ribbed paneling, painted cinder blocks or other materials.
 - (4) *Type of building materials encouraged.* Examples of building materials which are encouraged include masonry, wood, fibrocement product, such as hardiboard, textured vinyl and stucco and other new and innovative materials as they become available in the marketplace; and
- (d) Garage fronts in a duplex or multi-family PD must be de-emphasized and not be the most prominent architectural feature of the house.

Sec. 44-443.16. Street design.

- (a) All streets must be designed and paved to meet the NCDOT standards. Streets can be designated as either public or private. A public street is intended to be petitioned for maintenance by NCDOT. A private street is not maintained by NCDOT; however, is required to be designed and constructed to NCDOT standards.
- (b) Turn lanes along the road frontage are required, subject to NCDOT approval.

Sec. 44-443.17. Lighting.

Lighting intensities should be controlled to ensure that light and glare are not directed at adjacent properties, neighboring areas, and motorists. The lighting standards in Sec. 44-522 shall be adhered to.

Sec. 44-443.18. Subdividing in planned developments.

Individual lots can be established within a planned development, in residential or nonresidential districts, after a detailed site plan has been approved. Lots are not subject to lot area and internal setback requirements, however all built-upon requirements of Sec. 44-434 Watershed Protection District (WP-O) must be met. Perimeter setback requirements of Sec. 44-443.14 must be met. The procedures in Article III, Division 4 for subdividing the planned development shall be followed.

(Ord. No. 2008-17, 10/20/08)

Sec. 44-443.19 Street line preservation.

- (a) Right-of-way dedication is required for all planned development districts fronting along roadways funded for improvements in the current State Transportation Improvement Program (STIP) and must be indicated on any subdivision plat, site plan, or zoning authorization permit applications. When right-of-way is dedicated, density bonuses are provided as shown in Sec. 44-502 (b) and (c).
- (b) The building setback would include the required setback plus ½ the estimated right-of-way needed for future road improvements.

(Ord. No. 2008-17, 10/20/08)

Sec. 44-444. Planned Development – Industrial Parks (PD-IP).

Purpose: Planned Development Industrial Park (PD-IP) districts are defined as planned development districts for establishment of complementary groupings of related manufacturing, processing, assembly, research activities, and related uses. The intent of this division is to provide for development of such districts at locations appropriate in terms of the adopted small area plans and in accord with standards set forth in this Section. The Planned Development-Industrial Park district must be developed to:

- ◆ *Encourage concentration of complementary uses grouped adjacent to streets serving large traffic volume, providing well-planned development on sites with adequate frontage and depth to permit controlled access to streets and reduce marginal traffic friction;*
 - ◆ *Serve as an alternative to further extensions of industrial zoning allowing disorderly strip development; and*
 - ◆ *Protect stability and property values in surrounding residential neighborhoods.*
- (a) *Plan Consistency.* A PD-IP may be considered in the following land use designations within the small area plans:

- (1) St. Stephens-Oxford - Industrial
 - (2) Catawba - Industrial
 - (3) Balls Creek- Hwy 321 Business corridor between Newton and Maiden
 - (4) E-1 (now LI) and E-2 (now GI) zoning in small area plans
- (b) *Applicability.* A PD-IP district must be approved when more than one industrial principal structure is planned on a zoning lot or when 2 or more permitted industrial uses per principal structure are developed on a single zoning lot.
 - (c) *Minimum area required for establishment of access requirements.* A PD-IP district can be established with a land area of less than 10 acres. Width and depth of the property must be adequate for the plan proposed and the tract of land must have at least 200 feet of frontage on an arterial or collector street.
 - (d) *Permitted principal and accessory uses and structures.* Permitted principal and accessory uses and structures must be according to the corresponding industrial zoning districts. Business and professional service offices are permitted uses. In addition, applications for amendments to PD-IP zoning districts may be denied, if the proposed district does not contain facilities deemed complementary and compatible or if a particular group of uses, in themselves complementary and compatible, would be inappropriate in the location proposed because of the character of surrounding development and zoning. A PD-IP does not allow residential housing.
 - (e) *Maximum floor area ratio.* Maximum floor area ratio permitted in any PD-IP district is 1:3.
 - (f) *Height limitations.* The maximum height of buildings will be considered as part of the PD approval process.
 - (g) *Off-street parking and loading requirements.* Off-street parking, landscaping and loading requirements for the PD-IP district must be in accordance with Article V.
 - (h) *Underground electric and telephone utilities.* Electrical, telephone and other service lines must be underground in all PD-IP districts.
 - (i) *Sign limitations.* Sign limitations in the PD-IP district must be as provided for in Article V, Division 7.
 - (j) *Site planning.* Site planning considerations and requirements, including pedestrian design, must be as provided for in planned development districts, Sec. 44-443.03. The PD-IP district is not subject to the architectural requirements of the PD district.
 - (k) *Development boundary setbacks.*
 - (1) When a PD-IP district abuts a single-family district, the building setbacks from the perimeter of PD-IP district must be a minimum of 50 feet. The setback areas must be landscaped in accordance with Sec. 44-523(f).

- (2) When a PD-IP district abuts a commercial district, the building setbacks from the perimeter of the PD-IP district must be a minimum of 35 feet. Such setback areas must be landscaped in accordance with Sec. 44-523(f).
- (3) When a PD-IP district abuts a public street, the building setbacks from the street must be a minimum of 35 feet. Street trees shall be planted in accordance with Sec. 44-523(h).

(Ord. No. 2008-17, 10/20/08)

Sec. 44-445. Village Center (VC).

Purpose: In general, a Village Center (VC) district is established to accommodate the following goals:

- ◆ *Development with modest size and scale that accommodates and promotes pedestrian access and walkable communities generally to serve a trade area within a 3 mile radius.*
- ◆ *Promote a design that results in residentially scaled buildings fronting on, and aligned with, interconnected streets having a common town square, village green or central square serving as a focal point.*
- ◆ *Promote the use of neighborhood greens, landscaped streets, boulevards (a street designed with a central median, planted with trees, as a central feature), parkways, and "single-loaded" streets woven into street and block patterns that provide neighborhood identity and space for social activity, parks, and visual enjoyment.*
- ◆ *Provide buildings for common or institutional purposes, such as civic or religious assembly, that act as visual landmarks and symbols of identity.*
- ◆ *Promote the location of dwellings, shops, and workplaces in close proximity to each other, the scale of which accommodates and promotes pedestrian travel for trips within the community.*
- ◆ *Preserve greenways, scenic vistas, agricultural lands, and natural areas and utilize open space for recreational and environmental protection purposes.*
- ◆ *Design building heights to be greatest in the storefront area and transition to lower heights outward from the storefront area to the boundary of the village center.*
- ◆ *Design buildings in the village residential area to be comparable in height and massing with the adjacent and nearby properties as well as the surrounding neighborhood.*
- ◆ *Create housing densities to be highest within the central residential area, transitioning to progressively lower densities moving outwards from the center of the village center district to the village residential area. This transition can be accomplished using thoughtful architectural design, height, and massing.*
- ◆ *Provide a diversity of housing types to support the life cycle of the village residents.*
- ◆ *Provide for connectivity between uses with multiple connections and relatively direct routes.*
- ◆ *Provide traffic calming, keeping streets as narrow as possible.*

Sec. 44-445.01. Applicability.

The village center is a special district where the uses and standards in this Section apply.

- (a) *Classical villages.* The classical village provides for a range of complementary uses and may consist of up to 4 areas:

- (1) *Storefront area.* This area serves as the village core and is the center of pedestrian activity. A typical village core is an area radiating 1/8 to 1/4 mile (or up to a 5 minute walk for an average adult) from the "Main-Main" intersection or a primary focal point such as a town square or village green. All mixed use/commercial uses of the village must be located only within the storefront area and consists of the most intense urban buildings in both massing and use. This area provides a variety of retail shops and services to support the needs of village residents and other local residents, complemented by other compatible business, civic, institutional and upper-story residential uses in commercial-type buildings in a manner consistent with a small downtown or central market place in the community. Upper story dwelling units above non-residential uses are encouraged. First floor residential uses are prohibited. The storefront areas must be constructed by the time 50% of the residential component has been built.
 - (2) *Central residential area.* This area provides a wide variety of housing types in close proximity to the storefront area when the village contains commercial uses or the village core when commercial uses are not present. This area serves as an ideal location for medium to high-density housing. The housing, together with the core, provide a network of well-connected, pedestrian-scaled streets. In addition, where transit stops are located in the core, there is a significant transit user population within walking distance. The central residential area serves as the transition from the intensity of the core to the surrounding lower density neighborhoods. The size of the area is largely a function of the scale of the village center, and walking distances to the core.
 - (3) *Village residential area.* This area is required in all villages, generally located outside the central residential area, and contains primarily single-family detached dwelling units, but may include multi-family and accessory dwelling units. While these areas should be seamlessly connected to the central residential area and/or the storefront area by pedestrian-oriented streets, transitions from the adjacent areas should be accomplished through the proper design of the public realm of the street (including the use of traffic calming features on existing streets) as well through appropriate massing, scale, and architectural design of the buildings.
 - (4) *Village greenway area.* This area is required in all villages. This area must consist of a combination of natural wooded area (if pre-existing) and managed areas such as multiple greens, commons, squares and parks in accordance with Table 44-445.10-1.
- (b) *Alternative component.* In some cases, a village development may include a 5th component of a commercial corridor. Where a commercial corridor is proposed, the MUC-O standards in Sec. 44-430 must be met.

Sec. 44-445.02. Plan consistency.

A village center may be considered in any of the village future land use designations identified in the Balls Creek, Sherrills Ford, St. Stephens-Oxford or Startown Small Area Plans by rezoning an area of land from its existing classification to a village center district.

Sec. 44-445.03. Standards pertaining to a village as a whole.

- (a) An accessory dwelling unit is permitted, if included on the approved concept site plan, provided it is part of a detached garage and the accessory dwelling unit's square footage is no more than 50% of the heated square footage of the principal unit. A special use permit, in accordance with Sec. 44-638, is required for an accessory dwelling unit that was not approved as part of the original village center concept site plan.
- (b) Accessory structures must maintain a 5-foot rear and side setback and are not allowed in the front setback.
- (c) Front-loaded garages, (a garage having its vehicular entry door facing the street), must be at least 10 feet behind the primary plane of the front facade of the residential structure.
- (d) A minimum of 30% of the overall tract must be permanently protected as greenways and/or public open space with the majority of this land within the greenway area.
- (e) *Overall form.*
 - (1) New village development must be compact with a well-defined edge or buffer between new developed areas of the village and adjacent rural area.
 - (2) Areas of new construction must be located to best preserve natural resources, cultural features, and scenic vistas. Modification of existing topography must be minimized to the greatest extent possible.
 - (3) Block Design.
 - a. Villages must be designed in a general grid pattern of blocks and interconnecting streets and rear lanes, defined by buildings, landscaping, pedestrian ways, sidewalks and street furniture. To avoid the monotony of a rigid grid layout and to better conform to the natural terrain, streets may include frequent gentle curves.
 - b. The maximum length of a block should be 500 feet. This length may be extended up to 800 feet when mid-block footpaths are provided.
 - c. Blocks of the dimensions described above may be reshaped when topography, existing vegetation, or hydrology considerations influence block shape and size.
 - d. In the storefront area, at least one pedestrian pathway, a minimum of 8 feet wide, should be provided for every 250 feet of street frontage, which connects with rear parking lots.

