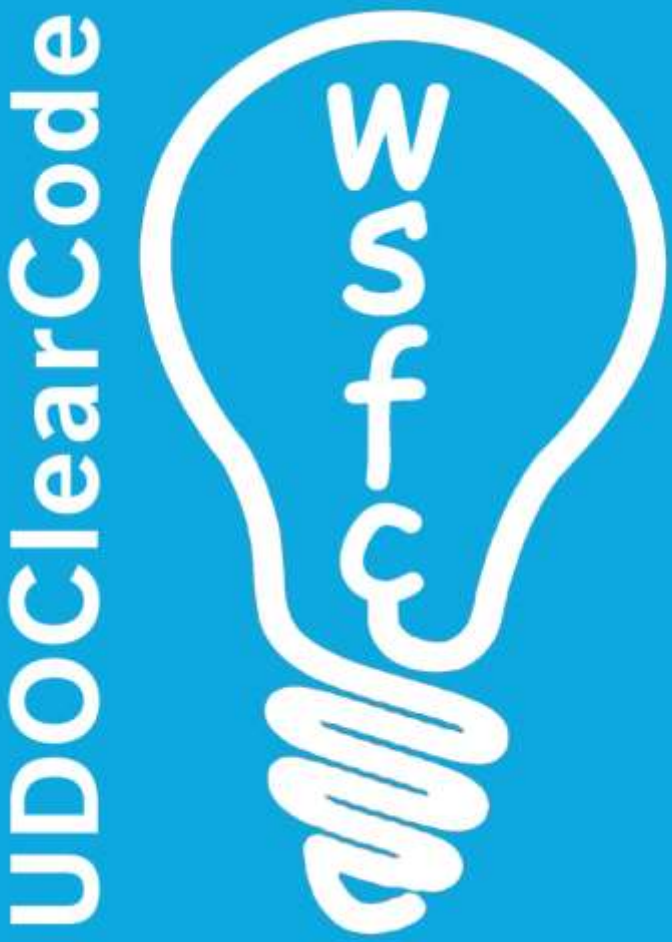

Winston-Salem/Forsyth County

Unified Development Ordinances

10.1.26

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1 INTRODUCTORY MATERIALS

1.1 TRANSLATION TABLE

The following translation table details how code sections from the current City/County Unified Development Ordinances are translated into this document. Only the page layout, text location, and text numbering have been revised here. There are no substantive additions or deletions to the language in the current UDO. The table below shows how the location and numbering of current text is revised, and is organized by section number of the current code. This table is proposed for review purposes only and should be removed from the document once it is adopted.

TRANSLATION TABLE					
CURRENT CODE SECTION			TITLE	PROPOSED NEW UDO SECTION #	NOTES
CH.	ART.	SEC.			
Chapter A					
A	1	1-1	Short Title	2.1.1	The current UDO is 5 separate ordinances, each with its own title and purpose– consolidation is needed
A	1	1-2	Purpose	2.2.1	
A	1	1-3	Meaning of Definitions	11.3.1	
A	1	1-4	Tenses	11.1.1	
A	1	1-5	The Standard Industrial Classification Manual - 1987	11.3.3	
A	1	1-6	Erosion Control Definitions	11.3.2	This passage references the Environmental Ordinance, which is no longer a separate ordinance
A	1	1-7	Illustrations	11.1.2	
A	2	-	Definitions	11.3	All definitions consolidated into a single table
Chapter B					
B	1	1-1	Short Title	2.1.2	The current UDO is 5 separate ordinances, each with its own title and purpose– consolidation is needed
B	1	1-2	Purpose	2.2.2	
B	1	1-3	Jurisdiction	2.3	
B	1	1-4	Authority	2.4	Includes 1-4.1, 1-4.2, & 1-4.3
B	1	1-5	Compliance	2.5	Includes 1-5.1, 1-5.3, 1-5.4, & 1-5.5
B	1	1-5.2	Vested Rights	2.7	
B	1	1-6	Severability	2.8	Includes 1-6.1, 1-6.2, 1-6.3
B	1	1-7	Conflicting Provisions	2.6	
B	1	1-8	Illustration	11.1.2	Relocated to Rules for Language Construction
B	1	1-9	Cumulative Requirements	2.5.4	Relocated to Compliance Sec. 2.5
B	2	2-1.1	Zoning Districts Established	4.1	Includes 2-1.1A-F Sec. 2-1.1G relocated to Sec 4.2
B	2	2-1.2	Residential Zoning Districts- Purpose Statements and Regulations	4.4	Table B.2.1 consolidated with other general districts
B	2	2-1.2A -2-1.2P	Individual residential district provisions	4.5	Includes all 17 residential districts, each in its own subsection - 4.5.1, 4.5.2, etc.
B	2	2-1.3	Commercial Zoning Districts – Purpose Statements and Regulations	4.4	Table B.2.2 consolidated with other general districts
B	2	2-1.3A -2-1.3M	Individual commercial district provisions	4.6	Includes all 13 commercial districts, each in its own subsection - 4.6.1, 4.6.2, etc.

TRANSLATION TABLE					
CURRENT CODE SECTION			TITLE	PROPOSED NEW UDO SECTION #	NOTES
CH.	ART.	SEC.			
B	2	2-1.4	Industrial Zoning Districts – Purpose Statements and Regulations	4.4	Table B.2.3 consolidated with other general districts
B	2	2-1.4A – 2-1.4	Individual industrial district provisions	4.7	Includes all 3 industrial districts, each in its own section – 4.7.1, 4.7.2, & 4.7.3
B	2	2-1.3	Commercial Zoning Districts – Purpose Statements and Regulations	4.4	Table B.2.2 consolidated with other general districts
B	2	2-1.5	Institutional and Mixed Use Zoning Districts – Purpose Statements and Regulations	4.4	Table B.2.4 consolidated with other general districts
B	2	2-1.5A – 2-1.5C	Individual institutional and mixed-use district provisions	4.8	Includes all 3 institutional/MU districts, each in its own section 4.8.1, 4.8.2, & 4.8.3
B	2	2-1.6	Overlay and Special Purpose Zoning Districts	4.9	Includes Table B.2.5 + all seven overlays, each in its own section 4.9.2, 4.9.3, etc. The H and HO district standards (minus the HRC establishment provisions and the COA procedures material) is included here as Section 4.9.5
B	2	2-2	Official Zoning Maps	4.3	Includes 2-2.1 & 2-2.2
B	2	2-3	Application of District Regulations	4.1.5	Relocated to Introductory Provisions Sec 4.1
B	2	2-4	Permitted Uses	5.1	Includes Sections 2-4.1 through 2-4.4 and 2-4.6. Section 2-4.5 relocated to use table section
B	2	B.2.6	Table B.2.6	5.1.5	Changed name from permitted use table to "Principal Use Table"
B	2	2-5	Use Conditions	5.2	All 93 sets of use standards are carried forward in sequence as section 5.2.1, 5.2.2, etc.
B	2	2-6	Accessory Uses	5.3	Sections 2-6.1 through 2-6.5 carried forward
B	2	2-7	Temporary Uses	5.4	Sections 2-7.1 through 2-7. carried forward
B	3	3-1.1	General (dimensional) Requirements	4.1.4	Consolidated with dimensional requirements from 2-1.1.F
B	3	B.3.1	Table B.3.1	4.5.17	Relocated to end of residential districts
B	3	B.3.2	Table B.3.2	4.8.4	Relocated to end of institutional and mixed use districts
B	3	B.3.3	Table B.3.3	4.5.18	Relocated to end of residential districts
B	3	B.3.4	Table B.3.4	4.8.5	Relocated to end of institutional and mixed use districts
B	#	3-1.2	Supplementary Dimensional Requirements	Various	Subsections (A) through (E) relocated to 4.1.4.C.1-5 Subsections (F) through (H) relocated to 4.3.1.E-G Subsection K relocated to 5.2.70.B and 5.2.71.B Subsection (L) through (X) relocated to 4.1.4.C.8-20
B	3	3-2 (x2)	Sign Regulations	6.5	Section 6.5.1 = Winston-Salem Section 6.5.2 = Forsyth County

TRANSLATION TABLE					
CURRENT CODE SECTION			TITLE	PROPOSED NEW UDO SECTION #	NOTES
CH.	ART.	SEC.			
B	3	3-3	Parking, Stacking, and Loading Areas	6.1	Sections 3-3.1 through 3-3.6 carried forward
B	3	3-4 (x2)	Landscaping and Tree Preservation Standards (one set of standards for Winston-Salem; one set of standards for Forsyth County)	6.2	Section 6.2.1 = Winston-Salem; Section 6.2.2 = Forsyth County
B	3	3-5	Bufferyard Standards	6.3	
B	3	3-6	Common Recreation Areas	7.6	Sections 3-6.1 through .8 relocated to Common Recreation Area Section 7.6.1
B	3	3-7	Protection of Public Rights-of-Way and Greenways	7.6	Sections 3-7.1 through 3-7.2 relocated to Section 7.6.2
B	3	3-8	Supplementary Standards for Older Neighborhoods	6.4.1	Sections 3-8.1 to 3-8.4 pertaining to County only
B	3	3-8 (#2)	Supplementary Standards for Residential Development in GMA 2	6.4.2	Sections 3-8.1 through 3-8.3 pertaining to City only
B	3	3-9	Bonus Density for Affordable Housing	4.1.6	Sections 3-9.1 through 3-9.6
B	3	3-10	Water Supply and Sewage Disposal	5.5	Sections 3-10.1 through 3-10.4
B	3	3-11	Other Standards	Various	3-11.1, Lighting, to new Section 6.6 3-11.2, Noise, to Section 4.1.4, Dimensional Requirements 3-11.4, Keeping of Horses..., to Section 5.3.3 Accessory Uses & Structures
B	3	3-12	Large Scale Retail Development	6.4.3	Definitions relocated to Ch. 11, Measurement & Definitions
B	3	3-13	Street Standards Governing Vehicle and Pedestrian Circulation	7.4	Section renumbered for consistency with the balance of the draft UDO
B	3	3-14	Supplementary Standards for Nonresidential Development in GMA 2	4.2.4	
B	4	4-1	Creation	10.1.5.A	
B	4	4-2	Purpose	10.1.5.B	
B	4	4-3	Forsyth County Historic Resources Commission	10.1.5.C	Sections 4-3.1 and 4-3.2 addressed here
B	4	4-4	Local Historic Landmark (LHL) Designation	4.9.5.E	
B	4	4-5	Historic Districts – Establishment and Amendment	4.9.5	4-5.1 through 4-5.3 to new Section 4.9.5.A & B
B	4	4-6	H and HO District Uses and Dimensional Requirements	4.9.5	4-6.1 through 4-6.2 to new Section 4.9.5.C & D
B	4	4-7	Certificate of Appropriateness	3.2.2	
B	5	5-1 to 5-4	Nonconforming Situations	9.1 to 9.4	
B	6	6-1	Administration	Various	6-1.1 relocated to new Section 10.1.1 6-1.2(A)(1) relocated to new Section 3.2.18 6-1.2(A)(2) relocated to new Section 3.2.3

TRANSLATION TABLE					
CURRENT CODE SECTION			TITLE	PROPOSED NEW UDO SECTION #	NOTES
CH.	ART.	SEC.			
					6-1.2(A)(3)&(4) relocated to new Section 10.1.2 6-1.2(A)(5) relocated to new Section 4.2.14 6-1.2(A)(6), 6-1.2(B) & (C) relocated to new Section 10.1.5 6-1.3 relocated to new Section 10.1.2(B) & (C) 6-1.4(A) & (D) relocated to new Section 3.2.13 6-1.4(B) & (D) relocated to new Section 3.2.16 6-1.4(C) relocated to new Section 3.2.1 6-1.4(F) through (I) relocated to new Section 10.1.3.C 6-1.5 relocated to new Section 3.2.13.D 6-1.6 relocated to new Section 3.2.10
B	6	6-2	Ordinance Amendments: Zoning Text and Official Zoning Maps	Various	Section carried forward and repeated in new Section 3.2.15 and Section 3.2.19 – several sections specific to map amendments not included in Section 3.2.15
B	7	7-1 to 7-5	Site Plan Requirements	3.2.9	
B	8	8-1 to 8-3	Fees	3.2.1	
B	9	9-1 (x2)	Violations and Penalties	10.2	Section 10.2.1 = Winston-Salem; Section 10.2.2= Forsyth County
B	9	9.2 (x2)	Special Use District	10.2.3 & 10.2.4	Section 10.2.3 = Winston-Salem; Section 10.2.4= Forsyth County
B	9	9.3	Subdivision Regulations	10.2.5	
B	10	10-1	Board of Adjustment	10.1.3	
B	10	10-2	Planning Board	10.1.2	
Chapter C					
C	1	1-1	Short Title	Various	The current UDO is 5 separate ordinances, each with its own title and purpose These sections have been consolidated with other provisions in Chapter 2. In many cases, the text in article 1 of Chapters A,B, & C is identical
C	1	1-2	Purpose		
C	1	1-3	Jurisdiction		
C	1	1-4	Authority		
C	1	1-5	Compliance		
C	1	1-6	Severability		
C	1	1-7	Conflicting Provisions		
C	1	1-8	Definitions		
C	1	1-9	Illustrations		
C	1	1-10	Cumulative Requirements		
C	2	2-1	General	8.1.1	Definitions in 2-1.4 relocated to new Section 11.2
C	2	2-2	Administration	8.1.2	Current 2-2.2 through 2-2.4 relocated to new Section 3.2.6 Current 2-2.5 (floodplain administrator duties) relocated to new Section 10.1.6 Current 2-2.7 (variance procedures) relocated to new Section 3.2.15
C	2	2-3	Standards for Flood Damage Reduction	8.1.3	

TRANSLATION TABLE					
CURRENT CODE SECTION			TITLE	PROPOSED NEW UDO SECTION #	NOTES
CH.	ART.	SEC.			
C	3	3-1	Authority and General Provisions	8.2.1	Current 3-1.6 relocated to new Section 11.2
C	3	3-2	Administration, Permits, and Appeals	8.2.2	Current 3-2.1 relocated to new Section 10.1.6 Current 3-2.2 (permits) relocated to new Section 3.2.17 Current 3-2.4(a) (appeals) relocated to new Section 3.2.1 Current 3-2.4(b) (variances) relocated to new Section 3.2.16
C	3	3-3	Watershed Subareas Established	8.2.3	
C	3	3-4	Prohibited Uses and Activities	8.2.4	
C	3	3-5	Development Options	8.2.5	
C	3	3-6	Stormwater Quality Management Permit Requirements	8.2.6	Current 3-6.1 relocated to new Section 3.2.12
C	3	3-7	Stream Buffers	8.2.7	
C	3	3-8	Public Health	8.2.8	
C	4	4-1	Authority and General Provisions	8.3.1	Section 4-1.8 (definitions) relocated to new Section 11.2
C	4	4-2	Administration, Permits, and Appeals	8.3.2	Section 4-2.1 (director) not carried forward-covered by new Section 10.1.6 Section 4-2.2 (permits) relocated to new Section 3.2.17 Section 4-2.4 relocated to new Section 3.2.16
C	4	4-3	Watershed Classifications and Subareas Established	8.3.3	
C	4	4-4	Prohibited and Restricted Uses and Activities	8.3.4	
C	4	4-5	Development Standards	8.3.5	
C	4	4-7	Stream Buffers and Riparian Area	8.3.6	
C	4	4-8	Water Quality and Supply	8.3.7	
C	5	5-1 to 5-27	Erosion Control	8.4	Section 5-2 (definitions) relocated to new Section 11.2
C	6	6-1 to 6-2	Dam Breach Hazard Areas	8.5	
C	7	7-1 to 7-2	Administration and Amendments	8.7	Suggest these standards be deleted
C	8	8-1 to 8-14	Forsyth County Randleman Riparian Buffer Protection	8.6	Section 8-9.2 (variances) relocated to new Section 3.2.16 Section 8-14 (definitions) relocated to new Section 11.2
D		1	General Provisions and Administration	7.1	
D		2	Subdivisions Exempted by State Law or Court Judgments	7.2	
D		3	Minor Subdivisions	3.2.8	
D		4	Major Subdivisions	3.2.9	Name changed to Preliminary Plat Section 4.H relocated to new Section 3.2.5

TRANSLATION TABLE					
CURRENT CODE SECTION			TITLE	PROPOSED NEW UDO SECTION #	NOTES
CH.	ART.	SEC.			
D		5	Industrial and Commercial Subdivisions	7.3	
D		6	Annotation of Exemptions for Final Plats	3.2.5	
E			Appendix Exhibits	Appendix	

1.2 TABLE OF AMENDMENTS

The following table sets out text amendments made to this UDO since its initial adoption on January 1, 2020.

TABLE OF AMENDMENTS

Amendments to the text of this Ordinance made since Adoption

ORDINANCE #	DATE ADOPTED	TITLE	AFFECTED UDO CHAPTERS	DESCRIPTION
UDO-CC1	*8/3/20*; 9/17/20	PRD Ordinance Revision	Chapter 5	An ordinance amendment proposed by Planning and Development Services staff to modify the Use Conditions for Planned Residential Developments.
UDO-CC2	*9/8/20*; 11/5/20	Revising Special Use Permit Standards	Chapters 3 and 5	A text amendment proposed by Planning and Development Services staff to clarify approval for Special Use Permits.
UDO-CC3	*9/8/20*; 11/5/20	Adding UDO Illustrative Graphics	Chapter 4	An ordinance amendment proposed by Planning and Development Services staff introducing graphics to the UDO to illustrate certain dimensional requirements.
UDO-CC4	*10/5/20*; 12/3/20	Revising Uses Allowed in LI and GI Zoning	Chapters 5 and 11	An Ordinance amending Chapter 5 and Chapter 11 of the Unified Development Ordinances-Clear Code to revise principal uses in the Limited Industrial and General Industrial zoning districts; to revise the outdoor storage area requirements of Manufacturing B; and to revise the definitions of Manufacturing A and Manufacturing B for Winston-Salem and Forsyth County.
UDO-CC5	*10/5/20*; 12/3/20	COA Revisions	Chapter 3	An Ordinance amendment proposed by Planning and Development Services amending Section 3.2.2 of the UDO Clearcode pertaining to Certificates of Appropriateness.
UDO-CC6	*1/4/21*; 4/15/21	TIS Revisions	Chapter 12	An ordinance amendment proposed by Planning and Development Services staff modifying Section 12.2 of the Unified Development Ordinances, pertaining to Traffic Impact Standards
UDO-CC7	*1/4/21*; 4/15/21	Revising Affordable Housing Bonus Density Provisions	Chapters 4 and 6	An ordinance amending Chapter 4 and Chapter 6 of the Unified Development Ordinances (UDO) to revise bonus density for affordable housing provisions and to revise alternative parking and parking incentives.
UDO-CC8	*4/5/21*; 9/2/21	MU-S District Revisions and Addition of Cottage Court Provisions	Chapters 4, 5, and 6	An ordinance amendment proposed by Planning and Development Services staff amending Section 4.8.3 of the Unified Development Ordinances pertaining to the Mixed Use-Special Use (MU-S) District, amending Table 5.1.1: Principal Use Table to add Cottage Courts as a use, adding Section 5.2.26.1 pertaining to Cottage Courts, amending Table 6.1.2 Motor Vehicle and Bicycle Parking Space Requirements to add Cottage Courts, and amending Table 11.2.2: Definitions to add definitions for Planned Unit Development and Cottage Courts (UDO-CC8).

UDO-CC9	*2/1/21*; <u>4/15/21</u>	Revising Family Group Home Regulations (Definition of Supervisory Personnel)	Chapters 5 and 11	An ordinance amending Sections 5.2.30, 5.2.31, and 11.2 of the Unified Development Ordinances (UDO), pertaining to the use-specific standards and definitions of the Family Group Hom A, Family Group Home B, and family Group Home C uses.
UDO-CC10	*5/3/21* <u>5/6/21</u>	Local Adoption of NCGS 160D	Chapters 2, 3, 4, 5, 6, 7, 10, 11	An ordinance amendment proposed by Planning and Development Services staff, in consultation with the City and County Attorney offices, to modify numerous sections of the Unified Development Ordinances (UDO) to align with the North Carolina General Assembly's combination of the Planning and Development statutes in NCGS 153A and NCGS 160A into NCGS 160D.
UDO-CC11	*10/4/21* <u>12/2/21</u>	Revising Storage Services, Retail Standards	Chapters 5 and 11	An ordinance amendment proposed by Planning and Development Services staff modifying Sections 5 and 11 of the *Unified Development Ordinances* pertaining to the use-specific standards and definitions for Storage Services, Retail.
UDO-CC12	*9/7/21*	*Allowing Schools and Religious Institutions in E Zoning*	*Chapter 5*	*An ordinance amendment proposed by Hank Perkins modifying Table 5.1.1: Principal Use Table of the Unified Development Ordinances to allow schools and religious institutions in the Entertainment (E) zoning district.*
<u>UDO-CC13</u>	<u>11/4/21</u>	<u>Amending Turkey Shoot Provisions</u>	<u>Chapters 5 and 11</u>	<u>An ordinance amendment proposed by Edward Nichols modifying Section 5.4.2E of the Unified Development Ordinances pertaining to the temporary use Turkey Shoot.</u>
UDO-CC14	*10/4/21*	*Winston-Salem Sign Ordinance Revisions*	*Chapters 6 and 11*	*An ordinance amendment proposed by Planning and Development Services Staff modifying Chapter 6 and Chapter 11 of the Unified Development Ordinances pertaining to the change rate of electronic message board signs; to add brightness limits to the regulation of electronic message board signs; and to extend the amortization period by two (2) years to June 30, 2024 to bring nonconforming on-premises signs into compliance within the City of Winston-Salem jurisdiction (UDO-CC14).*
UDO-CC15	*2/7/22* <u>4/7/22</u>	Revisions to Accessory Dwelling Unit (ADU) Provisions	Chapters 5, 6, and 11	A UDO text amendment proposed by City-County Planning Board staff to amend Chapters 5, 6, and 11 of the Unified Development Ordinances to revise provisions regarding Dwelling, Accessory (Attached and Detached); parking requirements for Dwelling, Single Family, Accessory; and the definition of a dwelling unit, Accessory Dwelling Unit (Attached), and Accessory Dwelling Unit (Detached).
UDO-CC16	*4/4/22* <u>5/5/22</u>	Removing criminal penalties from the UDO in accordance with SB300	Chapters 6, 8, and 10	An ordinance amending Chapters 6, 8, and 10 of the Unified Development Ordinances (UDO) in response to the NC General Assembly's passage of SB300 Part XIII, Decriminalization of Certain Ordinances.

UDO-CC17	*12/5/22* 3/30/23	Adding use conditions for select Manufacturing C Uses	Chapters 5 and 11	An ordinance amending Chapters 5 and 11 of the Unified Development Ordinances (UDO) to add use-specific standards for pesticide, fertilizer, and other agricultural chemical manufacturing; explosives and pyrotechnics manufacturing; and battery manufacturing.
UDO-CC18	*11/1/22* 12/15/22	Revising procedures for submitting and approving applications	Chapters 3, 7, 9, and 10	An ordinance amending Chapters 3, 7, 9, and 10 of the Unified Development Ordinances (UDO) to revise procedures for submitting and approving applications.
UDO-CC19	*2/6/23* 3/30/23	Revising parking requirements for restaurants in GMA 2	Chapter 9	An ordinance amending Chapter 9 of the Unified Development Ordinances (UDO) relating to off-street parking requirements.
UDO-CC20	*2/6/23* 3/30/23	Revising standards for bonding subdivision streets	Chapter 3	An ordinance amending Chapter 3 of the Unified Development Ordinances (UDO) to add that the first/bottom layer of asphalt be installed and approved in subdivision streets prior to acceptance of surety for remaining infrastructure improvements and final plat recordation.
UDO-CC21	*5/1/23* 7/27/23	Amending sight triangle provisions	Chapters 3 and 11	An ordinance amending Chapters 3 and 11 of the Unified Development Ordinances (UDO) to reflect NCGS language regarding sight distance triangles.
UDO-CC22	*6/5/23* 7/27/23	Amend the membership structure of the Forsyth County Historic Resources Commission (HRC)	Chapter 10	An ordinance amending Chapter 10 of the Unified Development Ordinances (UDO) to revise the membership structure of the Forsyth County Historic Resources Commission.
UDO-CC23	*6/5/23* 7/27/23	Miscellaneous non-substantive changes to the UDO	Chapters 3, 4, 5, 9, and 11	An ordinance amendment miscellaneous sections of the Unified Development Ordinances (UDO) to provide minor, non-substantive changes and clarifications.
UDO-CC24	*9/5/23* 10/5/23	Adding UDO Illustrative Graphics	Chapters 4, 5, 6, and 11	A text amendment proposed by Planning and Development Services staff for the inclusion of graphics to the UDO to illustrate certain dimensional requirements.
UDO-CC25	*2/19/24* 5/2/24	Revising Standards for Multifamily Zoning Districts	Chapters 4 and 5	An ordinance amendment proposed by Planning and Development Services Staff modifying Chapter 4 and Chapter 5 of the ***Unified Development Ordinances*** to increase the maximum number of units allowed per building in the RM-5 Residential Multifamily District and to increase the maximum building height allowed in the RM-8, RM-12, and RM-18 Residential Multifamily Districts
UDO-CC26	*5/20/24* 8/15/24	Revising Day Care Standards	Chapters 3, 5, 6, and 11	An ordinance amendment proposed by City-County Planning Board staff to amend Chapters 3, 5, 6, and 11 of the ***Unified Development Ordinances*** (UDO) to revise standards for day care uses.

UDO-CC27	*9/16/24* 12/19/24	Revising BOA Prodcedures; Changes to Staff Titles	Chapters 3 and 10	An ordinance amendment proposed by City-County Planning Board staff to amend Chapters 3 and 10 of the *Unified Development Ordinances* (UDO) to revise Board of Adjustment procedures.
UDO-CC28	*1/21/24* 4/10/25	Revised standards for single family development in RM districts	Chapter 4	An ordinance amendment modifying Chapter 4 of the *Unified Development Ordinances* (UDO) to amend provisions for single family uses within residential multifamily districts.
UDO-CC29	*1/21/25* 4/10/25	Revising historic resource provisions to match NCGS 160D standards	Chapters 3, 4, 10, and 11	An ordinance amending Chapters 3, 4, 10, and 11 of the *Unified Development Ordinances* (UDO) to conform with language in Chapter 160D of the North Carolina General Statutes.
UDO-CC30	11/20/25	Allowing larger park and recreation area signs for sites over 100 acres in size	Chapter 6	An ordinance amendment proposed by Forsyth County modifying Chapter 6 of the *Unified Development Ordinances* (UDO) to amend sign regulations for parks and recreation areas.
UDO-CC31	*12/1/25* 1/29/26	Replace references to *Legacy 2030* with references to *Forward 2045*	Through-out the Entire Ordinance	An ordinance amendment proposed by City-County Planning staff to update various sections of the *Unified Development Ordinances* (UDO) which reference the comprehensive plan for Winston-Salem and Forsyth County.
UDO-CC32	*12/1/25* 5/7/26	Remove regulations related to retaining wall heights	Chapter 8	An ordinance amendment proposed by Planning and Development Services staff modifying Chapter 8 of the *Unified Development Ordinances* (UDO) to remove Section 8.4.6.B "Graded Slopes, Mechanically Stabilized Slopes and Fills" from the Ordinance.
UDO-CC33	5/7/26	Create new billboard view corridors along US 421 and US 158	Chapters 6 and 11	An ordinance amending Chapters 6 and 11 of the *Unified Development Ordinances* (UDO) to add view corridors for off-premises ground signs within Forsyth County's jurisdiction.
UDO-CC34	*5/18/26* 8/13/26	Modify the UDO to comply with NC House Bill 926	Chapters 2, 3, and 4	An ordinance amendment proposed by Planning and Development Services staff modifying Chapters 2, 3, and 4 of the *Unified Development Ordinances* (UDO) in response to the NC General Assembly's passage of HB926.
UDO-CC35	*9/21/26* 10/1/26	Miscellaneous non-substantive changes to the UDO	Chapters 3, 4, 5, 6, 7, 8, and 9	An ordinance amending miscellaneous sections in Chapters 3, 4, 5, 6, 7, 8, and 9 of the *Unified Development Ordinances* (UDO) to provide minor, non-substantive changes, corrections, and clarifications.
UDO-CC36	*8/17/26* 8/13/26	Change Flood Insurance Rate Map date to June 10, 2026	Chapter 8	An ordinance amendment proposed by Erosion Control and Stormwater staff modifying Chapter 8 of the *Unified Development Ordinances* (UDO) to incorporate updates to the National Flood Insurance Program Requirements.

1.3 TABLE OF ABBREVIATIONS

The following table sets out the abbreviations used in this UDO.

ABBREVIATIONS	
ABBRV.	**TERM**
(F)	Regulations applicable solely to land in Forsyth County but outside the City of Winston-Salem
(W)	Regulations applicable solely to land in the City of Winston-Salem
AG	Agricultural District
ANSI	American National Standards Institute
AO	Airport Overlay District
APA	American Planning Association
ASNS	American Standard of Nursery Stock
ATM	Automated Teller Machine
BFE	Base Flood Elevation
C	Campus District
CB	Central Business District
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CEVMS	Commercial Electronic-Variable Message Signs
CI	Central Industrial District
CLOMR	Conditional Letter of Map Revision
CMU	Concrete Masonry Unit
CPO	Corporate Park Office District
CTS	Cooperating Technical State Agreement
CWA	Clean Water Act
dBA	Decibel
E	Entertainment District
FAA	Federal Aviation Agency
FBFM	Flood Boundary and Floodway Map
FCDH	Forsyth County Department of Housing
FEMA	Federal Emergency Management Agency
FHBM	Flood Hazard Boundary Map
FIRM	Flood Insurance Rate Maps
FIS	Flood Insurance Study
GB	General Business District
GI	General Industrial District
GMA	Growth Management Area
GO	General Office District
GS	General Statutes
H	Historic District
HAG	Highest Adjacent Grade
HB	Highway Business District
HND	City of Winston-Salem Department of Housing and Neighborhood Development
HO	Historic Overlay District
HQW	High Quality Waters
HUD	United States Department of Housing and Urban Development

ABBREVIATIONS	
ABBRV.	**TERM**
HVAC	Heating, Ventilation, and Air Conditioning
IP	Institutional and Public District
ISTEA	Intermodal Surface Transportation Efficiency Act
ITE	Institute of Transportation Engineers
LAG	Lowest Adjacent Grade
LB	Limited Business District
LCID	Land Clearing and Inert Debris
LED	Light Emitting Diode
LEED	Leadership in Energy and Environmental Design
LI	Limited Industrial District
LHL	Local Historic Landmark
LO	Limited Office District
LOMA	Letter of Map Amendment
LOMR	Letter of Map Revision
MH	Manufactured Housing Development District
MLKO	Martin Luther King Overlay District
MRB-S	Major Retail and Business – Special District
MU-S	Mixed Use - Special District
NAICS	North American Industrial Classification System
NAVD	North American Vertical Datum
NB	Neighborhood Business District
NCAC	North Carolina Administrative Code
NCDOT	North Carolina Department of Transportation
NCO	Neighborhood Conversation Overlay District
NFPA	National Fire Protection Association
NO	Neighborhood Office District
NPA	National Parking Association
NRD	National Register District
NRSA	Neighborhood Revitalization Strategy Area
NSB	Neighborhood Shopping Center Business District
PART	Piedmont Authority for Regional Transportation
PB	Pedestrian Business District
PRD	Planned Residential Development
RM-12	Residential Multifamily District
RM-18	Residential Multifamily District
RM-5	Residential Multifamily District
RM-8	Residential Multifamily District
RM-U	Residential Multifamily District
RPZ	Runway Protection Zone
RS-12	Residential Single-Family District
RS-15	Residential Single-Family District
RS-20	Residential Single-Family District
RS-30	Residential Single-Family District
RS-40	Residential Single-Family District

ABBREVIATIONS	
ABBRV.	**TERM**
RS-7	Residential Single-Family District
RS-7	Residential Single-Family District
RS-9	Residential Single-Family District
RSQ	Residential Single-Family Quadraplex District
SARA	Superfund Amendments and Reauthorization Act
SFHA	Special Flood Hazard Area
SIC	Standard Industrial Classification
SIDA	Special Intense Development Allocation
TND	Traditional Neighborhood Development
TO	Thoroughfare Overlay District
TOD	Transit Oriented Development
TRI	Toxic Release Inventory
TSA	Tree Save Area
ULI	Urban Land Institute
USGBC	United States Green Building Council
USGS	United States Geological Society
WO	Winston Overlay District
WSDOT	Winston-Salem Department of Transportation
YR	Yadkin River Conservation District

1.4 USING THIS UDO

This document is a draft version of the Winston-Salem/Forsyth County Unified Development Ordinances (or "UDO"). It replaces the community's prior Unified Development Ordinances document, which was a compilation of regulations that affect land use, including the Definitions Ordinance, the Zoning Ordinance, the Environmental Ordinance, and the Subdivision Regulations. This UDO reorganizes the material in the prior Unified Development Ordinances document into a new 10-chapter structure, but does not make any substantive changes to the regulations.

The standards in this document are applied to land and development within Forsyth County and the City of Winston-Salem. Other incorporated areas in Forsyth County who control their own zoning jurisdictions have adopted their own Unified Development Ordinances.

This UDO document contains the rules that control how land can be used in the City and the County, what kinds of uses may be located in particular locations, and how new development must be configured. The following paragraphs explain some of the attributes of this document.

This UDO document is prepared in accordance with the direction and recommendations found in the UDO ClearCode Code Assessment document prepared by the City-County Planning Department in 2018 and 2019. This UDO document shall remain in draft form until it is adopted by the Winston-Salem City Council and Forsyth County Board of Commissioners in accordance with State law.

This UDO document contains 12 chapters that consolidate similar kinds of provisions, like procedures, zoning districts, use standards, or development standards into individual chapters. Each chapter starts with a table of contents that lists the major sections within the chapter.

This draft document includes a text formatting system comprised of numbered section and subsection headings that are designed to help code users understand how the text in the document is organized. Section headings include different color backgrounds and subsection headings use underlining to help them be more visible and easier to navigate.

Any difference between rules applicable to land in Forsyth County or land in the City of Winston-Salem is indicated by different type styles. *Text in italics indicates rules solely applicable to land in the City of Winston-Salem*. Text that is underlined indicates rules solely applicable to land in Forsyth County. The footer of each page describes this distinction for quick reference.

The top of almost every page includes a listing of the particular chapter number and name, as well as the appropriate section number and name of the text on that particular page. Page numbers are included at the bottom of each page and include the chapter number. **Bold text in a grey background** is a dynamic cross reference to another portion of this Ordinance. Clicking on the cross reference will advance the code user to the cross referenced text.