- e. Each block that includes storefronts and/or townhouse lots less than 40 feet wide must be designed to include a rear alley serving parking areas or garages in the rear.
 - f. Local access streets must be configured using a design speed of 25 mph. Traffic calming techniques include “T” intersections (an intersection where it is not possible to proceed in a straight direction, but where vehicles must come to a full stop and turn to either the right or left), traffic islands, circles, loops or crescents, roundabouts, 3-way and 4-way stop signs. Speed bumps should be avoided and used only as a last choice. The distance between “T” intersections must not exceed 3 blocks or 1,500 linear feet, whichever is less. “T” intersections must be located in harmony with offset requirements from other intersections to insure traffic flow efficiency.
- (4) *Roadway separation for village centers.* Residential uses, excluding upper story dwelling units in the storefront area, cannot be located within:
- a. 500 feet of an arterial highway having 4 or more lanes, or
 - b. 300 feet of a 2-lane state highway, unless effectively screened from public view by virtue of topography, dense vegetation or other physical or visual barriers.
- (5) *Use Transitions.*
- a. Similar land uses should face one another across a street, while dissimilar land uses should abut along alleys or rear parking areas.
 - b. At least 80% of dwelling units should be within 1,500 feet from the storefront area.
 - c. Nonresidential uses, intended to serve an area beyond the village, must be located to permit vehicular access from outside the village, without passing through residential streets.
 - d. Single-family uses must be separated from multi-family uses by either a street or village green and must have compatible architecture facades to the extent feasible.
- (6) *Uniformity.* To encourage uniformity along a street, consistent setbacks for residential units apply.
- (7) *Sidewalks.* Within the storefront, central residential and village residential areas sidewalks must be provided on both sides of commercial and residential streets, subject to Sec. 44-518. In the managed greenway area, as dictated in 44-445.14, sidewalks must be provided to the greenway area. All sidewalks must be a minimum of 5 feet wide.
- (8) *Street design and construction.* All streets within the village center must be designed and constructed to NCDOT standards. The developer can choose from either NCDOT’s traditional neighborhood design guidelines or subdivision roads minimum construction standards.

- (9) *Underground utilities.* All new on-site utilities (electric, telephone, cable, etc.) in village centers must be located underground unless technical restrictions prohibit doing so. The approving board shall determine if technical restrictions are applicable. Appropriate utility easements must be noted on final plats referring to underground utility locations.
- (10) **Public Amenity Sites.**
 - a. Where applicable, bus stop areas must be provided at strategic locations.
 - b. Decorative public benches must be provided at bus stops and at strategic locations, such as in greens, commons, squares and parks.
 - c. Decorative bike racks must be provided at strategic locations with a paved pad designed to accommodate it.

(Ord. No. 2008-17, 10/20/08)

Sec. 44-445.04. Housing types within the storefront area.

Upper story dwellings above non-residential uses are allowed in a condominium ownership or rental arrangement within a higher density setting.

Sec. 44-445.05. Housing types within the central residential area.

The central residential area is designed to provide a variety of housing types in order to accommodate persons with a range of income levels.

- (a) The central residential area must consist of at least 2 dwelling types.
- (b) The majority of housing types must be duplex or multi-family dwellings.

Sec. 44-445.06. Housing types within the village residential area.

The village residential must only contain single-family detached housing types.

Sec. 44-445.07. Dimension standards applicable to the central residential area.

Building-to-building distance across a street refers to the horizontal distance between the facades of buildings on opposite sides of a street, excluding open porches, stoops and projecting eaves. Dwellings on opposite sides of the street should be located at least 70 feet, but no more than 90 feet, across from one another, except along boulevards and when buildings face onto greens, commons, or other greenways.

Sec. 44-445.08. Residential density.

- (a) The density, or number of dwelling units, in the village center district applies to 3 density ranges where public water and/or sewer is available:
 - (1) Low density (1-3 dwellings units per acre) within the village residential area;

- (2) Medium density (4-6 dwellings per acre) within the central residential area; and
 - (3) High density (7-16 dwellings per acre) within the storefront or central residential areas.
- (b) The area available for dwelling units pertains to lands outside of the required greenway area.
- (c) *Density bonus.* Residential bonus densities in the central and village residential areas above the established thresholds is permitted when certain public objectives are met:
- (1) *Affordable housing.* For every one affordable housing unit, one additional housing unit can be permitted, up to a total of 20% above the total permitted density. Affordable housing is defined as units sold or rented to families earning less than the County median income, as determined by the U.S. Department of Housing and Urban Development.
 - (2) *Greenway area.* For every 1% increase in greenway area, a 1% increase in residential dwelling units can be obtained up to a total increase of 10% above the permitted density.
 - (3) *Public use facilities.* A density increase may be granted and specified in the terms and conditions of a development agreement where the village provides for the dedication of land for public use facilities including but not limited to, active and passive public parks and recreation areas, public buildings, school sites, etc.

Sec. 44-445.09. Retail/commercial density.

The total acreage set aside for retail and commercial uses should not exceed 30% of the total village area.

Sec. 44-445.10. Dimension standards and density table for a village center.

Table 44-445.10-1 below establishes the building envelope and lot dimensional standards for the VC district.

Table 44-445.10-1. Village Center dimensional standards.

Dimensions	Storefront (core)	Central Residential	Village Residential	Greenway Area
Lot size (min. sq. ft.)		5,000 or 8,000 with accessory unit	5,000 or 8,000 with accessory unit	
Lot size (duplex and multi-family)		For 2-5 unit family dwellings; 2,500 sq. ft. to 4,000 sq. ft. per lot		
Frontage/lot width (min. ft.)	20	40	40	
Frontage build-out (%)			--	
- lots up to 50 ft. of frontage width	100%	80%	--	
- lots exceeding 50 ft. of frontage width	0%	20%	--	
Front setback (min. ft.)	0	5	12	
Front setback (max. ft.)	10	20	30	
Side setback (min. ft.)	0	5	8	
Rear setback (min. ft.)	20	20	20	
Height (max. ft.)	40	40	35	
Max. impervious coverage (%)	80	75	60	
Area size (as a percentage)	Up to 30% of the total village		Up to 40% of development	30% of village area

The limits depicted under area size in Table 44-445.10-1 above may be modified subject to the following factors:

- (a) Topography, surrounding land uses, availability of utilities, market conditions, etc.
- (b) Commercial buildings and their associated parking areas may occupy more area of the village if they include second-story non-retail uses.
- (c) The height limitations of this ordinance do not apply to chimneys, spires, gables, cupolas, standpipes, flagpoles, monuments, transmission towers, radio or television antennas, cables, water tanks and similar structures and necessary mechanical appurtenances for the village district, provided that no exception covers, more than 10% of the area of the building's roof or the ground on which it is located. Such architectural features on institutional, civic or religious buildings may equal the height of the building.

Sec. 44-445.11. Permitted uses.

- (a) Permitted uses (“P”) for the VC district are shown in Table 44-445.11-1 below. Additional compatible uses in a village center may be permitted in accordance with the LBCS and NAICS classification system.

Table 44-445.11-1. Permitted uses in VC District.

Uses	Storefront Area	Central Residential	Village Residential	Greenway Area
Active recreation	P	P	P	
Business - bed-and-breakfast establishments	P	P		
Business - day-care centers	P	P		
Business - gasoline stations along major arterial roads	P			
Business - professional offices, personal or professional services and civic and institutional uses such as schools, libraries and places of worship.	P	P		
Business - retail uses, professional offices, personal or professional services.	P			
Civic and institutional uses such as schools, libraries, and places of worship.	P			
Governmental or public uses, excluding storage of materials, trucking or repair facilities, private or municipal sanitary landfills.	P			
Active non-commercial recreation areas, such as playing fields, playgrounds, courts, and bikeways, provided such areas do not consume more than half of the minimum required greenways or 10 acres, whichever is less. Parking facilities for the same shall also be permitted, provided they must not be included in the required greenways.				P

Uses	Storefront Area	Central Residential	Village Residential	Greenway Area
Agricultural and horticultural uses, excluding uses that involve structures. Specifically excluded are livestock operations involving swine, poultry, mink, and other animals likely to produce highly offensive odors.				P
Conservation of open land in its natural or managed state.				P
Easements for drainage, access, sewer or water lines, or other public purposes.				P
Golf courses may comprise up to 50% of the required greenways, but shall not include driving ranges or miniature golf. Golf course parking areas and any associated structures shall not be included within the required greenway calculation.				P
Neighborhood greenways uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses.				P
Pastureland for horses and other grazing livestock. Equestrian facilities (including commercial facilities and barns to house animals) shall be permitted but may not consume more than half of the required greenways. Outdoor riding arenas are permitted. Indoor riding arenas are not permitted. Parking areas shall not be included within the required greenway calculation.				P
Infiltration areas for stormwater management facilities, provided that such areas do not occupy more than 25% of the required greenways				P
Home occupations	P	P	P	
Residential - 2-16 unit family	P	P		

Uses	Storefront Area	Central Residential	Village Residential	Greenway Area
dwelling				
Residential - accessory dwelling units that are architecturally integrated with the primary structure or accessory buildings		P	P	
Residential - accessory uses		P	P	
Residential - live/work units. Ground floor for business and upper-story for residential.	P	P		
Residential - single-family detached dwellings		P	P	
Uses in Table 44-403-1 under the RC or O-I districts except those prohibited in Subsection (b)(2) below	P			

(b) Prohibited Uses

- (1) Uses that are not specifically permitted in Table 44-445.11-1 above or that are similar in use and character as referenced in the LBCS and NAICS classification system are prohibited.
- (2) Specifically prohibited uses in the village center include:
 - commercial green house
 - convenience store with gas pumps
 - farm supplies
 - funeral home
 - hospice/palliative care
 - hospital
 - landfill
 - motor vehicle repair
 - nursery/landscaping
 - nursing/convalescent extended care center
 - portable concession stands and ice machines
 - telecommunication tower (stand alone)

Sec. 44-445.12. Design standards for storefront area.