In addition to the text layout and formatting improvements, the draft UDO will be supplemented with graphics and illustrations. Graphics are not prepared and inserted until the later stages of the project after the draft text has been completed.

The front of the UDO document includes a glossary of key terms and concepts so that users may quickly find the portion of the desired regulations. In addition to the glossary, the digital version of this document is fully searchable. There is also a summary table of abbreviations used in the UDO document.

We hope you are able to find the information you need and find this document useable. However, if you still have questions or need further assistance, please do not hesitate to call the Design and Development Review Section of the City-County Planning Board at (336) 727-2548 or visit our website at www.cityofws.org/planning.

We're here to help you.

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2.1 SHORT TITLE

2.1.1 DEFINITIONS ORDINANCE

This Ordinance shall be known and may be cited as the Definitions Ordinance, except as referred to herein, where it shall be known as this Ordinance. This Ordinance and the Zoning Ordinance and the Environmental Ordinance, and the Subdivision Regulations (adopted by the Planning Board) shall collectively be known and cited as the Unified Development Ordinances.

2.1.2 ZONING ORDINANCE

This Ordinance shall be known and may be cited as the Zoning Ordinance, except as referred to herein, where it shall be known as this Ordinance.

2.1.3 ENVIRONMENTAL ORDINANCE

This Ordinance shall be known and may be cited as the Environmental Ordinance, except as referred to herein, where it shall be known as this Ordinance.

2.2 PURPOSE

2.2.1 DEFINITIONS ORDINANCE

The purpose of this Ordinance is to establish a set of definitions applicable to the Zoning Ordinance, the Environmental Ordinance, and the Subdivision Regulations of the adopting jurisdiction.

2.2.2 ZONING ORDINANCE

The purpose of this Ordinance is to promote the health, safety, and general welfare of the residents within the zoning jurisdiction of the adopting jurisdiction through the stated regulations of this Ordinance. An additional purpose of this Ordinance is to implement the goals, objectives, and policies of Forward 2045, the comprehensive plan for Forsyth County, North Carolina, as amended, including any specifically related land use plans, development guides, and the Transportation Plan.

2.2.3 ENVIRONMENTAL ORDINANCE

The purpose of this Ordinance is to promote the health, safety, and general welfare of the residents within Forsyth County and the City of Winston-Salem through the stated regulations of this Ordinance. An additional purpose of this Ordinance is to implement the goals, objectives, and policies of Forward 2045, the comprehensive plan for Forsyth County, North Carolina, as amended, including any specifically related land use plans, development guides, and the Transportation Plan.

2.3 JURISDICTION

2.3.1 FORSYTH COUNTY

<u>The provisions of this Ordinance shall apply to the unincorporated areas of Forsyth County, North Carolina. (F)</u>

2.3.2 WINSTON-SALEM

The provisions of this Ordinance shall apply to the zoning jurisdiction of the City of Winston-Salem, North Carolina. (W)

2.4 AUTHORITY

2.4.1 STATE LAW

A. This Ordinance is adopted pursuant to Chapter 160D of the North Carolina General Statutes.

B. This Ordinance is further adopted pursuant to the following Session Laws applicable to Forsyth County, and these laws are followed to the extent that they are not inconsistent with the cited General Statutes: Chapter 677, 1947 Session Laws, as amended, and other applicable laws.

C. This Ordinance is adopted pursuant to the Environmental Policy Act of 1971, the Water Supply Watershed Protection Act of 1989, and the North Carolina Sedimentation Pollution Control Act of 1973, as amended.

2.4.2 INTENT

The intent of the adopting jurisdiction is to exercise its available power as authorized in the statutes cited in **Section 2.4.1, State Law**, to the maximum extent possible, as more fully set forth herein.

2.4.3 AMENDMENTS

This Ordinance may be amended in accordance with the provisions of this Ordinance as required or allowed by subsequent legislative enactments.

2.5 COMPLIANCE

2.5.1 COMPLIANCE WITH PROVISIONS

No building, premises, or structure shall be used, constructed, erected, modified, altered, converted, occupied, placed, maintained, removed or moved, and no land use shall be commenced, maintained, or modified except in compliance with the provisions, restrictions, and procedures set forth herein.

2.5.2 MULTIPLE USES

In cases of two (2) or more principal uses on the same zoning lot, the regulations for each use shall apply to that portion of the structure or land so used.

2.5.3 MINIMUM REQUIREMENTS

The requirements contained in this Ordinance shall be the minimum requirements for administration, enforcement, procedures, restrictions, standards, uses, variances, and all other areas addressed by this Ordinance; and, if any other existing ordinance or regulation allows lesser regulation, this Ordinance shall govern, so that in all cases, the more restrictive limitation or requirement shall govern.

2.5.4 CUMULATIVE REQUIREMENTS

The requirements of this Ordinance are cumulative.

2.5.5 EXEMPTION

<u>The provisions of this Ordinance shall not apply to farming activities on bona fide farms. (F)</u>

2.6 CONFLICTING PROVISIONS

2.6.1 CONFLICT WITHIN ORDINANCE

Where a conflict exists between any limitations or requirements in this Ordinance, the more restrictive limitation or requirements shall prevail.

2.6.2 CONFLICT WITH OTHER ORDINANCE OR LAW

Where a conflict exists between the provisions of this Ordinance and any other ordinance or law, or where the provisions of this Ordinance impose overlapping or contradictory regulations, the most restrictive provision or the one which imposes the highest standards or requirements shall prevail.

2.7 VESTED RIGHTS

2.7.1 RIGHTS PERFECTED PRIOR TO THIS ORDINANCE

Development rights perfected prior to the effective date of this Ordinance shall be subject to the Zoning Ordinance or other legal requirements under which the rights were perfected, unless and until such vested rights are withdrawn or expire in accordance with law.

2.7.2 THE APPLICABLE GENERAL STATUTES

A. PURPOSE

1. The purpose of this section is to implement the provisions of Sections 160D-102; 108; and 108.1 of the North Carolina General Statutes related to the establishment of vested rights.

B. DEFINITIONS

As used in this section, the following terms shall have the meaning indicated:

1. SITE SPECIFIC DEVELOPMENT PLAN

a. A plan of land development submitted to the local jurisdiction for purposes of obtaining one of the following zoning or land use permits or approvals in accordance with **Section 3.2.13, Special Use Permit,** and **Section 3.2.19, Zoning Map Amendment**:

i. Approval of a use requiring a special use permit by the Board of Adjustment in accordance with **Section 3.2.13D, Special Use Permit Approval By Board of Adjustment Procedure**.

ii. Approval of a use requiring a special use permit by the Elected Body in accordance with **Section 3.2.13E, Special Use Permits Authorized By The Elected Body**.

iii. Approval of a one-phase special use district zoning petition or a site plan amendment to a one-phase special use district zoning petition by the Elected Body in accordance with **Section 3.2.19D, Special Use Districts**.

iv. Approval of a final development plan by the City-County Planning Board in accordance with **Section 3.2.19D.4, Planning Board Action**, pursuant to a two-phase special use district zoning petition approved by the Elected Body in accordance with **Section 3.2.19D.7, Decision Regarding Two-Phase Petition**.

b. Notwithstanding the foregoing, neither a variance, a sketch plan nor any other document that does not describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property shall constitute a site specific development plan.

2. VESTED RIGHT

a. A right pursuant to the applicable section of 160D-102; 108; and 108.1 of the North Carolina General Statutes related to the establishment of vested rights.

C. ESTABLISHMENT OF VESTED RIGHT

1. A vested right shall be deemed established upon the valid approval or approval with conditions by the Elected Body in compliance with all provisions of this Ordinance or Subdivision Regulations, as applicable, of a site specific development plan, following notice and public hearing.

2. The Elected Body may approve a site specific development plan upon such terms and conditions as authorized in **Section 3.2.11, Site Plan**, **Section 3.2.15, UDO Text Amendment** and **Section 3.2.19, Zoning Map Amendment**, and upon making such findings as are required for approval by this Ordinance.

3. Notwithstanding **Section 2.7.2A, Purpose**, and **Section 2.7.2B, Definitions**, approval of a site specific development plan with the condition that a variance be obtained shall not confer a vested right unless and until the necessary variance is obtained.

4. A site specific development plan shall be deemed approved upon the effective date of approval by the approving authority or ordinance relating thereto, and only to the extent of that approval.

5. The establishment of a vested right shall not preclude the application of overlay zoning that imposes additional requirements but does not affect the allowable type or intensity of use, or ordinances or regulations that are general in nature and are applicable to all property subject to land-use regulation by the local jurisdiction, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes. Otherwise applicable new or amended regulations shall become effective with respect to property that is subject to a site specific development plan upon the expiration or termination of the vested right in accordance with this section.

6. A vested right is not a personal right, but shall attach to and run with the applicable property. After approval of a site specific development plan, all successors to the original landowner shall be entitled to exercise such right while applicable.

7. A vested right obtained by permit or other local government approval shall not preclude the use or extinguish the existence of any other vested right or use by right attached to the property.

8. If a special use permit expires and does not vest, the current zoning classification or regulation for the property applies.

D. APPROVAL PROCEDURES AND VESTED RIGHTS FOR SITE SPECIFIC DEVELOPMENT PLANS

1. Plans shall be submitted and processed in accordance with the procedures established by this Ordinance and shall be considered by the designated approving authority for the specific type of zoning or land use permit or approval for which application is made. A vested right is established once approval is granted by the approving authority following notice and public hearing.

2. The notice of public hearing required for vested rights shall follow the same advertisement procedure as is required by the approving authority for the specific type of zoning or land use permit or approval for which application is made.

3. Nothing in this section shall prohibit the revocation of the original approval or other remedies for failure to comply with applicable terms and conditions of the approval by the approving authority or of this Ordinance.

E. DURATION

The establishment of a vested right under this section does not preclude the establishment of one or more other vested rights or vesting by common law principles. Vested rights are established as follows:

1. BUILDING PERMITS

Pursuant to G.S. 160D-1111, a building permit expires six (6) months after issuance unless work under the permit has commenced. Building permits also expire if work is discontinued for a period of twelve (12) months after work has commenced.

2. OTHER LOCAL DEVELOPMENT APPROVALS

Pursuant to G.S. 160D-403(f) and 160D-1115, unless otherwise specified by statute or local ordinance, all other local development approvals expire one (1) year after issuance unless work has substantially commenced. Expiration of a local development approval shall not affect the duration of a vested right established under this section or vested rights established under common law.

3. SITE-SPECIFIC VESTING PLANS

a. DURATION

A vested right for a site-specific vesting plan shall remain vested for a period of two (2) years. This vesting shall not be extended by any amendments or modifications to a site-specific vesting plan unless expressly provided by the local government. A local government may provide that rights regarding a site-specific vesting plan shall be vested for a period exceeding two (2) years, but not exceeding five (5) years, if warranted by the size and phasing of development, the level of investment, the need for the development, economic cycles, and market conditions, or other considerations. This determination shall be in the discretion of the local government and shall be made following the

process specified for the particular form of a site-specific vesting plan involved in accordance with sub-subdivision c. of this subdivision.

b. RELATION TO BUILDING PERMITS

A right vested as provided in this subsection shall terminate at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed. Upon issuance of a building permit, the provisions of G.S. 160D-1111 and G.S. 160D-1115 shall apply, except that the permit shall not expire or be revoked because of the running of time while a vested right under this subsection exists.

c. REQUIREMENTS

For the purposes of this subsection, a "site-specific vesting plan" means a plan submitted to a local government pursuant to this section describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. The plan may be in the form of, but not be limited to, any of the following plans or approvals: a planned unit development plan, a subdivision plat, a site plan, a preliminary or general development plan, a special use permit, a conditional zoning, or any other development approval as may be used by a local government. Unless otherwise expressly provided by the local government, the plan shall include the approximate boundaries of the site; significant topographical and other natural features affecting development of the site; the approximate location on the site of the proposed buildings, structures, and other improvements; the approximate dimensions, including height, of the proposed buildings and other structures; and the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways. What constitutes a site-specific vesting plan shall be defined by the relevant development regulation, and the development approval that triggers vesting shall be so identified at the time of its approval. At a minimum, the regulation shall designate a vesting point earlier than the issuance of a building permit. In the event a local government fails to adopt a regulation setting forth what constitutes a site-specific vesting plan, any development approval shall be considered to be a site-specific vesting plan. A variance shall not constitute a site-specific vesting plan and approval of a site-specific vesting plan with the condition that a variance be obtained shall not confer a vested right unless and until the necessary variance is obtained. If a sketch plan or other document fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property, it may not constitute a site-specific vesting plan.

d. PROCESS FOR APPROVAL AND AMENDMENT OF SITE-SPECIFIC VESTING PLANS

If a site-specific vesting plan is based on an approval required by a local development regulation, the local government shall provide whatever notice and hearing is required for that underlying approval. If the duration of the underlying approval is less than two (2) years, that shall not affect the duration of the site-specific vesting plan established under this provision. If the site-specific vesting plan is not based on such an approval, a legislative hearing with notice as required by G.S. 160D-602 shall be held. A local government may approve a site-specific vesting plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety, and welfare. Such conditional approval shall result in a vested right, although failure to abide by its terms and conditions will result in a forfeiture of vested rights. A local government shall not require a landowner to waive vested rights as a condition of developmental approval. A site-specific vesting plan shall be deemed approved upon the effective date of the local government's decision approving the plan or such other date as determined by the governing board upon approval. An approved site-specific vesting plan and its conditions may be amended with the approval of the owner and the local government as follows:

i. Any substantial modification must be reviewed and approved in the same manner as the original approval.

ii. Minor modifications may be approved by staff, if such are defined and authorized by local regulation.

3. MULTIPHASE DEVELOPMENTS

A multiphase development shall be vested for the entire development with the zoning regulations, subdivision regulations, and unified development ordinances in place at the time a site plan approval is granted for the initial phase of the multiphase development. This right shall remain vested for a period of seven years from the time a site plan approval is granted for the initial phase of the multiphase development. For purposes of this subsection, "multiphase development" means a development containing 100 acres or more that (i) is submitted for site plan approval for construction to occur in more than one phase and (ii) is subject to a master development plan with committed elements, including a requirement to offer land for public use as a condition of its master development plan approval.

4. DEVELOPMENT AGREEMENTS

A vested right of reasonable duration may be specified in a development agreement approved under Article 10 of Chapter 160D of the North Carolina General Statutes.

5. Upon the expiration or termination of the vested right in accordance with this section, the site specific development plan shall be subject to all current Unified Development Ordinances (UDO) regulations or other applicable requirements of law relating to the development of the site.

F. TERMINATION

A right that has been vested as provided in this section shall terminate upon any of the following:

1. NO BUILDING PERMIT

Termination of the applicable vesting period with respect to buildings and uses for which no valid building permit has been issued;

2. WRITTEN CONSENT

Written consent of the affected landowner;

3. THREAT TO PUBLIC HEALTH OR SAFETY

Findings by the Elected Body, by ordinance after notice and a public hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the approved vested plan;

4. COMPENSATION

Compensation to the affected landowner for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consultant's fees incurred after approval by the local jurisdiction, together with interest as is provided in G.S. 160D-106. Compensation shall not include any diminution in the value of the property which is caused by such action;

5. MISREPRESENTATION

Findings by the Elected Body, by ordinance after notice and a hearing, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the Elected Body of the site specific development plan; or

6. STATE OR FEDERAL LAW

Enactment or promulgation of a State or federal law or regulation that precludes development as contemplated in the site specific development plan, in which case the Elected Body may modify the affected provisions, upon a finding that the change in State or federal law has a fundamental effect on the plan, by ordinance, after notice and a hearing.

G. AMENDMENTS

1. Minor changes, consistent with **Section 3.2.11E.5, Minor Changes**, and pursuant to any related resolutions, may be approved by Planning Staff.

2. All other amendments to a site specific development plan may be approved by the Elected Body as provided

in **Section 3.2.19D.11, Amendment**.

3. Prior to the issuance of a building permit for the subject site, the Elected Body in the case of amendments, or the Planning staff in the case of minor changes, must approve, with or without conditions, any amendments to the site specific development plan.

H. LIMITATIONS

1. Nothing in this section is intended or shall be deemed to create any vested right other than those established pursuant to Section 160D-012; 108; and 108.1 of the North Carolina General Statutes. (F)

2. *Nothing in this section is intended or shall be deemed to create any vested right other than those established pursuant to Section 160D-108; 108.1 of the North Carolina General Statutes. (W)*

2.8 SEVERABILITY

2.8.1 INVALIDATION OF PORTIONS OF ORDINANCE

A. Should any section, sentence, clause, phrase, or word of this Ordinance be held invalid or unconstitutional by a court of competent jurisdiction of either the State of North Carolina or of the United States, such decision shall not affect, impair, or invalidate the remaining parts of this Ordinance.

B. The remaining parts shall remain in effect without the invalid provision, and to that extent they are severable.

2.8.2 INVALIDATION OF APPLICATION

This invalidation of the application of any provision of this Ordinance to any particular property or structure, or to any particular properties or structures, by any court of competent jurisdiction, shall not affect the application of such provision to any other property or structure not specifically included in such invalidation.

2.8.3 PRESUMPTION

When an administration officer or board authorizes regulatory action, it shall be conclusively presumed that such officer or board would not have authorized such action except in the belief that such action was lawful.

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3.1 STANDARD REVIEW PROCEDURES

3.1.1 APPLICATION SUBMITTAL

A. FEES

1. GENERAL

a. To defray a portion of the cost of advertising, as required by law, and of technical services necessitated by petitions for changes to the zoning regulations or Official Zoning Map, and requests for special use permits, variances, plan review, certificates of appropriateness or permits, fees shall be charged.

b. Said fees shall be established and modified by the Elected Body.

c. Lists of said fees applicable to the Planning Board and the Inspections Division shall be maintained on file and available to the public in the respective offices.

2. RE-ADVERTISING, CONTINUANCES, OR PETITIONS REMANDED TO THE PLANNING BOARD BY THE ELECTED BODY

a. When a request for rezoning, UDO text amendment, or special use permit authorized by the Elected Body is requested for continuance by the petitioner; or must be continued due to deficient information filed with the petition; or must be continued due to the petition being remanded to the Planning Board by the Elected Body at the applicant's request; and does not require re-advertising and a new public hearing held, the fee shall be one-half the original zoning fee.

b. If a case is continued or remanded to allow the applicant to file for a different zone change or permit and must be re-advertised and a new public hearing held by the Planning Board, the case will be considered a new petition and be subject to the fees set forth in this section.

3. REFUND OF FEES

Fees filed in conjunction with applications submitted to the Planning Board for rezoning requests, UDO text amendments, or special use permits are not refundable except in accordance with the following.

a. An applicant may request before the Planning Board a partial or full refund of fees if the petition is requested to be withdrawn prior to the deadline for advertising the petition to the newspaper and the request is based upon a hardship.

b. A hardship, to be considered by the Planning Board, must consist of an unforeseen set of circumstances beyond the applicant's control which provide sufficient cause for the applicant to not pursue the rezoning, text amendment or permit.

c. In this case, the decision to grant a refund as well as the amount of any refund is the responsibility of the Planning Board.

B. PENDING JURISDICTION

After consideration of a change in local government jurisdiction has been formally proposed, the local government that is potentially receiving jurisdiction may receive and process proposals to adopt development regulations and any application for development approvals that would be required in that local government if the jurisdiction is changed. No final decisions shall be made on any development approval prior to the actual transfer of jurisdiction. Acceptance of jurisdiction, adoption of development regulations, and decisions on development approvals may be made concurrently and may have a common effective date.

3.2 SPECIFIC DEVELOPMENT APPLICATIONS

3.2.1 APPEALS AND INTERPRETATIONS

The appeal or interpretation request is subject to the following:

A. GENERAL

1. The Board of Adjustment shall hear and pass upon appeals from and shall review any decision made by the Director of Inspections or a designee.

2. The Board of Adjustment shall also hear and pass upon all other matters upon which it is required to act under this Ordinance. The appeal request is subject to the following standards.

B. APPLICABILITY

1. Only written decisions or determinations shall be appealed.

2. A decision includes any final and binding order, requirement, or determination.

3. The Director of Inspections, or a designee, shall give written notice to the owner of the property that is subject of the decision and to the party who sought the decision, if different from the owner.

4. The written notice shall be delivered by personal delivery, electronic mail, or by first class mail.

5. The owner or other party receiving the written notice shall have thirty (30) days from receipt of the written notice, decision, or determination to file an appeal.

6. Any other person or party with standing to appeal shall have thirty (30) days from receipt of any source of actual or constructive notice of the decision or determination to file an appeal.

C. PROCEDURE

The procedure to be used in processing appeals and interpretations of decisions of the Director of Inspection or a designee authorized by the Board of Adjustment.

1. FILING

a. Applications for appeals of decisions, determinations or interpretations of the Director of Inspections or a designee to be considered in any month by the Board of Adjustment shall be made by the property owner or the owner's authorized agent or any other party with standing to the City/County Clerk not less than twenty (20) days prior to the established meeting date of that month. Each petition shall be accompanied by:

i. A fee as authorized in **Section 3.1.1A, Fees**.

ii. The written decision of the Director of Planning and Development Services or their designee that is the subject of the requested appeal or interpretation.

2. POSTING

a. It shall be conclusively presumed that all persons with standing to appeal have constructive notice of the decision from the date the landowner or applicant posts a sign on the property using six inch (6 inch;) letters with the words "ZONING DECISION" or "SUBDIVISION DECISION" along with information identifying the means to contact an official for information about the decision in a prominent location on the property for at least ten (10) days.

b. Posting of such signs is not the only form of constructive notice.

c. Verification of the posting shall be provided by the owner or applicant to the official who made the decision.

3. TRANSMITTAL

a. The Director of Inspections or a designee shall transmit to the Board of Adjustment all documents and exhibits constituting the record upon which the action appealed from is taken.

b. The Director of Inspections or a designee shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner.

4. STAY

a. An appeal of a notice of violation or other enforcement action stays enforcement of the action appealed from unless the official who made the decision certified to the Board of Adjustment after notice of appeal has been filed that because of the facts stated in the affidavit, a stay would cause imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of the Ordinance.

b. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court.

c. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the Board of Adjustment shall meet to hear the appeal within fifteen (15) days after such request is filed.

d. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with the Ordinance shall not stay the further review of an application for permits or permissions to use such property; in these situations the appellant may request and the Board of Adjustment may grant a stay of a final decision of permit applications or building permits affected by the issue being appealed. Otherwise, the Board of Adjustment shall hear and decide the appeal within a reasonable time.

5. HEARING

a. The official who made the decision shall be present at the hearing as a witness.

b. The appellant may not be limited at the hearing to matters stated in the notice of appeal.

c. If any party or the City would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the Board of Adjustment shall continue the hearing.

6. VOTING ON APPEALS/INTERPRETATIONS

a. A majority vote of the members shall be required to reverse any order, requirement, decision, or determination of the Director of Planning and Development Services or their designee.

b. For the purposes of this subsection, vacant positions on the Board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the Board for calculation of the requisite majority if there are no qualified alternatives to take the place of such members.

D. APPEALS OF WATERSHED-RELATED DECISIONS

The Zoning Board of Adjustment of the jurisdiction shall serve as the Watershed Review Board and provide administrative review of and variances to the standards in **Section 8.2, Salem Lake Watershed Protection**, and **Section 8.3, Watershed Protection (F)**.

1. ADMINISTRATIVE REVIEW

a. APPEALS

The Watershed Review Board shall hear and decide appeals from any decision or determination made by the Stormwater Director or their designee in the enforcement of **Section 8.2, Salem Lake Watershed Protection**, or **Section 8.3, Watershed Protection (F)**.

b. APPEAL PROCEDURE

i. An appeal from a decision of the Stormwater Director or their designee must be submitted to the Watershed Review Board within thirty (30) days from the date the order, interpretation, decision, or determination is made.

ii. All appeals must be made in writing stating the reasons for appeal.

iii. Following submission of an appeal, the Stormwater Director or their designee shall transmit to the Board all papers constituting the record upon which the action appealed from was taken.

c. STAYS BASED ON APPEAL

i. An appeal stays all proceedings in furtherance of the action appealed, unless the officer from whom the appeal is taken certifies to the Board after the notice of appeal has been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property or that because the violation charged is transitory in nature a stay would seriously interfere with enforcement of these standards.

ii. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application on notice to the officer from whom the appeal is taken and upon due cause shown.

d. HEARING

i. The Board shall fix a reasonable time for hearing the appeal and give notice thereof to the parties and shall decide the same within a reasonable time.

ii. At the hearing, any party may appear in person, by agent or by attorney.

E. *APPEALS OF STORMWATER-RELATED DECISIONS*

The Board of Adjustment of the City of Winston-Salem shall hear and pass upon appeals from and shall review any decision made by the Stormwater Director or their designee in the enforcement of Chapter 75, Article I – Illicit Stormwater Discharges and Connections and Article IV – Post Construction Stormwater of the Code of Ordinances of the City of Winston-Salem, entitled "Stormwater Management".

3.2.2 CERTIFICATE OF APPROPRIATENESS

A. REQUIREMENTS FOR CERTIFICATES OF APPROPRIATENESS FOR LOCAL HISTORIC LANDMARKS (LHL)

1. From and after the designation of a Local Historic Landmark (LHL), no exterior Designated Portion of any building or other structure, including masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features, nor interior Designated Portion of any building or other structure as specified in the recorded LHL regulation, nor above-ground utility structure nor any type of outdoor advertising sign shall be erected, altered, restored, moved, or demolished on such designated LHL until after an application for a certificate of appropriateness as to such features has been submitted to and approved by the Commission.

2. The City/County/Town/Village shall require a certificate of appropriateness to be issued by the Commission prior to the issuance of a building permit or other permit granted for the purposes of constructing, altering, moving, or demolishing structures, which certificate may be issued subject to reasonable conditions necessary to carry out the purposes of this Ordinance.

3. If a certificate of appropriateness is required, then the applicant shall be provided instructions and a means for applying for such a certificate.

4. Certificates of appropriateness shall be issued or denied in accordance with **Section 3.2.2F, Standards For Review**.

5. A certificate of appropriateness shall be issued prior to any application for a building permit being made. Any building permit or other such permit not issued in conformity with this section shall be invalid.

6. A certificate of appropriateness shall be required for all activities specified in this section, whether a building permit is otherwise required or not.

7. For the purposes of the section, the term "Designated Portion" shall mean any portion of a designated LHL that was included in the regulation designating the LHL, including the main structure or structures, the interior or portions of the interior, any outbuildings or secondary structures, site elements, and landscaping.

8. Where the exterior of a building or structure is designated as an LHL, the term "Exterior Features" shall mean the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant features. These Exterior Features may include historic signs, color, and significant landscape, archaeological, and natural features of the area.

9. In the case of outdoor advertising signs, the term Exterior Features shall mean the style, material, size, and location of all such signs. These "exterior features" may include historic signs, color, and significant landscape, archaeological, and natural features of the area.

10. Jurisdiction of the Commission over the interior, or portions thereof, is limited to specific interior features of

architectural, artistic, or historical significance (herein Interior Features) in publicly-owned LHLs and of privately-owned LHLs for which consent for interior review has been given by the owner. The consent of an owner for interior review binds future owners and/or successors if the consent has been filed in the office of the register of deeds of the county in which the property is located and indexed according to the name of the owner of the property in the grantee and grantor indexes. The LHL regulation shall specify the Interior Features to be reviewed and the specific nature of the Commission's jurisdiction over the interior.

B. REQUIREMENTS FOR CERTIFICATES OF APPROPRIATENESS IN HISTORIC (H) AND HISTORIC OVERLAY (HO) DISTRICTS

1. Within a Historic (H) or Historic Overlay (HO) District, no exterior portion of any building or other structure, including masonry walls, fences, light fixtures, steps, pavement, or other appurtenant features, nor above-ground utility structure; nor any type of outdoor advertising sign shall be erected, altered, restored, moved, or demolished until after an application for a certificate of appropriateness as to such Exterior Features has been submitted to and approved by the Commission.

2. The City/County/Town/Village shall require a certificate of appropriateness to be issued by the Commission prior to the issuance of a building permit or other permit granted for the purposes of constructing, altering, moving, or demolishing structures, which certificate may be issued subject to reasonable conditions necessary to carry out the purposes of this Ordinance.

3. If a certificate of appropriateness is required, then the applicant shall be provided with instructions and a means for applying for such a certificate. Certificates of appropriateness shall be issued or denied in accordance with **Section 3.2.2F, Standards For Review**.

4. A certificate of appropriateness shall be issued prior to any application for a building permit being made. Any building permit or other such permit not issued in conformity with this section shall be invalid. A certificate of appropriateness shall be required for all activities specified in this section, whether a building permit is otherwise required or not.

5. For the purposes of the section, the term "Exterior Features" shall include the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material, the size and scale of the building or other structure, and the type and style of all windows, doors, light fixtures, signs and other appurtenant features. These Exterior Features may include historic signs, color, and significant landscape, archaeological, and natural features of the area.

6. In the case of outdoor advertising signs, the term Exterior Features shall be construed to mean the style, material, size, and location of all such signs.

C. CIRCUMSTANCES NOT REQUIRING CERTIFICATES OF APPROPRIATENESS

No certificate of appropriateness shall be required for:

1. The ordinary maintenance or repair, as defined in the applicable Design Review Standards, of any Exterior Feature in an H or HO District or Designated Portion of an LHL that does not involve a change in design, material, or appearance;

2. The construction, reconstruction, alteration, restoration, moving, or demolition of any such feature which the building inspector or similar official shall certify in writing to the property owner and to the Commission is required by the public safety because of an unsafe or dangerous condition; and

3. The maintenance of any existing above-ground utility structure or, in the event of an emergency, the immediate restoration of any existing above-ground utility structure.

D. PROCEDURES

The following procedures shall govern the issuance of a certificate of appropriateness:

1. APPLICATIONS

a. Application for a certificate of appropriateness shall be submitted as specified in the instructions or as directed by Commission staff.

b. The Commission shall, in its rules of procedure, require such data and information as is reasonably necessary to evaluate the nature of the application.

2. APPLICATION TO HISTORIC RESOURCES COMMISSION

Commission staff shall transmit the certificate of appropriateness application, together with the supporting information and material, to the Commission for consideration.

3. NOTICE AND HEARING

a. Commission staff shall notify by mail the owners of any property located within one hundred (100) feet on all sides of the property which is the subject of the hearing within H and HO Districts. Commission staff shall notify by mail the owners of all parcels of land abutting the LHL parcel of land that is the subject of the hearing. Commission staff shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.

b. The applicant, the local government, and any person who would have standing to appeal the decision under G.S. 160D-1402(c) shall have the right to participate as a party at the evidentiary hearing. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the Commission.

4. VIEWING SITE

a. As part of its review procedure, the Commission and Commission staff may, solely in performance of its official duties and only at reasonable times, enter upon private lands to view the premises.

b. However, no member, employee, or agent of the Commission may enter any private building or structure without the express permission of the owner or occupant thereof.

c. Additionally, the Commission may seek the advice of the North Carolina Office of Archives and History or such other expert advice as the Commission may deem necessary.

5. TIME FOR ACTION

a. Failure of the Commission to act upon applications within one hundred eighty (180) calendar days after the filing shall be deemed to constitute approval and a certificate of appropriateness shall be issued, unless an extension of time has been mutually agreed upon between the Commission and the applicant.

6. FORM OF DECISION

a. All formal actions of the Commission shall be set forth in writing, reflect the Commission's determination of contested facts and their application to the applicable Design Review Standards, and be approved by the Commission and signed by the chair or other duly authorized member of the Commission.

b. A decision of the Commission shall be effective upon filing the written decision with the Historic Resources Officer of the Commission.

c. The decision of the Commission shall be delivered within a reasonable time by personal delivery, electronic mail, or by first class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

d. The person required to provide notice shall certify to the local government that proper notice has been made, and the certificate shall be deemed conclusive in the absence of fraud.

7. TIME LIMITS

a. Unless otherwise designated by the Commission, all work approved under a certificate of appropriateness shall be completed within three (3) years of the effective date of the certificate of appropriateness.

b. If a request is made to renew a certificate of appropriateness prior to its expiration, Commission staff may renew it for one (1) additional year.

c. If the work approved under a certificate of appropriateness has not been completed within the designated time period, the certificate of appropriateness shall expire.

8. APPROVAL OF MINOR WORKS

a. The Commission may delegate to Commission staff the review and approval of minor works for the LHLs, and for the H and HO Districts after approval of Design Review Standards for the LHLs and each H and HO District.

b. Minor works are defined as projects which do not involve substantial alterations, additions, or removals that could impair the integrity of an LHL, property, and/or an H/HO district as a whole or be incongruous with the special character of an LHL, property, or H/HO district.

c. Minor works require a certificate of appropriateness.

d. A minor works application may be filed at any time and no public notification is required for review of a minor work application.

e. No minor works application may be denied by Commission staff.

f. If Commission staff cannot approve a minor works application, the applicant may withdraw the application or request that it be presented to the Commission for review and formal action.

9. REAPPLICATION AFTER DENIAL

a. If the Commission determines that a certificate of appropriateness should not be issued, a new application for the same work may be considered only if the Commission finds a substantial change in the applicable law or Design Review Standards, the environment surrounding the property, or in the application itself.

b. A reconsidered application shall be treated as a new application.

10. DEMOLITION PERMITS

a. An application for a certificate of appropriateness authorizing the relocation, or demolition, or destruction of a designated LHL or building, structure, or site within an H or HO District may not be denied; however, the effective date of such Certificate may be delayed for not more than three hundred sixty-five (365) calendar days from the date of approval.

b. The maximum delay shall be reduced by the Commission when it finds that the owner would suffer an extreme hardship or be permanently deprived of all beneficial use of or return from such property by virtue of the delay.

c. During the period of delay, the Commission shall negotiate with the owner and with any other parties in an effort to find a means of preserving the building or site.

d. If the Commission finds that the building or site has no special significance or value toward maintaining the character of the designated LHL or H/HO district, it shall waive all or part of such period and authorize earlier demolition or removal.

e. If the Commission has voted to recommend designation of a property as an LHL or designation of an area as an H/HO district, and final designation has not been made by the governing board, the demolition or destruction of any building, site, or structure located on the property of the proposed LHL or in the proposed H/HO district may be delayed by the Commission for a period of up to 180 days or until the governing board takes final action on the designation, whichever occurs first.

f. An application for a certificate of appropriateness authorizing the demolition of a building, site, or structure determined by the State Historic Preservation Officer as having statewide significance as defined in the criteria of the National Register of Historic Places may be denied except where the Commission finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return by virtue of the denial.