- (a) *Design considerations along a highway corridor.* Village design standards must coordinate with MUC-O design standards in overlay areas designated in the SAPs.

(b) *Architectural design guidelines.*

- (1) *Massing.* All new construction must visually be of similar scale and massing as traditional scale of commercial buildings in historic hamlets and villages. The massing of larger commercial buildings must be de-emphasized using, but not limited to, one of the following methods:
 - a. The use of projecting and recessed wall sections, to reduce their apparent overall bulk. Facade breaks must be at least 3 feet in depth. Such breaks in facades and rooflines should occur at intervals of no more than 50 feet.
 - b. Storefront buildings located on the same side of the street and block must be attached, or located not more than 15 feet apart, except when separated by a pocket park or a common, green or square.
- (2) *Architectural style and detail.*
 - a. Buildings may be either traditional in their architectural character or a contemporary expression of historically traditional styles and forms, respecting the scale, proportion, character, and materials of shops.
 - b. Buildings must articulate the line between the ground and upper levels with a cornice, canopy, balcony, arcade or other architectural feature.
 - c. The use of special architectural elements such as towers, turrets and corner cut-offs, is encouraged at major street corners to accent structures and provide visual interest. These elements must be kept in scale with the overall structure.
- (3) *Main entrances.*
 - a. As one of the most important parts of the facade, the main entrance must be easily identifiable. Doors and entryways must follow a traditional storefront design (usually recessed) and be compatible with the architectural style of the structure.
 - b. Main entrances must be from the front sidewalk, except in courtyard designs. Secondary entrances may open to a rear parking lot.
 - c. When a building is located on a corner, the entrance must be located on the corner with an appropriate building articulation, such as a chamfered corner, turret, canopy or other similar building feature.
- (4) *Rear entrances and facades.* When rear parking is provided, the provision of secondary rear entrances and pleasing rear facades is strongly encouraged. The design of the rear entrances and facades should be appropriately detailed to provide an attractive appearance, but should not be overly embellished to compete with the main storefront. Rear

entrances should be marked by attractive signs. Signs should be modestly scaled to fit the character of the more utilitarian rear facade. Planters, awnings and landscaping may be used to identify rear entrances as well as improve the appearance of the structure.

- (5) *Lighting.* Lighting standards of the MUC-O Sec. 44-430.14 must be met.
- (6) Solid waste screening.
 - a. Dumpsters or trash handling areas must be screened from adjacent properties and from public view, with a minimum 6-foot high solid fence or wall using materials similar in appearance and durability as the principal structure. All the areas must have a solid and closeable gate.
 - b. Trash receptacles must be decorative and located so they are not obtrusive but are in harmony with the character of the village.
- (7) *Service areas.* All loading, shipping, storage, and maintenance areas viewed from the street must be heavily landscaped with mature evergreen trees, at least 6 feet tall, or other 6 foot tall opaque screening constructed of materials that are the same as the primary building, while providing sufficient space for ingress and egress of vehicles.
- (8) *Mechanical equipment.* The mechanical equipment must be screened from the street and customer entrances by walls, fencing and/or landscaping. Mechanical equipment on rooftops must be screened from the view of the street.
- (9) Windows.
 - a. At ground level, the majority of the nonresidential buildings' front elevation must be windows. At a minimum, one side elevation must have some windows. Windows on other elevations is optional.
 - b. Clear glass must be used on ground floor windows. Tinted glass providing a minimum of 50% light transmission is limited for use only in transoms and windows above the ground floor. The use of bronze tinted or reflective glass is prohibited.
 - c. The use of transom windows is strongly encouraged.
 - d. If aluminum window frames are used they must be factory coated. Bare aluminum window frames are prohibited.
- (10) *Roofs.* Roofs must be pitched with overhanging eaves, or flat with articulated parapets and cornices. Roof materials can include slate (either natural or manmade) or shingle (either wood, asphalt or concrete composition). Metal roofing can be used if it resembles traditional slate or shingle design. Specifically excluded are corrugated metal roofs. Roofs must be earth-tone in color. The use of fascias, dormers, and gables is encouraged to provide visual interest.

(11) Awnings.

- a. Awnings may be constructed from heavy canvas, matte finish vinyl or fabric. Metal, plastic, shiny vinyl and transparent material awnings are prohibited.
- b. A minimum 8-foot vertical clearance between the sidewalk and the lowest part of the awning must be maintained.
- c. Awnings must break at the vertical divisions of the structure (for example, the break between the display windows and the entrance).
- d. The highest point of a storefront awning must not be higher than the midpoint between the second story windowsills and the top of the first floor storefront window or transom.

(12) Building materials.

- a. Exterior wall surface materials of all building sides may include wood shingle, brick, fiber cement siding, stucco and textured vinyl. Other products that resemble textures found in the historic villages and towns may also be used. The use of smooth vinyl, cinder-block walls, poured concrete walls, painted brick, wood composite, corrugated or metal paneling is prohibited.
- b. Artificial looking veneers that appear to be “added-on” to a structure are strongly discouraged.
- c. The number of different wall materials must be kept to a minimum, preferably no more than 2.
- d. Commercial grade windows and doors must be used.

(13) *Color.* Exterior of buildings must be earth-tone in color.

(c) *Landscaping of commercial buildings.* In addition to the landscaping requirements of Sec. 44-523, the following regulations apply:

- (1) To reduce maintenance, ensure longevity, and reinforce the indigenous materials of the area, landscaping around commercial buildings and their parking lots should emphasize native species of trees, shrubs, and flowers.
- (2) Plant species should be selected to provide visual interest at different times of the year, with relatively low maintenance needs.
- (3) The facades of storefront buildings may be separated from the sidewalk by a landscaped strip no greater in depth than 5 feet, except as necessary to accommodate outdoor eating establishments, or in courtyard designs.

(d) *Signs.* In addition to the sign requirements in Article V, Division 7, signs must conform to the following regulations:

- (1) Monument signs are allowed. Pole signs are prohibited.

- (2) Signs must be affixed to a building facade, canopy, or arcade.
 - (3) Sidewalk signs must not interfere with pedestrian walkways.
 - (4) The tops of wall mounted signs (except window signs) must be located no higher than the sills of second-story windows.
 - (5) The shape and design of signs are encouraged to be unique but subtle and compatible with each other.
 - (6) Signs must be earth-tone in color.
 - (7) Signs may be illuminated. Flashing, moving, LED and any other electronic lighting is prohibited.
 - (8) Moving signs and signs with moving elements are prohibited.
 - (9) External neon signs are prohibited. Non-flashing neon signs may be displayed inside windows provided they occupy no more than 15% of the glass area of the window in which they are displayed.
 - (10) In addition to one freestanding sign, one static fascia canopy sign is permitted on sides visible from the public right-of-way. Each canopy sign may have a maximum area equal to 25% of the canopy fascia surface, up to a maximum height of 2 feet.
- (e) *Parking.* On-street parking is encouraged. Other required parking must meet the parking requirements in Sec. 44-534.

(Ord. No. 2008-17, 10/20/08)

Sec. 44-445.13. Residential design standards for central and village residential areas.

- (a) *Architecture.* Single family, multi-family (2-16 unit) dwellings and accessory dwellings may be either traditional in their architectural character or a contemporary expression of historically traditional styles and forms, with respect to scale, proportion, character, and materials. Different housing types and price ranges should be intermixed rather than physically segregated. Dwellings must be designed so that:
- (1) Dwellings front directly onto streets, rather than parking areas.
 - (2) The majority of homes must be oriented with their gable-ends facing the street.
 - (3) The majority of homes must have a covered front entry porch, raised a minimum of 18 inches above ground level.
 - (4) Multi-family (2 – 16 unit) dwellings must be designed to resemble large single-family residences.
 - (5) Roof pitch with slopes between 8:12 and 12:12 are encouraged.
 - (6) Fire escapes are prohibited on any side of an accessory dwelling unit except at the rear.

- (7) Issuance of permits for accessory units that are proposed and built as part of the original village concept site plan are not required to have board of adjustment approval for a special use permit. All off-street parking for accessory dwelling units must be located to the side or rear and visually screened from adjoining properties.
- (b) *Building materials.*
 - (1) Exterior wall surface materials of all building sides may include wood shingle, brick, fiber cement siding, stucco and textured vinyl. Other products that resemble textures found in historic villages and towns are also permitted. The use of smooth vinyl, cinder-block walls, poured concrete walls, painted brick, wood composite, corrugated or metal paneling is prohibited.
 - (2) Artificial looking veneers that appear to be “added-on” to a structure are strongly discouraged.
 - (3) The number of different wall materials must be kept to a minimum, preferably no more than 2.

Sec. 44-445.14. Village greenway area.

- (a) Greenways must consist of a combination of natural greenway areas (if pre-existing) and managed greenway areas. Natural greenway areas include meadows, woodlands, large specimen trees, wetlands, floodplain and steep slopes. Managed greenway areas may contain multiple greens, commons, squares and parks. Managed greenway areas must serve a variety of outdoor leisure and assembly needs of village residents and enhance the form and appearance of the village. Managed greenways must be distributed throughout the village in the village residential area, the central residential area and to a minor amount in the storefront area.
- (b) Within all villages, a larger, primary, centrally located managed greenway area between 20,000 square feet and 40,000 square feet in size is required.
- (c) A portion of the required greenway areas must be within commercial areas.
- (d) All managed greenway areas must be planted with shade trees along their edges no more than 40 feet apart.
- (e) The views of greens, commons and squares must be maximized by locating greenways as a terminal vista as often as possible, such as the ends of streets at 3-way intersections, and/or along the outer edges of curving streets.
- (f) The majority of managed greenway areas must remain for passive recreation activities such as walking/biking trails, sitting and or picnic areas. The remainder of the managed greenway areas can contain active recreation facilities such as playing fields for team sports, golf courses, tennis and basketball courts. Playing fields, playgrounds and courts must be set back at least 100 feet from the perimeter of abutting properties.

- (g) Calculations for required greenway cannot include above-ground power line rights-of-way.

Sec. 44-446.

321-Economic Development District (321-ED).

Purpose: The 321-Economic Development District (321-ED) is designed to accomplish the following:

- ◆ *Promote a sensitive conversion of farmland and vacant land to more urban uses.*
- ◆ *Support development that is compatible with and, whenever possible, enhances the visual attractiveness of the land.*
- ◆ *Promote well-planned, economically viable development of all types.*
- ◆ *Ensure safe and efficient traffic flow along the U.S. 321 corridor and other roadways as designated in the small area plans.*
- ◆ *Protect the environment by providing clean air, clean water and an appropriate mix of natural vegetation and wildlife.*
- ◆ *Encourage orderly and sensitive planned development, especially at the interchanges.*
- ◆ *Avoid uncoordinated, strip development patterns.*
- ◆ *Promote flexibility in individual site design including diversification in the location of structures, parking areas and other components.*
- ◆ *Encourage the efficient use of land to facilitate an economical arrangement of buildings, traffic circulation systems, land uses and utilities.*
- ◆ *Provide for more usable and suitably located recreation facilities and other public and common facilities that would not otherwise be provided under conventional land development procedures.*
- ◆ *Encourage high quality development.*
- ◆ *Ensure that adequate traffic capacity is available to serve proposed projects.*
- ◆ *Create an environment that supports opportunities for alternative residential development that consists of well-planned, affordable housing.*
- ◆ *Encourage cooperation between local governments concerning municipal growth and service extensions.*
- ◆ *Support mixed-use projects that enhance opportunities to work, shop, entertain and recreate on the same or adjacent sites.*
- ◆ *Enhance the economic, tax and employment base for the County and each municipality.*

The intent of the 321-ED district is to implement strategies as well as specific policies contained in the U.S. 321 Corridor District Plan and the Mountain View and Startown Small Area Plans. Similar to planned development districts, the goal of the 321-ED district is to promote high-quality development through well-planned, well-designed development. The County's policy is that the 321-ED district is the only new zoning classification that will be approved in the U.S. 321 corridor for non-residential and multi-family development. The U.S. 321 corridor is defined in the adopted U.S. 321 Corridor District Plan. Because of the unique nature of the 321-ED district, requests to rezone land to the 321-ED district shall only be allowed within the 321 corridor district boundaries, set forth in the adopted 321 Corridor District Plan and corresponding maps.

Sec. 44-446.01. Applicability.

- (a) This Section applies to any application for nonresidential or multi-family development approval within the 321-economic development district (321-ED), except as provided below.
- (b) New residential subdivisions, existing single-family, site-built or manufactured homes and duplexes are exempt from the requirements of the 321-ED district. Additions to such structures or accessory uses are permitted, without board of adjustment approval, subject to the zoning requirements of the district, before the time the property was rezoned to the 321-ED district. Existing single-family, site-built or manufactured homes and duplexes which are partially or fully destroyed may be rebuilt or repaired as a matter of right. Churches and existing commercial/office institutional/industrial uses or properties are exempt from the provisions of the 321-ED district; however, they shall be subject to the requirements of this Chapter prior to their inclusion in the corridor.
- (c) This Section does not apply to County public facilities as stipulated in Sec. 44-106.
- (d) Where there are conflicts between the special regulations in this Section and general zoning, subdivision, or other regulations or requirements, the more restrictive requirement shall apply in 321-ED districts, unless the planning director finds, in the particular case, that provisions in this Section do not serve public purposes to a degree at least equivalent to such general zoning, subdivision, or other regulations or requirements.

Sec. 44-446.02. Permitted uses.

- (a) *Use elements.* The 321-ED district includes 2-subdistricts:
 - (1) 321-ED(MX): Any combination of retail commercial, office/institutional and residential components but never exclusively large-lot single-family homes.
 - (2) 321-ED(I): Primarily industrial/warehousing/distribution with an accessory office/institutional component.

One of these 2-subdistricts shall be indicated on all rezoning applications and shall be delineated on the official zoning map.

- (b) *Permitted uses.* More specifically, the following principal and accessory uses and structures may be permitted in the 321-ED districts, subject to the limitations and requirements listed. The following uses are permitted in the 321-ED (MX) districts:
 - (1) Retail stores, except those dealing primarily in secondhand merchandise other than antiques, including the following:

- a. Bakeries, confectioneries, delicatessens, fish markets, meat markets, or other stores, with products processed or prepared on, and sold only for, retail on the premises.
 - b. Clothing stores, shoe stores;
 - c. Drugstores, newsstands, tobacco shops;
 - d. Florists, gift shops, jewelry stores, stationery stores, specialty shops;
 - e. Groceries, supermarkets;
 - f. Hardware, sporting goods, garden supply stores; and
 - g. Variety stores.
- (2) Financial institutions.
 - (3) Convenience stores (with or without gas pumps), but not repair garages, provided that no more than two convenience stores shall be permitted on any one site, and that no convenience store site can consist of more than 25,000 square feet or 5% of the area of the site, whichever is less.
 - (4) Theaters.
 - (5) Personal service establishments, including but not limited to:
 - a. Barbershops, beauty shops;
 - b. Cleaning and laundry agencies; cleaning and laundry establishments not employing more than 10 persons in cleaning and/or laundry operations and processing only goods delivered to and picked up from the premises by individual customers; coin-operated laundry and dry-cleaning facilities.
 - (6) Bowling alleys and similar commercial recreation establishments.
 - (7) Offices; clinics; studios; laboratories; business, professional, labor, civic, social, and fraternal offices.
 - (8) Funeral homes.
 - (9) Banks, savings and loan associations, and similar financial institutions.
 - (10) Hospitals.
 - (11) Schools.
 - (12) Hotels/motels.
 - (13) Child care nurseries; day care centers; prekindergarten, kindergarten, play and other special schools, or day care facilities for young children.
 - (14) Adult day care centers.
 - (15) Libraries, museums, and galleries.
 - (16) Auditoriums and their accessory facilities.

- (17) Social, recreational, and cultural facilities, such as neighborhood or community centers, game rooms, libraries, golf courses, swimming pools, tennis courts.
 - (18) Eating and drinking establishments.
 - (19) Structures and uses required for operation of a public utility or performance of a governmental function, except uses involving extensive storage or with storage as the principal purpose. Utility substations other than individual transformers must be screened as set forth in this Chapter. The uses must be appropriate to the character of the surrounding land uses.
 - (20) Dwellings, single-family (large-lot, zero-lot-line and cluster), 2-family, and multi-family, provided they are part of a mixed use site plan where a wide range of residential densities and options exist and in some instances may include land devoted to retail and/or office uses intended to serve the on-site residential development.
 - (21) Uses and structures which are customarily accessory and clearly incidental to permitted principal uses and structures.
- (c) *321 ED-I Districts.* Permitted principal and accessory uses and structures in the 321 ED-I District shall be according to Table 44-403-1 and the corresponding LI zoning district. Business and professional service offices are also permitted uses.
- (d) *Prohibited uses.* For the purposes of maintaining visual attractiveness of the 321 corridor, the following uses are not permitted in any 321-ED district:
- (1) Aboveground pipelines;
 - (2) Asphalt products processing;
 - (3) Auto repair or auto service shops;
 - (4) Auto sales, storage or salvage yards;
 - (5) Drag strips or racetracks;
 - (6) Drive-in theaters;
 - (7) Flea markets (outdoor);
 - (8) Lumberyards;
 - (9) Manufactured and modular home sales;
 - (10) Mining of earth products;
 - (11) Open conveyor belts;
 - (12) Solid waste disposal sites;
 - (13) Tire recapping shops;
 - (14) Veterinary offices or clinics; and
 - (15) Wrecking yards or junkyards.

Sec. 44-446.03. Reserved

(Ord. No. 2008-17, 10/20/08)

Sec. 44-446.04. Residential development.

The following apply to all residential development in the 321-ED district:

- (a) *New site-built homes in the 321 ED(I) District.* So as to not interfere with the assemblage of smaller parcels for more appropriate nonresidential uses, single-family dwellings are prohibited in any 321-ED(I) district.
- (b) *New site-built homes in the 321-ED(MX) district.* Site-built single-family homes are permitted in the 321-ED(MX) district only as part of a mixed use project. The 321-ED (MX) district is intended to encourage a mixture of development types including a range of residential types and densities.
- (c) *Existing residential uses and structures in 321-ED district.* Existing single-family, site-built or manufactured homes and duplexes are exempt from the requirements of the 321-ED district as long as the property is being used for residential purposes. Additions to such structures or accessory uses are permitted subject to the zoning requirements of the district prior to the time the property was rezoned to the 321-ED district. Existing single-family site-built or manufactured homes and duplexes which are partially or fully destroyed may be rebuilt or repaired as a matter of right.

Sec. 44-446.05. Detailed site plan required.

- (a) *Contents.* No building permit shall be issued in the 321-ED district until a detailed site plan is approved as provided in Sec. 44-317. In addition to the requirements of Sec. 44-317, the detailed site plan must include the following:
 - (1) Provisions that indicate any storage will occur in an enclosed building;
 - (2) Provisions to significantly contain noise, odors, smoke and dust and light on site; and
 - (3) Financial guarantees that public roadways that are damaged by the movement of heavy equipment or earthen materials shall be repaired at no cost to the public.
- (b) *Minimum parcel size.* The minimum parcel site for submitting a site plan for review in the 321-ED district is 5 acres of contiguous property. Property may be subdivided into lots less than 5 acres subject to the requirements of subdivisions in Subsection (c) below. The property may include more than one owner and more than one recorded lot, provided that the total property equals or exceeds 5 acres and the submitted site plan includes development plans for the entire development parcel. A site plan for parcels less than 5 acres that existed prior to the adoption of the 321-ED District (July 22, 1996) may be accepted by the planning director if a determination is made that practical difficulties exist and all opportunities have been exhausted. A site plan for a parcel or combined parcels

of less than 5 acres, but greater than one acre, may be approved provided the overall policies and goals contained within the Highway 321 corridor plan will not be compromised. A site plan pertaining to a parcel or combined parcels of less than 5 acres will be considered subject to the following criteria being met:

- (1) Where a site plan, with less than 5 acres provides for coordinated development with adjoining developments, including connected roads and shared driveways, the site plan may be approved provided the new development will not have independent driveway access onto a major/minor thoroughfare. The interior roads and driveways must be designed and built to connect to existing roads in the adjoining development; and
 - (2) The remaining standards of the 321-ED zoning district are met.
- (c) *Subdivisions.* Subdivisions are permitted in the 321-ED district only through review and approval of a site plan so as not to compromise the integrity of the site plan regulations and to avoid interference with the assemblage of smaller parcels for more appropriate development. In addition to other County regulations, land that is subdivided as part of a site plan project must conform to the following:
- (1) *Parcel size.* Individual lot sizes must be as indicated in Table 44-446-2 below.
 - (2) *Road designs.* All roads must conform to the most recent design standards of NCDOT.
 - (3) *Future development of subdivided lots.* All future development of individual parcels in the subdivision requires a site plan which must conform to all applicable site design and improvement standards included in this Section.
 - (4) *Applicable site design standards.* The site design must comply with all improvement standards included in this Section.

(Ord. No. 2008-17, 10/20/08)

Sec. 44-446.06. General development standards.