11. APPLICABILITY TO COUNTY, CITY AND UTILITY COMPANIES

The County/City/Town/Village and all public utility companies shall be required to obtain a certificate of appropriateness prior to initiating on an LHL or in an H or HO District any changes in the character of street paving, sidewalks, trees, utility installations, walls, lighting, fences, structures, and buildings on property, easements, or streets owned or franchised by the County/City/Town/Village or public utility companies.

12. APPEALS

a. Appeals of administrative decisions allowed by regulation, i.e. minor works, may be made to the Commission within thirty (30) calendar days of the Minor Works Report being made publicly available.

b. An appeal of a decision of the Commission in granting or denying any certificate of appropriateness shall be taken to the appropriate Board of Adjustment.

c. Appeals of Commission decisions shall be taken by any aggrieved party by the later of thirty (30) calendar days after the decision is effective or after a written copy thereof is delivered in accordance with **Section 3.2.2D.6, Form of Decision** above, and shall be in the nature of certiorari (only evidence presented at the Commission's meeting shall be considered at the appeal).

d. Appeal from the decision of the Board of Adjustment shall be to the Forsyth County Superior Court.

E. AFTER-THE-FACT CERTIFICATES OF APPROPRIATENESS

1. AFTER-THE-FACT CERTIFICATE OF APPROPRIATENESS APPLICATIONS

An after-the-fact certificate of appropriateness application includes any major or minor work projects that have been initiated or completed prior to obtaining the required certificate of appropriateness.

2. AFTER-THE-FACT CERTIFICATE OF APPROPRIATENESS APPLICATION FEE

a. To discourage activity without a certificate of appropriateness and to assist in offsetting the costs associated with the additional staff work that accompanies an after-the-fact application, a fee system has been implemented.

b. The after-the-fact certificate of appropriateness application fee, as established by the City Council of the City of Winston-Salem and the County Commissioners of Forsyth County, shall be due upon submission of the application.

3. APPLICATION CONSIDERATION

All after-the-fact certificate of appropriateness applications shall be brought before the Commission for consideration upon payment of an after-the-fact application fee.

4. APPROVAL OF AFTER-THE-FACT CERTIFICATE OF APPROPRIATENESS APPLICATIONS

Unless otherwise designated by the Commission, if an after-the-fact certificate of appropriateness application is approved, the applicant shall have ninety (90) days to complete the approved work.

5. DENIAL OF AFTER-THE-FACT CERTIFICATE OF APPROPRIATENESS APPLICATIONS

a. If an after-the-fact application for a certificate of appropriateness is denied by the Commission, the subsequent certificate of appropriateness application, if required, shall be considered anew.

b. A subsequent certificate of appropriateness application must be submitted to the Commission within thirty (30) days of the effective date of the denial of the original after-the-fact application.

c. Commission staff shall determine if the subsequent application qualifies as a major or minor work and said application shall be reviewed accordingly.

F. STANDARDS FOR REVIEW

A certificate of appropriateness shall be issued or denied in accordance with the following standards.

1. GENERAL CRITERIA

a. In granting a certificate of appropriateness, the Commission shall take into account the historic or architectural significance of the property under consideration and the exterior and interior (where applicable), form and appearance of any proposed additions or modifications to a structure.

b. The Commission shall not consider interior arrangement in H and HO Districts unless the property is also designated as an LHL. The Commission shall only consider the Interior Features of interior Designated Portions as specified in the LHL regulation.

2. GENERAL RESTRICTION ON DENIAL

The Commission shall not refuse to issue a certificate of appropriateness except for the purpose of preventing the construction, reconstruction, alteration, restoration, or moving of buildings, structures, appurtenant

features, or outdoor advertising signs , or other significant features which would be incongruous with the special character of the LHL or H/HO district.

3. DESIGN REVIEW STANDARDS REQUIRED

a. The requirement for a certificate of appropriateness shall not become effective until after the Commission has prepared and adopted principles and standards not inconsistent with Chapter 160D of the North Carolina General Statutes.

b. Such principles and standards, herein referred to as Design Review Standards, shall be prepared for LHLs, and for each H or HO District and shall address new construction, alterations, additions, moving, and demolition to properties or sites.

c. These criteria shall take into account the historic, architectural, and visual elements which are unique to the designated landmarks and districts.

4. DESIGN REVIEW STANDARDS AMENDMENT

a. Prior to the amendment of Design Review Standards for the LHLs or any H or HO District, any person may comment upon the proposal.

b. Not less than forty-five (45) days prior to the public hearing at which the Commission proposes to act upon the amendment(s), copies of the proposed amendment(s) shall be made available to the Elected Bodies, and any other interested person upon request.

c. Concurrently, the Commission shall cause notice of the public hearing at which the proposed amendment(s) will be considered for adoption to be published in a newspaper having general circulation in the area.

G. COMPLIANCE

1. Compliance with the provisions of this section shall be enforced by the Director of Planning & Development Services.

2. Failure to comply with this section and provisions of a certificate of appropriateness shall be unlawful and a violation of this Ordinance, and all remedies authorized by law for noncompliance with this Ordinance may be exercised to enforce this section.

H. DEMOLITION BY NEGLECT OF LOCAL HISTORIC LANDMARKS OR STRUCTURES WITHIN HISTORIC (H) OR HISTORIC OVERLAY (HO) DISTRICTS

1. AUTHORITY; DEFINITIONS

a. This section has been enacted pursuant to authority granted by Section 160D-949 of the North Carolina General Statutes.

b. The following terms shall have the meanings whenever used or referred to as indicated when used in this section unless a different meaning clearly appears from the context:

i. "City" means the City of Winston-Salem; "County" means Forsyth County.

ii. "Commission" means the Forsyth County Historic Resources Commission.

iii. "Owner" means the holder of the title in fee simple and any person who may have legal custody, possession and control.

iv. "Parties in Interest" means all individuals, associations, and corporations who have interests of record or otherwise in the property.

v. "Protected Structure" means any building or structure (including walls, fences, light fixtures, steps, pavement, paths, or any other appurtenant feature), or any type of outdoor advertising sign, either designated as a Local Historic Landmark or located within the Historic (H) or Historic Overlay (HO) Districts.

2. PROHIBITION OF DEMOLITION BY NEGLECT

a. The exterior features of any protected structure shall be preserved by the owner against decay and deterioration and kept free from structural defects in accordance with the standards described herein below.

b. The owner shall repair such exterior features if they are found to be in a severely deteriorated condition.

3. STANDARDS

Demolition by neglect occurs when the exterior features of a protected structure are found to be in a severely deteriorated condition, including by way of example, but expressly not limited to, the following:

a. Deterioration of exterior walls (including missing or partially missing portions of siding), foundations, or other vertical support that causes leaning, sagging, splitting, listing, or buckling.

b. Deterioration of flooring or floor supports, roofs, or other horizontal members that causes leaning, sagging, splitting, listing, or buckling.

c. Deterioration of external chimneys that causes leaning, sagging, bulging, listing, or buckling.

d. Deterioration or crumbling of exterior plasters or mortars.

e. Ineffective waterproofing of exterior walls, roofs, and foundations, including fenestration glazing, or broken windows or doors.

f. Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint or other protective covering, or weathering due to lack of paint or other protective covering.

g. Rotting, holes, and other forms of decay.

h. Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings, and architectural details that causes delamination, instability, loss of shape and form, or crumbling.

i. Heaving, subsidence, or cracking of steps.

j. Deterioration of fences, gates, walls, and accessory structures, such as instability, loss of shape or form, crumbling, or loss of features.

k. Deterioration that has a detrimental effect upon the unique attributes and character of the designated landmark or the special character of the designated districts as a whole.

l. Deterioration of any exterior feature so as to create or permit the creation of any condition hazardous or unsafe to life, health, or property.

4. PETITION FOR DETERMINATION OF DEMOLITION BY NEGLECT

Petitions requesting a determination that a protected structure requires correction or repair to prevent demolition by neglect can be filed with the Commission in one of four (4) ways:

a. By the appropriate historic district's neighborhood association;

b. With the signature of ten (10) adult individuals who either reside or own property in the appropriate historic district (only one signature per address will count toward the ten (10) signatures required);

c. From a City or County building or housing inspector; or

d. Commission staff.

5. MEDIATION

a. Not less than thirty (30) days prior to placing the petition on its meeting agenda, the Commission shall notify the owner that it has received a petition alleging that the owner is in violation of this section and invite the owner to mediate a consent agreement to resolve the allegations of the petition.

b. The owner may request that a claim of undue economic hardship be considered during the mediation.

c. Following notice and public hearing, the Commission may take the following action:

i. If the Commission and the owner agree to enter into a consent agreement, the consent agreement shall constitute a final order enforceable pursuant to **Section 3.2.2H.6, Complaint; Hearing; Order**.

ii. If the Commission and the owner cannot agree to enter into a consent agreement, the Commission may refer the petition to the Inspections Division for the filing of a complaint according to the procedure as set forth herein.

6. COMPLAINT; HEARING; ORDER

a. Whenever a petition is referred to the Zoning Officer by the Commission, the Zoning Officer shall, if their preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner and any parties in interest in such property alleged to be undergoing demolition by neglect, a complaint stating the charges in that respect and containing a notice that a hearing will be held before the Zoning Officer at a place within the City or County not less than thirty (30) nor more than forty-five (45) days after the serving of such complaint.

b. The owner and parties in interest shall have the right to file an answer to the complaint, to appear in person or otherwise, and to give testimony at the place and time fixed in the complaint.

c. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Zoning Officer.

d. The purpose of the hearing is to receive evidence concerning the charge that the property is undergoing demolition by neglect and to ascertain whether the owner and any parties in interest wish to claim undue economic hardship.

e. If, after such notice and hearing, the Zoning Officer determines that the property is undergoing demolition by neglect, they shall state in writing findings of fact in support of such determination and shall issue and cause to be served upon the owner and any parties in interest, an order requiring the owner or the parties in interest, within the time specified in the order, to repair or correct those items with respect to the property found to constitute demolition by neglect.

f. In the event that the owner and any parties in interest claim undue economic hardship, the Officer's order shall be stayed until after a determination is made in accordance with the procedures of **Section 3.2.2H.8, Safeguards From Undue Economic Hardship In Cases Of Demolition By Neglect**.

g. If the owner or parties in interest fail to comply with the order, the owner shall be subject to such remedies and penalties as may be provided for by **Section 3.2.2H.11, Penalties And Remedies**.

7. METHODS OF SERVICE

Complaints or orders issued by the Zoning Officer shall be served in accordance with the provisions of Section 160D-1206 of the North Carolina General Statutes.

8. SAFEGUARDS FROM UNDUE ECONOMIC HARDSHIP IN CASES OF DEMOLITION BY NEGLECT

a. When a claim of undue economic hardship is made owing to the effects of **Section 3.2.2H, Demolition By Neglect Of Local Historic Landmarks Or Structures Within Historic (H) Or Historic Overlay (HO) Districts**, pertaining solely to demolition by neglect, the Zoning Officer shall notify the Commission within three (3) business days following the hearing on the complaint.

b. The Commission shall schedule a hearing on the claim at its next regular meeting, within the limitations of its procedures for application deadlines.

c. When a claim of undue economic hardship is made owing to the effects of **Section 3.2.2H, Demolition By Neglect Of Local Historic Landmarks Or Structures Within Historic (H) Or Historic Overlay (HO) Districts**, pertaining solely to demolition by neglect, the burden of proof shall be upon the owner and any parties in interest to provide evidence during the hearing upon the claim, describing the circumstances of hardship, which shall include:

i. Nature of ownership (individual, business, or nonprofit) or legal possession, custody, control, and a description of the property.

ii. Financial resources of the owner and any parties in interest.

iii. Cost of repairs.

iv. Assessed value of the land and improvements.

v. Real estate taxes for the previous two (2) years.

vi. Amount paid for the property, date of purchase, and party from whom purchased, including a description of the relationship between the owner and the person from whom the property was purchased, or other means of acquisition of title, such as by gift or inheritance.

vii. Annual debt service, if any, for the previous two (2) years.

viii. Any listing of the property for sale or rent, price asked, and offers received, if any. For income-producing property:

1. Annual gross income from the property for the previous two (2) years.
2. Itemized operating and maintenance expenses for the previous two (2) years, including proof that adequate and competent management procedures were followed.
3. Annual cash flow, if any, for the previous two (2) years.

d. In the event that any of the required information is not reasonably available to the owner and any parties in interest, the owner and any parties in interest shall describe the reasons why such information cannot be obtained.

e. Within sixty (60) days of the Commission's hearing on the claim, the Commission shall cause to be made a finding of undue or no undue economic hardship and shall enter the reasons for such finding into the record.

f. In the event of a finding of no undue economic hardship, the Commission shall report such finding to the Zoning Officer, and the Officer shall cause to be issued an order for such property to be repaired within the time specified.

g. In the event of a finding of undue economic hardship, the finding may be accompanied by a recommended plan to relieve the economic hardship. This plan may include, but is not limited to, property tax relief as may be allowed under North Carolina law, loans, or grants from the City or County, or other public, private, or nonprofit sources, acquisition by purchase or eminent domain, changes in applicable zoning regulations, or relaxation of these provisions sufficient to mitigate the undue economic hardship.

h. The Commission shall report such finding and plan to the Zoning Officer.

i. The Zoning Officer shall cause to be issued an order for such property to be repaired within the time specified, and according to the provisions of the recommended plan.

9. RIGHT OF APPEAL

a. Orders made by the Zoning Officer or by the Commission may be appealed to the City's or County's Board of Adjustment.

b. The appeal must be filed by an aggrieved party with the Secretary to the Board of Adjustment within thirty (30) days following receipt of the order for correction or repair of the property.

c. An appeal shall specify the grounds upon which it is based and shall be in the nature of certiorari.

d. An appeal shall stay the requirements of the order.

10. OTHER CITY OR COUNTY POWERS

Nothing contained herein shall affect the City's or County's authority to declare a building unsafe or process a violation of the City's or County's minimum housing code.

11. PENALTIES AND REMEDIES

Enforcement of this section shall be as provided in **Section 10.2.1, Violations and Penalties (W)**, except that a violation of this section shall not constitute a misdemeanor or infraction punishable under Section 14-4 of the North Carolina General Statutes.

3.2.3 CERTIFICATE OF OCCUPANCY

A certificate of occupancy shall be issued by the Director of Inspections upon approval of any building or other structure, or approval of other preparations for site occupancy, if the requirements of this Ordinance and other applicable laws or codes are complied with. Occupancy of such building or site prior to the issuance of the certificate of occupancy is a violation subject to the provisions of **Section 10.2, Enforcement**.

A. APPLICATION

1. No application for a zoning permit shall be deemed acceptable unless accompanied by an application for a certificate of occupancy.

2. Both applications shall include a statement of the intended use of the building or land.

B. PHASE OF CONSTRUCTION

As each phase of construction, if any, is completed and inspected, the appropriate inspector shall so certify on the application for certificate of occupancy.

3.2.4 EXEMPT SUBDIVISION

A. DEFINITION

A subdivision exempted by State law or court judgments is a division of a tract or parcel of land into two (2) or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of a gift, sale, or building development, whether immediate or future. All lots must comply with the size and area requirements of this Ordinance or any other applicable local or State land regulatory ordinances and meet any one of the following definitions:

1. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the local government subdivision regulations;

2. The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;

3. The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation corridors.

4. The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no public or private street right-of-way dedication is involved and the resultant lots are equal to or exceed the standards of the local government subdivision regulations; or

5. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with interstate succession under Chapter 29 of the General Statutes.

B. APPROVAL PROCESS

1. A subdivision exempted by State law or court judgments shall be presented to Planning staff at least five (5) working days prior to offering any portion for recording in the office of the Register of Deeds.

2. Additional information may be needed by Planning staff to evaluate the proposed subdivision to see if the subdivision meets the requirements of this section.

3. Once the additional information is received by Planning staff, the five (5) day review period will begin.

4. If the subdivision complies with this section, Planning staff shall provide the approval in writing on the face of the deed or plat. Once the deed or plat has been approved, the owner or owner's agent may record the deed or plat in the office of the Register of Deeds.

C. APPLICATION REQUIREMENTS

The following are the application requirements for approval of subdivisions exempted by State law or court judgments:

1. PRELIMINARY REVIEW

a. The proposed final plat shall be submitted in the appropriate electronic plan review system to the office of the Planning Board for preliminary review by Planning staff at least five (5) working days prior to the desired recording date.

b. After the preliminary review, Planning staff will return to the applicant the proposed plat with any changes marked along with any other information needed to approve the final plat in the appropriate electronic plan review system (see **Section 3.2.5, Final Plat**).

c. The applicant shall return the revised plat in the appropriate electronic plan review system to Planning staff prior to when the final plat is brought in for recording to ensure all necessary corrections have been made.

d. Verification that all necessary corrections have been made and stamping and signing of the verified final plat shall occur within one working day.

2. FINAL PLAT

Two (2) archival mylar copies of the final plat shall be submitted for approval to the Planning staff. The final plat shall contain all the changes, corrections, and information required by Planning staff and shall conform to all the requirements of these regulations and any other recording requirements of local or State law.

3. APPLICATION FEE

Application fee as adopted by the Planning Board payable to the City of Winston-Salem shall be paid prior to Planning staff signing the final plat.

3.2.5 FINAL PLAT

The final or record subdivision plat shall be prepared and submitted to Planning staff by the owner or owner's agent and recorded in the office of the Register of Deeds within two (2) years after the approval of the preliminary subdivision plat by the Planning Board or an extension of preliminary subdivision approval as provided in **Section 3.2.9E, Extension of Preliminary Plat Approval**, or a revised preliminary subdivision approval as provided for in **Section 3.2.9F, Revised Preliminary Plat Approval**, must be granted. Plat(s) will be signed by Planning staff when all the following requirements have been met:

A. CONFORMANCE OF FINAL PLAT

The final plat shall conform to the preliminary subdivision plat and the conditions as approved by the Planning Board, the recording requirements of State law and shall meet the requirements as listed in Chapter 1235, 1959 Session Laws (Section 47-30 of the North Carolina General Statutes, as amended) General Assembly of North Carolina.

B. REQUIRED INFORMATION AND CERTIFICATIONS

Final plats will not be signed by Planning staff until all of the following information or certifications are received, if applicable:

1. STREET AND UTILITIES IMPROVEMENTS

No final plat shall be approved by Planning staff until the compliance with the requirements of NCDOT standards or the infrastructure development standards developed by the Engineering Division of the City of Winston-Salem Department of Public Works has been certified to the Planning staff by the Assistant City Manager - Public Works, City Engineer, and/or the District Engineer of the North Carolina Department of Transportation.

2. PLAT RECORDATION: RESIDENTIAL (SINGLE FAMILY; DUPLEX; TWIN HOME; TRIPLEX; AND TOWNHOUSE)

Prior to Recordation of Plat:

a. Construction plans for infrastructure (public and private) approved by the appropriate jurisdiction, and

b. Complete all utilities (unless City-County Utilities Director has agreed to surety in lieu of construction for off-site sewer outfalls), drainage, curbing, stone base first/bottom layer of asphalt, and street signs to be in place, approved and functioning. Prior to placing first/bottom layer of asphalt, developer shall protect manholes, inlets, pipes, valves, hydrants, and curb during construction, and

c. Detailed estimate of incomplete infrastructure, based on approved plans in **Section 3.2.5B.2.a**, prepared by the design engineer and approved by the holder of the surety, and

d. Form and conditions of surety for incomplete infrastructure approved by the City Attorney to be held until final acceptance of streets, drainage, and utilities.

e. For duplex, triplex, townhouse and multifamily development, two (2) stage platting will be allowed. The final plat will verify common wall and infrastructure as-built locations.

3. PLAT RECORDATION: NONRESIDENTIAL AND MULTIFAMILY

a. Construction plans for infrastructure (public and private) approved by the appropriate jurisdiction, and

b. Detailed estimate, for incomplete public infrastructure construction, based on approved public infrastructure construction plans in **Section 3.2.5B.2.a** above prepared by the design engineer and approved by the holder of the surety, and

c. Form of surety for all or incomplete public infrastructure approved by City Attorney to be held until final acceptance of streets, drainage, and utilities.

4. CERTIFICATE OF OCCUPANCY: RESIDENTIAL (SINGLE FAMILY; DUPLEX; TWIN HOME; TRIPLEX; AND TOWNHOUSE), AND NONRESIDENTIAL AND MULTIFAMILY

a. Complete sidewalks, if required, or repairs to sidewalks damaged during construction, and

b. Install street trees, if required, and

c. Install driveway from street with a smooth and level transition from the sidewalk, if provided across the driveway, and

d. Complete street to the building/lot including in front of the subject building/lot with at least the first/bottom layer of asphalt on public and private streets (not parking lots or access easements).

e. **Sections 3.2.5B.4.a** through **3.2.5B.4.d** will be verified by the City-County Inspections Division with final acceptance and approval to be verified by the appropriate jurisdiction during the final street and/or utility acceptance procedures of **Section 3.2.5B.5, Final Street and/or Utility Acceptance: Residential (Single Family; Duplex; Twin Home; Triplex; and Townhouse), and Nonresidential and Multifamily**.

5. FINAL STREET AND/OR UTILITY ACCEPTANCE: RESIDENTIAL (SINGLE FAMILY; DUPLEX; TWIN HOME; TRIPLEX; AND TOWNHOUSE), AND NONRESIDENTIAL AND MULTIFAMILY

a. Design engineer certification approved by the appropriate jurisdiction.

b. Certification statement shall be placed on each sheet of the record drawings and shall include all public and private streets, drainage, water and sewer infrastructure on the approved construction plans.

c. Infrastructure record drawings approved by City of Winston-Salem Engineering Division Records center.

d. These record drawings will include all "as-constructed" location, size, length, slope, invert/top elevations, and pipe material used. The record drawings shall also include phases/sections (current and previous), street names, lot lines, lot numbers, addresses, street rights-of-way, and easements (on and off-site) as approved and/or as recorded, and

e. All public infrastructure completed and accepted by the appropriate jurisdiction.

6. SURETY BOND

a. The developer or design engineer shall, based upon the approved infrastructure plans and in accordance with the Infrastructure Development Standards, prepare a detailed, unit price cost estimate to complete the approved infrastructure for submittal to the holder of the surety for review and approval.

b. To this approved estimate shall be added a maximum twenty-five percent (25%) contingency plus an amount estimated by the City Engineer to reimburse the City for its administrative costs to process the completion of the approved infrastructure.

c. The amount of surety posted shall not be less than the sum of the estimated infrastructure costs, the contingency amount, and the estimated administrative enumerated above.

d. The surety shall be satisfactory to the attorney of the jurisdiction as valid, sufficient and enforceable.

e. Such surety shall be conditioned upon the performance of all work necessary to make the specified improvements within a stipulated period not to exceed two (2) years from the date of the surety.

f. Such surety shall provide that an action may be instituted by the jurisdiction for breach of any term(s) or condition(s) upon failure of the principal to perform the obligation(s) in all respects within one year from the end of the stipulated period during which the work required is to be performed.

g. A bond, an irrevocable letter of credit issued by a bank in a form approved by the Attorney of the jurisdiction or a deposit of funds in escrow may be accepted under the same terms and conditions applicable to sureties.

h. The bond, letter of credit, or deposit may be released by the jurisdiction when the specified improvements covered by the bond have been completed and approved by the Director of Public Works as being in accordance with the jurisdiction's standards and specifications.

i. Notwithstanding the above requirements, if a development is financed in whole or in part through aid from the Federal Housing Authority or another agency of the federal or State governments, and said federal or State agency requires the filing of performance and payment bonds to insure completion of the specified improvements in accordance with approved plans, the filing of said performance and payment bonds is to be accepted in lieu of the sureties describe above, so long as the local jurisdiction is named as a beneficiary of the surety posted.

7. PRIVATE UTILITIES

No final plat shall receive approval unless the following private utilities have either been constructed or approved plans prepared.

For all subdivisions which propose to use private water systems or private septic systems, those facilities shall be installed in conformance with the standards of the Public Health Department.

For private septic systems, lots will be approved only if they are at least twenty thousand (20,000) square feet in area and have been certified in writing by the Public Health Department to be provisionally suitable or unsuitable for on-site sewage disposal.

Larger lot sizes may be required by other local or state land regulatory ordinances.

8. STATEMENT

a. No subdivision shall be granted final approval until Planning staff has received a statement duly acknowledged before some officer authorized to take acknowledgment of deeds and signed and executed by each owner of the property and the owner's spouse, if any, (the word owner used herein is defined to include private corporations) to the effect that:

i. The subdivision plan and land shown on the final plat is made with the owner's free consent and in accordance with the owner's desires; and

ii. The dedication of streets or roads shown on the plat is freely offered to the public for public use.

b. Such statements shall, after examination by Planning staff, be recorded on a separate document with the final plat or shall be shown on the face of the final plat which is recorded in the office of the Register of Deeds (see Planning staff for copies of appropriate dedication statements).

9. FLOODWAY AND FLOODWAY FRINGE

All floodway or floodway fringe areas and base flood elevations shall be accurately delineated and identified on the final plats according to the Federal Emergency Management Agency (FEMA) maps, where available.

10. WETLANDS

Any areas delineated by the United States Army Corps of Engineers as Wetlands shall be accurately identified on the final plat.

11. UTILITY OR OTHER EASEMENTS

All public or private utility easements, drainage easements, sight distance easements, and, if contemplated in the development, sign easements for subdivision markers shall be shown on the final plat.

12. GREENWAY OR OTHER PUBLIC EASEMENTS OR DEDICATION OF PUBLIC LANDS

Any greenway or other public easements or fee simple dedication of public lands or public right-of-way required as a condition of preliminary subdivision approval shall be accurately delineated on the final plat.

13. EXISTING TREES TO BE RETAINED

Any existing trees to be retained shall be shown on the final plat and protected in accordance with **Section 3.2.9D.4.h**.

14. STATEMENTS OF FACT

a. Any statements of fact required in **Section 3.2.9D.4.i** and made a condition of preliminary subdivision approval, shall be shown on the final plat.

b. Any statements of fact which may become obsolete or are no longer required for public notification, may be removed by Planning staff from the final plat after notification of the Planning Board.

c. A new final plat must be recorded to remove these statements of fact.

15. STREET TRAFFIC SIGNS

Street traffic signs (e.g., stop signs, etc.) shall be installed in accordance with the specifications of either the Public Works Department of the City of Winston-Salem or the North Carolina Department of Transportation, whichever is the appropriate agency, prior to signing final plats.

16. STREET NAME SIGNS

a. Street name signs shall either be installed in the subdivision in accordance with the specifications of the Traffic Maintenance Division of the City Department of Transportation or provisions made with staff for the installation of said signs prior to signing final plats.

b. In subdivisions in applicable areas in Forsyth County, the owner or the owner's agent must install the street signs.

17. SUBDIVISION PHASING AND ILLOGICAL PHASING DETERMINATIONS BY PLANNING STAFF

a. The final plat shall represent the full plan of development for the subdivision or the subdivision may be developed in phases or sections.

b. If developed in phases or sections, each plat shall denote phase or section numbers in numerical order as the subdivision is developed.

c. The Planning staff may determine that a phase or section of the development is illogical due to its proximity to adjoining property or for other valid reasons.

d. The reasons for any illogical phasing determination by the Planning staff must be stated to the owner or owner's agent.

e. The owner or owner's agent may appeal the Planning staff's illogical phasing determination to the Planning Board in accordance with **Section 7.1.11, Appeal of Planning Staff Denial of Subdivision**.

18. PUBLIC RECORDATION OF LANDFILL

Any portion of a site used for a landfill.

19. TAX PIN NUMBERS

Tax pin numbers must be shown on the final plat.

20. STREET ADDRESSES

Street addresses must be shown on the final plat.

21. MINIMUM INFRASTRUCTURE FOR NONRESIDENTIAL AND MULTIFAMILY PLATS

A twenty (20) foot wide roadway designed to support seventy-five thousand (75,000) pounds with a Fire Department approved turnaround shall be installed and either a temporary or permanent water line shall be installed to the requirements of the Fire Department prior to signing final plats.

C. ENDORSEMENT OF APPROVAL

Upon approval of a final plat such approval shall be indicated by a statement to that effect on the print of the final plat with the signature of Planning staff. The approval statement shall read as follows:

PLANNING DEPARTMENT/REVIEW OFFICER

FINAL SUBDIVISION PLAT APPROVAL

This is to certify that this plat meets the recording requirements of the Unified Development Ordinance Subdivision Regulations for Winston-Salem/Forsyth County.

I _____ , Review Officer of Forsyth County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Approved: _____

Director of Planning/Review Officer

This the _____ day of _____ , 20 _____ .

Forsyth County, North Carolina

D. APPLICATION REQUIREMENTS

The following are the application requirements for final plats:

1. PRELIMINARY REVIEW

a. The proposed final plat shall be submitted in the appropriate electronic plan review system to the office of the Planning Board for preliminary review by Planning staff at least fifteen (15) working days prior to the desired recording date.

b. After the preliminary review, Planning staff will return to the applicant the proposed plat with any changes marked along with any other information needed to approve the final plat in the appropriate electronic plan review system (see **Section 3.2.5, Final Plat**).

c. The applicant shall submit the revised plat in the appropriate electronic plan review system to Planning staff prior to when the final plat is brought in for recording to ensure all necessary corrections have been made.

d. Verification that all necessary corrections have been made and stamping and signing of the verified final plat shall occur within one working day.

2. FINAL PLAT

a. Two (2) archival mylar copies of the final plat shall be submitted for approval to the Planning staff.

b. The final plat shall contain all the changes, corrections, and information required by Planning staff and shall conform to all the requirements of these regulations and any other recording requirements of local or State law.

3. APPLICATION FEE

Application fee as adopted by the Planning Board payable to the City of Winston-Salem shall be paid prior to Planning staff signing the final plat.

E. EFFECT OF APPROVING AND RECORDING THE FINAL PLAT

Approval of the final plat by Planning staff and subsequent filing of such plat in the office of the Register of Deeds shall be deemed a dedication of all streets and other public areas for public use or public easements as shown on the plat. Recording the final plat shall have the effect of transferring:

1. Proposed public areas other than streets in fee simple to the jurisdiction;

2. Proposed streets in fee simple to the jurisdiction; and

3. Proposed streets to the purchasers of the property and to the general public in areas outside the corporate limits or areas being annexed into the City of Winston-Salem.

F. ANNOTATION OF EXEMPTIONS FOR FINAL PLATS

1. LIST OF EXCEPTIONS FOR FINAL PLAT APPROVALS

a. The following is a list of statements, any one of which, may be used when recording a final plat that is not a regulated subdivision of land as defined by these adopted regulations.

b. The most applicable of these statements must appear on the map when it is filed with the Register of Deeds.

c. Said final plat shall be signed by the Director of Planning or other Planning staff.

d. Application requirements for these final plats are the same as in **Section 3.2.5D, Application Requirements**.

2. REQUIRED STATEMENT

The required statement shall commence with the following statement and shall be supplemented with the applicable second statement, as determined by the Director of Planning or a designee.

THIS IS NOT A REGULATED SUBDIVISION OF LAND -

THE PURPOSE OF THIS PLAT IS TO SHOW A UTILITY EASEMENT ONLY, AND NO NEW PROPERTY BOUNDARY IS SHOWN.

or

ALL PARCELS SHOWN ARE INCLUDED IN AN ESTATE WHICH HAS NOT BEEN DESCRIBED BY DEED OR PLAT, AND NO NEW ROADS ARE INVOLVED.

or

THE PURPOSE OF THIS PLAT IS TO SHOW A PARCEL OF LAND, SAID PARCEL BEING THE REMAINDER OF A LARGER TRACT AND SAID PARCEL HAVING BEEN CREATED BY THE ACQUISITION OF A PART OF THE LARGER TRACT FOR A PUBLIC PURPOSE BY A GOVERNMENTAL AGENCY.

or

THE PURPOSE OF THIS MAP IS TO SHOW THE PUBLIC ACQUISITION BY PURCHASE OF STRIPS OF LAND FOR THE WIDENING OR OPENING OF STREETS.

or

THE PURPOSE OF THIS MAP IS TO SHOW A PARCEL OF LAND AND A BUILDING OR BUILDINGS LOCATED UPON SAID PARCEL AND EACH BUILDING CONTAINS ONE (1) OR MORE CONDOMINIUM UNITS FOR SALE IN ACCORDANCE WITH STATE LAW.

_____

SIGNED DIRECTOR OF PLANNING

3.2.6 FLOODPLAIN DEVELOPMENT PERMIT

A. APPLICATION REQUIREMENTS

Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within special flood hazard areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:

1. A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:

a. The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;

b. The boundary of the special flood hazard area as delineated on the FIRM or other flood map as determined in **Section 8.1.1E, Basis for Establishing the Special Flood Hazard Areas**, or a statement that the entire lot is within the special flood hazard area;

c. Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in **Section 8.1.1E, Basis for Establishing the Special Flood Hazard Areas**;

d. The boundary of the floodway(s) or non-encroachment area(s) as determined in **Section 8.1.1E, Basis for Establishing the Special Flood Hazard Areas**;

e. The Base Flood Elevation (BFE) where provided as set forth in **Section 8.1.1E, Basis for Establishing the Special Flood Hazard Areas**, **Section 10.1.6F, Duties and Responsibilities of the Floodplain Administrator**; or **Section 8.1.3C, Standards For Floodplains Without Established Base Flood Elevations**; and

f. The old and new location of any watercourse that will be altered or relocated as a result of proposed development.

2. Proposed elevation, and method thereof, of all development within a special flood hazard area including but not limited to:

a. Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;

b. Elevation in relation to mean sea level to which any nonresidential structure in Zone AE, A or AO will be floodproofed; and

c. Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed.

3. If floodproofing, a Floodproofing Certificate (FEMA Form 81-65) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.

4. A foundation plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of these standards are met. These details include but are not limited to:

a. The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/shear walls); and

b. Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with **Section 8.1.3B.5.e** when solid foundation perimeter walls are used in Zones A, AO, AE, and A1-30.

5. Usage details of any enclosed areas below the lowest floor.

6. Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.

7. Certification that all other local, State and federal permits required prior to floodplain development permit issuance have been received.

8. Documentation for placement of recreational vehicles and/or temporary structures, when applicable, to

ensure that the provisions of **Section 8.1.3B.7, Recreational Vehicles**, and **Section 8.1.3B.8, Temporary Nonresidential Structures**, are met.

9. A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

B. PERMIT REQUIREMENTS

The floodplain development permit shall include, but not be limited to:

1. A description of the development to be permitted under the floodplain development permit.

2. The special flood hazard area determination for the proposed development in accordance with available data specified in **Section 8.1.1E, Basis for Establishing the Special Flood Hazard Areas**.

3. The regulatory flood protection elevation required for the reference level and all attendant utilities.

4. The regulatory flood protection elevation required for the protection of all public utilities.

5. All certification submittal requirements with timelines.

6. A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.

7. The flood opening requirements, if in Zones A, AO, AE or A1-30.

C. CERTIFICATION REQUIREMENTS

1. ELEVATION CERTIFICATES

a. An Elevation Certificate (FEMA Form 81-31) is required after the reference level is established.

b. Within twenty-one (21) calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level.

c. Any work done within the twenty-one (21) day calendar period and prior to submission of the certification shall be at the permit holder's risk.

d. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed.

e. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.

f. A final as-built Elevation Certificate (FEMA Form 81-31) is required after construction is completed and prior to certificate of compliance/occupancy issuance.

g. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities.

h. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance.

i. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

2. FLOODPROOFING CERTIFICATE

a. If nonresidential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form 81-65), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction.

b. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level.

c. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

d. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval.

e. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

f. If a manufactured home is placed within Zone A, AO, AE, or A1-30 and the elevation of the chassis is more than thirty-six (36) inches in height above grade, an engineered foundation certification is required in accordance with the provisions of **Section 8.1.3B.4.b, Manufactured Homes**.

g. If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

3. CERTIFICATION EXEMPTIONS

The following structures, if located within Zone A, AO, AE or A1-30, are exempt from the elevation/floodproofing certification requirements specified in **Section 3.2.6C.1, Elevation Certificates,** and **Section 3.2.6C.2, Floodproofing Certificate**, of this subsection:

a. Recreational vehicles meeting requirements of **Section 8.1.3B.7.a, Recreational Vehicles**;

b. Temporary structures meeting requirements of **Section 8.1.3B.8, Temporary Nonresidential Structures**; and

c. Accessory structures less than one hundred fifty (150) square feet meeting requirements of **Section 8.1.3B.9, Accessory Structures**.

3.2.7 GRADING PERMIT

A. REQUIRED; EXCEPTIONS

No person shall undertake any land disturbing activity subject to this Ordinance without first obtaining a permit therefor from the Stormwater Director or a designee, except that no permit shall be required for any land disturbing activity:

1. Located outside Salem Lake Watershed and not exceeding twenty thousand (20,000) square feet in surface area on one tract for construction of a single family dwelling or ten thousand (10,000) square feet on one tract for any other purpose;

2. In determining the area, lands under one or diverse ownership being developed as a unit, will be aggregated; or

3. Located within Salem Lake Watershed and not exceeding ten thousand (10,000) square feet on one site for any purpose, or not exceeding twenty thousand (20,000) square feet for construction of a single family dwelling which is located on a lot existing prior to October 10, 1985, or a lot of a minor subdivision as defined in the subdivision regulations.

4. In determining the area, land under one ownership, or land in diverse ownership being developed as a unit, will be aggregated.

B. FEE

1. The fee for permits required by this section shall be as the governing bodies of local government from time to time prescribed and establish by ordinance or resolution.

2. When permits are requested for incremental grading in sections, the fee established by this section shall apply to each permit.

3. The fee for sites where grading begins before a permit is obtained shall be equal to double the normal permit fee.

C. DISPLAY OF PERMIT

A development permit issued under this section shall be prominently displayed on the property until a protected area has been established.

D. LAPSING AND REINSTATEMENT OF PERMIT

1. Approved grading plans shall become void thirty (30) days after the applicant has been notified.

2. Any future action on expired grading plans requires new plans to be submitted and approved.

3. A development permit shall lapse at the end of six (6) months, unless it is reissued by the Stormwater Director or a designee.

4. When the development permit lapses and the corrective action, as set forth in the development plan, has not been completed, the developer or owner shall be in violation of this section.

5. The Stormwater Director or a designee may, upon written request, reissue a lapsed permit, to be effective for a period not to exceed sixty (60) working days from the date of re-issuance after review of the original development plan and on-site inspection of the state of the work.

6. The request for re-issuance shall include the reasons for incompletion of the work.

E. RECORDATION

Developer shall meet the requirements of State regulations for recordation and file in the office of the Register of Deeds a record of use of any site for a landfill and a rehabilitation/reuse plan for the site, prior to the issuance of a zoning or grading permit.

3.2.8 MINOR SUBDIVISION

A. DEFINITION

A minor subdivision shall mean all divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of a gift, sale, or building development, whether immediate or future. All lots must comply with the lot size and area requirements of this Ordinance or any other applicable local or State land regulatory ordinances and meet any one of the following criteria:

1. Is a division of land where the entire area is greater than two (2) acres into not more than a total of three (3) lots, where no street right-of-way dedication is involved (see exception for industrial and commercial subdivisions in **Section 7.3.3, Private Street Subdivisions**;

2. Is created by a private access easement established in compliance with this Ordinance and consists of no more than a total of three (3) lots per tract which do not front on a public street (see exception for industrial and commercial subdivisions in **Section 7.3.3, Private Street Subdivisions**; or

3. Is created by lots all of which front on an existing public street, provided that the subdivision would not impair ingress and egress to or from the rear or side of the subject tract or any adjacent property.

4. All lots which front on a public street shall not be included in the provisions of **Section 3.2.8A.2**.

5. Lots which are approved must front on a public street with right-of-way which meets the standards of the North Carolina Department of Transportation and/or the applicable jurisdiction.

6. Any portion of the lot lying within the required public street right-of-way must be quitclaimed, conveyed, and dedicated as public right-of-way before receiving Planning staff approval.

7. The Planning staff can only require the dedication of standard right-of-way. Additional right-of-way for future widening of roads cannot be required.

8. Only a plat is required for recordation for the division of a tract or parcel of land in single ownership if all of the following criteria are met:

a. The tract or parcel to be divided is/was not exempted under Section 3.2.4;
b. No part of the tract or parcel to be divided has been divided under this subsection in the ten (10) years prior to division;
c. The entire area of the tract or parcel to be divided is greater than five (5) acres;
d. After division, no more than three (3) lots result from the division; and
e. After division, all resultant lots comply with all of the following:
    i. All lot dimension size requirements of the applicable land use regulations, if any.
    ii. The use of the lots is in conformity with applicable zoning requirements, if any.
    iii. A permanent means of ingress and egress is recorded for each lot through a private access easement in compliance with the Ordinance.

B. STANDARDS FOR APPROVAL

The following are the standards for approval of minor subdivisions:

1. Minor subdivisions may be approved provided that the subdivision:

a. Does not violate any adopted plan, policy, or ordinance of the jurisdiction;

b. Does not create any new public streets;

c. Does not block or impede the extension of a public street located within a subdivision recorded on a final plat in the office of the Register of Deeds or a public street shown on a preliminary subdivision plat which is on file in the office of the Planning Board unless such extension is determined by staff to be unnecessary under one or more of the following circumstances:

i. The road cannot physically be extended due to topography based on the current city or state standards;

ii. The road cannot be logically extended due to current lotting patterns;

iii. The road cannot be logically extended due to other substantial physical limitations including but not limited to the land not perking in unsewerable areas as determined by a licensed soil scientist;

iv. The road cannot be logically extended due to stub street placement that does not allow the extension on the adjoining tract to reasonably develop both sides of the street.

d. If staff determines improvements at the end of the street are needed, staff may require a standard or temporary turnaround in accordance with the City Department of Transportation (City DOT), the North Carolina Department of Transportation (NCDOT), or other appropriate jurisdiction requirements. Also, if staff determines that a street closure petition is necessary, staff may require proper street closure documents be filed with the appropriate jurisdiction.

e. Is not located within the corridors of any planned or proposed street as shown on the adopted Transportation Plan of the jurisdiction;

f. Does not leave an implied division of property which would not meet the requirements of this Ordinance or any other land regulatory ordinances; or

g. Does not land lock any tract of land.

2. If a minor subdivision lies within a preliminary subdivision which has been approved by the Planning Board, then official action must be taken by the Planning Board to withdraw the subdivision or any portion thereof in accordance with **Section 3.2.9G, Withdrawal of Preliminary Plat Approval** before a minor subdivision can be approved.

3. No lot of record as of March 4, 1985 which does not meet the standards of the Ordinance for the protection of the Salem Lake Watershed shall be subdivided by the minor subdivision process.

4. Flag lots may be created in compliance with **Section 4.1.4C.14, Flag Lots**.

5. Where more than one property accesses a public road via a private access easement, said easement shall provide a ten-foot by seventy-foot line-of-sight triangle at its intersection with the public road. Vegetation within the line-of-sight easement shall not exceed 30 inches in height.

C. APPROVAL PROCESS

1. Approval for a minor subdivision shall be submitted in the appropriate electronic plan review system to Planning staff at least five (5) working days prior to offering any portion for recording in the office of the Register of Deeds.

2. Additional information may be needed by Planning staff in order to evaluate the proposed subdivision to see if the subdivision meets the requirements of this section.

3. Once the additional information is received by Planning staff in the appropriate electronic plan review system, the review period will begin.

4. If the minor subdivision complies with the standards in **Section 3.2.8B, Standards for Approval**, Planning staff shall provide the approval in writing on the face of the plat.

5. Once the plat has been approved, the owner or the owner's authorized agent may record the plat in the office of the Register of Deeds.

D. APPLICATION REQUIREMENTS

Application requirements for approval of minor subdivisions are the same as **Section 7.2.3, Application Requirements**.

E. EXCEPTION DIVISIONS OF PROPERTY

1. Any division of property which is less than the size required for a building lot in the applicable zoning district and is not intended to become any part of a new building lot, shall be exempt from the Planning staff review and approval as a subdivision of land.

2. This exception includes a division of property from a deeded lot of record or a lot recorded on a final plat.

3. Said division of property may be conveyed by deed in the office of the Register of Deeds provided the division of property does not create any zoning deficiencies, e.g., lot area, lot width, or lot setbacks, on either of the existing lots of record.

F. SUBDIVIDED ZONING LOTS WITH WRITTEN AGREEMENT

When a zoning lot existing as of the effective date of this Ordinance is proposed to be subdivided into two or more zoning lots, the other requirements of this Ordinance shall be applied to each of the subdivided lots, provided, however, that the residential density requirements of this Ordinance and the limits of floodway fringe encroachment provisions of **Section 8.1.3B.1, Limits of Encroachment**, may be applied, in whole or in part, to any one or more of the subdivided lots and not to the other lot(s) when such original zoning lot is subdivided under the following conditions:

1. FLOODPLAIN

The original zoning lot encompasses property with designated floodplain area per **Section 8.1, Floodway and Floodway Fringe Regulations**.

2. GMAS

The original zoning lot lies partially or completely within GMAs 1, 2, 3 or 4, as designated in Forward 2045.

3. ALLOCATION OF DEVELOPMENT RIGHTS BETWEEN SELLER AND PURCHASER

a. The owner of the original zoning lot and the purchaser(s) of a subdivided part have in writing allocated development rights between or among themselves concerning the development of the original zoning lot whereby a right, or any portion thereof, to develop all, or any portion of, a subdivided part of the original zoning lot as permitted in this Ordinance is transferred to, or is retained by, the remaining portion of the original zoning lot.

b. Development of each subdivided part pursuant to the terms of the writing shall meet or exceed the requirements of this Ordinance.

c. The writing shall further provide that the allocation of development rights shall be appurtenant to and run with the land so benefitted and have the effect of imposing a negative easement or restriction upon the servient land.

4. DIRECTOR OF INSPECTIONS APPROVAL OF PLAT

a. The writing constituting the reallocation of development rights must include, or be represented by, a plat illustrating the reallocation.

b. To be effective, the writing and plat shall be reviewed for compliance with this Ordinance by the Director of Inspections, and if the writing and plat complies with this Ordinance, the Director of Inspections shall stamp an approval upon its face, and the writing and plat must then be recorded at the Forsyth County Register of Deeds.

c. A violation of these requirements shall be a violation of this Ordinance and unlawful.

G. RECORDING MINOR SUBDIVISION PLATS

Plat(s) will be signed by Planning staff when all the following requirements have been met:

1. STATEMENT

a. No subdivision shall be granted final approval until Planning staff has received a statement duly acknowledged before some officer authorized to take acknowledgment of deeds and signed and executed by each owner of the property and the owner's spouse, if any, (the word owner used herein is defined to include private corporations) to the effect that the subdivision plan and land shown on the final plat is made with the owner's free consent and in accordance with the owner's desires.

b. Such statements shall, after examination by Planning staff, be recorded on a separate document with the final plat or shall be shown on the face of the final plat which is recorded in the office of the Register of Deeds (see Planning staff for copies of appropriate dedication statements).

2. FLOODWAY AND FLOODWAY FRINGE

All floodway or floodway fringe areas and base flood elevations shall be accurately delineated and identified on the final plats according to the Federal Emergency Management Agency (FEMA) maps, where available.

3. **WETLANDS**
   Any areas delineated by the United States Army Corps of Engineers as Wetlands shall be accurately identified on the final plat.
4. **UTILITY OR OTHER EASEMENTS**
   All public or private utility easements, drainage easements, sight distance easements, and, if contemplated in the development, sign easements for subdivision markers shall be shown on the final plat.
5. **GREENWAY OR OTHER PUBLIC EASEMENTS OR DEDICATION OF PUBLIC LANDS**
   Any greenway or other public easements or fee simple dedication of public lands or public right-of-way required as a condition of preliminary subdivision approval shall be accurately delineated on the final plat.
6. **STREET ADDRESSES**
   Street addresses must be shown on the final plat.

H. ENDORSEMENT OF APPROVAL

Upon approval of a final plat such approval shall be indicated by a statement to that effect on the print of the final plat with the signature of Planning staff. The approval statement shall read as follows:

MINOR SUBDIVISION PLAT APPROVAL

This is to certify that this plat meets the recording requirements of the Unified Development Ordinance Subdivision Regulations for Winston-Salem/Forsyth County.

I _____ , Review Officer of Forsyth County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Approved _____

Director of Planning/Review Officer

This the _____ day of _____ , 20 _____ .

Forsyth County, North Carolina

3.2.9 PRELIMINARY PLAT

A. DEFINITION

1. A major subdivision of land whether in single or multiple ownership shall mean all divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of a gift, sale, or building development, whether immediate or future and shall include all divisions of land involving the construction and dedication of a new public street or change in existing public streets.

2. All lots must comply with the size and area requirements of this Ordinance or any other applicable local or state land regulatory ordinances.

3. Preliminary subdivision approval of a plat in accordance with **Section 3.2.9C, Application Requirements for Preliminary Plat Approval,** is required by the Planning Board.

4. Final plats must be recorded in the office of the Register of Deeds in accordance with **Section 3.2.5, Final Plat**, when all the requirements of these regulations have been met for the subdivision.

B. APPROVAL PROCESS FOR PRELIMINARY PLAT APPROVAL

The following is the process for preliminary plat approval:

1. APPLICATION SUBMITTAL

a. Applications shall be submitted by the owner or owner's authorized agent in the appropriate electronic plan review system in the office of the Planning Board by the date shown on the Planning Board calendar of significant dates for the next regularly scheduled Planning Board meeting.

b. The Planning Board shall act on the preliminary plat within a reasonable period of time, but shall not exceed ninety (90) days from the date of application without the written consent of the subdivider.

c. Applications submitted in the appropriate electronic plan review system for preliminary plat approval shall be reviewed by the Planning staff site plan committee, the interdepartmental site plan committee, and/or the Planning Board site plan subcommittee. These committees shall forward a recommendation to the Planning Board for consideration at its monthly public hearing.

d. Modifications to the original preliminary plat may be required by Planning staff prior to the Planning Board meeting. Revised plats must be received in the appropriate electronic plan review system by the date shown on the Planning Board calendar of significant dates so that the plans can be reviewed, prepared, and distributed for the meeting.

2. APPLICATION REVIEW

a. The Planning Board shall give careful study to the preliminary plat taking into consideration the applicable recommendations of Forward 2045, the plans of the jurisdictions, requirements of the community and the best possible use of the land to be subdivided, together with the prospective character, whether residential, business, or industrial. Attention shall be given to street widths, arrangement, and circulation, surface drainage and sanitation, lot sizes and arrangement, and, if acceptable to the jurisdiction, neighborhood and community requirements such as parks, schools, and playgrounds.

b. The Planning Board may approve a preliminary plat as submitted by the applicant, approve the subdivision with conditions as authorized in **Section 10.1.2B.1.a, Approval and Conditions**, and as recommended by the staff or added and/or revised by the Planning Board at the meeting, or deny the subdivision.

c. If the conditions on the subdivision are accepted by the applicant, they shall become binding on the development of the subdivision. If the conditions of approval are accepted by the owner or owner's agent, the subdivision shall be approved. Otherwise the subdivision shall be denied.

d. Failure to comply with any conditions of approval set by the Planning Board, shall result in the preliminary subdivision approval becoming null and void.

e. The Planning Board may approve preliminary subdivisions with changes to the plat at the meeting.

f. Such changes shall be made to the plat and new plats submitted to Planning staff no later than thirty (30) days after the meeting at which the plat was approved.

g. Failure of the owner or owner's agent to submit corrected copies of the plat within the thirty (30) day period shall result in the approval by the Planning Board being null and void.

3. CONTINUANCE

a. A preliminary plat being reviewed by the Planning Board in which the owner or owner's agent contest a recommendation or requirement by the site plan review committees may be continued to the next regularly scheduled meeting or public hearing at the discretion of the Planning Board.

b. This continuance could allow the board the necessary time to evaluate the applicant's concerns.

c. The owner or owner's agent shall have a total of no more than twelve (12) minutes to present proposals to the Planning Board.

4. DECISION

a. Preliminary plat approval by the Planning Board shall constitute approval of the general widths and alignments of streets, the general dimensions and shapes of lots, and the type of public or private utilities to be used.

b. The approval shall be valid for two (2) years and shall be noted on the plat and certified by Planning staff.

c. The plat shall have the date of preliminary subdivision approval and the date of written notification to the owner or owner's agent specifying the conditions, if any, of the approval.

d. The conditions of approval shall also be shown on the plat.

e. Planning staff will distribute the approved preliminary subdivision plats to applicable governmental agencies.

5. IDENTIFICATION OF THROUGH STREETS

Upon construction of a new subdivision, a notation shall be placed prominently on the plat to inform the public and residents that indicated stub street connections have been designated as a "through street".

C. APPLICATION REQUIREMENTS FOR PRELIMINARY PLAT APPROVAL

The following are the application requirements for preliminary plat approval:

1. GENERALLY

a. Application form for preliminary plat approval completed in full in the appropriate electronic plan review system.

b. Tax map(s) showing the proposed property for preliminary subdivision approval and all surrounding property (may be obtained at the Forsyth County Tax Office in the old courthouse building).

c. Application fee as adopted by the Planning board payable to the City of Winston-Salem. This fee shall be waived if the land proposed for preliminary subdivision approval is being simultaneously considered for rezoning.

d. Site plans for preliminary subdivision approval shall be submitted in the appropriate electronic plan review system in accordance with the requirements of this section by the date shown on the Planning Board calendar of significant dates for the next regularly scheduled Planning Board meeting.

e. Staff shall be provided the proposed site plan in the appropriate electronic plan review system by the applicant at last three (3) working days prior to the filing deadline to determine if the required information in included and to offer other design comments prior to the formal filing deadline.

f. Staff shall return the site plan in the appropriate electronic plan review system with comments to the applicant or his authorized agent at least one working day prior to the formal submittal deadline for plans submitted at least three (3) days in advance.

2. REQUIRED CONTENTS

a. The scale of the site plan shall not be smaller than one inch represents one hundred (100) feet (1" = 100'). Any other scale must be approved by Planning staff.

b. Location map at a scale not smaller than one inch represents two thousand (2,000) feet (1" to 2,000'), indicating the location of the site and showing:

i. The intersection of at least two (2) public streets nearest to the property; and

ii. North arrow.

c. Title block to appear in the lower right hand corner of the plat:

i. Development name;

ii. Name and address of owner and petitioner;

iii. Name and address of architect, land planner, landscape architect, engineer or surveyor who prepared the plat and the registration seal;

iv. Date survey was made, if applicable; if survey not required for preliminary; and

v. Scale, date, and north arrow.

d. Legend (in the vacant space on the right hand side of the site plan) - See Legend Form available in the office of the Planning Board.

i. Number of lots; and

ii. Total acreage.

e. Property boundaries with bearings and distances.

f. Adjacent property lines with ownership indicated.

g. Natural features existing:

i. Streams, drainage ways, floodway and floodway fringe boundaries and elevations,

ii. Wooded areas and other natural features,

iii. Topography at no greater than four (4) foot intervals when available distinction between existing and proposed topography lines to be shown according to the following: existing-light dashed lines; proposed - thin solid lines);

iv. Natural features to be left undisturbed; and

v. Any existing trees to be retained shall be preserved during construction in accordance with **Section 3.2.9D.4.h**.

h. Constructed Features - existing and proposed:

i. Rights-of-way and easements with type and widths indicated and an indication of whether public or private;

ii. Private and public drives including pavement widths, names and an indication of whether public or private, (access drives and parking areas to be shaded in);

iii. All major public serving utility lines visible on the site including water, sewer, power, telephone, gas, cable, or any other public utility;

iv. Public/private water and sewer systems to be used;

v. All other easements, parklands, playgrounds, sidewalks, and other common or public areas;

vi. Lot lines, dimensions, and lot numbers;

vii. Finished elevations on all center lines of new streets and of any stub streets shall be specified both on the site and at connection with adjacent property(s); and

viii. All streets, driveways, etc. (including pavement and right-of-way) within one hundred (100) feet of the project site.

D. DEVELOPMENT STANDARDS AND REQUIREMENTS FOR PRELIMINARY PLAT APPROVAL

This section lists development standards and requirements for preliminary plat approval. However, subdividers are invited to discuss ideas and special development problems with Planning staff before preparing and submitting proposals for preliminary subdivision approval.

1. STREETS OR ROADS

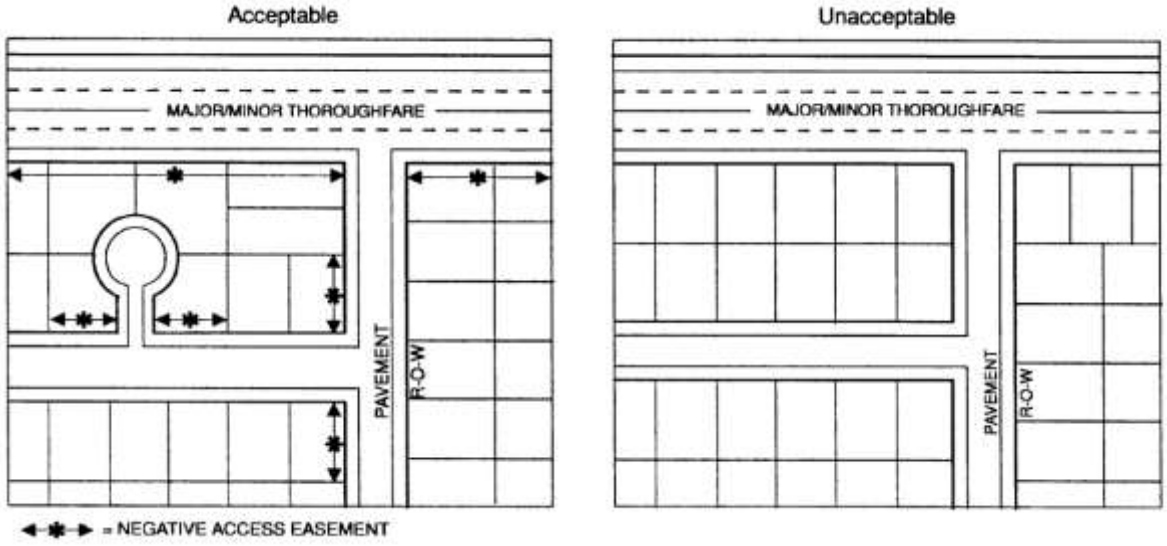
See **Section 7.4, Streets Standards Governing Vehicle and Pedestrian Circulation**, except in GMA 5 where the standards of the North Carolina Department of Transportation apply.

2. LOTS

a. Lots shall conform to this Ordinance and any other applicable local or state land regulatory ordinances.

b. Subdivisions shall be designed to exclude any road frontage lots on major or minor thoroughfares as shown on the adopted Transportation Plan.

FIGURE 3.2.9.D.2: ROAD FRONTAGES



c. Said lots shall be served internally within the subdivision and shall have no access to the major roads.

d. This requirement is consistent with the driveway policy of both the City of Winston-Salem and the North Carolina Department of Transportation. Any exemption from this regulation shall be based on hardships which arise from irregular shapes of property and/or any construction difficulties arising from providing internal access to these lots. Said exemptions shall be decided by the Planning Board.

e. Along major/minor thoroughfares or at thoroughfare intersections into or within the subdivision, negative access easements will prohibit access onto thoroughfares from corner lots.

f. Access must instead be provided to the lot on the non-thoroughfare street at the intersection. This negative access easement shall be shown on the final plat. See illustration for acceptable example in **Section 3.2.9D.2.b** above.

g. In all rectangular lots, and so far as possible in all other lots, side lot lines shall be at right angles or radial to the streets on which the lots face. Flag lots or lots which only have a narrow strip of land fronting the lot on a public street will only be approved under unusual circumstances (see **Section 3.2.9D.2.e** above). If such lots are approved, the minimum frontage of the lot on the public street will be twenty-five (25) feet.

h. Flag lots may be created in compliance with **Section 4.1.4C.14, Flag Lots**.

3. PUBLIC OR PRIVATE UTILITIES

a. WATER

i. All subdivisions of land within one thousand (1,000) feet of public water shall be required to provide public water to the subdivision and install fire hydrants in accordance with the Fire Department of the applicable jurisdiction.

ii. The preliminary plat shall indicate that public water is to be used.

iii. If public water is not available or required, the preliminary plat shall indicate the private water system to be used.

iv. If fire hydrants are installed as part of a private water system, the system and fire hydrants shall be approved by the Fire Department of the applicable jurisdiction.

b. SEWERAGE

i. The preliminary plat shall indicate if public sewer is to be used.

ii. If public sewer is not available as determined by the City-County Utilities Commission staff, the preliminary plat and the final plat shall indicate the private sewer systems to be used.

c. DRAINAGE

i. The preliminary plat should consider any areas with special drainage requirements.

ii. Drainage easements shall be shown on the final plat.

iii. If a stormwater retention or detention system is required by local or State ordinance, the preliminary location of the devices to be used in the system shall be shown on the preliminary plat.

d. ELECTRICITY, TELEPHONE, CABLE TELEVISION AND NATURAL GAS

All distribution lines and lines providing direct service to individual properties for electricity, telephone, and cable television shall be installed underground, unless required by the utility provider to be placed aboveground.

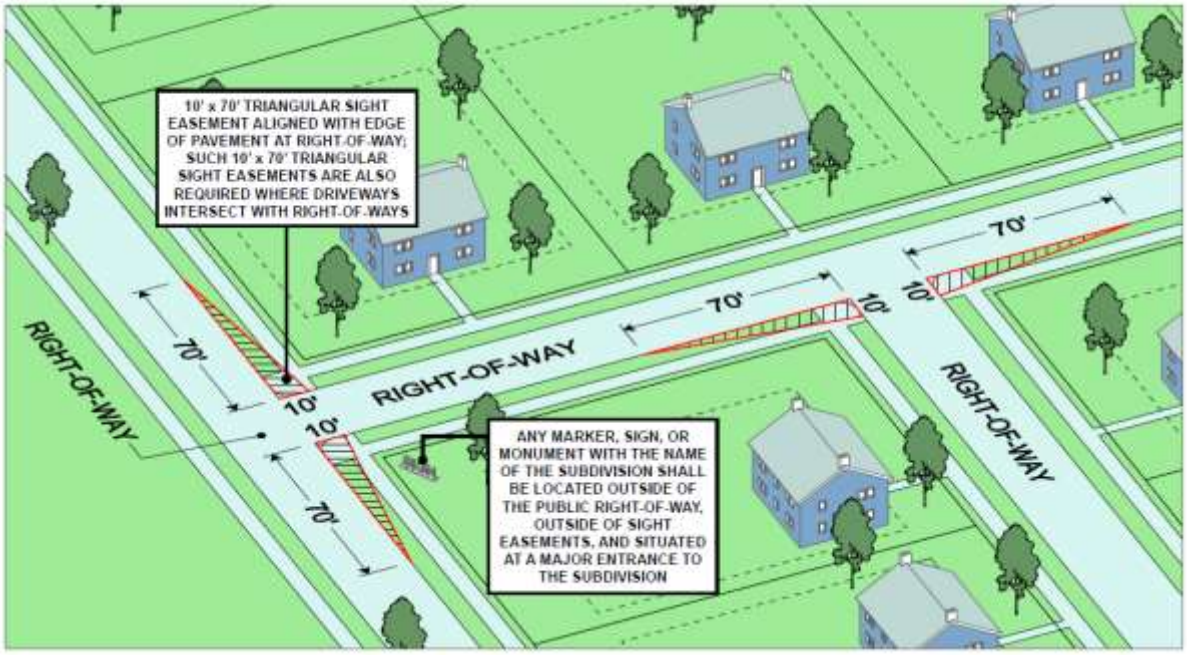
4. OTHER

a. The preliminary plat shall conform to such plan or plans for the jurisdiction or portions thereof, as shall have been prepared and adopted by the Planning Board.

b. Where the plan for the subdivision includes a lake or pond of one acre or more in size, existing or to be constructed, the preliminary plat shall show the location of dams, spillways, and other structures and the location and extent of inundation at full reservoir.

c. Any markers, signs, or monuments with the name of the subdivision shall be issued a sign permit from the Inspections Division prior to installation. All such signs shall be located outside public rights-of-way, outside sight easements, and at major entrances to the subdivision. If such markers are contemplated in the subdivision, the final plat shall show the locations of these easements.

FIGURE 3.2.9.D.4: SIGHT EASEMENTS



d. The boundary of the land to be subdivided shall be determined by an accurate survey in accordance with surveying laws of North Carolina or by the bearings and distances contained in the recorded deed.

e. Where a proposed greenway, park, playground, school or other public use as shown on plans of the jurisdiction is located within a preliminary subdivision plat, the Planning Board may require reservation of such area or dedication of an easement for such use of an area within the subdivision in those cases in which the jurisdiction deems this requirement to be reasonable and acceptable for public use.

f. Any areas which have been delineated as wetlands by the United States Army Corps of Engineers shall be identified on the preliminary subdivision plat.

g. All subdivision proposals shall comply with the following floodway or floodway fringe standards:

i. All subdivision proposals located in the floodway fringe areas shall comply with the floodway and floodway fringe requirements of this Ordinance;

ii. All subdivision proposals shall be planned and constructed so as to minimize flood damage;

iii. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

iv. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and

v. Base flood elevation data, floodway, and floodway fringe areas shall be delineated for subdivision proposals and other proposed development.

h. Tree preservation planting areas shall be cordoned off during construction and protected from encroachment. The minimum area to be cordoned off shall consist of the critical root zone of the tree or an area ten (10) feet from the tree's trunk in all directions, whichever is the greater area. The protection measures shall be properly maintained during site development and shall not be removed prior to final landscaping.

i. For the purposes of this section, encroachment is defined as the ground surface disturbance caused by grading: impervious surface cover; equipment, material, or earth storage; or by temporary or permanent construction vehicle access or circulation.

j. Statements of fact for items of information deemed appropriate by the Planning staff to be placed on the final plats may be required by the Planning Board during the review and approval of the preliminary subdivision plat. Such information or statements of fact shall be limited to the following:

i. The location of any proposed or planned thoroughfare. If the location of such thoroughfare has not been determined, a statement as to which lots may be affected or that the entire subdivision may be affected by the thoroughfare under study may be required;

ii. Planned public facilities identified in the Capital Improvement Program of the jurisdiction or in Forward 2045 ; and

iii. Other information deemed to be in the public interest by the Planning Board.

k. Development name will be approved by the Planning staff and shall be shown on the preliminary plat. To change the development name after preliminary or construction plan approval, a request must be submitted to the Planning staff.

l. Application requirements include new plans for redistribution and a fee established by the Planning Board.

E. EXTENSION OF PRELIMINARY PLAT APPROVAL

1. GENERAL

a. An extension of preliminary plat approval may be approved for subdivisions which have not been recorded on final plats within the two (2) year period after approval by the Planning Board.

b. An extension of preliminary plat approval, if granted, shall be for one year and shall be renewable, however, no extension may be granted to extend approval beyond five (5) years after the original date of preliminary approval.

c. Such extensions shall be considered only, when in the opinion of Planning staff, there is no significant change in either the basic intent, concept, and general layout as originally approved by the Planning Board or the conditions or regulations for the general area where the subdivision is proposed.

2. EFFECTIVE DATE OF THE UNIFIED DEVELOPMENT ORDINANCE

Extension of preliminary plat approval granted before the effective date of this Ordinance may be granted under the following conditions:

a. If a valid preliminary plat approval was in effect on the effective date of this Ordinance and the preliminary approval expires within one year of the effective date of this Ordinance, one extension may be granted. Said extension must be granted within one year of the effective date of this Ordinance;

b. If a preliminary plat approval has expired as of the effective date of this Ordinance but the original preliminary approval was granted after the date of adoption of Forward 2045, one extension may be granted. Said extension must be granted within one year of the effective date of this Ordinance; or

c. If one or more sections of the subdivision had received final plat approval prior to the effective date of this Ordinance, extensions may be granted.

3. APPROVAL PROCESS

a. Application for an extension of preliminary plat approval shall be submitted to Planning staff.

b. Planning staff shall, within five (5) working days after the receipt of the request from the owner or owner's agent, grant or deny the request for an extension of preliminary plat approval.

c. If granted, a letter shall be sent to the owner or owner's agent stating the extension and the extended date of approval.

4. APPLICATION REQUIREMENTS

Application requirements for an extension of preliminary plat approval shall consist of a letter submitted to Planning staff requesting the extension from the owner or owner's agent and a fee as adopted by the Planning Board payable to the City of Winston-Salem.

F. REVISED PRELIMINARY PLAT APPROVAL

1. GENERALLY

a. Planning staff may grant a revised preliminary plat approval if Planning staff finds that the revision is consistent with the basic intent and concept of development exhibited in the original preliminary plat approval granted by the Planning Board.

b. This process may also be used to make minor changes or modifications to previously approved preliminary plats that could not be granted an extension of preliminary plat approval under **Section 3.2.9E, Extension of Preliminary Plat Approval**.

2. APPROVAL PROCESS

a. Application for a revised preliminary plat approval shall be submitted to Planning staff in the appropriate electronic plan review system. Planning staff shall, within five (5) working days after an application is received, grant or deny the revised preliminary plat approval.

b. If granted, Planning staff will distribute the revised preliminary plats to applicable governmental agencies and the owner or owner's agent.

c. The original conditions of approval by the Planning Board will still be applicable.

d. Planning staff may change conditions or add additional conditions for revised preliminary plat approval as necessary.