The following general provisions apply:

- (a) *Other regulations.* The site design must conform to all local, state and federal regulations through the site plan review process.
- (b) *Long-range plans.* The plan must also conform to all long-range plans concerning such issues as road building and utility extensions.
- (c) *General site design.* In general, the site design must attempt to reduce cut and fill; protect groundwater resources; avoid unnecessary paved surfaces; provide adequate access; promote visual attractiveness; and mitigate adverse impacts of noise, odor, traffic, drainage and utilities on adjacent properties.

- (d) *Suitable sites.* The site must be suitable for development in the manner proposed without hazards to persons or property, on or off the site, free from the probability of flooding, erosion, subsidence or slipping of the soil, or other dangers. Conditions of soil, groundwater level, drainage and topography must all be appropriate to both the kind and pattern of use intended.
- (e) *Unified site planning.* If appropriate to the form of development, lands to be included in the 321-ED district may be divided by streets, alleys, rights-of-way or easements, but must be so located, dimensioned and arranged as to permit unified planning and development and to meet all requirements, as well as to provide necessary protection against adverse relationships between uses in the district and uses in surrounding areas.
- (f) *Phasing.* Where a site plan is to be constructed in stages, the infrastructure and improvements must be in place on the initial phase before subsequent phases are developed.

Sec. 44-446.07. Preservation.

Protecting environmentally sensitive land and historical sites should be given high priority in site design. Unless the planning director determines that preservation would interfere with all economically feasible use of the property, or if preservation is not possible because of unique topography, the following must be preserved:

- (a) Wetlands as defined through field inspection by the U.S. Army Corps of Engineers;
- (b) Lands in the floodplain as identified on FEMA flood hazard maps;
- (c) Slopes in excess of 20% over intervals of 10 feet or more; and
- (d) Historic sites.

Sec. 44-446.08. Dimensional requirements.

Development must conform to the following dimensional requirements:

- (a) *Permitted building height.* Buildings up to 75 feet are allowed in the 321-ED district subject to the setback requirements set forth in this section. Additional building heights are allowed subject to an increase in building setbacks of one foot for each additional one foot in building height.
- (b) *Building setbacks.* The minimum building setback from the edge of all street rights-of-way, planned street rights-of-way and property lines for the outer boundaries of the development are as follows:

Table 44-446.08-1. Building setbacks, 321-ED District

Setback from . . .	Feet
U.S. 321 freeway right-of-way	100
Major and minor thoroughfare rights-of-way	75
All other road rights-of-way (public or private)	50
Nonresidential property lines	50
Residential property lines	75

- (c) *General subdivision lot requirements.* In subdivisions approved through the site plan process, design of interior individual lots must conform to the following dimensional requirements, except for requirements included in the site design and improvement standards in Sec. 44-446.15(d) and (e).

Table 44-446.08-2. Subdivision lot requirements, 321-ED District

Use Elements	Lot		Setbacks		
	Overall (sq. ft.)	Width (feet)	Front (feet)	Side (feet)	Rear (feet)
ED(MX)	20,000	100	30	20	30
ED(I)	40,000	100	30	25	35

- (d) *Street line Preservation.* Where a major and minor thoroughfare is planned to be built or widened, and initial roadway design and right-of-way locations have been completed, all building setbacks must be measured from the expanded right of way for these improvements. Future roads or road improvements that are shown on the urban area transportation plan and the County’s thoroughfare plan must be indicated on any subdivision plat, site plan, or zoning authorization permit applications. Buildings and structures must be located outside the proposed right of way or pavement edge of such improvements where these locations are indicated on the urban area transportation plan and the County’s thoroughfare plan and roadway design and right-of-way has been identified.
- (e) *Nonresidential densities.* To encourage land assemblage, floor area ratios (FAR) are permitted on a sliding scale as follows:

Table 44-446.08-3. Floor Area Ratio (FAR), 321-ED District

Project Size (acres)	Maximum FAR
5.00 - 24.99	1:3
25.00 - 49.99	1:2.75
50.00 - 74.99	1:2.5
75.00 - 99.99	1:2.25
100.00 - 199.99	1:2
200.00 and greater	1:1.75

Sec. 44-446.09. Circulation system design.

The following circulation system requirements apply to all development in the 321-ED district:

- (a) *Generally.* 321-ED districts must have direct access to an arterial, collector, major or minor thoroughfare street and be designed to minimize traffic in residential neighborhoods.
- (b) *Access to major roads.* All site plans must depict access to at least one major or minor thoroughfare unless the plan is less than the minimum parcel size requirement as noted in Sec. 44-446.05(b).
- (c) *Access points permitted.*
 - (1) One access point is allowed on any property with less than 500 feet of frontage on a major or minor thoroughfare.
 - (2) Two access points are allowed on major and minor thoroughfares if the property has frontage that equals or exceeds 500 feet on a major or minor thoroughfare and the results of a site access study or a recommendation from the NCDOT indicate the need for a second access point.
 - (3) Three access points are allowed if the property has frontage that equals or exceeds 1000 feet on a major or minor thoroughfare and the results of a site access study or a recommendation from the NCDOT indicate the need for a third access point. Three access points are the maximum number of access points allowed for a single project on any major or minor thoroughfare.
 - (4) The location of access points must conform to NCDOT policies for street and driveway connections.
- (d) *Off-site traffic improvements.* The applicant must provide a site access study when required by NCDOT. Transition tapers and deceleration lanes are required for all site plan projects where a site access study requires or a recommendation from NCDOT indicates that such improvements are necessary. The costs of deceleration lanes and transition tapers are the responsibility of the owner or developer of the property.
- (e) *Shared access.* Mutual shared access agreements are required between adjacent property owners with frontage on major or minor thoroughfares when site plans are submitted concurrently. When access is to be shared, easements, liability arrangements and a maintenance agreement must be submitted to the local government prior to occupancy. Where no mutual shared access is feasible due to topographical or other physical constraints, access must conform to NCDOT policies for street and driveway connections.
- (f) *Connected interior driveways/parking.* Adjacent commercial developments with access to a major or minor thoroughfare must connect interior parking and driveways. Where adjacent commercial property is vacant, sufficient provisions to connect to the properties must be submitted. Parcels with frontage on major or minor thoroughfares are required to provide or reserve sufficient access to any

adjacent properties with poor or nonexistent access. See Subsection (e) above pertaining to shared access. When a site plan is submitted for a tract that is located immediately adjacent to properties less than 5 acres which front along a common public street, the plan must provide reasonable access to the adjacent properties by one of the following:

- (1) Building layout must be shown with a break or open space to allow for construction of a future road serving the adjoining property. The plan must show future road site(s) at a location where, according to sound engineering practices, actual construction of the road would be practical.
 - (2) The internal road circulation pattern on the site plan must show a roadway connection to the adjoining property that will be constructed as part of the site plan.
- (g) *Channelization.* Channelization improvements must be installed where significant turning conflicts are involved with the new development. “Channelization” means the separation of conflicting traffic movements into well-defined paths of travel by traffic islands or significant pavement markings.
- (h) *Signalization.* Only after all other traffic improvements have been explored can signalizations be installed, subject to NCDOT approval.
- (i) *Street design.* All streets must be designed and paved to meet NCDOT standards.

Sec. 44-446.10. Landscaping, buffering and screening.

The following landscaping requirements apply to all development in the 321-ED district:

- (a) *Construction cleanup.* All dead or dying trees, stumps, litter, brush, weeds or other debris must be removed from the site at the time of occupancy.
- (b) *Maintenance.* All landscaping and screening must be maintained so as to continue their effectiveness.
- (c) *Landscaping of disturbed land.* Landscaping of all cuts and fills must be sufficient to prevent erosion. All roadway slopes must be landscaped.
- (d) *Interior street landscaping.* For multi-tenant, multi-parcel or multi-building developments, shade trees must be planted along both sides of all interior access streets, excluding streets not typically used by the public. Street trees must be planted adjacent to the sidewalk and must meet the following.
 - (1) An average of one shade tree is required for every 40 linear feet of lot frontage on each side of the street, or where overhead lines are present, street trees of low growing varieties must be planted an average of one tree for every 30 feet of street frontage on each side of the street. Trees should be spaced approximately equal distance.
 - (2) Each tree, at the time of installation, shall have a clear trunk height of at least 5 feet and a minimum caliper of 2 inches. The tree must be a minimum 15-gallon container size or balled and burlapped at time of planting. An appropriate mulch bed must be provided around the tree.

- (3) In the absence of overhead lines in the planting area, the shade tree should achieve a mature height of over 20 feet and a mature spread of at least 15 feet.
- (4) All trees planted within the right-of-way shall require approval by NCDOT.
- (e) *Entranceways.* Multi-tenant, multi-parcel or multi-building developments must provide for the installation of a median-type entranceway at all entrances on major or minor thoroughfares. The median must be grassed and landscaped.
- (f) *Use of existing topography.* Developments must utilize existing topography, such as hills, ridges and berms, to screen parking and maintenance areas to the maximum extent possible.
- (g) *Highway 321 buffer.* A 50-foot landscaped buffer area is required for the portion of all development adjacent to the U.S. 321 right-of-way. The buffer must include the following improvements planted in an offset pattern:
 - (1) One tree (2-inch caliper) per 50 linear feet of frontage;
 - (2) One tree (smaller ornamental tree) per 50 feet of linear feet of frontage; and
 - (3) One shrub or similar planting per 15 linear feet of frontage.
 - (4) The remaining area must include a ground cover of seeded grass, sod, or rock, brick, or wood mulch or any combination of these items.

The developer may substitute existing vegetation for some or all of these requirements when practical. Buildings or parking areas are prohibited in the buffer areas. The buffer areas must extend along the entire length of the lot.

- (h) *Residential buffers.*
 - (1) When a 321-ED district directly abuts a residential zoning district, all of the structures for the nonresidential uses must be set back 75 feet from all residential property lines. This area must be labeled as the "natural buffer area." No buildings, signs or parking are allowed in this area.
 - (2) The buffer must meet the requirements of Sec. 44-523(f).
- (i) *Water body buffers.* An undisturbed natural buffer must be provided along all rivers, streams, creeks and other natural bodies of water which: (i) are identified as perennial waters on the United States Geological Survey (USGS) quadrangle topographic maps; and (ii) qualify as environmentally sensitive areas (for example, floodplains as delineated by FEMA, and wetlands, as identified by the U.S. Army Corps of Engineers through field inspection). Where the resources are present, no design shall be approved unless it complies with the requirements of all applicable federal, state and local laws and regulations pertaining to these resources. These laws and regulations include but are not limited to section 404 of the Clean Water Act and its implementing regulations, and all requirements of

this Chapter. Existing undesirable vegetation may be cleared and the buffer revegetated or landscaped within a reasonable time-period to minimize sedimentation and erosion. Manmade bodies of water, such as retention ponds or aesthetic water attractions, are not subject to this requirement. These areas may be used to calculate required open space as provided for in this Section.