3. APPLICATION REQUIREMENTS

The following are the application requirements for a revised preliminary plat approval:

a. Letter from the owner or owner's authorized agent stating the changes in the preliminary plat submitted in the appropriate electronic plan review system;

b. The revised copies preliminary plat submitted in the appropriate electronic plan review system; and

c. Application fee as adopted by the Planning Board payable to the City of Winston-Salem.

G. WITHDRAWAL OF PRELIMINARY PLAT APPROVAL

1. Any owner or owner's agent who does not want to subdivide the property or any portion thereof according to the preliminary plat approval which was granted by the Planning Board must have the preliminary plat approval withdrawn by the Planning Board.

2. This provision would be applicable to properties that the owner or owner's agent may want to subdivide as either a subdivision exempted by state law or court judgment or a minor subdivision.

3. The withdrawal request must be received by Planning staff by the filing deadline for the next Planning Board meeting.

4. The withdrawal request shall be placed on the Planning Board agenda.

5. If the withdrawal request is approved by the Planning Board, the owner or owner's agent may subdivide the property in accordance with the provisions of other sections of these regulations.

3.2.10 REASONABLE ACCOMMODATION

A. REQUEST FOR REASONABLE ACCOMMODATION (F)

1. Any person eligible under the Federal Fair Housing Act, as amended, may request relief from the requirements of this Ordinance by applying for reasonable accommodation, to the Board of County Commissioners.

2. Prior to the Board of County Commissioners considering a request for reasonable accommodation, the applicant shall provide evidence that the adjoining property owners have received notification of the request by registered or certified mail or personal delivery.

3. The Board of County Commissioners grant the accommodation requested if it finds that the accommodation is (1) reasonable and (2) necessary (3) to afford handicapped persons equal opportunity to use and enjoy housing.

B. *REQUEST FOR REASONABLE ACCOMMODATION (W)*

1. *Any person eligible under the Federal Fair Housing Act, as amended, may request relief from the requirements of this Ordinance by applying for reasonable accommodation, to the City Council, which may consider the request through its committee process.*

2. *The committee shall consider and make a recommendation to the City Council for its consideration.*

3. *Prior to the committee considering a request for reasonable accommodation, the applicant shall provide evidence that the adjoining property owners have received notification of the request by registered or certified mail or personal delivery.*

4. *The City Council shall grant the accommodation requested if it finds that the accommodation is (1) reasonable and (2) necessary (3) to afford handicapped persons equal opportunity to use and enjoy housing.*

3.2.11 SITE PLAN

A. PURPOSE

The intent of these standards is to:

1. Protect the public interest in the safe and efficient movement of traffic;

2. Lessen congestion in the streets; and

3. Avert blight through public review of proposed site plans for projects as required in this section.

B. APPLICABILITY

1. PLANNING BOARD AND ELECTED BODY REVIEW

a. The provisions of these standards apply to site plans required to be submitted for review and recommendation or approval by the Planning Board and/or the Elected Body, or staff as identified in **Section 10.1, Authorities**.

b. Site plan and application requirements for other approvals or permits are determined by the Director of Inspections.

2. SITE PLAN APPROVAL REQUIRED FOR PERMIT

No building permit shall be issued on a lot until the site plan requirements of these standards are met.

3. USES AND ACTIVITIES REQUIRING SITE PLANS

A site plan shall be submitted in conjunction with the following:

a. SITE SPECIFIC DEVELOPMENT PLANS

Site specific development plans pursuant to establishing vested rights, as identified in **Section 2.7, Vested Rights**;

b. USES REQUIRING REVIEW OR PERMIT

Uses identified in **Table 5.1.1, Principal Use Table**, which require:

i. Planning Board review;

ii. Special Use Permit from the Board of Adjustment and review by the Planning Board per **Section 3.2.13.D.4, Planning Board Report**; or

iii. Special Use Permit from the Elected Body.

c. REQUEST FOR SPECIAL USE DISTRICT ZONING

Request for special use district zoning pursuant to **Section 3.2.19D, Special Use Districts,** including:

i. One-phase requests; and

ii. Two-phase requests, including the first phase site plan submittal and the second phase final development plan.

d. USES IN CERTAIN DISTRICTS

Any use requested within the YR, NO, NB, NSB, C, MU-S, NCO, TO, H, and HO zoning districts;

e. OLDER NEIGHBORHOODS

Any use requested under the Supplementary Standards for Older Neighborhoods of **Section 6.4.1, Standards for Older Neighborhoods (F)**.

C. GENERAL SUBMITTAL REQUIREMENTS

All site plans required by this Ordinance shall contain the following information:

1. RESERVED

2. SCALE

All site plans shall be submitted at the appropriate scale as follows:

a. Site plans for developments less than twenty-five (25) acres shall be submitted at a scale no smaller than one inch represents fifty (50) feet (1" to 50').

b. Site plans for developments twenty-five (25) or more acres shall be submitted at a scale no smaller than one inch represents one hundred (100) feet (1" to 100').

c. Site plans for very large developments may be submitted at a scale of one inch represents two hundred (200) feet (1" to 200') with approval of Planning staff.

3. LOCATION MAP

a. A location map at a scale of not smaller than one inch represents two thousand (2,000) feet (1" to 2,000') shall be included on the site plan.

b. The location map shall contain a north arrow and shall show the intersection of at least two (2) public streets nearest to the property.

4. TITLE BLOCK

A title block shall appear in the lower right hand corner of the site plan, showing:

a. The development name;

b. The name and address of the owner and petitioner;

c. The name and address of the architect, land planner, landscape architect, engineer or surveyor who prepared the map, and their registration seal, except that only the name and address of the site plan preparer is required for applications for a single manufactured home on one and one-half (1.5) acres or less;

d. The date the survey was made, if applicable, except that a survey is not required for the first phase site plan submittal of a two-phase special use district zoning petition; and

e. The scale, date and north arrow.

5. PROPERTY BOUNDARIES

The boundaries of the property, including bearings and distances, shall be shown on the site plan.

6. ADJACENT PROPERTY

The location, ownership, and zoning of adjacent property shall be shown on the site plan.

7. TRAFFIC IMPACT ANALYSIS

A traffic impact analysis is required in accordance with the Appendix to this Ordinance labeled traffic impact study standards.

D. SPECIFIC SUBMITTAL REQUIREMENTS

The additional specific site plan submittal information required for different types of applications shall be determined from **Table 3.2.11D, Site Plan Submittal Requirements**. The additional submittal requirements for each application form shall be as provided in this section.

TABLE 3.2.11D: SITE PLAN SUBMITTAL REQUIREMENTS

TYPE OF APPLICATION	SUBMITTAL REQUIREMENTS
Table 5.1.1, Principal Use Table, Use Requiring Planning Board Review	Form 1
Table 5.1.1, Principal Use Table, Use Requiring Special Use Permit from Board of Adjustment and Review by the Planning Board	Form 1
Table 5.1.1, Principal Use Table, Use Requiring Special Use Permit from Elected Body	Form 1
Special Use District Zoning	
One-Phase	Form 1
Except Manufactured Home	Form 3
Except Manufactured Home on Individual Lot (on ≤ 1 ½ acre)	Form 2
Two-Phase	Form 1
First Phase Site Plan	
Second Phase Final Development Plan	

TABLE 3.2.11D: SITE PLAN SUBMITTAL REQUIREMENTS	
TYPE OF APPLICATION	**SUBMITTAL REQUIREMENTS**
Development Plan	
Use in NSB and C Districts	**Form 1**
Use in MU-S Districts	**Form 1 or 2**
Use in H and HO Districts	**Section 4.9.5**

1. FORM 1 REQUIREMENTS

a. APPLICABILITY

i. The following forms of development shall use the Form 1 submittal requirements:

1. Applications for special use district rezonings other than a single manufactured home;

2. Final development plans for the second phase of two-phase special use district rezoning, including uses in MU-S;

3. Special Use Permits issued by the Elected Body and the Board of Adjustment which require Planning Board review;

4. Uses requiring site plan review by the Planning Board; and

5. Uses in the NSB and C Districts.

b. CONTENTS

Form 1 submittals shall contain the following information.

i. LEGEND

A legend (on right hand side of map) indicating:

1. If petition is for residential zoning - maximum number of dwelling units by type and density;

2. If nonresidential petition, type of use(s) and proposed maximum square footage of land and building in nonresidential uses;

3. Total acreage;

4. Approximate percent of building coverage to land;

5. Approximate percent of paved or graveled surface to land;

6. Approximate percent of open space to land;

7. Acreage in common open area used for active recreational uses, indicating purposes and uses (common open space as computed shall not include streets, drives, parking or loading areas); and

8. Total number of parking spaces, and information necessary to calculate needed parking.

ii. NATURAL FEATURES

Natural features - existing and proposed:

1. Streams and stream buffers, drainageways, floodway and floodway fringe boundaries and elevations;

2. Wooded areas and other natural features;

3. Topography at four (4) foot intervals and two (2) foot intervals when available (distinction between existing and proposed topography lines to be shown according to the following: existing - light dashed lines; proposed - thin solid lines);

4. Natural features to be left undisturbed;

5. Any existing trees to be retained shall be preserved during construction in accordance with **Section 6.2.2B.8.c, Protection from Encroachment**; and

6. Slopes at twenty percent (20%) or greater grade, if bonus density is requested for a planned residential development under **Section 5.2.66G, Incentives for Density Bonus**.

iii. CONSTRUCTED FEATURES

Constructed features - existing and proposed:

1. Buildings with setbacks from property lines and maximum height indicated;

2. Other structures, fences, walls, signs, plantings, etc.;

3. Rights-of-way and easements with type and widths indicated and an indication of whether public or private (access drives and parking areas to be shaded in);

4. Private and public drives including pavement widths, curb cuts, names, and an indication of whether public or private;

5. All other easements, parklands, playgrounds and other common or public areas;

6. Sidewalks, greenways, and other pedestrian ways;

7. Parking and loading areas with typical dimensions for spaces and lots;

8. Solid waste disposal facilities;

9. Utility lines over and under the site including storm drainage system;

10. Finished elevation on all center lines of new streets and any stub streets, both on site and at connection with adjacent property(s);

11. All streets, driveways, etc. (including pavement and right-of-way) within one hundred (100) feet of the project site; and

12. Public/private water system.

2. FORM 2 REQUIREMENTS

Applications for the first phase of a two-phase special use district rezoning for a single manufactured home on one and one-half (1.5) acres or less and for uses in the MU-S District shall contain the following information:

a. LEGEND

A legend (on right hand side of map) indicating:

i. If petition is for residential zoning - maximum number of dwelling units by type and density;

ii. If nonresidential petition, type of use(s) and proposed maximum square footage of land and building in nonresidential uses;

iii. Total acreage; and

iv. Preliminary development schedule.

b. NATURAL FEATURES

Natural features - existing and proposed:

i. Streams and stream buffers, drainageways, floodway and floodway fringe boundaries, and elevations;

ii. Wooded areas and other natural features;

iii. Topography at four (4) foot intervals and two (2) foot intervals when available (distinction between existing and proposed topography lines to be shown according to the following: existing - light dashed lines; proposed - thin solid lines);

iv. Natural features to be left undisturbed; and

v. Any existing tree to be retained shall be preserved during construction in accordance with **Section 6.2.2B.8.c, Protection from Encroachment**.

c. CONSTRUCTED FEATURES

Constructed features - existing and proposed:

i. Rights-of-way and easements with type and widths indicated and an indication of whether public or private (access drives and parking areas to be shaded in);

ii. Private and public drives including pavement widths, curb cuts, names, and an indication of whether public or private;

iii. All other easements, parklands, playgrounds and other common or public areas;

iv. Sidewalks, greenways, and other pedestrian ways;

v. Utility lines over and under the site including storm drainage system;

vi. Proposed driveways;

vii. All streets, driveways, etc. (including pavement and right-of-way) within one hundred (100) feet of the project site; and

viii. Public/private water system.

d. OTHER REQUIREMENTS OF THIS ORDINANCE

Other requirements of this Ordinance which are applicable to the proposed use, shall be reflected in the site plan.

e. MEASURES TO INSURE COMPATIBILITY

Provisions that will be made to assure that the proposed new use will be compatible with the surrounding neighborhood.

3. FORM 3 REQUIREMENTS

Applications for special use district rezoning for a single manufactured home shall contain the following information:

a. NATURAL FEATURES

Natural features - existing and proposed:

i. Streams and stream buffers, drainageways, floodway and floodway fringe boundaries and elevations; and

ii. Wooded areas and other natural features.

b. CONSTRUCTED FEATURES

Constructed features - existing and proposed:

i. Buildings with setbacks from property lines and maximum height indicated;

ii. Other structures, fences, walls, signs, plantings, etc.;

iii. Rights-of-way and easements with type and widths indicated and an indication of whether public or private (access drives and parking areas to be shaded in);

iv. Private and public drives including pavement widths, curb cuts, names, and an indication of whether public or private;

v. Utility lines over and under the site and storm drainage system;

vi. All streets, driveways, etc. (including pavement and right-of-way) within one hundred (100) feet of the project site; and

vii. Public/private water system.

c. OTHER REQUIREMENTS

Evidence of compliance with the use conditions for manufactured homes in **Section 5.2.49, Manufactured Home, Class A**; **Section 5.2.50, Manufactured Home, Class B or Class C (F)**; **Section 5.2.51, Manufactured Home, Class B (W)**; **Section 5.2.52, Manufactured Home, Class C (W)**; **Section 5.2.53, Manufactured Home, Class D**, and other applicable provisions shall be provided.

E. SITE PLAN REVIEW PROCEDURES

1. INITIATION

An application for site plan approval may only be submitted by the owner, or any other person having a contractual interest in the land, or their authorized agent.

2. SUBMITTAL OF APPLICATION

a. Site plans for each type of development review shall be submitted in the appropriate electronic plan review system by the date shown on the Planning Board calendar of significant dates for the next regularly scheduled Planning Board meeting.

b. The proposed site plan shall be submitted in the appropriate electronic plan review system by the applicant or his authorized agent at least three (3) working days prior to the filing deadline to determine if the required information is included and to offer other design comments prior to the formal filing deadline.

c. Staff shall return the site plan in the appropriate electronic plan review system with comments to the applicant or his authorized agent at least one working day prior to the formal submittal deadline for plans submitted at least three (3) days in advance.

3. OTHER

In addition to the requirements of this Ordinance, all site plans shall comply with the following standards:

a. CONSISTENCY WITH FORWARD 2045

The site plan shall be consistent with the purposes, goals, objectives and policies of Forward 2045.

b. ENVIRONMENTAL STANDARDS

The site plan shall comply with **Chapter 8, Environmental Provisions**.

c. SUBDIVISION STANDARDS

The site plan shall comply with all applicable provisions of **Chapter 7, Subdivision Requirements**.

d. OTHER RELEVANT STANDARDS

The site plan shall comply with the fire and building standards and all other relevant and applicable provisions of this Ordinance.

4. EFFECT OF SITE PLAN APPROVAL

Approval of a site plan shall be deemed to authorize the Director of Inspections to approve an application for a building permit if other relevant portions of this Ordinance and the building code are complied with by the applicant.

5. MINOR CHANGES

a. The Elected Body may, by resolution, allow the Planning staff to grant minor changes to site plans and special use district permit conditions after the site plans and conditions have been approved by the Elected Body.

b. Such resolution may include authority for staff to make such minor changes as consistent with law, and the intent of the original site plan or conditions, and which were not the subject of controversy during any public hearing or meeting.

6. SITE PLAN AMENDMENT

Any change to a site plan not approved as a staff change shall be approved only pursuant to the procedures and standards established for its original approval.

7. PLANNING STAFF REVIEW

In addition to the site plan requirements stated elsewhere in this section, Planning staff shall, at the request of the Director of Inspections, provide assistance on any site plan review matter, including, but not limited to, **Section 6.3, Bufferyard Standards,** and **Chapter 8, Environmental Provisions**.

3.2.12 STORMWATER QUALITY MANAGEMENT PERMIT

A. APPLICATION REQUIREMENTS

Application for a stormwater quality management permit shall be submitted to the Stormwater Director or a designee. The application shall include the following and any other information deemed necessary by the Stormwater Director or a designee:

1. SIGNED APPLICATION FORM

a. A completed application form signed by the person financially responsible for the stormwater control structure or his attorney in fact.

b. The statement shall include the mailing and street addresses of the principal place of business of the person financially responsible and of the owner of the land or their registered agents.

c. If the person financially responsible is not a resident of North Carolina, a North Carolina agent must be designated for the purposes of receiving notice of compliance or noncompliance with the plans, the permits, or this Ordinance.

2. A SITE PLAN OR PRELIMINARY SUBDIVISION PLAT

Three (3) copies of a site plan and/or preliminary subdivision plat containing at least the following information:

a. Location of the site;

b. All existing or proposed property lines, adjacent property owners, rights-of-way and easements;

c. Existing or proposed streets, with information about surface type;

d. Proposed and existing curb and gutter, storm sewers, drainage structures, utilities, and stormwater management facilities;

e. All streams indicated on the Official Zoning Maps and delineation of required buffers along perennial streams;

f. One hundred-year floodway and floodway fringe information;

g. Non-tidal wetlands as delineated by the United States Army Corps of Engineers;

h. Proposed and existing contours and finished floor elevations; and

i. Detailed information concerning existing and proposed built upon area.

3. STORMWATER CONTROL STRUCTURE INFORMATION

Three (3) copies of the plans and specifications for the stormwater control structure as required by **Section 8.2.5F, Stormwater Control Structure Standards**.

4. SEDIMENTATION AND EROSION CONTROL PLAN

When a plan is required by **Section 8.4, Erosion Control**, a copy of the sedimentation and erosion control plan.

5. APPLICATION FEES

Permit application fees for a stormwater quality management permit as established by the Elected Body.

B. CONSIDERATION OF THE APPLICATION

1. REVIEW BY STORMWATER DIRECTOR OR A DESIGNEE

a. The Stormwater Director or a designee, upon receipt of a completed application for a stormwater quality management permit, shall conduct a review of the application based on the applicable criteria contained in this Ordinance.

b. The Stormwater Director or a designee shall notify the applicant of approval or denial of the application within thirty (30) days of receipt of the completed application and required materials except when an alternative stormwater management system must be approved by the State of North Carolina.

2. REFERRAL AGENCY REVIEW

a. The Stormwater Director or a designee shall allow the Director of Planning any other outside review agency designated in the future seven (7) days from the date of submission of the plan to such agency to submit comments on the plan.

b. If no comments are received within such time from the Director of Planning or other recognized agency, such agency shall be deemed to have no objection to the permit.

3. ADDITIONAL REQUIREMENTS

a. The Stormwater Director or a designee may set forth additional permit conditions as deemed necessary to meet requirements of this section.

b. All such conditions shall be included as part of the permit and shall be shown on all plans and permits.

c. All such conditions shall run with the land and shall be binding upon the applicant and all subsequent owners of such property.

4. APPROVAL OF APPLICATION

A stormwater quality management permit application shall be approved by the Stormwater Director or a designee upon finding that the proposal is consistent with the applicable standards set forth in **Section 8.2, Salem Lake Watershed Protection**.

5. INDICATION OF APPROVAL

Upon approval of the application, such approval shall be indicated on the permit, copies of the site plan or subdivision plat, and copies of the plans and specifications for the stormwater control structure(s).

6. PERMIT ISSUED

A stormwater quality management permit shall be issued after the applicant:

a. Posts a performance bond as required in **Section 8.2.5G.1, Performance Bond and Default;**

b. Executes an operation and maintenance agreement as required in **Section 8.2.5G.2, Operation and Maintenance Agreement**; and

c. Provides the Stormwater Director or a designee with a copy of the site plan showing all stormwater control structures. A copy of the permit, one copy of each set of plans, and a copy of the recorded deed shall be kept on file at the office of the Stormwater Director or his/her designee. The original permit and one copy of each set of plans shall be delivered to the applicant.

7. DENIAL OF APPLICATION

a. If the Stormwater Director or a designee disapproves the application, the reasons for such action shall be stated in writing and delivered to the applicant.

b. The applicant may make changes and submit a revised plan.

c. Any revisions shall be submitted, reviewed, and acted upon by the Stormwater Director or a designee pursuant to the procedures of this section.

3.2.13 SPECIAL USE PERMIT

A. SPECIAL USE PERMIT APPROVAL BY BOARD OF ADJUSTMENT

Uses identified in a particular district column with an A in **Table 5.1.1, Principal Use Table,** shall be permitted in such district upon approval of a special use permit by the Board of Adjustment, **unless exempted per Section 3.2.13D.10 of this ordinance**, with such conditions as referenced in the conditions column, subject to all other applicable requirements as identified in **Section 5.1.4, Other Development Requirements of the Zoning Ordinance**.

B. SPECIAL USE PERMIT APPROVAL BY ELECTED BODY

Uses identified in a particular district column with an "E" in **Table 5.1.1, Principal Use Table,** shall be permitted in such district upon approval of a special use permit by the Elected Body, **unless exempted per Section 3.2.13E.8 of this ordinance,** with such conditions as referenced in the conditions column, subject to all other applicable requirements as identified in **Section 5.1.4, Other Development Requirements of the Zoning Ordinance**.

C. SPECIAL USE PERMIT APPROVAL BY ELECTED BODY PROCEDURE

1. APPLICATION AND FEES

Applications for Special Use Permits to be considered by the Elected Body shall be submitted in the appropriate electronic plan review system by the date shown on the Planning Board calendar of significant dates for the next regularly scheduled Planning Board meeting accompanied by a completed application form and other required information, site plans meeting the requirements for site plan submittal in **Section 3.2.11, Site Plan**, and fees in accordance with **Section 3.1.1A, Fees**.

2. NOTICE

a. The Planning Board shall post on the property a notice of public meeting at least ten (10) days prior to the date of the meeting of the Planning Board.

b. A sign is required on the property at a conspicuous location(s). Location(s) which are not conspicuous or require additional notification to the public, will be required to have directional sign(s) posted.

c. Each sign(s) or each directional sign(s) will have a charge as determined by the Director of Planning.

d. The signs are, and shall remain, the property of the governmental agency which provided them, and shall be prepared, posted and reclaimed by it.

e. The sign serves as constructive notice of the Elected Body public hearing.

f. The review of the site plan by the Planning Board is not a public hearing.

3. ADVERTISEMENT

The Elected Body shall duly advertise a public hearing.

4. NOTIFICATION TO PROPERTY OWNERS AND ADJACENT PROPERTY OWNERS FOR AN ELECTED BODY SPECIAL USE PERMIT

Letters shall be sent via first class mail to the subject property owner(s) and all property owners within five hundred (500) feet of any portion of the subject property for which the Special Use Permit is requested.

D. SPECIAL USE PERMIT APPROVAL BY BOARD OF ADJUSTMENT PROCEDURE

1. APPLICATIONS

Applications for special use permits to be considered in any month by the Board of Adjustment shall be made by the property owner or the owner's authorized agent to the Director of Planning and Development Services, or designee, in the appropriate electronic plan review system not less than twenty (20) days prior to the established meeting date of that month. Each petition shall be accompanied by:

a. A fee as authorized in **Section 3.1.1A, Fees**.

b. For Special Use Permits that do not require Planning Board review, a scaled site plan (plot plan) of the property which may be prepared by either professional or non-professional persons showing the location of

any existing and proposed structure(s) and any relevant notations on the site plan concerning the request. Staff shall determine if a site plan is required with an appeal or interpretation application. (F)

c. *For Special Use Permits that do not require Planning Board review, a scaled site plan (plot plan) of the property showing the location of any existing and proposed structure(s) and any relevant notations on the site plan concerning the request. Staff shall determine if a site plan is required with an appeal or interpretation application. (W)*

d. For Special Use Permits that require Planning Board review, a scaled site plan that meets Form 1 requirements as detailed in **Section 3.2.11.D, Specific Submittal Requirements**.

e. Any other written materials the applicant would like to submit to the Board for consideration of the application.

2. POSTED NOTICE OF HEARING

a. The applicant shall post on the property a notice of public hearing at least ten (10) days prior to the date of the hearing before the Board of Adjustment.

b. Such notice shall be of sufficient size to contain, and shall contain, heavy black lettering not less than three (3) inches high on a white background and shall be posted in a conspicuous place on the premises. Where such posting is not clearly visible from the nearest public right-of-way, a second directional sign which is clearly visible from the nearest public right-of-way shall be posted.

c. A sign shall be provided by the Director of Inspections consistent with these requirements. Such sign structure shall be removed by the applicant within thirty (30) days after said public hearing.

3. MAILED NOTICE OF HEARING

a. Notice of hearings shall be mailed to the person or entity whose appeal, application or request is the subject of the public hearing; to the owner of the property that is subject to the public hearing, if different from the applicant; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other person entitled to receive notice as otherwise provided in this Ordinance.

b. The county tax listing shall be utilized to determine the owners entitled to receive mailed notice.

c. The notice must be deposited in the mail at least ten (10), but not more than twenty-five (25) days, prior to the date of the hearing.

4. PLANNING BOARD REPORT

a. Applications for special use permits may be approved by the Board of Adjustment after such board receives a report from the Planning Board and holds a duly advertised public hearing in each case, except that the Planning Board shall not be required to review and report on applications for:

i. Riding stables per **Table 5.1.1, Principal Use Table**;

ii. Kennels, outdoor per **Table 5.1.1, Principal Use Table**;

iii. Shooting ranges, outdoor per **Table 5.1.1, Principal Use Table**;

iv. Manufactured homes class A, class B and class C per **Table 5.1.1, Principal Use Table**;

v. Expansion or conversion of a nonconforming use per **Section 9.2.3B, Special Use Permit,** and **Section 9.2.4A, Special Use Permit Required**;

vi. Accessory uses as follows:

1. Dwelling, accessory (detached) per **Section 5.3.4C, Dwelling, Accessory (Detached)**;

2. Separation, processing, storage or wholesale sale of materials in LCIDs per **Section 5.2.44M, Accessory Uses (F),** and **Section 5.2.44N, Accessory Uses (W)**;

3. Home occupations in Rural Areas (GMAs 4 and 5) per **Section 5.3.4D.2.b.ii, Special Use Permits**;

vii. Accessory structures as follows:

1. Exceeding size limits for accessory structures per **Section 5.3.1F, Size Limits for Accessory Structure**;

viii. Parking reductions for churches per **Section 5.2.22D, Parking**, and **Section 5.2.23C, Parking**;

ix. Veterinary services per **Table 5.1.1, Principal Use Table;**

x. *Keeping of horses, mules, donkeys, goats, sheep, or cattle per **Section 5.3.3F, Keeping of Horses, Mules, Donkeys, Goats, Sheep, or Cattle (W)**;*

xi. RESERVED;

xii. Transmission towers per **Table 5.1.1, Principal Use Table;**

xiii. Campgrounds; and

xiv. Special events centers.

b. The Planning Board shall submit its report in writing to the Director of Planning and Development Services not more than sixty (60) days after receipt of the application in accordance with established review procedures.

c. In reviewing the request, the Planning Board shall review the application to assure compliance with all provisions of this Ordinance.

d. The Planning Board report shall make a finding that the application as submitted either complies with the Ordinance, complies with recommended conditions, or does not comply with the Ordinance.

e. If the Planning Board recommends conditions, the Planning Board shall have the authority to recommend conditions as identified in **Section 10.1.2B.1.a, Approval and Conditions,** to reduce impacts associated with the project.

5. REQUIRED FINDINGS

a. The Board of Adjustment shall issue a special use permit only when the Board of Adjustment makes an affirmative finding as follows:

i. That the use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved;

ii. That the use meets all required conditions and specifications;

iii. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and

iv. That the location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with Forward 2045.

b. Except with regard to the conversion of nonconforming uses in **Section 9.2, Nonconforming Uses**, no provision of this Ordinance shall be interpreted as conferring upon the Board of Adjustment the authority to approve an application for a special use permit for any use unless authorized in **Table 5.1.1, Principal Use Table**. In approving an application for the issuance of a special use permit, the Board of Adjustment may impose additional reasonable and appropriate conditions and safeguards to protect the public health and safety, and the value of neighboring properties, and the health and safety of neighboring residents.

c. If the Board of Adjustment denies the application for the issuance of a special use permit, it shall enter the reasons for denial in the minutes of the meeting at which the action was taken.

6. BOA PROCEDURE FOR VOTING ON SPECIAL USE PERMITS

a. A majority vote of the members shall be required to issue a Special Use Permit.

b. For the purposes of this subsection, vacant positions on the Board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the Board for calculation of the requisite majority if there are no qualified alternatives to take the place of such members.

7. PERMIT EXPIRATION

a. A special use permit shall become void if the terms of such permit, in the judgment of the Director of Inspections, are not exercised within a period of two (2) years from the date of approval.

b. Special use permits are also subject to the provisions in **Section 2.7, Vested Rights**.

8. EXTENSION OF PERMIT

A letter requesting an extension of time and indicating the reason for such request, submitted prior to the termination date and duly approved by the Board of Adjustment, shall extend the validity of such permit for a period of six (6) months. No other extension of time shall be granted.

9. REVIEW OF REQUEST FOR EXTENSION

In considering such extension, the Board of Adjustment may make such changes in the conditions under which the permit was granted as may be indicated by any new information relating to the property or to the use proposed thereon, provided the extension or changes still comply with the affirmative finding set forth above.

10. SPECIAL USE DISTRICT ZONING

No separate special use permit is required for a use which is permitted as a part of a special use district zoning adopted by the Elected Body and which meets the requirements of this Ordinance.

E. SPECIAL USE PERMITS AUTHORIZED BY THE ELECTED BODY

1. ELECTED BODY REVIEW

The Elected Body shall review all requests for permits as designated in **Table 5.1.1, Principal Use Table,** and, in doing so, shall follow quasi-judicial procedures.

2. PUBLIC HEARING

Applications for special use permits requiring approval by the Elected Body may be approved after the Elected Body receives a report on conformance of the site plan with UDO requirements from the Planning Board and holds a duly advertised public hearing in each case.

3. PERMIT ISSUANCE

No zoning or building permit shall be issued until a special use permit for the requested use has been approved by the Elected Body.

4. SUBMISSION OF WRITTEN COMMENTS

a. At least two (2) days before the Elected Body's proposed vote on a request for a special use permit, any resident or property owner in the local government's jurisdiction may submit a written statement to the clerk's office regarding the proposed special use permit. The clerk shall provide only the names and addresses of the individuals providing written comment to the Elected Body, and the provision of such names and addresses to all members of the Elected Body shall not disqualify any member of the Elected Body from voting

5. ELECTED BODY DECISION

a. The Elected Body shall consider the matter and the review of the site plan by the Planning Board and may:

i. APPROVE

Approve the application and direct issuance of the special use permit therefor;

ii. APPROVE WITH CONDITIONS

Approve the application with the conditions as recommended by the Planning Board or additional conditions as specified in **Section 10.1.2B.1.a, Approval and Conditions,** to assure that the site will be developed in a manner conducive to the public health, safety and welfare, and direct issuance of the special use permit; or

iii. DENY

Deny the application.

b. No vote greater than a majority vote shall be required for the Elected Body to issue a special use permit. For the purposes of this section, vacant positions on the Elected Body and members who are absent or excused from voting on a special use permit shall not be considered members of the Elected Body for calculation of the requisite majority.

6. REQUIRED FINDINGS

a. The Elected Body shall issue a special use permit only when the Elected Body makes an affirmative finding as follows:

i. That the use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved;

ii. That the use meets all required conditions and specifications;

iii. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and

iv. That the location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with Forward 2045.

b. No provision of this Ordinance shall be interpreted as conferring upon the Elected Body the authority to approve an application for a special use permit for any use unless authorized in **Table 5.1.1, Principal Use Table**.

c. In approving an application for the issuance of a special use permit, the Elected Body may impose additional conditions as identified in **Section 10.1.2B.1.a, Approval and Conditions.** If the Elected Body denies the application for the issuance of a special use permit, it shall enter the reasons for denial in the minutes of the meeting at which the action was taken.

7. EXTENSION OF PERMIT

In considering any request for extension of the permit, the Elected Body may, in the public interest, make such changes in the conditions under which the permit was granted as may be indicated by any new information relating to the property or to the use proposed.

8. SPECIAL USE DISTRICT ZONING

No separate special use permit is required for a use which is permitted as a part of a special use district zoning adopted by the Elected Body and which meets the requirements of this Ordinance.

3.2.14 TEMPORARY USE PERMIT

Temporary use permits shall be issued or renewed by the Director of Planning and Development Services, or designee, in compliance with **Section 5.4, Temporary Uses and Structures**, provided that such permits are issued only upon written agreement by the owner to remove the structures or uses upon expiration of the permit.

A. APPLICATION

All applications for temporary use permits shall be made to the Director of Planning and Development Services, or designee, in the appropriate electronic plan review system by the owner or his authorized agent.

B. REQUIREMENTS

Before the issuance of a temporary use permit, the Director of Planning and Development Services, or designee, shall determine that all other pertinent regulations which may apply to such proposed use are complied with.

3.2.15 UDO TEXT AMENDMENT

A. GENERAL PROCEDURES

Proposals to amend, supplement, change, modify, or repeal any of the regulations established by this Ordinance, or hereafter established, may be initiated by the Elected Body, by the Planning Board, or by petition of any interested person.

1. PETITION SUBMITTED

A petition by an interested person to amend or change the regulations shall be submitted to the Elected Body through and reviewed by the Planning Board which shall consider its merit and make a recommendation to the Elected Body.

2. PUBLIC HEARING

In no case shall final action by the Elected Body be taken amending, changing, supplementing, modifying, or repealing the regulations established by this Ordinance until a public hearing has been held by the Elected Body at which parties in interest and citizens shall have an opportunity to be heard.

3. NOTICE

a. A notice of each public hearing shall be given once a week for two (2) successive calendar weeks in a newspaper of general circulation in the adopting jurisdiction, the first publication of said notice being not less than ten (10) days prior to the date fixed for the hearing.

4. SUBMITTAL TO PLANNING BOARD

a. PETITION SUBMITTED

i. The petition of any interested person to amend the regulations established by this Ordinance shall be submitted to the Elected Body through the office of the Planning Board.

ii. Petitions shall be considered by the Planning Board at its next regular monthly meeting, provided the petitions have been filed by the date shown on the Planning Board calendar of significant dates for the next regular meeting and include a completed application form, other required information, and fees in accordance with **Section 3.1.1A, Fees**; otherwise consideration may be deferred until the following monthly meeting.

b. AMENDING THE TEXT OF THIS ORDINANCE

Unless waived by the Planning Board in advance, no petition to amend the regulations established by this Ordinance shall be considered at the same meeting of the Planning Board or Elected Body. Application for a waiver of this requirement shall be accompanied by:

i. Recommendation of planning staff;

ii. Completed petitions to amend the regulations established by this Ordinance; and

iii. The fees required by this Ordinance.

5. APPLICATION AND FEE

a. Each petition shall be accompanied by a completed application form and a fee as specified by the Planning Board.

b. The sections of the Ordinance to be amended and the new or revised language of the Ordinance proposed shall be submitted.

6. WAIVER OF FEES

The fee for a text amendment submitted by a private individual which, in the opinion of the Director of Planning, is of public benefit, would introduce a beneficial change in the Zoning Ordinance with application throughout the jurisdiction, and is not designed primarily to benefit a single property or specific situation, may be waived by the Planning Board upon recommendation of the Director of Planning. Said waiver must be approved prior to formal consideration of the text amendment by the Planning Board.

7. ADVERTISING AND POSTING FOR A PLANNING BOARD PUBLIC HEARING

a. Whenever a petition to amend this Ordinance is submitted to the Planning Board, the Planning Board shall schedule a public hearing.

b. Notice of the public hearing shall be advertised once in a newspaper of general circulation in the adopting jurisdiction, said notice being not less than ten (10) days prior to the date fixed for the hearing.

8. WITHDRAWAL

a. A zoning petition may not be withdrawn by the applicant after publication, or scheduled publication which cannot be canceled, of notice of public hearing except by permission of the appointed body before which the petition is pending for action or consideration.

b. Once the appointed body has acted to forward a recommendation on the zoning petition to the appropriate elected body, the petition may not be withdrawn by the applicant except with permission of the Elected Body.

c. A public hearing is not required to consider a request to withdraw.

d. The filing fees are not refundable, except that the Planning Director may authorize refund of the fees if no notice expenses related to the petition have been incurred.

9. PLANNING BOARD REVIEW

a. The Planning Board shall submit a report and recommendations to the Elected Body in writing within one hundred twenty (120) days after receipt by the Planning Board of a complete petition, including compliance with **Section 3.2.19A.5, Notice to Non-petitioning Owners for a Planning Board Hearing**, unless such period is extended by the Elected Body.

b. Failure to submit a report and recommendation shall not be deemed to constitute either approval or disapproval of the petition by the Planning Board.

c. In the report, the Planning Board shall advise and comment on whether the proposed amendment is consistent with Forward 2045 and any other officially adopted plan that is applicable.

d. The Planning Board shall provide a written recommendation to the Elected Body that addresses plan consistency and, whether the proposed amendment is reasonable and in the public interest.

e. A statement by the Planning Board that a proposed amendment is inconsistent with Forward 2045 shall not preclude consideration or approval of the amendment by the Elected Body.

f. The Planning Board shall, at the same time, mail or deliver to the petitioner, and also to the opponent(s), if any, a copy of the same report and recommendations sent to the Elected Body. In case there is more than one petitioner for or opponent to the proposed change, it shall be sufficient to mail or deliver a copy of the report and notice of any subsequent hearing before the Elected Body to the one petitioner designated by the petitioners to receive same and to any such opponent who requests receipt of such report in writing at the public hearing. Furthermore, in any case where any of the parties are represented by an attorney named in the petition, the mailing or delivery of a copy of the report and notice of any hearing to the attorney shall be the equivalent of mailing or delivering the same to the party or parties represented by the attorney.

10. ELECTED BODY PUBLIC HEARING

a. A public hearing shall be held by the Elected Body on each proposed amendment to the Zoning Ordinance, after publication of notice, as herein above provided. Said proposed amendment shall be placed on the agenda of a regularly scheduled public hearing of the Elected Body within sixty (60) days of receipt of the report and recommendations of the Planning Board.

b. A member of the Elected Body shall not vote on any text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

11. SUBMISSION OF WRITTEN STATEMENTS

The Unified Development Ordinances may from time to time be amended, supplemented, changed, modified, or repealed. Any citizen may submit written comments on the proposed action. If the written comments are submitted to the clerk to the board at least two (2) business days prior to the proposed vote on such change/action, the clerk to the board shall deliver such written statement to the governing board prior to or at the hearing.

12. LIMITS ON RESUBMITTAL

a. PREVIOUS DENIAL

i. In the event that a petition to amend the text is denied by the Elected Body, a period of two (2) years must elapse before another petition for the same kind of change in the regulations or for the same zoning classification of land previously involved may be submitted.

ii. Such two (2) year period shall be measured from the date of acceptance of the previous petition by the Planning Board for the change in regulations.

b. ELECTED BODY AUTHORITY

i. Nothing in this section shall constitute a limitation upon the authority of the Elected Body or the Planning Board to consider or reconsider, upon their own motion, any changes to the regulations or district boundaries of the zoning ordinance.

ii. Further, nothing in this chapter shall affect the validity or effectiveness of any recommendation made by the Planning Board prior to the effective date of this amendment, and the Elected Body may lawfully act on such recommendation as if it had been made by the Planning Board subsequent to the effective date of this amendment.

iii. Any such consideration, reconsideration or act by the Elected Body shall comply with the notice requirements for ordinance amendments contained in this Ordinance.

13. CONSIDERATION

Prior to adopting or rejecting any zoning amendment, the Elected Body shall adopt a statement describing whether its action is consistent with Forward 2045 and explaining why the Elected Body considers the action taken to be reasonable and in the public interest.

B. RECORDS

1. After the adoption of any amendment to the UDO, the responsible official of the adopting jurisdiction shall send to the Planning Board and to the office of the Register of Deeds official notification of such adoption.

2. It shall be the duty of the Planning Board and the office of the Register of Deeds to maintain systematic records of such ordinances and to make said records accessible to the public for inspection at reasonable times.

3.2.16 VARIANCE

A. AUTHORITY

No provision of this Ordinance shall be interpreted as conferring upon the Board of Adjustment the authority to approve an application for a variance of the conditions of a permitted use except with respect to the specific waiving of requirements as to:

1. General dimension requirements for zoning districts listed in **Section 4.1.4, Dimensional Requirements**, and shall only include minimum zoning lot area and width, minimum setbacks, maximum impervious surface cover, or maximum height;

2. Floodplain regulations as specified in **Section 8.1.2D, Variance Procedures**;

3. Vehicular use landscaping requirements as specified in **Section 6.2.2, Landscaping Standards – Forsyth County,** and **Section 6.2.1, Landscaping and Tree Preservation Standards – Winston-Salem**;

4. Bufferyard requirements as specified in **Section 6.3, Bufferyard Standards**;

5. Setback and landscaping requirements of the TO District as specified in **Section 4.9.3, TO Thoroughfare Overlay District**;

6. Width of private access easements where such easement is for single family residential uses and where said private access easement was established prior to April 17, 1978;

7. Off-street parking and loading as specified in **Section 6.1, Off-Street Parking and Loading;**

8. Delay of building permits within designated Transportation Plan corridors as specified in **Section 7.6.2A, Public Rights-of-Way**;

9. *Residential infill setback requirements as specified in* ***Section 6.4.2, Supplementary Standards For Residential Development In GMA 2 (W)****;* and

10. Conservation Standards for the NCO District as specified in **Section 4.9.2, NCO Neighborhood Conservation Overlay District**

B. LIMITATIONS

The Board of Adjustment shall not grant a variance to permit a use not permitted in the applicable zoning district, nor shall it grant a variance for a site plan feature or condition adopted in conjunction with a special use district zoning.

C. PUBLIC HEARING

Applications for variances may be approved by the Board of Adjustment after such Board of Adjustment holds a duly advertised public hearing in each case.

D. HARDSHIP

When unnecessary hardships would result from carrying out the strict letter of this Ordinance, the Board of Adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following:

1. The unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of a variance, no reasonable use can be made of the property;

2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance;

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship; and

4. The requested variance is consistent with the spirit, purpose, and intent of the Ordinance, such that public safety is secured, and substantial justice is achieved.

E. REVIEW OF APPLICATIONS

1. Any such variance shall observe the spirit and purpose of this Ordinance and shall be granted only with

reference to conditions and circumstances peculiar to the property involved.

2. If the Board of Adjustment denies the application for a variance, it shall enter the reasons for the denial in the minutes of the meeting at which the action was taken.

F. CONDITIONS

Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.

G. BOA PROCEDURE FOR VARIANCES

1. APPLICATIONS

Applications for variances to be considered in any month by the Board of Adjustment shall be made by the property owner or the owner's authorized agent to the Director of Planning and Development Services, or designee, in the appropriate electronic plan review system not less than twenty (20) days prior to the established meeting date of that month. Each petition shall be accompanied by:

a. A fee as authorized in **Section 3.1.1A, Fees**.

b. A scaled site plan (plot plan) of the property which may be prepared by either professional or non-professional persons showing the location of any existing and proposed structure(s) and any relevant notations on the site plan concerning the request. Staff shall determine if a site plan is required with an appeal or interpretation application. (F)

c. *A scaled site plan (plot plan) of the property showing the location of any existing and proposed structure(s) and any relevant notations on the site plan concerning the request. Staff shall determine if a site plan is required with an appeal or interpretation application. (W)*

d. Any other written materials the applicant would like to submit to the Board for consideration of the application.

2. POSTED NOTICE OF HEARING

a. The applicant shall post on the property a notice of public hearing at least ten (10) days prior to the date of the hearing before the Board of Adjustment.

b. Such notice shall be of sufficient size to contain, and shall contain, heavy black lettering not less than three (3) inches high on a white background and shall be posted in a conspicuous place on the premises. Where such posting is not clearly visible from the nearest public right-of-way, a second directional sign which is clearly visible from the nearest public right-of-way shall be posted.

c. A sign shall be provided by the Director of Inspections consistent with these requirements. Such sign structure shall be removed by the applicant within thirty (30) days after said public hearing.

3. MAILED NOTICE OF HEARING

a. Notice of hearings shall be mailed to the person or entity whose appeal, application or request is the subject of the public hearing; to the owner of the property that is subject to the public hearing, if different from the applicant; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other person entitled to receive notice as otherwise provided in the Unified Development Ordinances.

b. The County Tax listing shall be utilized to determine the owners entitled to receive mailed notice.

c. The notice must be deposited in the mail at least ten (10), but not more than twenty-five (25) days, prior to the date of the hearing.

4. VOTING ON VARIANCE REQUESTS

a. The concurring vote of four-fifths (4/5) of the Board shall be necessary to grant a variance.

b. For the purposes of this subsection, vacant positions on the Board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the Board for calculation of the requisite majority if there are no qualified alternatives to take the place of such members.

H. VARIANCE FROM THE FLOODWAY AND FLOODWAY FRINGE REGULATIONS

1. GENERALLY

a. The Forsyth County Board of Adjustment as established by Forsyth County and the Winston-Salem Board of Adjustment as established by the City of Winston-Salem, hereinafter referred to as the "appeal board," shall hear and decide requests for variances from the floodway and floodway fringe requirements for their respective jurisdictions.

b. Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.

2. APPLICABILITY

Variances may be issued for:

a. The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;

b. Functionally dependent facilities if determined to meet the definition as stated in **Section 11.2, Definitions**, provided provisions of **Section 3.2.16H.5, Conditions for Variances,** subsections **b, c,** and **e** have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or

c. Any other type of development, provided it meets the requirements of **Section 8.1, Floodway and Floodway Fringe Regulations**.

3. REVIEW CRITERIA

In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:

a. The danger that materials may be swept onto other lands to the injury of others;

b. The danger to life and property due to flooding or erosion damage;

c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

d. The importance of the services provided by the proposed facility to the community;

e. The necessity to the facility of a waterfront location as defined under **Section 11.2, Definitions,** as a functionally dependent facility, where applicable;

f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

g. The compatibility of the proposed use with existing and anticipated development;

h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

i. The safety of access to the property in times of flood for ordinary and emergency vehicles;

j. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

k. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

4. PROCEDURE

a. A written report addressing each of the above factors shall be submitted with the application for a variance.

b. Upon consideration of the factors listed above and the purposes of these standards, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Ordinance.

c. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation (BFE) and the elevation to which the structure is to be built and that such

construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to twenty-five dollars ($25.00) per one hundred dollars ($100.00) of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.

d. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.

5. CONDITIONS FOR VARIANCES

a. Variances shall not be issued when the variance will make the structure in violation of other federal, State, or local laws, regulations, or ordinances.

b. Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.

c. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

d. Variances shall only be issued prior to development permit approval.

e. Variances shall only be issued upon:

i. A showing of good and sufficient cause;

ii. A determination that failure to grant the variance would result in exceptional hardship; and

iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

f. A variance may be issued for solid waste disposal facilities or sites, salvage yards, and chemical storage facilities that are located in special flood hazard areas provided that all of the following conditions are met:

i. The use serves a critical need in the community.

ii. No feasible location exists for the use outside the special flood hazard area.

iii. The reference level of any structure is elevated or floodproofed to at least the regulatory flood protection elevation.

iv. The use complies with all other applicable federal, State and local laws.

v. Forsyth County has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

I. VARIANCE FROM THE SALEM LAKE WATERSHED PROTECTION STANDARDS

1. GENERALLY

a. The Forsyth County Board of Adjustment as established by Forsyth County and the Winston-Salem Board of Adjustment as established by the City of Winston-Salem, hereinafter referred to as the "Watershed Review Board," shall hear and decide requests for variances from the Salem Lake Watershed Protection requirements for their respective jurisdictions.

b. Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.

2. PROCEDURE

a. MINOR AND MAJOR VARIANCES

i. The Watershed Review Board shall have the power to authorize, in specific cases, variances from the terms of **Section 8.2, Salem Lake Watershed Protection**, as will not be contrary to the public interests where, owing to special conditions, a literal enforcement of these standards will result in practical difficulties or unnecessary hardship, so that the spirit of these standards shall be observed, public safety and welfare secured, and substantial justice done.

ii. The Watershed Review Board shall have the authority to grant minor variances.

iii. Major variances must be approved by the Environmental Management Commission prior to being granted by the Watershed Review Board.

b. APPLICATIONS

i. Applications for a variance shall be made on the proper form obtainable from the Stormwater Director or a designee and shall include the following information:

1. A site plan, drawn to a scale not smaller than one inch represents one hundred (100) feet (1" to 100'), indicating:
2. The property lines of the parcel upon which the use is proposed;
3. Any existing or proposed structures;
4. Parking areas and other built-upon areas; and
5. Surface water drainage.

ii. The site plan shall be neatly drawn and indicate north point, name and address of person who prepared the plan, date of the original drawing, and an accurate record of any later revisions.

iii. A complete and detailed description of the proposed variance, together with any other pertinent information which the applicant feels would be helpful to the Watershed Review Board in considering the application.

iv. An application fee for a variance as established by the Elected Body.

c. NOTIFICATION OF OTHER LOCAL GOVERNMENTS

i. The Stormwater Director or a designee shall notify in writing each local government having jurisdiction in the Salem Lake Watershed and any public water supplier in the watershed operating under the jurisdiction of the Division of Environmental Health of the North Carolina Department of Environmental Quality (DEQ).

ii. Such notice shall include a description of the variance being requested and the scheduled hearing on the variance.

iii. Local governments having jurisdiction in the Salem Lake Watershed and public water suppliers in the watershed operating under the jurisdiction of the Division of Environmental Health of the North Carolina Department of Environment and Natural Resources may appear at the hearing and present evidence.

d. FINDINGS

Before the Watershed Review Board may grant a variance, it shall make the following three (3) findings, which shall be recorded in the permanent record of the case, and shall include the factual reasons on which they are based:

i. There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of these standards. In order to determine that there are practical difficulties or unnecessary hardships, the Board must find that the five (5) following conditions exist:

1. If they comply with the Salem Lake Watershed Protection provisions, the applicant can secure no reasonable return from, nor make reasonable use of, their property. Merely proving that the variance would permit a greater profit to be made from the property will not be considered adequate to justify the Board in granting a variance. Moreover, the Board shall consider whether the variance is the minimum possible deviation from the terms of these standards that will make possible the reasonable use of property.
2. The hardship results from the application of these standards to the property rather than from other factors such as deed restrictions or other hardship.
3. The hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography, which is different from that of neighboring property.

4. The hardship is not the result of the actions of an applicant who knowingly or unknowingly violates these standards, or who purchases the property after December 31, 1994, and then comes to the Board for relief.

5. The hardship is peculiar to the applicant's property, rather than the result of conditions that are widespread. If other properties are equally subject to the hardship created in the restriction, then granting a variance would be a special privilege denied to others, and would not promote equal justice.

ii. The variance is in harmony with the general purpose and intent of these standards and preserves their spirit.

iii. In the granting of the variance, the public safety and welfare have been assured and substantial justice has been done. The Board shall not grant a variance if it finds that doing so would in any respect impair the public health, safety, or general welfare.

e. CONDITIONS

i. In granting the variance, the Board may attach thereto such conditions regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable in furtherance of the purpose of this Ordinance.

ii. If a variance for the construction, alteration or use of property is granted, such construction, alteration or use shall be in accordance with the approved site plan.

f. APPROVAL OF MAJOR VARIANCES BY ENVIRONMENTAL MANAGEMENT COMMISSION

If the application calls for the granting of a major variance, and if the Watershed Review Board decides in favor of granting the variance, the Board shall prepare a preliminary record of the hearing with all deliberate speed. The preliminary record of the hearing shall include:

i. RECORD OF THE HEARING

1. The variance application;

2. The hearing notices;

3. The evidence presented;

4. Motions, offers of proof, objections to evidence, and rulings on them;

5. Proposed findings and exceptions; and

6. The proposed decision, including all conditions proposed to be added to the permit.

ii. ENVIRONMENTAL MANAGEMENT COMMISSION REVIEW

The preliminary record shall be sent to the Environmental Management Commission for its review as follows:

1. If the Commission concludes from the preliminary record that the variance qualifies as a major variance and that (1) the property owner can secure no reasonable return from, nor make any practical use of the property unless the proposed variance is granted, and (2) the variance, if granted, will not result in a serious threat to the water supply, then the Commission shall approve the variance as proposed or approve the proposed variance with conditions and stipulations. The Commission shall prepare a Commission decision and send it to the Watershed Review Board. If the Commission approves the variance as proposed, the Board shall prepare a final decision granting the proposed variance. If the Commission approves the variance with conditions and stipulations, the Board shall prepare a final decision, including such conditions and stipulations, granting the proposed variance.

2. If the Commission concludes from the preliminary record that the variance qualifies as a major variance and that (1) the property owner can secure a reasonable return from or make a practical use of the property without the variance or (2) the variance, if granted, will result in a serious threat to the water supply, then the Commission shall deny approval of the variance as proposed.

The Commission shall prepare a Commission decision and send it to the Watershed Review Board. The Board shall prepare a final decision denying the variance as proposed.

g. VARIANCE CONSIDERED WATERSHED PROTECTION PERMIT

A variance issued in accordance with this Section shall be considered a watershed protection permit and shall expire if a building permit or watershed occupancy permit for such use is not obtained by the applicant within twelve (12) months from the date of the decision.

h. RECONSIDERATION

The Watershed Review Board shall refuse to hear an appeal or an application for a variance previously denied if it finds that there have been no substantial changes in conditions or circumstances bearing on the appeal or application.

J. VARIANCE FROM THE WATERSHED PROTECTION STANDARDS

1. MINOR AND MAJOR VARIANCES

a. The Watershed Review Board shall have the power to authorize, in specific cases, variances from the terms of the watershed protection provisions in **Section 8.3, Watershed Protection (F)**, owing to special conditions, a literal enforcement of these standards will result in practical difficulties or unnecessary hardship.

b. The Watershed Review Board shall have the authority to grant minor variances.

c. Major variances must be approved by the Environmental Management Commission prior to being granted by the Watershed Review Board.

2. APPLICATIONS

Applications for a variance shall be made on the proper form obtainable from the Stormwater Director or a designee and shall include the following information:

a. SITE PLAN

i. A site plan, drawn to a scale not smaller than one inch represents one hundred (100) feet, indicating:

1. The property lines of the parcel upon which the use is proposed;

2. Any existing or proposed structures;

3. Parking areas and other built-upon areas; and

4. Surface water drainage.

ii. The site plan shall be neatly drawn and indicate north point, name and address of person who prepared the plan, date of the original drawing, and an accurate record of any later revisions.

b. VARIANCE DESCRIPTION

A complete and detailed description of the proposed variance, together with any other pertinent information which the applicant feels would be helpful to the Watershed Review Board in considering the application.

c. APPLICATION FEE

An application fee as established by the Elected Body.

3. PUBLIC HEARING AND NOTIFICATION

a. HEARING

i. Applications for variances may be approved by the Watershed Review Board after the Watershed Review Board holds a duly advertised public hearing in each case.

ii. At the hearing, any party may appear and present evidence.

b. ADVERTISEMENT

The Watershed Review Board shall advertise a public hearing not less than ten (10) days in advance of such hearing, by a single insertion in a daily or weekly newspaper of general circulation in Forsyth County.

c. POSTING OF NOTICE

i. The applicant shall post on the property a notice of public hearing at least fifteen (15) days prior to the date of the hearing before the Watershed Review Board.

ii. Such notice shall be of sufficient size to contain, and shall contain, heavy black lettering not less than three (3) inches high on a white background and shall be posted in a conspicuous place on the premises.

iii. Where such posting is not clearly visible from the nearest public right-of-way, a second directional sign which is clearly visible from the nearest public right-of-way shall be posted.

iv. A sign shall be provided by the Stormwater Director or a designee consistent with these requirements.

v. Such sign structure shall be removed by the applicant within thirty (30) days after said public hearing.

d. NOTIFICATION OF OTHER LOCAL GOVERNMENTS AND ENTITIES USING THE WATER SUPPLY FOR CONSUMPTION

i. The Stormwater Director or a designee shall notify in writing each local government having jurisdiction in the respective watershed and any entity using the water supply for consumption.

ii. Such notice shall include a description of the variance being requested and the scheduled hearing on the variance.

iii. Local governments having jurisdiction in the respective watershed and entities using the water supply for consumption may appear at the hearing and present evidence.

4. CONSIDERATION OF VARIANCE APPLICATION

a. DIFFICULTY OR HARDSHIP

Applications for a variance may be approved only upon a finding of practical difficulty or unnecessary hardship in meeting the requirements of the watershed protection standards, which difficulties arise from the recorded platting or deeding of land prior to the adoption of this Ordinance, or from any act of a public agency, or from natural conditions beyond the control of the property owner.

b. FINDINGS

The Watershed Review Board shall approve of a variance only where the Watershed Review Board makes an affirmative finding as follows:

i. That the approval of the variance will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved;

ii. That the use of the property otherwise meets all required conditions and specifications;

iii. That the approval of the variance will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and,

iv. That the location and character of the use, if developed according to the variance, will otherwise be in harmony with the area in which it is to be located and in general conformity with Forward 2045.

c. REVIEW OF APPLICATIONS AND CONDITIONS

i. Any such variance shall observe the spirit and purpose of this Ordinance and shall be granted only with reference to conditions and circumstances peculiar to the property involved.

ii. In passing upon such requests the Watershed Review Board may specify additional reasonable and appropriate conditions and safeguards to protect the public health and safety, the value of neighboring properties and the health and safety of neighboring residents.

d. DENIAL OF APPLICATION

If the Watershed Review Board denies the application for a variance, it shall enter the reasons for denial in the minutes of the meeting at which the action was taken.

5. APPROVAL OF MAJOR VARIANCES BY ENVIRONMENTAL MANAGEMENT COMMISSION

a. RECORD OF THE HEARING

i. If the application calls for the granting of a major variance, and if the Watershed Review Board decides in favor of granting the variance, the Board shall prepare a record of the hearing for transmission to the Environmental Management Commission.

ii. The record of the hearing shall include the variance application, evidence presented, the factual basis for granting the variance, and all conditions proposed to be added to the permit.

b. ENVIRONMENTAL MANAGEMENT COMMISSION REVIEW

The record shall be sent to the Environmental Management Commission for its review as follows:

i. If the Commission concludes from the preliminary record that the variance qualifies as a major variance and that the property owner can secure no reasonable return from, nor make any practical use of the property unless the proposed variance is granted, and the variance, if granted, will not result in a serious threat to the water supply, then the Commission shall approve the variance as proposed or approve the proposed variance with conditions and stipulations.

ii. The Commission shall prepare a Commission decision and send it to the Watershed Review Board.

iii. If the Commission approves the variance as proposed, the Board shall prepare a final decision granting the proposed variance.

iv. If the Commission approves the variance with conditions and stipulations, the Board shall prepare a final decision, including such conditions and stipulations, granting the proposed variance.

v. If the Commission concludes from the preliminary record that the variance qualifies as a major variance and that the property owner can secure a reasonable return from or make a practical use of the property without the variance or the variance, if granted, will result in a serious threat to the water supply, then the Commission shall deny approval of the variance as proposed.

vi. The Commission shall prepare a Commission decision and send it to the Watershed Review Board. The Board shall prepare a final decision denying the variance as proposed.

6. VARIANCE CONSIDERED WATERSHED PROTECTION PERMIT

A variance issued in accordance with this section shall be considered a watershed protection permit and shall expire if a building permit for such use is not obtained by the applicant within twelve (12) months from the date of the decision.

7. RECONSIDERATION

The Watershed Review Board shall refuse to hear an appeal or an application for a variance previously denied if it finds that there have been no substantial changes in conditions or circumstances bearing on the appeal or application.

K. VARIANCE FROM THE RANDLEMAN RIPARIAN BUFFER ORDINANCE

1. REQUIREMENTS FOR VARIANCES

a. Persons who wish to undertake prohibited uses may pursue a variance.

b. The Board of Adjustment may grant minor variances.

c. For major variances, the Board of Adjustment shall prepare preliminary findings and submit them to the Division of Water Quality, 401 Oversight Express Permitting Unit, or its successor for approval by the Environmental Management Commission.

d. The variance request procedure shall be as follows:

i. For any variance request, the Board of Adjustment shall make a finding of fact as to whether there are practical difficulties or unnecessary hardships that prevent compliance with the riparian buffer protection requirements. A finding of practical difficulties or unnecessary hardships shall require that the following conditions are met:

1. If the applicant complies with the provisions of these standards, they can secure no reasonable return from, nor make reasonable use of the property. Merely proving that the variance would permit a greater profit from the property shall not be considered adequate justification for a variance. Moreover, the Board of Adjustment shall consider whether the variance is the minimum possible deviation from the Randleman riparian buffer standards that shall make reasonable use of the property possible;

2. The hardship results from application of these standards to the property rather than from other factors such as deed restrictions or other hardship;

3. The hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography, such that compliance with these provisions would not allow reasonable use of the property;

4. The applicant did not cause the hardship by knowingly or unknowingly violating these standards; and

5. The hardship is rare or unique to the applicant's property.

ii. The variance is in harmony with the general purpose and intent of the State's riparian buffer protection requirements and this Ordinance and preserves its spirit; and

iii. In granting the variance, the public safety and welfare have been assured, water quality has been protected, and substantial justice has been done.

2. MINOR VARIANCES

a. A minor variance request pertains to activities that will impact only Zone Two of the riparian buffer.

b. Minor variance requests shall be reviewed and approved based on the criteria in **Section 8.6.11A, Determination of No Practical Alternatives/Request for Authorization Certificate**; **Section 8.6.11B, Variances**; and **Section 8.6.11C, Mitigation**; by the Board of Adjustment pursuant to Chapter 160D of the North Carolina General Statutes.

c. The Board of Adjustment may attach conditions to the variance approval that support the purpose, spirit and intent of the riparian buffer protection program.

d. Request for appeals to decisions made by the Board of Adjustment shall be made in writing to the Director of the Division of Water Quality c/o the 401 Oversight Express Permitting Unit, or its successor.

e. The Director's decision is subject to review as provided in Chapter 160D of the North Carolina General Statutes.

3. MAJOR VARIANCES

a. A major variance request pertains to activities that will impact any portion of Zone One or any portion of both Zones One and Two of the riparian buffer.

b. If the Board of Adjustment has determined that a major variance request meets the requirements in **Section 8.6.11A, Determination of No Practical Alternatives/Request for Authorization Certificate**, then it shall prepare a preliminary finding and submit it to the NC Environmental Management Commission c/o the Division of Water Quality, 401 Oversight Express Permitting Unit, or its successor, for approval.

c. Within ninety (90) days after receipt by the Board of Adjustment, the Commission shall review preliminary findings on major variance requests and take one of the following actions: approve, approve with conditions and stipulations or deny the request.

d. Appeals from a Commission decision on a major variance request are made on judicial review to Superior Court.

L. APPEALS FROM THE WATERSHED REVIEW BOARD

1. Every decision of the Watershed Review Board shall be subject to review by the superior court by proceedings in the nature of certiorari.

2. Any petition for review by the superior court shall be filed with the clerk of superior court within thirty (30) days after the decision of the board is made.

3.2.17 WATERSHED PERMITS

A. WATERSHED PROTECTION PERMITS IN SALEM LAKE WATERSHED PROTECTION AREA

1. PERMIT REQUIRED

a. Except where a single family residence is constructed on a lot deeded or platted prior December 31, 1994 or on a lot approved in conformance with Salem Lake Watershed Protection regulations, no building or built-upon area shall be erected or expanded, nor shall any building or zoning permit be issued, until a watershed protection permit has been issued by the Stormwater Director or a designee.

b. No watershed protection permit shall be issued except in conformity with these provisions.

2. APPLICATION FOR PERMIT

Watershed protection permit applications shall be filed with the Stormwater Director or a designee. The applications shall include a completed application form, supporting documentation deemed necessary by the Stormwater Director or a designee, and an application fee for a watershed protection permit as established by the Elected Body.

3. CONSULTATION ON PERMIT ISSUANCE

Prior to issuance of a watershed protection permit, the Stormwater Director or a designee may consult with qualified personnel for assistance to determine if the application meets the requirements of **Section 8.2, Salem Lake Watershed Protection**.

4. PERMIT EXPIRATION

A watershed protection permit shall expire if a building permit or watershed occupancy permit for such use is not obtained by the applicant within twelve (12) months from the date of issuance.

5. BUILDING PERMIT REQUIRED

Except for a single family residence constructed on a lot deeded or platted prior to December 31, 1994 or on a lot approved in conformance with this Ordinance, no permit required under the North Carolina State Building Code shall be issued for any activity for which a watershed protection permit is required until that permit has been issued.

B. WATERSHED PROTECTION OCCUPANCY PERMIT IN SALEM LAKE WATERSHED PROTECTION AREA

1. PERMIT REQUIRED

Except for a single family residence constructed on a lot deeded or platted prior to December 31, 1994 or on a lot approved in conformance with these standards, no building or structure which has been erected, or part thereof which constitutes an expansion, may be occupied until the Stormwater Director or a designee has approved and issued a watershed protection occupancy permit.

2. PERMIT ISSUANCE

The Stormwater Director or a designee shall issue a watershed protection occupancy permit certifying that all requirements of **Section 8.2, Salem Lake Watershed Protection**, have been met prior to the occupancy or use of a building hereafter erected or expanded.

3. CHANGE OF USE

When a change in use of land or existing building occurs, the Stormwater Director or a designee shall issue a watershed protection occupancy permit certifying that all requirements of **Section 8.2, Salem Lake Watershed Protection**, have been met coincident with the watershed protection permit.

4. DENIAL OF PERMIT

If the watershed protection occupancy permit is denied, the Stormwater Director or a designee shall notify the applicant in writing stating the reasons for denial.

C. WATERSHED PROTECTION PERMITS OUTSIDE SALEM LAKE WATERSHED PROTECTION AREA

1. <u>WATERSHED PROTECTION PERMITS</u>

a. <u>PERMIT REQUIRED</u>

i. Except where a single family residence is constructed on a lot deeded or platted prior to January 1, 1994 or on a lot approved in conformance with this Ordinance, no building or built-upon area shall be erected or expanded, nor shall any building or zoning permit be issued, until a watershed protection permit has been issued by the Stormwater Director or a designee.

ii. No watershed protection permit shall be issued except in conformity with these provisions.

b. APPLICATION FOR PERMIT

i. Watershed protection permit applications shall be filed with the Stormwater Director or a designee.

ii. The application shall include a completed application form, supporting documentation deemed necessary by the Stormwater Director or a designee, and the application fee as established by the Elected Body.

c. CONSULTATION ON PERMIT ISSUANCE

Prior to issuance of a watershed protection permit, the Stormwater Director or a designee may consult with qualified personnel for assistance to determine if the application meets the requirements of these standards.

d. PERMIT EXPIRATION

A watershed protection permit shall expire if a building permit or watershed occupancy permit for such use is not obtained by the applicant within twelve (12) months from the date of issuance.

2. BUILDING PERMIT REQUIRED

Except for a single family residence constructed on a lot deeded or platted prior to January 1, 1994 or on a lot approved in conformance with this Ordinance, no permit required under the North Carolina State Building Code shall be issued for any activity for which a watershed protection permit is required until the latter permit has been issued.

3. WATERSHED PROTECTION OCCUPANCY PERMIT OUTSIDE SALEM LAKE WATERSHED PROTECTION AREA

a. PERMIT REQUIRED

Except for a single family residence constructed on a lot deeded or platted prior to January 1, 1994 or on a lot approved in conformance with this Ordinance, no building or structure which has been erected, or part therefor which constitutes an expansion, may be occupied until the Stormwater Director or a designee has approved and issued a watershed protection occupancy permit.

b. PERMIT ISSUANCE

The Stormwater Director or a designee shall issue a watershed protection occupancy permit certifying that all requirements of this Ordinance have been met prior to the occupancy or use of a building hereafter erected or expanded.

c. CHANGE OF USE

When a change in use of land or existing building occurs, the Stormwater Director or a designee shall issue a watershed protection occupancy permit certifying that all requirements of this Ordinance have been met coincident with the watershed protection permit.

d. DENIAL OF PERMIT

If the watershed protection occupancy permit is denied, the Stormwater Director or a designee shall notify the applicant in writing stating the reasons for denial.

3.2.18 ZONING PERMIT

A. WHEN REQUIRED

A zoning permit shall be obtained from the Director of Inspections prior to the following:

1. BUILDING OR STRUCTURE

The construction, reconstruction, erection, enlargement, relocation, or structural alteration of any building or structure or part thereof, including any principal use permitted in **Table 5.1.1, Principal Use Table**, **Section 5.3, Accessory Uses and Structures**, **Section 6.5, Signage**, or any other use or improvement which requires a permit.

2. CHANGE OF USE

Any change of use of any building or land.

3. CHANGES IN CLASSIFICATION OF USES FROM PREVIOUS ZONING ORDINANCES

Except when the provisions for nonconforming situations in **Chapter 9, Nonconformities**, apply, whenever a use that was classified under a previous zoning ordinance is increased in intensity or expanded, the Director of Inspections shall classify the entire zoning lot to the most similar current use in **Table 5.1.1, Principal Use Table**.

B. EXEMPTION

No zoning permit shall be required for the erection or alteration of a barn or other outbuilding on a bona fide farm. (F)

C. APPLICATION

1. An application for a zoning permit shall be made to the Director of Planning and Development Services, or designee, in the appropriate electronic plan review system by the owner or his authorized agent and shall include a statement as to the intended use of the building or land.