- (j) *Parking area landscaping.* Where parking facilities are located in the front of the development, the following landscaping standards apply:
 - (1) Internal landscaping must meet the requirements of Sec. 44-523(e).
 - (2) Perimeter parking landscaping. Perimeter parking landscaping must meet the requirements of Sec. 44-523(d).
- (k) *Foundation plantings.* The pedestrian entranceway and/or surface parking facilities outside of the commercial areas must be separated from the exterior wall of any principal structure by a landscape buffer. The landscaped buffer strip must be at least 5 feet in width along the building foundation.
- (l) *Maintenance area screening.* All loading, shipping, storage, maintenance, trash/refuse and mechanical areas must be landscaped in accordance with Sec. 44-526.
- (m) *Open storage screening.* Open storage must comply with the screening requirements in Sec 44-527.

(Ord. No. 2008-17, 10/20/08)

Sec. 44-446.11. Pedestrian access.

Purpose: This section is designed to ensure that the site plan provides a unified and well-organized arrangement of buildings, service areas, parking, pedestrian and landscaped common areas providing for maximum comfort and convenience of visitors and employees. Commercial buildings should be grouped in relation to parking areas such that, after visitors arriving by automobile enter the walkway system, establishments can be visited conveniently with a minimum of conflicts with vehicles. Pedestrian enhancements are essential to creating an efficient and functional environment as well as promoting a sense of place.

- (a) *Pedestrian design.* For multi-tenant/building/parcel projects, the site plan must include provisions for pedestrian-scale amenities, which may include benches, picnic tables, courtyards, plazas, water attractions and trash receptacles. An area must be reserved for pedestrian use and/or open space. This area must be improved with a hard surface, or a combination of hard surfaces and landscaping and/or pedestrian-scale amenities. Such areas may include covered malls for general pedestrian use, exterior walkways, and outdoor seating areas where the facilities are available for common use by employees and visitors. Required buffer areas and setbacks as well as improved deck and roof areas, may be used to meet this requirement.

- (b) *Heavy traffic generators.* Convenience stores, fast food restaurants and similar uses, if provided, must be so located that operations do not interrupt pedestrian or traffic flows in other parts of the development.
- (c) *Location of loading zones and maintenance areas.* Loading zones where customers pick up goods must be so located and arranged as to prevent interference with pedestrian movement within the development. Facilities and access routes for shopping center deliveries, servicing, and maintenance must be so located and arranged as to prevent interference with pedestrian traffic in the center.
- (d) *Pedestrian travel.* All buildings or building clusters within the development must be connected with linkages other than roads (i.e. sidewalks, bikeways and walking paths). When feasible, these linkages must be provided between adjacent sites. Pedestrian access may be provided at any suitable locations within the district, but should be separated from vehicular access points in order to reduce congestion, marginal friction and hazards, except where signalization is used in such a manner as to control pedestrian and vehicular movements safely.
- (e) *Natural areas.* Protecting environmentally sensitive areas for use as open space in the development should be given a high priority in site design. The site plan must identify these environmentally sensitive areas, for example, floodplains as delineated by FEMA, and wetlands, as identified by the U.S. Army Corps of Engineers through field inspection. Where these resources are present, no design shall be approved unless it complies with the requirements of all applicable federal, state and local laws and regulations pertaining to these resources. These laws and regulations include, but are not limited to, section 404 of the Clean Water Act and its implementing regulations and all requirements of this Chapter.

Sec. 44-446.12. Parking.

The following requirements apply to all parking in the 321- ED district:

- (a) *Generally.* Off-street parking must be provided as required in Article V, Division 5. Off-street loading must be provided with area location and design appropriate to the needs of occupants of the district and protection of adjacent property from adverse effects. No space designated as required off-street parking space for the general public must be used as off-street loading space or maneuvering room for vehicles being loaded or unloaded.
- (b) *Rear parking encouraged.*
 - (1) Parking lots are encouraged to be located in the rear of multiple-building developments and not visible from streets.
 - a. If the parking facility is visible from a street, a landscape island is required for every 10 spaces in a continuous row.
 - b. If the parking facility is not visible from a street, a landscape island is required for every 15 spaces in a continuous row.

- (2) In single-building developments, parking areas must be located in the rear of the site when practical. If parking must be located in the front of buildings, the parking area landscaping requirements listed in Sec. 44-523(d) and (e) must be met.
- (c) *Parking setbacks.* All parking areas must be located outside of the required setbacks and have a minimum of 8 feet separation from all buildings. This separation must be grassed and landscaped and may include sidewalks.
- (d) *Connected parking areas.* All parking areas should be linked to parking on adjacent project sites. When adjacent property is zoned 321-ED, provisions must be made to allow for this parking connection when the property develops.

Sec. 44-446.13. Signs.

The following requirements apply to all signage in the 321-ED district:

- (a) *Generally.* All signs for the site plan must conform to the requirements in Article V, Division 7, except where the requirements included in this Subsection are more restrictive. The following also apply:
 - (1) No on-site sign larger than 6 square feet may be located closer than 100 feet from another similar or larger sign;
 - (2) All signs must be located in such a manner to avoid impeding the view of motorists or pedestrians; and
 - (3) No signs must be located in any street right-of-way. Signs may be placed in the landscaped buffer areas.
- (b) *Prohibited signs.* In addition to the signs prohibited in Article V, Division 7, the following signs are prohibited on any land zoned 321-ED:
 - (1) Off-premise signs (billboards);
 - (2) Portable signs (temporary or permanent);
 - (3) Roof signs;
 - (4) Rotating multi-panel technology signs;
 - (5) Posters, streamers, or similar devices used to attract attention (temporary or permanent);
 - (6) Permanent windblown signs (banners, balloons, streamers, etc.); and
- (c) *Permitted Signs.* The following signs are permitted:
 - (1) One on-premise sign for multi-tenant/building/parcel development, having not more than 2 sign surface areas, may be erected to identify the center along each section of road frontage on a major or minor thoroughfare from which there is a median entranceway to the center. The signs may not exceed 100 square feet on each side of a back-to-back sign; may not be

over 20 feet in height; may identify the center, as a whole, and the establishments' activities and facilities within the center but must not include other advertising; or

- (2) One on-premise sign for single-tenant/building/parcel development, having not more than 2 sign surface areas, may be erected to identify the site along each section of road frontage on a major or minor thoroughfare from which there is a median entranceway to the site. The following height and area requirements apply, based on the type road that the establishment has access on:

Table 44-446.13-1. On-site sign requirements for single developments in 321-ED District.

Lanes	Speeds	Area (sq. ft.)	Height (feet)
2	15 - 25	10	5
2	30 - 40	20	6
2	45 - 55	50	16
4	15 - 25	15	6
4	30 - 40	35	11
4	45 - 55	80	18
6	15 - 25	20	14
6	30 - 40	40	16
6	45 - 55	100	20

Source: Street Graphics and the Law, Mandelker and Ewald, 1988.

- (3) One additional on-premise sign, with a maximum area of 12 square feet, with a maximum height of 6 feet is permitted for each individual building within a development.
- (4) One wall sign is permitted for individual establishments or buildings within the project for each wall exposed to adjoining streets, mounted on the building and not extending above its lower roofline. The sign can be up to 10% of the area of the wall involved but cannot exceed a total of 32 square feet.
- (5) Signs directing traffic are permitted but cannot exceed 5 square feet per side.
- (6) Light Emitting Diodes (LED), tri-vision, electronic messages and other similar technologies are allowed. This technology can be utilized subject to the following:
 - a. Pulsating or flashing sign structures or messages are prohibited.
 - b. LED signs must hold a static message a minimum of 8 seconds.
- (7) In addition to one freestanding sign, one static fascia canopy sign is permitted on sides visible from the public right-of-way. Each canopy sign may have a maximum area equal to 25% of the canopy fascia surface, up to a maximum height of 2 feet.

(Ord. No. 2008-17, 10/20/08)

Sec. 44-446.14. Site appearance.

Purpose: This Subsection promotes building designs in the 321-ED district that provide diversity in style with distinct character and a high quality development standard.

- (1) *Underground utilities.* All on-site utilities (electrical, telephone, etc.) must be located underground unless technical restrictions exist for doing so. Provisions must be made to significantly reduce the visual blight of any aboveground utilities.
- (2) *Lighting.* Lighting must be provided at intersections, along walkways, in parking lots, between buildings and at development entrances. All lighting must be arranged to reflect the light away from adjacent properties and roadways. The maximum height is 25 feet for all lighting standards. Spacing of the standards is 4 times the height of the standard. Alternative lighting design may be approved which meets or exceeds the lighting pattern required in this Subsection. The lighting plans must be endorsed by the utility provider.
- (3) *Paving materials.* Design and choice of paving materials in pedestrian areas, including crosswalks and sidewalks, includes brick, concrete (aggregate exposed finish), cement pavers, brick pavers or similar materials.
- (4) *Rooftop equipment.* Rooftop mechanical equipment shall be screened or sited so as not to be visible from the ground level.
- (5) *Building construction materials.* The following standards must be met for building construction in the 321-ED district:
 - a. *Building front.* Ribbed paneling consisting of vinyl or metal material, or unpainted cinder blocks are prohibited as the building material for the front of a building facing a public right-of-way. For the purposes of this Subsection, buildings located on corner lots are only considered to have one front.
 - b. *Façade(s) visible from public rights-of-way.* Building façade(s) consisting of ribbed vinyl or metal material, or unpainted cinder blocks are prohibited along the portion(s) of the building, other than the front, which are visible from public rights-of-way. An exception can be made where a solid vegetative screen exists or is installed which shields that portion of the façade(s) from public view, as determined by the planning director.
 - c. *Façade(s) not visible from public right-of-way.* Sides not visible from public rights-of-way may use ribbed paneling, painted cinder blocks or other materials.
 - d. *Type of building materials encouraged.* Examples of building materials which are encouraged include masonry, wood, fibrocement product, such as hardiboard, textured vinyl and stucco and other new and innovative materials as they become available in the marketplace.

Sec. 44-446.15. Mixed use development in the 321-ED(MX) district.