2. Any such application shall be accompanied by a plan so dimensioned or annotated as to show the proposed buildings and existing building, if any, in exact relation to lot lines.

3. The water supply and sewage disposal methods of the proposed development shall have prior approval in compliance with **Section 7.5, Water Supply and Sewage Disposal**.

D. BUILDING PERMIT SERVES AS ZONING PERMIT

A building permit issued in accordance with the State Building Code shall serve also as a zoning permit, and in such cases the cost of the building permit shall be the only fee charged. A minimum fee as specified in **Section 3.1.1A, Fees,** shall be charged for any zoning permit issued that does not require a building permit.

E. POSTING

1. Any person performing the work covered by a zoning permit shall post said permit on the premises before the work begins and shall keep such permit posted on the premises until the certificate of occupancy for the premises is issued.

2. Any time limitation relating to appeals from the issuance of a building permit shall run from the date the building permit is posted on the premises.

3. The party to whom the building permit is issued shall be furnished a copy of the permit on which such person may certify as to the date of the posting of the permit, and return such certificate to the Director of Inspections.

4. The date certified to the Director of Inspections as the date of posting shall be the date from which any time limitations regarding appeals shall run. If the recipient of the permit does not return the certificate of posting to the Director of Inspections, there shall be a rebuttable presumption that the permit was not posted as required by this section.

F. ACTION WITHIN ONE YEAR

No zoning permit shall be valid unless acted upon within one year of issuance or renewed after written application.

G. REVOCABILITY

Any permit or document issued by the Director of Inspections shall be revocable should any of the conditions under which it is issued not be complied with.

3.2.19 ZONING MAP AMENDMENT

A. GENERAL USE DISTRICTS

1. GENERAL PROCEDURES

Proposals to amend, supplement, change, modify, or repeal the district boundaries established by this Ordinance, or hereafter established, may be initiated by the Elected Body, by the Planning Board, or by petition of any interested person.

a. PETITION SUBMITTED

A petition by an interested person to amend or change the district boundaries shall be submitted to the Elected Body through and reviewed by the Planning Board which shall consider its merit and make a recommendation to the Elected Body.

b. PUBLIC HEARING

In no case shall final action by the Elected Body be taken changing the district boundaries hereby established until a public hearing has been held by the Elected Body at which parties in interest and citizens shall have an opportunity to be heard.

c. NOTICE

A notice of each public hearing shall be given once a week for two (2) successive calendar weeks in a newspaper of general circulation in the adopting jurisdiction, the first publication of said notice being not less than ten (10) days prior to the date fixed for the hearing.

2. NO REFERRAL TO USE

If the petitioner elects to petition for rezoning to any general use district, the petitioner may not refer, either in the petition or at any hearing related to the petition, to the use intended for the property if rezoning is granted.

3. SUBMITTAL TO PLANNING BOARD

a. PETITION SUBMITTED

i. The petition of any interested person to amend the district boundaries established by this Ordinance shall be submitted to the Elected Body through the office of the Planning Board.

ii. Petitions shall be considered by the Planning Board at its next regular monthly meeting, provided the petitions have been filed by the date shown on the Planning Board calendar of significant dates for the next regular meeting and include a completed application form, other required information, and fees in accordance with **Section 3.1.1A, Fees;** otherwise consideration may be deferred until the following monthly meeting.

b. AMENDING THE TEXT OF THIS ORDINANCE

Unless waived by the Planning Board in advance, no petition to amend the zoning map established by this Ordinance which would be affected by adoption of the former, shall be considered at the same meeting of the Planning Board or Elected Body. Application for a waiver of this requirement shall be accompanied by:

i. Recommendation of planning staff;

ii. Completed petitions to amend the zoning map established by this Ordinance; and

iii. The fees required by this Ordinance.

4. APPLICATION AND FEE

a. Each petition shall be accompanied by a completed application form in the appropriate electronic plan review system and a fee as specified by the Planning Board.

b. Proposals to change the zoning of property to more than one new zoning district may be processed as a single application, including the application and fee requirements of this section, if all proposed zoning districts are contiguous and together constitute a unified development proposal.

5. NOTICE TO NON-PETITIONING OWNERS FOR A PLANNING BOARD HEARING

If a petition to amend the zoning is not signed by all of the owners of all land for which rezoning is requested, the following notification procedures shall be followed:

a. CERTIFICATION

i. Except for a city or county-initiated zoning map amendment, when an application is filed to request a zoning map amendment and that application is not made by the owner of the parcel of land to which the amendment would apply, the applicant shall certify to the Planning Board that the owner of the parcel of land as shown on the county tax listing has received actual notice of the proposed amendment and a copy of the notice of public hearing.

ii. The person or persons required to provide notice shall certify to the Planning Board that proper notice has been provided in fact, and such certificate shall be deemed conclusive in the absence of fraud.

b. UNDELIVERED NOTICES

If for any reason neither such letter notice is delivered, the petitioner shall then file with the Planning Board a signed certificate setting forth that written notification has been sent to all non-petitioning owners who have not accepted notice by signed statement, and shall attach thereto either the return receipts showing that the letters have been delivered or the letters themselves and the mailing envelopes thereof.

c. LIST OF OWNERS NOT NOTIFIED

i. In the event all letters are not delivered, the petitioner shall attach to the certificate a list containing the names and street or mailing addresses and tax lot and block numbers of the property within the boundaries covered by the petition of all non-petitioning owners to whose addresses written notice was not delivered.

ii. This list of names and addresses shall be included in the notice of public hearing which shall be published in a newspaper as provided for in this Ordinance.

d. ADVERTISEMENT

i. Such publication of the public hearing, together with the names, addresses and tax lot and block numbers of non-petitioning owners shall be made within one hundred eighty (180) days of the posting of the first letter to the non-petitioning owner at such person's last known address.

ii. Otherwise, said notification procedure shall start anew.

iii. The Planning Board shall not advertise the public hearing until receipt of the petitioner's certificate as provided above.

6. NOTIFICATION TO PROPERTY OWNERS AND ADJACENT PROPERTY OWNERS FOR AN ELECTED BODY PUBLIC HEARING

Notification to property owners and adjacent property owners shall be handled as follows:

a. REGULAR APPLICATIONS

i. Letters shall be sent via first class mail to all subject property owners and all property owners within five hundred (500) feet of any portion of the property for which the zoning map amendment is requested, in accordance with State law, except as exempted under subsection (2) of this section.

ii. Except for a city or county-initiated zoning map amendment, when an application is filed to request a zoning map amendment and that application is not made by the owner of the parcel of land to which the amendment would apply, the applicant shall certify to the elected board that the owner of the parcel of land as shown on the county tax listing has received actual notice of the proposed amendment and a copy of the notice of public hearing.

iii. The person or persons required to provide notice shall certify to the elected board that proper notice has been provided in fact, and such certificate shall be deemed conclusive in the absence of fraud.

b. APPLICATIONS FOR MORE THAN 50 PARCELS

i. The first class mail notice required under subsection (1) above shall not be required if the zoning map amendment directly affects more than fifty (50) properties, owned by a total of at least fifty (50) different property owners, and the governing unit uses the expanded published notice provided for in this subsection.

ii. In this instance, a municipality or county may choose to either make the mailed notice provided for in subsection (1) of this section or may, as an alternative, elect to publish notice of the hearing as required in Section 160D-601 of the North Carolina General Statutes, but provided that each advertisement shall not be less than one-half of a newspaper page in size.

iii. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper which publishes the notice.

iv. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified according to the provisions of subsection (1) of the section.

v. Actual notice of the proposed amendment and a copy of the notice of public hearing required under subsection (1) of this section shall be by any manner permitted under Section 1A-1, Rule 4(j) of the North Carolina General Statutes. If notice cannot with due diligence be achieved by personal delivery, registered or certified mail, or by a designated delivery service authorized pursuant to 26 U.S.C. § 7502(f)(2), notice may be given by publication consistent with under Section 1A-1, Rule 4(j) of the North Carolina General Statutes.

vi. This subsection applies only to an application to request a zoning map amendment where the application is not made by the owner of the parcel of land to which the amendment would apply.

vii. This subsection does not apply to a city or county-initiated zoning map amendment.

c. POSTED NOTICE

i. In all cases of petitions to amend a zoning classification, the property shall be posted with a notice of public hearing by the Elected Body at least fifteen (15) days prior to the date of said public hearing.

ii. Said notice shall consist of a sign(s) posted on the property at a conspicuous location(s) or on an adjacent public street or highway right-of-way, which sign shall be legible from the nearest public road.

iii. Location(s) which are not conspicuous or require additional notification to the public will be required to have a directional sign(s) posted.

iv. The signs are and shall remain the property of the governmental agency which provided them, and shall be prepared, posted, and reclaimed by it.

v. When multiple parcels are included within a proposed amendment, a posting on each individual parcel is not required, but there shall be sufficient signs posted to provide reasonable notice to interested persons.

7. NEIGHBORHOOD MEETING/OUTREACH

A neighborhood meeting/neighborhood outreach shall be required for all rezoning requests when any portion of the subject property is located within five hundred (500) feet of residential zoning. All measurements shall be made by drawing a straight line from the nearest point of the lot line for the subject property to the residential zoning line.

a. MEETING/OUTREACH

The applicant shall conduct a neighborhood meeting or another appropriate form of neighborhood outreach. Examples of acceptable forms of neighborhood outreach include, but are not limited to, mailing informational letters, going door-to-door, or distributing flyers.

b. WRITTEN SUMMARY

i. The applicant shall provide a written summary (email is an acceptable form) to Planning staff that provides a detailed explanation of the neighborhood meeting/neighborhood outreach.

ii. The written summary shall describe the scope of outreach along with the issues discussed and any outcomes agreed upon as a result of the outreach. Then written summary shall be provided to Planning staff at least eight (8) days prior to the date of the Planning Board meeting for which the subject rezoning is scheduled.

c. AUTOMATIC CONTINUANCE

If the applicant fails to provide the required written summary to Planning staff at least eight (8) days prior to the date of the Planning Board meeting for which the subject rezoning is scheduled, the subject request shall be automatically continued to the next scheduled Planning Board public hearing meeting.

8. ADVERTISING AND POSTING FOR A PLANNING BOARD PUBLIC HEARING

a. In all cases of petitions to amend a zoning classification, the property shall be posted with a notice of public hearing by the Planning Board at least fifteen (15) days prior to the date of said public hearing.

b. Said notice shall consist of a sign(s) posted on the property at a conspicuous location(s) or on an adjacent public street or highway right-of-way, which sign shall be legible from the nearest public road.

c. Location(s) which are not conspicuous or require additional notification to the public will be required to have a directional sign(s) posted.

d. Each sign(s) or each directional sign(s) will have an additional charge to be determined by the Planning Board to the petitioner.

e. The signs are and shall remain the property of the governmental agency which provided them, and shall be prepared, posted, and reclaimed by it.

f. When multiple parcels are included within a proposed amendment, a posting on each individual parcel is not required, but there shall be sufficient signs posted to provide reasonable notice to interested persons.

9. WITHDRAWAL

a. A zoning petition may not be withdrawn by the applicant after publication, or scheduled publication which cannot be canceled, of notice of public hearing except by permission of the appointed body before which the petition is pending for action or consideration.

b. Once the appointed body has acted to forward a recommendation on the zoning petition to the appropriate elected body, the petition may not be withdrawn by the applicant except with permission of the Elected Body.

c. A public hearing is not required to consider a request to withdraw.

d. The filing fees are not refundable, except that the Planning Director may authorize refund of the fees if no notice expenses related to the petition have been incurred.

10. PROPERTY DESCRIPTION

a. A description of the property for which rezoning is requested shall be included with the petition. Such description shall be by reference to the latest available parcel identifier as maintained by the Forsyth County Tax Assessor's GIS database, and shall include reference to a recorded plat if available.

b. If a portion of a lot(s) is included in the petition, the property description shall be:

i. A written metes or bounds description from a field survey or computed description; or

ii. A sealed survey clearly depicting the property included in the rezoning request. The description or survey shall be consistent with submittal requirements.

c. A copy of the most current deed of the property to be rezoned shall also be submitted.

11. ILLEGAL SPOT ZONE

a. If a petition appears to be a request for an illegal spot zone, the Planning staff shall consult the attorney for the adopting jurisdiction.

b. If the Attorney submits an opinion that the petition is a request for a spot zone, the petitioner shall be so informed and offered the option to withdraw the petition and recover the filing fee, less any advertising cost.

12. PLANNING BOARD REVIEW

a. The Planning Board shall submit a report and recommendations to the Elected Body in writing within one hundred twenty (120) days after receipt by the Planning Board of a complete petition, including compliance with **Section 3.2.19A.5, Notice to Non-petitioning Owners for a Planning Board Hearing,** above, unless such period is extended by the Elected Body.

b. Failure to submit a report and recommendation shall not be deemed to constitute either approval or disapproval of the petition by the Planning Board.

c. In the report, the Planning Board shall advise and comment on whether the proposed amendment is consistent with Forward 2045 and any other officially adopted plan that is applicable.

d. The Planning Board shall provide a written recommendation to the Elected Body that addresses plan consistency and, whether the proposed amendment is reasonable and in the public interest.

e. A statement by the Planning Board that a proposed amendment is inconsistent with Forward 2045 shall not preclude consideration or approval of the amendment by the Elected Body.

f. The Planning Board shall, at the same time, mail or deliver to the petitioner, and also to the opponent(s), if any, a copy of the same report and recommendations sent to the Elected Body.

g. In case there is more than one petitioner for or opponent to the proposed change, it shall be sufficient to mail or deliver a copy of the report and notice of any subsequent hearing before the Elected Body to the one petitioner designated by the petitioners to receive same and to any such opponent who requests receipt of such report in writing at the public hearing.

h. Furthermore, in any case where any of the parties are represented by an attorney named in the petition, the mailing or delivery of a copy of the report and notice of any hearing to the attorney shall be the equivalent of mailing or delivering the same to the party or parties represented by the attorney.

13. ELECTED BODY PUBLIC HEARING

a. A public hearing shall be held by the Elected Body on each proposed amendment to the Official Zoning Map, after publication of notice, as herein above provided.

b. Said proposed amendment shall be placed on the agenda of a regularly scheduled public hearing of the Elected Body within sixty (60) days of receipt of the report and recommendations of the Planning Board.

c. Pursuant to the provisions of NCGS 160D-109, a member of the Elected Body shall not vote on any zoning map amendment or development regulation where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. Further, a member of the Elected Body shall not vote on any zoning map amendment or development regulation if the landowner of the property subject to the approval has a close familial, business or other associational relationship with the member.

14. <u>NON-PETITIONING OWNER (F)</u>

a. <u>In any case of a petition to amend the zoning maps, and the petitioner or petitioners do not own all of the land for which the amendment is requested, the amendment shall not be considered as being approved unless it is approved by a unanimous vote of the Elected Body.</u>

b. <u>If the petition comes before the Elected Body at a meeting at which all members are not present, the petition shall be automatically continued to the next meeting of the Elected Body at which all members are in attendance.</u>

c. <u>It is the purpose of the paragraph to prevent the rezoning of a piece of property by a petitioner who is not the owner of that property without the unanimous approval of the Elected Body.</u>

15. RESERVED

16. CONSIDERATION

a. In deliberating each petition for amendment of the Official Zoning Maps, the Elected Body may consider such information and assertions as are presented in the petition as well as evidence presented and arguments made at the public hearing. Additional considerations by the Elected Body may include, but shall not be limited to the following:

i. Whether the proposal is consistent with the purpose statements of the requested zoning districts;

ii. Whether the uses permitted under the proposed classification would be compatible with uses permitted on other property in the vicinity;

iii. Whether changing conditions have substantially affected the area included in the petition; and

iv. Whether the proposed amendment is in conformance with Forward 2045.

b. Prior to adopting or rejecting any zoning amendment, the Elected Body shall adopt a statement describing whether its action is consistent with Forward 2045 and explaining why the Elected Body considers the action taken to be reasonable and in the public interest.

17. WRITTEN COMMENTS

Any citizen may submit written comments on the proposed action. If the written comments are submitted to the clerk to the board at least two (2) business days prior to the proposed vote on such change/action, the clerk to the board shall deliver such written statement to the governing board prior to or at the hearing.

B. SPECIAL USE DISTRICTS—NO SITE PLAN (F)

1. REQUIREMENTS AND APPLICATION

a. All requirements of general use zoning shall be met.

b. Only the property owners of the property to be included in the district shall apply for rezoning to an appropriate special use district-no site plan.

c. The owners shall specify the uses of the property and shall propose conditions to ensure compatibility between the development and the surrounding neighborhood.

d. The application may include supporting information and text that specifies the actual use(s) intended for the property and any rules, regulations, and conditions that, in addition to all predetermined Ordinance requirements, will govern the development and use of the property.

e. All conditions must be clearly and simply expressed in written form. Rezoning requests with conditions that cannot be expressed in written form will require special use district zoning.

2. RESERVED

3. COMPLIANCE WITH GENERAL USE PROVISIONS

Any petition to amend district boundaries to create a special use district-no site plan shall comply with procedures for general use district amendments set out in this section.

4. USES WITHIN DISTRICT

a. Within a special use district-no site plan, only those uses authorized by **Section 5.1, Permitted Uses,** as allowed in the general use zoning district to which the special use district-no site plan corresponds shall be permitted.

b. All uses indicated in **Table 5.1.1, Principal Use Table,** as requiring Planning Board Review, an Elected Body special use permit, or a Board of Adjustment special use permit shall meet the corresponding requirements of **Section 3.2.13, Special Use Permit**.

c. No uses shall be permitted except those uses authorized by the special use district-no site plan zoning approval.

5. CONDITIONS

In a special use district-no site plan, conditions may include but are not limited to the location on the property of the proposed uses; the number of dwelling units; the location and extent of supporting facilities such as parking lots, driveways, access streets, sidewalks and greenways; the location and extent of buffer areas and other special purpose areas such as outdoor storage and mechanical areas; the timing of development; the location and extent of rights-of-way and other areas to be dedicated for public purposes; and other such matters, such as lighting or signage, as the applicant may propose as conditions upon the rezoning request. All conditions must be clearly expressed in a non-graphical, written format.

6. PLANNING BOARD ACTION

The Planning Board may take one of the following actions on a special use district-no site plan zoning petition:

a. RECOMMEND APPROVAL

Recommend approval of the petition as submitted.

b. RECOMMEND APPROVAL WITH ADDITIONAL CONDITIONS

i. As appropriate, as referenced in **Section 10.1.2B.1.a, Approval and Conditions**, these conditions must be clearly enforceable without the aid of a site plan or other graphic. The Planning Board may consider the following additional conditions:

ii. Preservation of unique natural or constructed features, including retention of existing vegetation;

iii. Consolidation of signage for shopping centers or multiple use projects;

iv. Reduction in overall density for residential projects; and

v. Reduction or limitation in the uses requested.

c. RECOMMEND DENIAL

Recommend denial of the petition, with reasons stated.

7. DECISION REGARDING PETITION

If the Elected Body finds that a petition for special use district-no site plan zoning should be granted, the Elected Body shall rezone the property and issue a special use district-no site plan zoning permit. If the Elected Body finds that the proposed special use district-no site plan should not be created, the Elected Body shall deny the petition.

8. CONDITIONS OF APPROVAL

a. In rezoning for a special use district-no site plan, the Elected Body may impose additional conditions as appropriate, as referenced in **Section 3.2.19B.5, Conditions**.

b. If all requirements and conditions are accepted by the petitioner, the Elected Body shall rezone the property and issue a special use district-no site plan zoning permit, attaching thereto and incorporating therein the conditions mentioned above. In approving a special use district-no site plan, the Elected Body, upon request of the applicant, may impose only more restrictive requirements upon such district as it may deem necessary in order that the purposes and intent of this Ordinance be served.

c. No condition on a special use district-no site plan zoning application shall have the effect of removing or amending any requirement of this Ordinance.

d. With approval of the petitioner, the conditions may include that upon the occurrence or nonoccurrence of a specified event or events, including a stated time period or time lapse, the property automatically reverts to its immediately preceding zoning classification without further notice, proceedings, hearings, or City Council action.

9. PERMIT ISSUANCE

No permit or other governmental entitlement for the use, development, or division of land proposed to be zoned to a special use district-no site plan shall be issued until the special use district-no site plan zoning permit has been approved by the Elected Body.

10. EFFECT OF SPECIAL USE DISTRICT-NO SITE PLAN ZONING PERMIT

Once a special use district-no site plan zoning permit has been issued by the Elected Body, it shall be binding upon the property included in such permit, unless subsequently changed or amended by the Elected Body as provided for in this Ordinance. All conditions approved by the Elected Body shall be attached to and incorporated in the special use district-no site plan zoning permit and shall become a part thereof.

11. AMENDMENT OF SPECIAL USE DISTRICT-NO SITE PLAN ZONING PERMIT

The Elected Body may change or amend any special use district-no site plan zoning permit, only after public notice and hearing, upon recommendation of the Planning Board, and subject to the same procedures provided in this Ordinance for granting special use district-no site plan zoning.

12. ENFORCEMENT OF CONDITIONS OF SPECIAL USE DISTRICT-NO SITE PLAN ZONING PERMIT

Any violation of a condition of a special use district-no site plan zoning permit shall be a violation and subject to the enforcement provisions of **Section 10.2, Enforcement**.

C. *SPECIAL USE LIMITED DISTRICTS (W)*

1. *REQUIREMENTS AND APPLICATION*

a. *All requirements of general use zoning shall be met.*

b. *Only the property owners of the property to be included in the district shall apply for rezoning to an appropriate special use limited district.*

c. *The owners shall specify the uses of the property and shall propose conditions to ensure compatibility between the development and the surrounding neighborhood.*

d. *The application may include supporting information and text that specifies the actual use(s) intended for the property and any rules, regulations, and conditions that, in addition to all predetermined Ordinance requirements, will govern the development and use of the property.*

e. *All conditions must be clearly and simply expressed in written form. Rezoning requests with conditions that cannot be expressed in written form will require special use district zoning.*

2. *RESERVED*

3. *COMPLIANCE WITH GENERAL USE PROVISIONS*

Any petition to amend district boundaries to create a special use limited district shall comply with procedures for general use district amendments set out in this article.

4. *USES WITHIN DISTRICT*

a. *Within a special use limited district, only those uses authorized by* ***Section 5.1, Permitted Uses,*** *as allowed in the general use zoning district to which the special use limited district corresponds shall be permitted.*

b. *All uses indicated in* ***Table 5.1.1, Principal Use Table,*** *as requiring Planning Board Review, an Elected Body special use permit, or a Board of Adjustment special use permit shall meet the corresponding requirements of* ***Section 3.2.13, Special Use Permit****.*

c. *No uses shall be permitted except those uses authorized by the special use limited district zoning approval.*

5. *CONDITIONS*

a. *In a special use limited zoning district, conditions may include but are not limited to the location on the property of the proposed uses; the number of dwelling units; the location and extent of supporting facilities such as parking lots, driveways, access streets, sidewalks and greenways; the location and extent of buffer areas and other special purpose areas such as outdoor storage and mechanical areas; the timing of development; the location and extent of rights-of-way and other areas to be dedicated for public purposes; and other such matters, such as lighting or signage, as the applicant may propose as conditions upon the rezoning request.*

b. *All conditions must be clearly expressed in a non-graphical, written format.*

6. *PLANNING BOARD ACTION*

The Planning Board may take one of the following actions on a special use limited district zoning petition:

a. ***RECOMMEND APPROVAL***

Recommend approval of the petition as submitted.

b. ***RECOMMEND APPROVAL WITH ADDITIONAL CONDITIONS AS APPROPRIATE***

As referenced in ***Section 10.1.2B.1.a, Approval and Conditions,*** *these conditions must be clearly enforceable without the aid of a site plan or other graphic. The Planning Board may consider the following additional conditions:*

i. *Preservation of unique natural or constructed features, including retention of existing vegetation;*

ii. *Consolidation of signage for shopping centers or multiple use projects;*

iii. *Reduction in overall density for residential projects; and*

iv. *Reduction or limitation in the uses requested.*

c. ***RECOMMEND DENIAL***

Recommend denial of the petition, with reasons stated.

7. *DECISION REGARDING PETITION*

a. *If the Elected Body finds that a petition for special use limited district zoning should be granted, the Elected Body shall rezone the property and issue a special use limited district zoning permit.*

b. *If the Elected Body finds that the proposed special use limited district should not be created, the Elected Body shall deny the petition.*

8. *CONDITIONS OF APPROVAL*

a. *In rezoning for a special use limited district, the Elected Body may impose additional conditions as appropriate, as referenced in* ***Section 3.2.19B.5, Conditions****.*

b. *If all requirements and conditions are accepted by the petitioner, the Elected Body shall rezone the property and issue a special use limited district zoning permit, attaching thereto and incorporating therein the conditions mentioned above. In approving a special use limited district, the Elected Body, upon request of the applicant, may impose only more restrictive requirements upon such district as it may deem necessary in order that the purposes and intent of this Ordinance be served.*

c. *No condition on a special use limited district zoning application shall have the effect of removing or amending any requirement of this Ordinance.*

d. *With approval of the petitioner, the conditions may include that upon the occurrence or nonoccurrence of a specified event or events, including a stated time period or time lapse, the property automatically reverts to its immediately preceding zoning classification without further notice, proceedings, hearings, or City Council action.*

9. *PERMIT ISSUANCE*

No permit or other governmental entitlement for the use, development, or division of land proposed to be zoned to a Special Use Limited District shall be issued until the special use limited district zoning permit has been approved by the Elected Body.

10. *EFFECT OF SPECIAL USE LIMITED DISTRICT ZONING PERMIT*

a. *Once a special use limited district zoning permit has been issued by the Elected Body, it shall be binding upon the property included in such permit, unless subsequently changed or amended by the Elected Body as provided for in this Ordinance.*

b. *All conditions approved by the Elected Body shall be attached to and incorporated in the special use limited district zoning permit and shall become a part thereof.*

11. *AMENDMENT OF SPECIAL USE LIMITED DISTRICT ZONING PERMIT*

The Elected Body may change or amend any special use limited district zoning permit, only after public notice and hearing, upon recommendation of the Planning Board, and subject to the same procedures provided in this Ordinance for granting special use limited district zoning.

12. *ENFORCEMENT OF CONDITIONS OF SPECIAL USE LIMITED DISTRICT ZONING PERMIT*

Any violation of a condition of a special use limited district zoning permit shall be a violation and subject to the enforcement provisions of ***Section 10.2, Enforcement****.*

D. SPECIAL USE DISTRICTS

1. REQUIREMENTS

a. All requirements of general use zoning shall be met.

b. If the petitioner elects to petition for special use district zoning, the petition must specify the actual use(s) intended, one or more of the permitted uses listed in **Table 5.1.1, Principal Use Table,** for the entire tract or any part or parts thereof, for the property specified in the petition, and the proposed use(s) must be a use(s) permitted in the corresponding general use district.

c. The Elected Body, in considering whether to approve or disapprove each special use district petition, shall do so on the basis of the specific use(s) requested.

2. COMPLIANCE WITH GENERAL USE PROVISIONS

Any petition to amend district boundaries to create a special use district shall comply with procedures for general use district amendments set out in this section.

3. ONE AND TWO-PHASE PETITIONS

The petitioner may elect to submit a special use district zoning petition either as a one-phase petition or as a two-phase petition.

a. SITE PLAN SUBMITTAL

Site plan(s) shall be submitted for the one-phase or the first phase of a two-phase petition pursuant to **Section 3.2.11, Site Plan**.

b. SECOND PHASE ACCEPTANCE

The second phase of a two-phase petition shall not be accepted until the first phase has been approved by the Elected Body.

c. FINAL DEVELOPMENT PLAN

The final development plan required for the second phase of a two-phase rezoning approval shall be submitted pursuant to **Section 3.2.11, Site Plan**.

i. STAFF REVIEW

1. FORSYTH COUNTY

As part of the first-phase approval, the Elected Body may authorize the Planning staff to approve the final development plan without additional site plan conditions for the LI-S and GI-S zoning districts provided that the developer submits as part of the first-phase submittal the following items:

1.01. A traffic impact analysis for the entire property;

1.02. An illustrative master plan which defines representative building sites, development setbacks, vehicular circulation, and other site development elements; and

1.03. A detailed set of written site plan conditions, describing how development guidelines apply to the property.

2. *WINSTON-SALEM*

As part of the first-phase approval, the Elected Body may authorize the Planning staff to approve the final development plan without additional site plan conditions for the LI-S, GI-S and MU-S zoning districts provided that the developer submits as part of the first-phase submittal the following items:

2.01. *A traffic impact analysis for the entire property;*

2.02. *An illustrative master plan which defines representative building sites, development setbacks, vehicular circulation, and other site development elements; and*

2.03. *A detailed set of written site plan conditions, describing how development guidelines apply to the property.*

ii. APPEALS

The petitioner may appeal site plan conditions required by staff as part of the final development plan review to the Planning Board.

4. PLANNING BOARD ACTION

a. ONE-PHASE AND FIRST PHASE OF TWO-PHASE PETITION

The Planning Board may take one of the following actions on the one-phase or the first phase of a two-phase petition:

i. RECOMMEND APPROVAL

Recommend approval of the petition as submitted.

ii. RECOMMEND APPROVAL WITH CONDITIONS

Recommend approval of the petition with additional reasonable conditions as provided in **Section 10.1.2B.1.a, Approval and Conditions.** The Planning Board may also consider the following conditions:

1. Preservation of unique natural or constructed features, including retention of existing vegetation;
2. Consolidation of signage for shopping centers or multiple use projects;
3. Reduction in overall density for residential projects; and
4. Reduction or limitation in the uses requested.

iii. RECOMMEND DENIAL
Recommend denial of the petition, with reasons stated.

b. SECOND PHASE OF TWO-PHASE PETITION
The Planning Board may take one of the following actions on the final development plan submitted for the second phase of a two-phase petition:

i. APPROVE
Approve the petition as submitted.

ii. APPROVE WITH CONDITIONS
Approve the petition with additional reasonable conditions as provided in **Section 3.2.19D.4.a.ii, Recommend Approval with Conditions**, above.

iii. DENY
Deny the final development plan, with reasons stated.

5. CONDITIONS FOR A TWO-PHASE PETITION
In a two-phase petition, documentation shall be provided in the form of a statement on the face of the site plan or attached to the petition as to any condition which, in the opinion of either the applicant or the Planning staff, is not adequately addressed during the first phase review.

6. DECISION REGARDING ONE-PHASE PETITION

a. If the Elected Body finds that a one-phase petition for special use district zoning should be granted, the Elected Body shall rezone the property and issue a special use district permit.

b. If the Elected Body finds that the proposed special use district should not be created, the Elected Body shall deny the petition.

7. DECISION REGARDING TWO-PHASE PETITION

a. If the petition is a two-phase petition, and the Elected Body finds that it would grant the special use district zoning if an acceptable final development plan were submitted, the Elected Body shall approve the petition in concept, subject to the submission of an acceptable final development plan.

b. If the Elected Body finds that the proposed special use district should not be created, the Elected Body shall deny the petition.

8. CONDITIONS OF APPROVAL

a. In rezoning for a special use district, the Elected Body may impose additional reasonable conditions as provided in **Section 3.2.19D.4.a.ii, Recommend Approval with Conditions**.

b. If all requirements and conditions are accepted by the petitioner, the Elected Body shall rezone the property and issue a special use district permit, attaching thereto and incorporating therein the conditions mentioned immediately above.

c. With approval of the petitioner, the conditions may include that upon the occurrence or nonoccurrence of a specified event or events, including a stated time period or time lapse, the property automatically reverts to its immediately preceding zoning classification without further notice, proceedings, hearings, or Board action.

9. PERMIT ISSUANCE
No zoning permit or other governmental entitlement for the use, development, or division of land zoned to a special use district shall be issued prior to the issuance of a special use district permit by the Elected Body.

10. EFFECT OF SPECIAL USE DISTRICT PERMIT

a. Once a special use district permit has been issued by the Elected Body, it shall be binding upon the property included in such permit, unless subsequently changed or amended by the Elected Body as provided for in this Ordinance.

b. All conditions approved by the Elected Body shall be attached to and incorporated in the special use district permit and shall become a part thereof.

11. AMENDMENT

The Elected Body may change or amend any special use district permit, only after public notice and hearing, upon recommendation of the Planning Board, and subject to the same procedures provided in this Ordinance for granting special use district zoning.

12. MINOR CHANGES

a. Each Elected Body may, by resolution, allow the Planning staff to grant minor changes to site plans and special use district permit conditions after the site plans and conditions have been approved by the Elected Body.

b. Such resolution may include authority for staff to make minor changes as consistent with law and the intent of the original site plan or conditions and which were not the subject of controversy during any public hearing or meeting. In no case shall additional uses or additional density be granted through the minor change process.

c. Planning staff shall be authorized to allow minor changes to approved site plans and special use conditions with regard to the following when, in its judgment, such changes are in keeping with the intent of the Board of Commissioners in approving the site plan and/or conditions:

(1) Location(s) of buildings, fences, walls, planting and outside lighting;
(2) Building orientation;
(3) Building internal offsets;
(4) The number of parking spaces, so long as the number of spaces is not less than required by the Ordinance;
(5) Internal driveway and street configuration; and
(6) The number of units per building, so long as the overall density of the project is not increased.

In no case shall the location of external access points, the number or type of recreation facilities, the setbacks of buildings to external property lines, the location of bufferyards, or the number of overall buildings be changed except by amendment to the site plan by the Board of Commissioners. (F)

d. *Planning staff shall be authorized to modify, amend or eliminate site plan elements and special use district permit conditions when, in its judgment, such amendment or elimination is consistent with the basic intent and concept of development exhibited in the site plan or special use permit conditions originally approved by City Council. (W)*

13. ENFORCEMENT OF CONDITIONS OF SPECIAL USE DISTRICT PERMIT

Any violation of a condition of a special use district permit shall be a violation and subject to the enforcement provisions of **Section 10.2, Enforcement**.

E. RECORDS

1. After the adoption of any amendment to the Official Zoning Map, the responsible official of the adopting jurisdiction shall send to the Planning Board and to the office of the Register of Deeds official notification of such adoption.

2. It shall be the duty of the Planning Board and the office of the Register of Deeds to maintain systematic records of such ordinances and to make said records accessible to the public for inspection at reasonable times.

F. NOTICE TO NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

Pursuant to State law, written notice of any industrial rezoning within six hundred sixty (660) feet of the right-of-way of freeways/expressways in the Interstate System shall be provided to the North Carolina Department of Transportation.