Purpose: the 321-ED(MX) district regulations are designed to:

- ◆ *Permit a flexible mixture of various residential development types which may include certain commercial/office/civic establishments primarily serving the residents living in the development.*
- ◆ *Encourage commercial and office uses that do not attract large volumes of traffic and continuous consumer turnover.*
- ◆ *Provide for an alternative to strip-style, highway-oriented commercial uses.*
- ◆ *Permit uses that promote the construction of new buildings and the conversion of existing buildings that maintain the visual character and architectural scale of other uses in the same project.*
- ◆ *Minimize the visual and functional conflicts between residential and nonresidential uses within and surrounding the development.*
- ◆ *Create relatively self-contained residential neighborhoods that provide many services on site that would otherwise require frequent automobile use.*
 - (a) *Permitted uses.* See Sec. 44-446.02(b).
 - (b) *Use compatibility criteria.* The site plan shall include an analysis of the following compatibility guidelines:
 - (1) There is a clear relationship between nonresidential and residential uses on any one site or adjacent sites.
 - (2) The use will not require more than one access point.
 - (3) Minimum visual and functional conflict will be created between the proposed uses or nearby uses.
 - (4) Anticipated noise and congestion created by the use will be insignificant, especially in the evenings.
 - (5) The bulk, height and scale of the buildings will be compatible with surrounding or proposed residential development.
 - (c) *Mixed use development standards: general design guidelines.* In addition to the applicable 321-ED district requirements listed in this Section, all mixed use developments must conform to the following standards:
 - (1) All building sites and/or buildings shall be accessed on interior streets, not on thoroughfares or arterials or collectors.
 - (2) The placement of all buildings shall take into consideration topography, privacy, building height, orientation, drainage and aesthetics.
 - (3) The commercial development on the site shall preferably be located at the development entranceways at major or minor thoroughfares unless significantly reliant on pedestrian customers. Higher density residential development shall be located along major interior roads between or at intersections.

- (4) Common, accessible open space is required for all mixed use developments. The open space shall be pedestrian oriented and shall include such amenities as park benches, walking trails and gazebos. Parking or vehicular access within these areas shall be prohibited. The open space must comprise at least 20% of the gross project area and may be more when the reduced lot sizes are used or transfer-of-development rights are granted.
 - (5) The site shall be divided into clusters or mini-neighborhoods that separate the different development types. This must be done while maintaining the interconnectivity and accessibility of all uses. The use of curving cul-de-sac off interior collector roads is recommended to achieve the clusters.
 - (6) There must be one central focus area to the project. The focus may be a recreation or common open space area (playground, tennis courts, golf course), an entertainment facility (clubhouse, meeting facility, amphitheater) or a pedestrian-oriented commercial area needing little or no parking.
 - (7) There shall be several small pocket parks that serve as convenient passive open space and/or recreation areas for the adjacent properties.
 - (8) Sidewalks, 5 feet wide, shall be included with all interior access street and parking area designs. Sidewalks may be constructed at the time of development or may be phased in over a period of several years as demand warrants. If the sidewalks are to be phased in over time, the developer must make payments to a fund that would pay for the sidewalks over time. This payment arrangement must be satisfactory to the planning director. All sidewalks between residential, open space and commercial sections shall be safe and lead to storefronts, not service areas.
- (d) *Residential developments.* Single-family dwelling units are permitted in conjunction with other residential types including the following:
- (1) Clustered single-family and duplexes, subject to the following:
 - a. Minimum lot size: 20,000 square feet. Lot sizes may be reduced by up to 50% of the minimum required lot size, provided that at least 75% of the balance of the original lot size must be preserved as common open space, accessible by all reduced building sites. Up to 50% of the common open space may be located in a designated floodplain or may be reserved for a public use.
 - b. Minimum lot width: 50 feet (60 feet for duplexes); add 10 feet on corner lots.
 - c. Minimum front setback: 15 feet (25 feet where the lot abuts a dedicated street or a large-lot single-family home site).
 - d. Minimum side setbacks: 10 feet.
 - e. Minimum rear setbacks: 20 feet.
 - f. Maximum height: 35 feet or 3 stories.

- g. Accessory buildings shall be located in the rear setback no closer than five feet from the principal dwelling or five feet from any property line and no more than ten feet in height.

(2) *Zero-lot-line.* Zero-lot-line development allows the construction of single-family dwellings on individual recorded lots without a side setback requirement on one side. This concept permits the better use of the entire lot by compacting the front, rear and side setbacks into one or more internal gardens which may be completely walled or screened. This type of development is an affordable alternative to standard large-lot single-family dwelling units and apartments, condominiums or townhouses, which usually share common walls.

- a. Minimum lot size: 20,000 square feet. However, lots may be reduced by up to 75% of the minimum required lot size, provided that at least 75% of the balance of the original lot size must be preserved as common open space, accessible by all reduced building sites. Up to 50% of the common open space may be located in a designated floodplain or may be reserved for a public use (school, library, community building, etc.).
- b. Minimum lot width: 40 feet (50 feet on corner lots).
- c. Minimum front setback: 10 feet (25 feet where the lot abuts a dedicated street or a large-lot single-family home site).
- d. Minimum side setbacks: 10 feet on one side, zero feet on the opposite. However, in no case shall a zero-lot-line dwelling be closer than 10 feet to the lot line of a large-lot single-family home site or a dedicated street.
- e. Minimum rear setbacks: 20 feet.
- f. Maximum height: 35 feet or 3 stories.
- g. Dwellings shall be constructed against one side lot line, and no windows, doors or other openings are permitted on this side. The developer must provide for an unobstructed wall maintenance easement of 5 feet on the adjacent property.
- h. Accessory buildings shall be located in rear setback no closer than 5 feet from the principal dwelling or 5 feet from any property line and no more than 10 feet in height.

(3) *Multi-family.* To encourage land assemblage, densities for all multi-family projects shall be administered on the sliding scale as follows (densities are based on the size of the development parcel allocated to residential use):

Table 44-446.15-1. Multi-family density, 321-ED(MX) Subdistrict.

Development parcel allocated for residential uses (acres)	Dwelling units per acre
less than 5	Not permitted
5 - 9.99	10
10 - 14.99	12
15 - 19.99	14
20 or more	16

- a. In no case shall there be more than 4 multi-family units in one linear designed building or more than 10 units where the design is not linear.
 - b. Minimum front setback: 15 feet (25 feet where the lot abuts a dedicated street or a large-lot single-family home site).
 - c. Minimum side setbacks: 10 feet.
 - d. Minimum rear setbacks: 20 feet.
 - e. Maximum height: 35 feet or 3 stories.
- (e) *Nonresidential standards.* The permitted commercial uses listed in Sec. 44-446.02(b) are allowed in the 321-ED (MX) district. These uses shall comply with the following standards:
- (1) The nonresidential uses are encouraged to comply with the use compatibility guidelines in Subsection (b) above.
 - (2) The following site design and dimensional standards apply to all nonresidential components of a mixed use development:
 - a. Minimum lot size: 10,000 square feet.
 - b. Minimum lot width: 50 feet (60 feet for duplexes); add 10 feet on corner lots.
 - c. Maximum height: 35 feet or 3 stories.
 - d. Accessory buildings shall be located in rear setback no closer than 5 feet from the principal dwelling or 5 feet from any property line and no more than 10 feet in height.
- (f) *Parking requirements.* The following parking requirements shall apply to multi-family and nonresidential components of all mixed-use developments.
- (1) The minimum number of off-street parking spaces shall comply with the requirements of Article V, Division 5 of this Chapter pertaining to off-street parking and loading requirements.
 - (2) The parking area location criteria and design and standards of Sec.44-446.10(j) and Sec. 44-446.12. shall be adhered to for all mixed use developments.

- (3) On-street parking that is located within 200 feet of the establishment's main entrance shall be counted toward the required off-street parking requirements.

Sec. 44-447. Manufactured Home Parks (MHP).

Purpose: The purpose of this Section is to:

- ◆ *Further the orderly layout of manufactured home parks;*
- ◆ *Help secure safety from fire, floods, panic, congestion and other dangers in manufactured home parks;*
- ◆ *Provide for adequate light, air, and open space in manufactured home parks; and*
- ◆ *Ensure that facilities for transportation, parking, water, sewer, and recreation are provided to residents of manufactured home parks within this Chapter's jurisdiction.*

Sec. 44-447.01. Definitions.

The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Cul-de-sac - a permanent dead-end street with an area at the dead end for the purpose of turning around, having a minimum radius of 50 feet.

Existing conforming manufactured home park - a park that is operating within a zoning district where manufactured home parks are permitted in accordance with this Chapter and was approved and constructed under the County's manufactured home park ordinance adopted on March 30, 1973.

Existing nonconforming manufactured home park - a park operating outside of a zoning district where manufactured home parks are permitted or has been operating before the adoption of the County's manufactured home park ordinance adopted on March 30, 1973.

Lot - includes the word "plot," "parcel," or "tract."

Manufactured home park - a piece of land held in single or corporate ownership and developed in a unified manner for the placement of 3 or more manufactured homes to be occupied for living and sleeping purposes.

Manufactured home space - an area within an approved manufactured home park meeting all applicable requirements for the purpose of setting up a manufactured home.

One-way street - a street intended for traffic to flow in one direction.

Operating permit - a license issued by the planning director to the operator of an approved manufactured home park authorizing the park to conduct business.

Public water system - a water system provided by a municipality and/or County jurisdiction. It does not include private community wells which are approved by the NCDENR.

Set up - the process of placement of a manufactured home on a manufactured home space and includes the minimum requirements for blocking, wiring, plumbing, and

anchoring in accordance with applicable local, state, and federal construction regulations.

Steps - a structural component bonded or fastened as one unit in accordance with the state building code and is for the purpose of ingress and egress from manufactured homes.

Street and road are synonymous in meaning.

Street jog - an intersection where one-half of the cross street is offset from the other half of the cross street so that the two halves do not lay in a straight line.

Structure- includes the word "building."

Tie down - the process of anchoring a manufactured home to the ground in accordance with applicable local, state, and federal construction regulations.

Two-way street - a street intended for traffic to flow in 2 directions.

Sec. 44-447.02. Permitted uses.

- (a) Class A and B (doublewide/multi-section and singlewide) manufactured homes meeting the following appearance criteria are allowed as permitted uses in manufactured home parks:
 - (1) *Roof construction and pitch.* The pitch of the main roof of the building must have a minimum rise of 2 1/2 feet for each 12 feet of horizontal run. The roof must be finished with a type of shingle that is commonly used in standard residential construction. A retrofitted standing seam roof or shingle roof must be designed by a professional engineer and must be made a part of the load bearing walls of the existing structure.
 - (2) *Exterior finish.* The exterior siding must consist predominantly of vinyl or aluminum lap siding (whose reflectivity does not exceed that of flat white paint), wood or hardiboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction.
 - (3) *Tongue removal.* The towing tongue must be removed upon final placement of the unit, underskirted or screened with shrubbery. Such shrubbery must be of a height to ensure a total visual barrier of the towing apparatus and maintained so as to continue its effectiveness.
 - (4) *Underskirting and permanent steps.* Underskirting and permanent steps must be provided. The manufactured home must have the entire perimeter enclosed from the ground to the bottom of the structure with material manufactured for this purpose in accordance with standards set by the state regulations for manufactured/mobile homes. Examples of commonly recognized building materials suitable for use as underpinning include, but are not limited to, the following list: brick masonry, concrete block masonry; natural or synthetic stone masonry; or vinyl. Assemblies, products and materials manufactured expressly for the purpose of

underpinning must be installed in accordance with the manufacturers' specifications.

(5) *Deck.* The manufactured home must have either a deck or porch with steps. This structure must be located in front of the home. The deck or porch must be a minimum of 36 square feet. If the homeowner chooses to construct the deck or porch larger than 36 square feet, it must meet the building code. All steps, decks, porches and entrances must be installed and constructed in accordance with the standards set by the state regulations for manufactured/mobile homes or, when applicable, building code.

(b) Existing singlewide or doublewide manufactured homes not meeting the appearance criteria in Subsection (a) above which are located in parks approved prior to the adoption of this Chapter are grandfathered at their current location.

Sec. 44-447.03. Nonconforming manufactured home parks.

Nonconforming manufactured home parks must meet the requirements in Sec. 44-703(d).

Sec. 44-447.04. Conforming manufactured home parks.

(a) Manufactured home parks that are operating as existing conforming approved parks as of the effective date of the Chapter may continue to operate under the terms of the operating permit originally issued. However, any expansion of the park must conform to this Chapter. If the park has its operating permit revoked or if it ceases operation for a period of 90 days, the park cannot reopen until it complies with all the standards of this Section as well as all other applicable state and local laws.

(b) Manufactured homes must meet the appearance criteria as stated in Sec. 44-447.02 above.

Sec. 44-447.05. Inspections.

In order to achieve the objectives of this Chapter, authorized representatives of all review agencies are authorized and allowed to enter the property on which a proposed or operating park exists and make such necessary inspections as may be required to enforce this Chapter. Inspections will be made during the regular business hours of the agencies. Failure to permit such inspections may result in delays of plan approval or loss of the operating permit.

Sec. 44-447.06. Loss of operating permit.

Upon issuance of an operating permit to an approved manufactured home park, the operator of the park must operate the park in compliance with this Chapter and all applicable laws and regulations. If any of the inspecting agencies discover a violation of an applicable regulation, the agency will notify the planning director. Upon receipt of this notification, the planning director shall notify the holder of the operating permit of the park of such violation and grant a 30-day grace period in which to correct the violation. If, at the end of 30 days, the planning director and

a representative from the agency find corrections have not been made, the operating permit may be revoked and returned, along with the tenant roster, within 5 days to the planning director. The owner may reapply to open and operate the park at a later date; however, the park must meet any changes in this Chapter that may be in effect at that time.

Sec. 44-447.07. Notice to tenants.

Upon receipt of a tenant roster by the planning director, notice shall be given to each tenant of the nature of the violation and loss of the permit and tenants will have to vacate the premises within 90 days.

Sec. 44-447.08. Penalty.

Any person who is the owner or developer of a manufactured home park or any person who is the agent of the owner or developer of a manufactured home park who violates any Section of this Chapter shall be given notice of such violation by the planning director and be given a maximum of 30 days to correct the violation or be guilty of a misdemeanor. Following notice by the planning director, each day a violation exists, shall be considered a separate offense and may be prosecuted in accordance with NCGS 14-4. If at the end of 30 days the violation has not been corrected, the operating permit shall be revoked in accordance with Section 44-447.06.

Sec. 44-447.09. Manufactured home spaces.

- (a) *Placement of homes.* Every manufactured home placed in a manufactured home park must be placed in a space that has been properly approved and is currently listed on the park operating permit.
- (b) *Minimum acreage and space design.* Any site, tract of land or lot to be developed as a manufactured home park cannot be less than 5 acres in area, excluding street rights-of-way. The minimum space design in manufactured home parks is determined by the provision of sewer facilities. The following minimum space requirements also take into account the need for adequate space to prevent overcrowding, prevent fire hazards, provide sufficient light and air:
 - (1) The minimum space requirements where public water and sewer are available are as follows:
 - a. Minimum space size is 5,500 square feet.
 - b. Minimum space width is 50 feet.
 - c. Minimum space setback requirements are:
 - 1. On the street side or front, 10 feet.
 - 2. On sides, 10 feet.
 - 3. On rear or side opposite street, 10 feet.

Note: Setbacks are measured to the body or box of the manufactured home and not to the pull structure or hitch on the end of the home.

- (2) The minimum space requirements where public water is available and a septic system is used are as follows:
 - a. Minimum space size is 12,000 square feet.
 - b. Minimum space width is 50 feet.
 - c. Minimum space setbacks are:
 1. On street side or front, 10 feet.
 2. On sides, 10 feet.
 3. On rear or side opposite street, 10 feet.

Note: Setbacks are measured to the body or box of the manufactured home and not to the pull structure or hitch on the end of the home.

- (c) *Corners marked.* Each space must have the front and rear corners clearly marked so that visual establishment of the boundaries of each space can be made. This requirement applies during the inspection and approval phases, and markers may be removed from a space after it is occupied by a home and has passed all inspections. Reestablishment of corners may be required by authorized inspectors at future times in order that verification of compliance with this Chapter.
- (d) *Spaces numbered.* Each manufactured home space must have a permanent number to identify the space. The numbers must be 4 inches in height and be visible from the street in front of the space.

Sec. 44-447.10. Street and parking requirements.

- (a) *Access.* The primary access to all manufactured home parks must be either from a publicly maintained street on the NCDOT system or from a street that has been properly approved and placed on public record in accordance with this Chapter.
- (b) *Minimum street design.* All streets within a manufactured home park must be graded and paved with an impermeable material. Minimum pavement widths of streets within manufactured home parks are as follows:
 - (1) Two-way street, 20 feet;
 - (2) One-way street, 18 feet;
 - (3) Cul-de-sac, 60 feet; and
 - (4) Speed bumps, 200 feet apart with the first bumps being placed within the first 200 feet of street after entering the park.
- (c) *Intersections.* All streets in manufactured home parks must intersect as nearly as possible at 90-degree angles; however, in no case can a street intersect another street at less than a 60-degree angle. Street jogs of less than 100 feet are not allowed.

- (d) *Cul-de-sac.* All permanent dead-end streets or cul-de-sacs must be marked by a sign as a dead-end or no out. The sign must be provided, installed, and maintained by the park owner/operator.
- (e) *Parking.* Each manufactured home space must have a minimum of 400 square feet of parking area. This area may be in the form of off-street parking contained on the space or a parking apron a minimum of 9 feet wide parallel to the street. The parking area must be paved with an impermeable material. If there is off-street parking on the space, a setback of a minimum of 4 feet is required between the edge of the street and the parking area. This drive or setback space must also be paved with an impermeable material.
- (f) *Drive access to streets outside park.* In no case can a manufactured home space have direct access to a street or road outside the manufactured home park except through the approved street layout of the park.

Sec. 44-447.11. Utility requirements.

- (a) *Generally.* The approval and installation of all utility improvements in a manufactured home park, including but not limited to water, sewer, electricity, and solid waste collection, must be in accordance with this Section.
- (b) *Water.* Each and every manufactured home located in a manufactured home park must be supplied water from an approved public water system. Before a final approval and operating permit may be issued to a manufactured home park, the public water system must be installed to meet the local jurisdictions' standards. Individual water wells are not permitted in manufactured home parks.
- (c) *Sewer.* Each and every manufactured home in a manufactured home park must be supplied with either a hookup to a municipal or package sewer system or an approved septic tank system. Before final approval and an operating permit may be issued to a manufactured home park, the proposed method of sewage disposal must be certified as being installed to meet all state and local regulations by the County division of environmental health or the local jurisdiction's standards. If septic tank systems are to be used, there must be a separate tank for each manufactured home space.
- (d) *Electrical hookups.* Each and every manufactured home space in a manufactured home park must be provided with its own separate metered electrical service. Installation of this electrical service must be in accordance with the building code and all other state and local regulations that apply. Before a final approval or operating permit may be issued to a manufactured home park, the building inspector must certify that the proposed electrical service has been installed to meet all applicable codes.
- (e) *Streetlights.* Streetlights must be provided in manufactured home parks in sufficient numbers and spaced appropriately to provide a continuous and uninterrupted lighting pattern on all streets in the manufactured home park. Installation of streetlights must be in accordance with applicable building code. Before final approval or an operating permit may be issued to a manufactured

home park, the building inspector must certify that the streetlights installed meet all applicable codes.

- (f) *Solid waste collection.* Solid waste and refuse collection must be provided in manufactured home parks in accordance with the solid waste requirements of the County code. Before final approval or any operating permit may be issued to a manufactured home park, the County division of environmental health must certify that the proposed method of solid waste collection is in accordance with County Code.

Sec. 44-447.12. Recreation and open space requirements.

All proposed manufactured home parks must provide a recreational area for the occupants. The minimum requirements are 10% of the total park area. Recreational areas must be located to be free of traffic hazards and easily accessible to all park occupants.

Sec. 44-447.13. Space preparation and grade.

All manufactured home spaces in proposed parks must be prepared and graded so there is a slope of no more than 3% where the manufactured home is to be located.

Sec. 44-447.14. Steps.

All manufactured home spaces in proposed parks must have a solid, well constructed set of steps built in accordance with building code. Loosely stacked brick, block, or other materials are not permitted. The manufactured home owner has the responsibility to furnish the steps.

Sec. 44-447.15. Setup and tie down.

All manufactured homes located in proposed parks must be set up and tied down in accordance with the building code and all other applicable state and local codes.

Sec. 44-447.16. Signs.

Manufactured home park signs must be in accordance with sign regulations in Article V, Div. 7 of this Chapter.

Sec. 44-447.17. Office.

Manufactured home parks are allowed to set aside one space for the placement of an office to conduct the business of operating the park. This office may be of permanent or manufactured construction. Activities associated with the office must be in accordance with the zoning regulations set forth in this Chapter.

Sec. 44-447.18. Buffer.

All manufactured home parks must provide a buffer between the park and any property adjacent to the park, including road frontage. All buffers must consist of a double row of evergreens staggered at a maximum of 6 feet apart, and having a minimum height of 6 feet at the time of

planting, to block visual access to all adjoining properties. Existing on-site vegetation, which forms an opaque visual buffer, can be used in lieu of the evergreens.

Sec. 44-447.19. Screening.

All manufactured home parks must provide screening around all waste disposal receptacles including dumpsters. The screening must be opaque and at least 6 feet high. Chain link or wire fencing with plastic slats or screening fabric does not meet the requirements of this Section.

Sec. 44-447.20. Operating permit.

Upon final approval of the manufactured home park, the planning director will issue an operating permit. There is no fee associated with this permit. The operating permit does not exempt the owner or operator from any other permits that may be required by federal, state local laws. This operating permit must be placed in a conspicuous place in the park and be available for inspection upon demand by authorized officials.