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4.1 INTRODUCTORY PROVISIONS

4.1.1 JURISDICTION

All the area within the zoning jurisdiction of the adopting jurisdiction is hereby divided into zoning districts within which the use of land and water areas, the location, height, bulk and use of structures, the provision of parking and loading areas, and other development requirements are regulated as herein provided.

4.1.2 ZONING DISTRICTS DISTINGUISHED

A. DESIGNATED DISTRICTS

1. *General use districts, special use limited districts (indicated on official zoning maps with the District-L designation), special use districts (indicated on official zoning maps with the District-S designation), overlay and special purpose districts, with the symbol designations, general purposes, and other requirements as cited herein, are hereby created. (W)*

2. General use districts, special use districts-no site plan (indicated on official zoning maps with the District-L designation), special use districts (indicated on official zoning maps with the District-S designation), overlay and special purpose districts, with the symbol designations, general purposes, and other requirements as cited herein, are hereby created. (F)

B. SPECIAL USE DISTRICTS

1. The special use districts are established as companion districts to the general use districts, except for the MU-S and MRB-S Districts.

2. References in this Ordinance to a general use district shall be construed to also include the corresponding special use district.

3. Each special use district is intended to accomplish the purposes of the corresponding general use district through the development of identified uses at a specific location in accordance with a site plan acceptable to the Elected Body.

4. All regulations which apply to a general use district also apply to the corresponding special use district.

5. Additional reasonable site plan conditions which may be required by the Elected Body and agreed to by the petitioner as part of the rezoning process also apply.

C. *SPECIAL USE LIMITED DISTRICTS (W)*

1. *The special use limited districts are established as companion districts to the general use districts.*

2. *References in this Ordinance to a general use district shall be construed to also include the corresponding special use limited district.*

3. *Each special use limited district is intended to accomplish the purposes of the corresponding general use district through the development of minimal conditions created to ensure compatibility between the development and the surrounding neighborhood.*

4. *All regulations which apply to a general use district also apply to the corresponding special use limited district. Additional reasonable conditions which may be required by the Elected Body and agreed to by the petitioner as part of the rezoning process also apply.*

5. *All conditions in special use limited zoning districts must be clearly expressed in written form without the aid of any supporting graphics.*

6. *Special use limited zoning is not intended to be a substitute for special use zoning, which requires a detailed site plan and is also accompanied by development conditions.*

D. SPECIAL USE DISTRICTS-NO SITE PLAN (F)

1. The special use districts-no site plan are established as companion districts to the general use districts.

2. References in this Ordinance to a general use district shall be construed to also include the corresponding

special use district-no site plan.

3. Each special use district-no site plan is intended to accomplish the purposes of the corresponding general use district through the development of minimal conditions created to ensure compatibility between the development and the surrounding neighborhood.

4. All regulations which apply to a general use district also apply to the corresponding special use district-no site plan.

5. Additional reasonable conditions which may be required by the Elected Body and agreed to by the petitioner as part of the rezoning process also apply.

6. All conditions in special use districts-no site plan must be clearly expressed in written form without the aid of any supporting graphics.

7. Special use district-no site plan zoning is not intended to be a substitute for special use zoning, which requires a detailed site plan and is also accompanied by development conditions.

4.1.3 PURPOSE STATEMENTS

District purpose statements in this section refer only to general objectives for each zoning district.

4.1.4 DIMENSIONAL REQUIREMENTS

A. APPLICABILITY

In all zoning districts, every use of a building, structure, or piece of land hereafter erected, modified, enlarged, or increased in capacity shall comply with the dimensional requirements as set forth in this chapter.

B. DIMENSIONAL REQUIREMENTS

The dimensional requirements which specify minimum lot area, minimum lot width, minimum setbacks, maximum impervious surface cover, maximum height, and minimum contiguous area, where applicable, are set forth in the applicable zoning district standards in **Section 4.5, General Residential Zoning District Standards**; **Section 4.6, General Commercial Zoning Districts**; **Section 4.7, General Industrial Zoning Districts**; and **Section 4.8, General Institutional and Mixed-Use Zoning Districts, and Section 4.8.5, Additional Dimensional Requirements by Use Type in the Nonresidential Districts**.

C. ADDITIONAL STANDARDS

The general dimensional requirements for each zoning district cited in this section are subject to the following additional provisions.

1. STRUCTURES PERMITTED ABOVE HEIGHT LIMITS

Except as otherwise prohibited by the AO District (**Section 4.9.4, AO Airport Overlay District**), the height limitations for buildings in the zoning districts listed in **Section 4.4, General Zoning Districts Established**, shall not apply to the following structures:

a. Buildings used in support of agricultural operations;

b. Chimneys, unoccupiable steeples, spires, flagpoles, cupolas, roof venting pipes, and freestanding rooftop mechanical equipment (including unenclosed screening);

c. Transmission towers;

d. Water towers, observation towers, silos, and power transmission towers;

e. Mixing plants, and screening or loading towers for sand or rock; and

f. Derricks and conveyors; and

g. Amateur radio antennas (up to a maximum height of 90 feet).

2. STRUCTURES WHICH MAY ENCROACH INTO REQUIRED YARDS

The following structures may encroach into required yards as follows:

a. OPEN PORCHES AND ABOVE GRADE DECKS IN FRONT AND REAR YARDS

An open porch or enclosed above grade deck at or below the main living level of a single family dwelling may project into a required front or rear yard not more than ten (10) feet, provided that such projection does not reduce the remaining open portion of the yard to a depth of less than fifteen (15) feet.

b. ABOVE GRADE DECKS

Unenclosed above grade decks at the main living level of a single family residence may encroach into a required side yard, but may not extend closer than seven (7) feet to the property line and ten (10) feet to the nearest building.

c. BAY WINDOW

i. A bay window may project into any required front, rear or side street yard not more than three (3) feet.

ii. A bay window may project into a required side yard for three (3) and four (4) unit Residential Building: Multifamily; Townhouse; and Urban no more than three (3) feet.

d. ARCHITECTURAL FEATURES

Architectural features, such as sills, belt courses, and cornices, may project into any required yard not more than one foot.

e. ROOF, EAVE, CHIMNEY, OR AWNING

A roof, eave, chimney, or awning may project into any required yard not more than three (3) feet.

f. CANOPY

Canopies, either attached or detached, used in conjunction with retail uses in business, office, or industrial districts, may project into a required front or side street yard, provided that such projection does not reduce the remaining open portion of such yard to a depth of less than ten (10) feet.

g. OPEN STAIRS

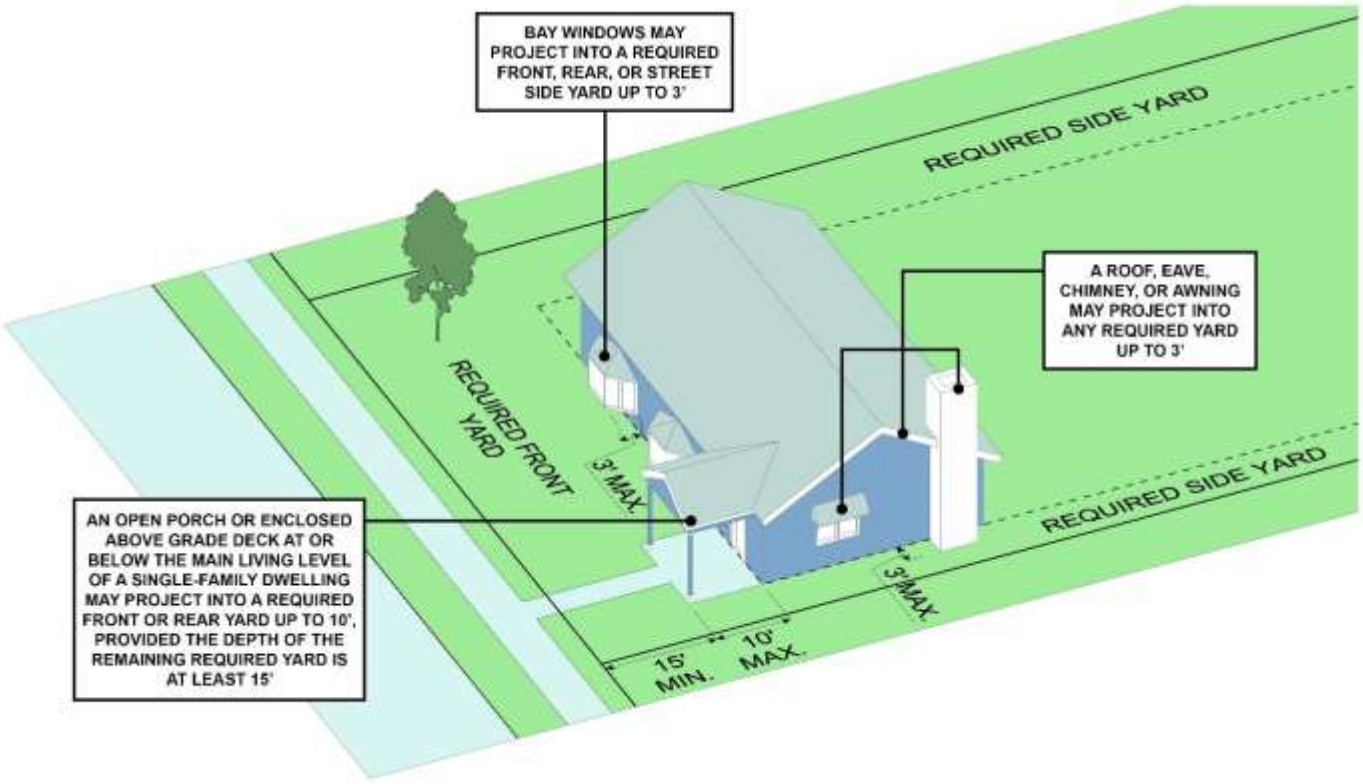
Open stairs to a second story of a residence may project into any required side or rear yard but shall not encroach into the required front yard.

h. SATELLITE DISHES

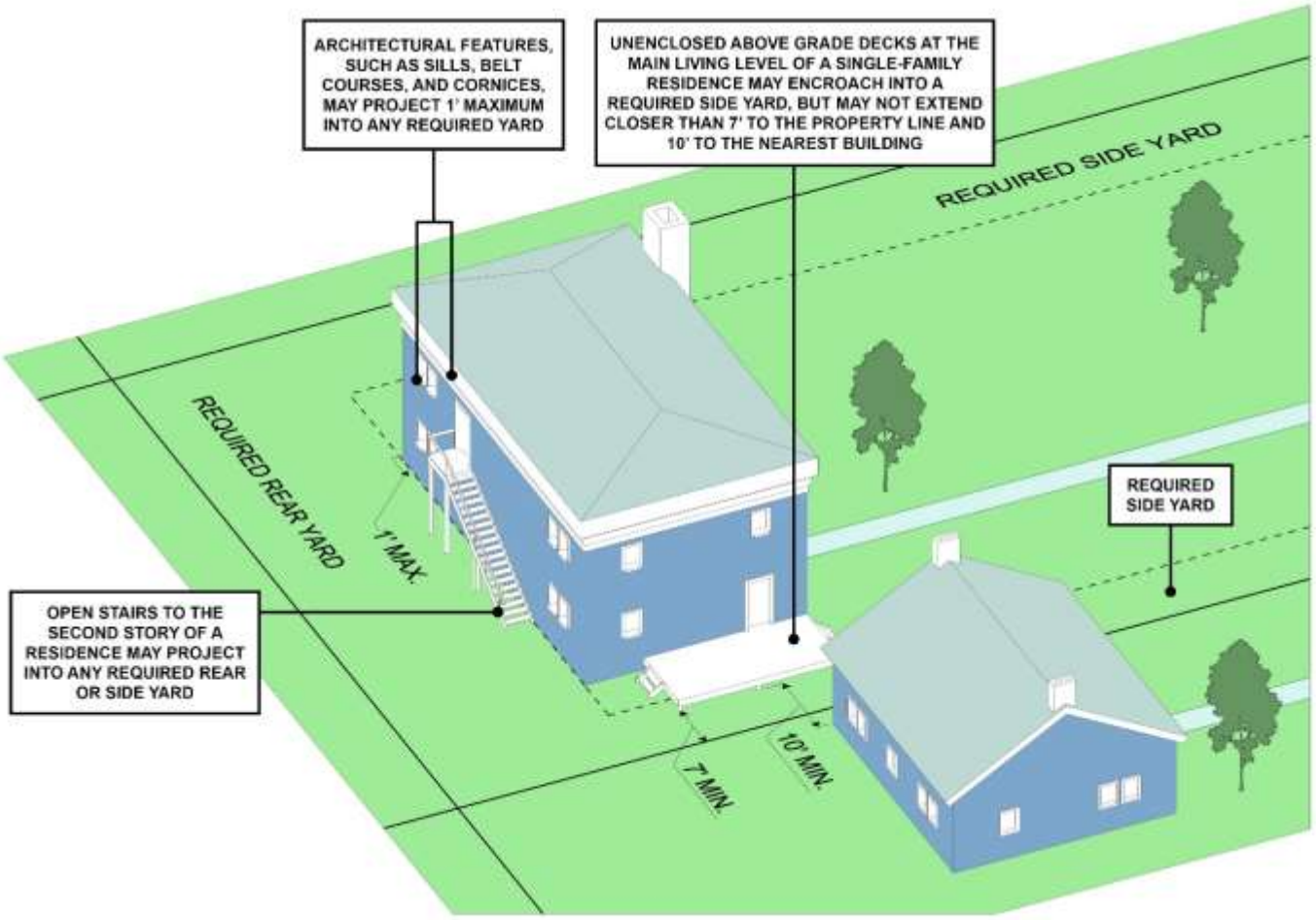
Satellite dishes greater than one meter in diameter for residential use and two (2) meters in diameter for commercial/industrial use shall meet the requirements of accessory structures in required yards in **Section 5.3.1G, Accessory Structures Prohibited in Required Yards**).

FIGURE 4.1.4.C.2: STRUCTURES WHICH MAY ENCROACH INTO REQUIRED YARDS

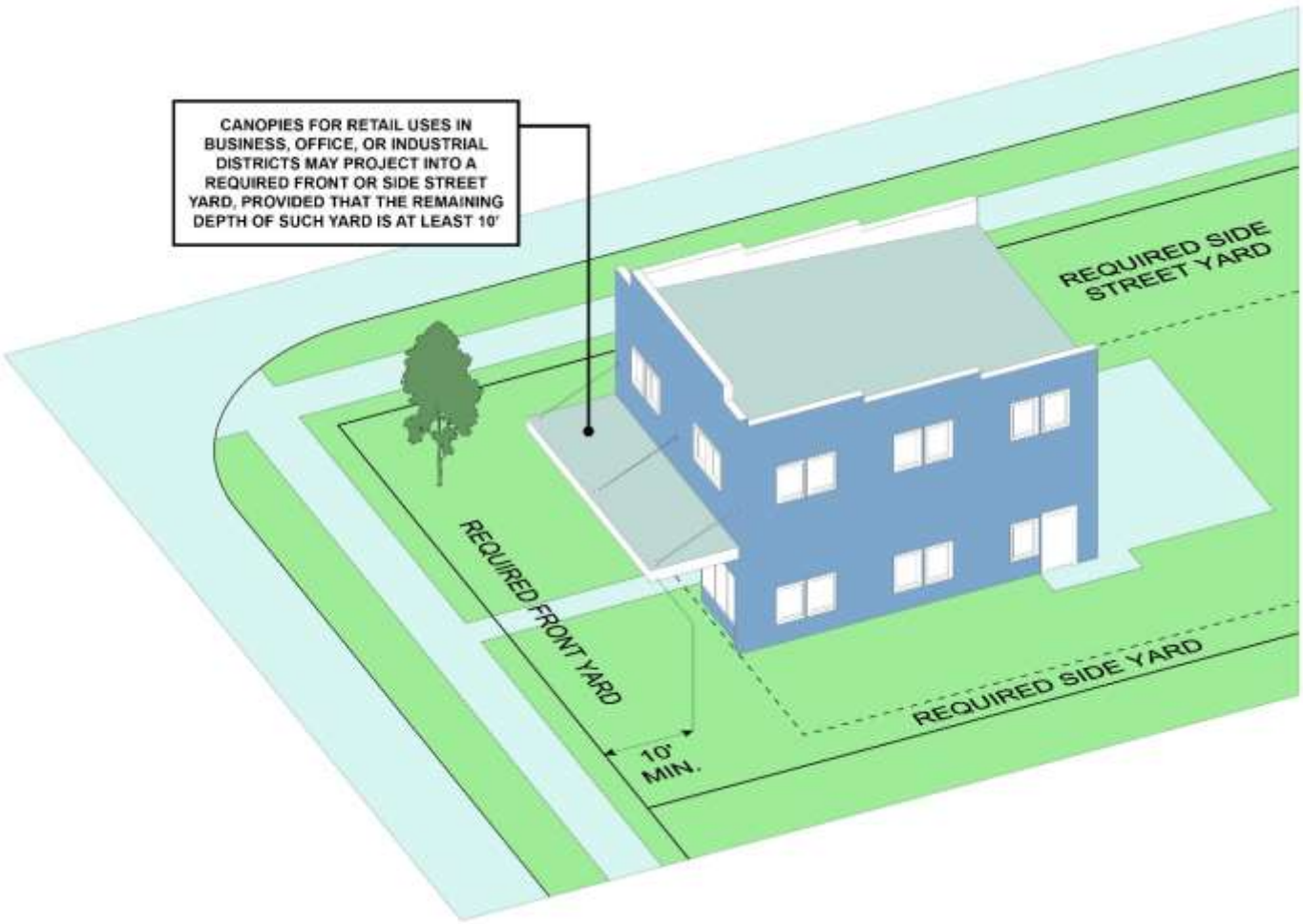
1 OF 3



2 OF 3


ARCHITECTURAL FEATURES, SUCH AS SILLS, BELT COURSES, AND CORNICES, MAY PROJECT 1' MAXIMUM INTO ANY REQUIRED YARD
UNENCLOSED ABOVE GRADE DECKS AT THE MAIN LIVING LEVEL OF A SINGLE-FAMILY RESIDENCE MAY ENCROACH INTO A REQUIRED SIDE YARD, BUT MAY NOT EXTEND CLOSER THAN 7' TO THE PROPERTY LINE AND 10' TO THE NEAREST BUILDING
REQUIRED SIDE YARD
REQUIRED REAR YARD
1' MAX.
REQUIRED SIDE YARD
OPEN STAIRS TO THE SECOND STORY OF A RESIDENCE MAY PROJECT INTO ANY REQUIRED REAR OR SIDE YARD
7' MIN.
10' MIN.

3 OF 3



3. IMPROVEMENTS PERMITTED IN REQUIRED YARDS

The following improvements are permitted in required yards provided there is no interference with any recorded sight easement:

a. LANDSCAPE FEATURES

Landscape features, including, but not limited to: ornamental pools, planting boxes, sculpture, birdbaths, open terraces, at-grade slab patios, driveways, walkways, handicapped ramps, walls, or fences; and

b. OTHER IMPROVEMENTS

i. Other constructed improvements specifically exempted in the definition of structure, including, but not limited to: at-grade bridges, open stairs, recreational equipment, privies, burial vaults, cemetery markers or monuments, gate houses or bus shelters, mailboxes, pump houses or wells, shelter for pets, playhouses, outdoor fireplaces, flagpoles, underground fallout shelters not extending more than four (4) feet above grade, and wharves unless otherwise regulated under **Section 4.1.4C.4, Noise**.

ii. Air conditioning compressors are exempted, subject to the provisions of **Section 4.1.4C.4, Noise.**

4. NOISE

All air handling machinery, dumpsters, compressors, or water coolers for nonresidential uses shall be set back a minimum distance of fifty (50) feet from any property line adjacent to residential uses or residentially zoned land.

5. SETBACKS FOR TALLER STRUCTURES IN GO, CPO, GB, GI AND MU-S DISTRICTS

a. PURPOSE

The purpose of setback standards for taller structures in these districts is to give flexibility to nonresidential development while preventing structures significantly taller than single family dwellings from being constructed in close proximity to such homes; thereby maintaining the privacy and outdoor enjoyment typically provided in single family districts and neighborhoods.

b. SETBACK AND MEASUREMENT

i. The height of any building may be increased above the normal maximum by one foot for each foot of additional setback beyond the minimum setback required if adjacent to property zoned RS, RM (except RM-U), or H.

ii. If adjacent to other zoning districts, there is no height limit. See **Section 4.4, General Zoning Districts Established**.

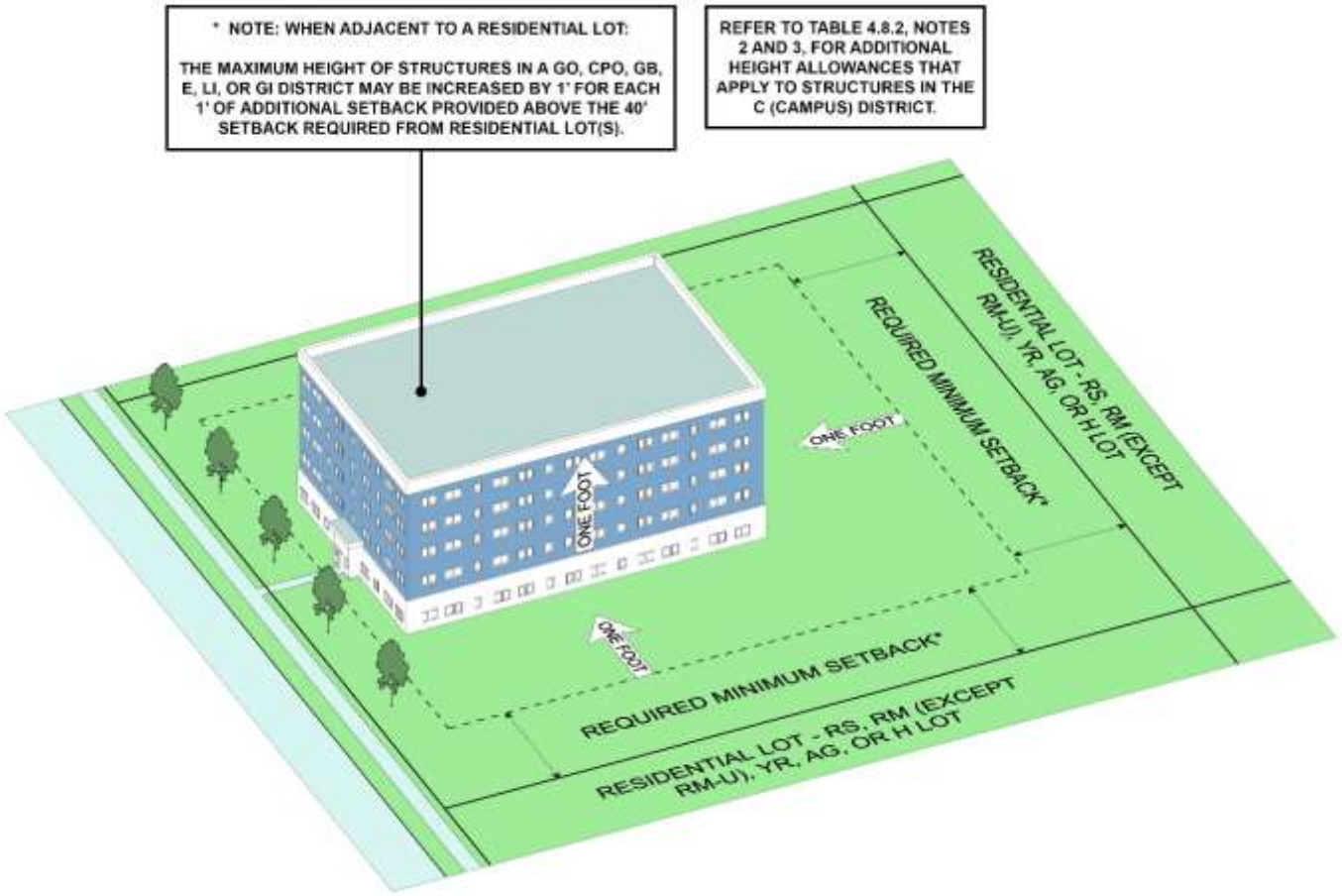
c. EXCEPTIONS

Buildings above the normal height maximums are not allowed in the following situations:

i. Where the proposed development is for single family detached, duplex, or twin home uses; or

ii. Where the proposed development involves redevelopment or change of use of an existing site and does not increase the height or reduce the setback of the existing primary structure closest to the single family use or district.

FIGURE 4.1.4.C.5: ADDITIONAL HEIGHT ALLOWANCES IN THE GO, CPO, GB, E, LI AND GI DISTRICTS



6. SETBACKS FOR TALLER STRUCTURES IN THE C DISTRICT

a. PURPOSE

The purpose of special setbacks for taller structures in the C District is to give flexibility in designing and developing structures for these districts while at the same time protecting residential development adjacent to the C District from the impacts on privacy and outdoor enjoyment that structures built above the standard height limits might have.

b. EXCEPTION FROM HEIGHT LIMITS

Existing buildings or buildings under construction on or before April 15, 1991 shall be exempt from the height requirement.

c. SETBACK AND MEASUREMENT

i. No new building, or an addition to an existing building which is exempt from the height requirement, shall exceed the normal maximum height of sixty (60) feet allowed in the C District unless the building is set back at least forty (40) feet from any property zoned RS, RM (except RM-U), or H.

ii. For each foot of setback from property zoned RS, RM (except RM-U), or H beyond forty (40) feet, the maximum permitted height of a building may be increased by one foot.

iii. If the building is set back at least one hundred twenty (120) feet from all property zoned RS, RM (except RM-U), or H, or is adjacent to other zoning districts, there is no height limit. See **Section 4.8.2, C Campus District**.

7. SPECIAL YARD REQUIREMENTS FOR OLDER NEIGHBORHOODS

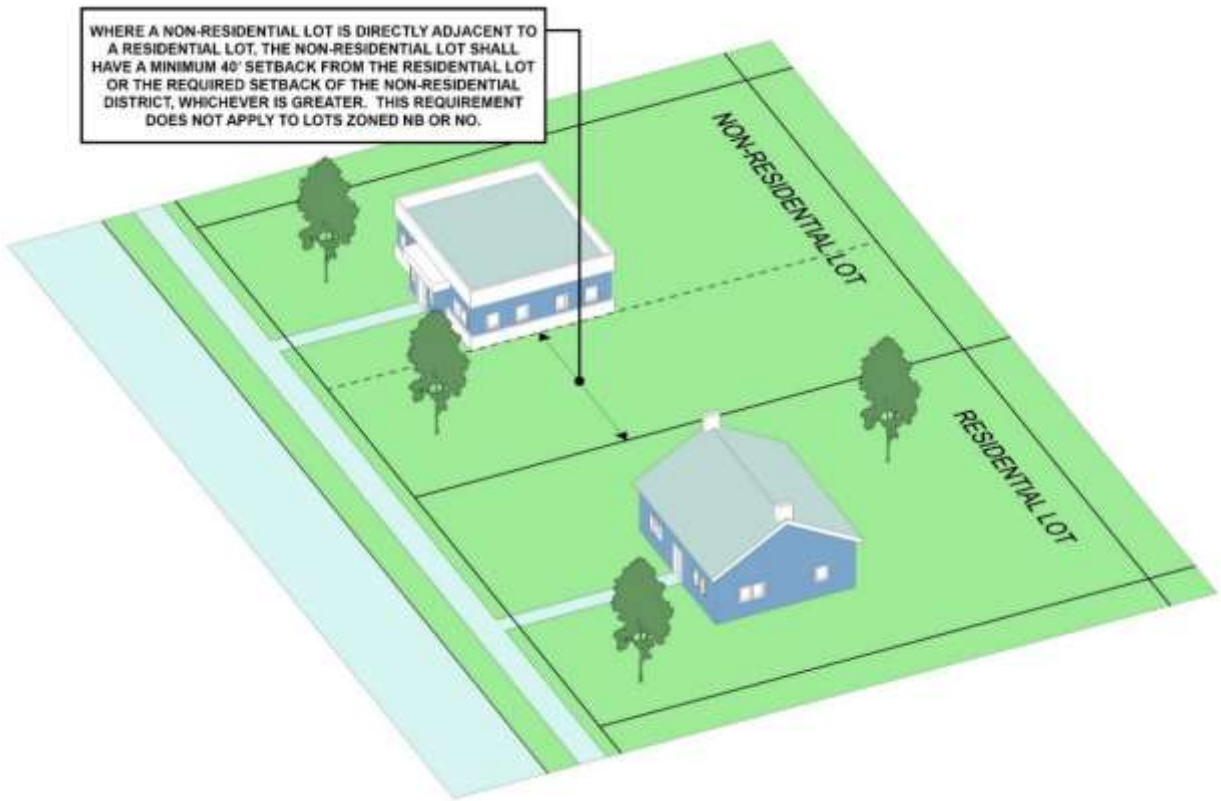
Alternative dimensional requirements are available for neighborhoods which were originally platted or developed prior to March 3, 1948, and where at least fifty percent (50%) of the other lots on the block in question are developed. See **Section 6.4.1, Standards for Older Neighborhoods (F)**.

8. SPECIAL YARD REQUIREMENTS WHERE NONRESIDENTIAL DISTRICTS ADJOIN RESIDENTIAL DISTRICTS

a. NONRESIDENTIAL DISTRICTS OTHER THAN NB OR NO

Where a lot in a nonresidential district other than the NB or NO Districts shares a common boundary line with a lot in a residential district (except RM-U), YR, AG, or H District with no intervening street or highway, the lot in the nonresidential district shall have a required setback along the shared boundary line of not less than forty (40) feet or shall have the required setback for the nonresidential district, whichever is greater.

FIGURE 4.1.4.C.8: SETBACKS WHEN NONRESIDENTIAL DISTRICTS ABUT RESIDENTIAL DISTRICTS



b. SIDE YARD REQUIREMENTS WHERE PB ADJOINS RESIDENTIAL DISTRICTS

i. PB ZONING DISTRICT ADJACENT TO RM ZONING DISTRICTS

1. Wherever a residential use as shown in **Table 5.1.1, Principal Use Table**, exclusive of combined use, within the PB zoning district is directly adjacent to an RM Zoning District, a minimum seven (7) foot side yard setback shall be required with no accompanying bufferyard.

2. Such reduced side yard setback shall apply only in situations where said residential uses within the PB zoning district are oriented with their primary entrances facing the street.

3. In no instance shall the height of a residential building be greater than the maximum height allowed in the adjoining residential district.

ii. PB ZONING DISTRICT ADJACENT TO RS OR RSQ ZONING DISTRICTS

1. Wherever a residential use as shown in **Table 5.1.1, Principal Use Table**, exclusive of combined use, within the PB zoning district is directly adjacent to an RS or RSQ zoning district, a minimum fifteen (15) foot side yard setback shall be required with a corresponding Type II Bufferyard.

2. In no instance shall the height of a residential building be greater than the maximum height allowed in the adjoining residential district.

9. DOUBLE FRONTAGE LOTS

Double frontage lots shall provide a front yard abutting each fronting street, in the depth as required in the applicable district, except where the second frontage is on a street without any access such as an interstate or other controlled access highway or roadway, or any road that will not be issued a driveway permit by local or state officials.

10. DOUBLE COUNTING OF YARD, LOT AREA, LOADING AREA, OR PARKING AREA

a. No space which has been counted as part of a yard, lot area, parking area, or loading area required under this Ordinance for one building or use shall be counted to satisfy or comply with a yard, lot area, loading area or parking area requirements for any other building or use, except where shared parking is permitted in **Section 6.1.5B, Shared Parking.**

b. The minimum required yards, lot area, parking area or loading area for any building or use existing or under construction at the time of the passage of this Ordinance shall not be encroached upon or counted to satisfy such requirements for any other building or use, except as permitted in **Section 6.1.5B, Shared Parking**.

11. WIDTH OF PRIVATE ACCESS EASEMENTS AND PRIVATE STREETS

a. An access easement, or private street, connecting a public street or highway to principal uses which depend upon such easement for access, shall be not less than twenty-five (25) feet in width for two-way access and shall be recorded in the office of the Register of Deeds.

b. In lieu of the twenty-five (25) foot access easement for two-way access, nonresidential developments that are approved through a special use zoning process or Planning Board review process may elect to provide separate one-way ingress and egress access easements each not less than twenty (20) feet in width.

c. Any use abutting such easement shall be located on a zoning lot and shall comply with all dimensional requirements of the applicable district.

d. No zoning permit shall be issued for a principal use not abutting upon a public street or a private street which does not comply with this provision.

e. This width requirement does not apply to any driveway located on a zoning lot or to any alley.

12. UTILITY EASEMENTS

No part of any building shall be constructed within the boundaries of a utility easement unless specifically granted and authorized by the grantor of such easement in a written and properly recorded easement.

13. MINIMUM LOT SIZE

a. RS AND RM ZONING DISTRICTS

i. In all RS and RM zoning districts, the minimum area of a zoning lot to be used for a single family dwelling where public or community water supply and sewage disposal systems are not available for connection shall be as determined by the Public Health Department, but in no case shall the area of such lot be less than the greater of twenty thousand (20,000) square feet or the minimum lot size required in the zoning district.

ii. In watersheds designated by the Public Water Supply Section of the NC Division of Environmental Health pursuant to 15A NCAC 18C.1211, the minimum lot size shall be forty thousand (40,000) square feet.

iii. Exceptions to the forty thousand (40,000) square foot requirement must be approved by the NC Division of Environmental Health.

b. MH ZONING DISTRICT

i. In all the MH zoning district, the minimum area of a zoning lot to be used for a manufactured home park where public or community water supply and sewage disposal systems are not available for connection shall be as determined by the Public Health Department, but in no case shall the area of such lot be less than four (4) acres.

ii. The minimum area of a zoning lot to be used for a single family dwelling where public or community water supply and sewage disposal facilities are not available and used shall be as determined by the Public Health Department, but in no case shall be less than twenty thousand (20,000) square feet.

iii. In watersheds designated by the Public Water Supply Section of the NC Division of Environmental Health pursuant to 15A NCAC 18C.1211, the minimum lot size shall be forty thousand (40,000) square feet.

iv. Exceptions to the forty thousand (40,000) square foot requirement must be approved by the NC Division of Environmental Health.

14. FLAG LOTS

a. FRONTAGE AND WIDTH

i. Flag lots must have at least twenty-five (25) feet of frontage on a street or private access easement.

ii. The "pole" of the flag lot from the frontage of the lot to the buildable area of the lot must be a minimum of twenty-five (25) feet in width along its entire length.

b. LOT AREA AND YARD CALCULATION

The pole may not be used for the front setback, lot area or yard calculation of the flag lot or any other lot.

c. MULTIPLE FLAG LOTS (F)

If more than one flag lot is proposed to the rear of another lot or stacked off the street, a special use permit from the Board of Adjustment is required.

d. *MULTIPLE FLAG LOTS (W)*

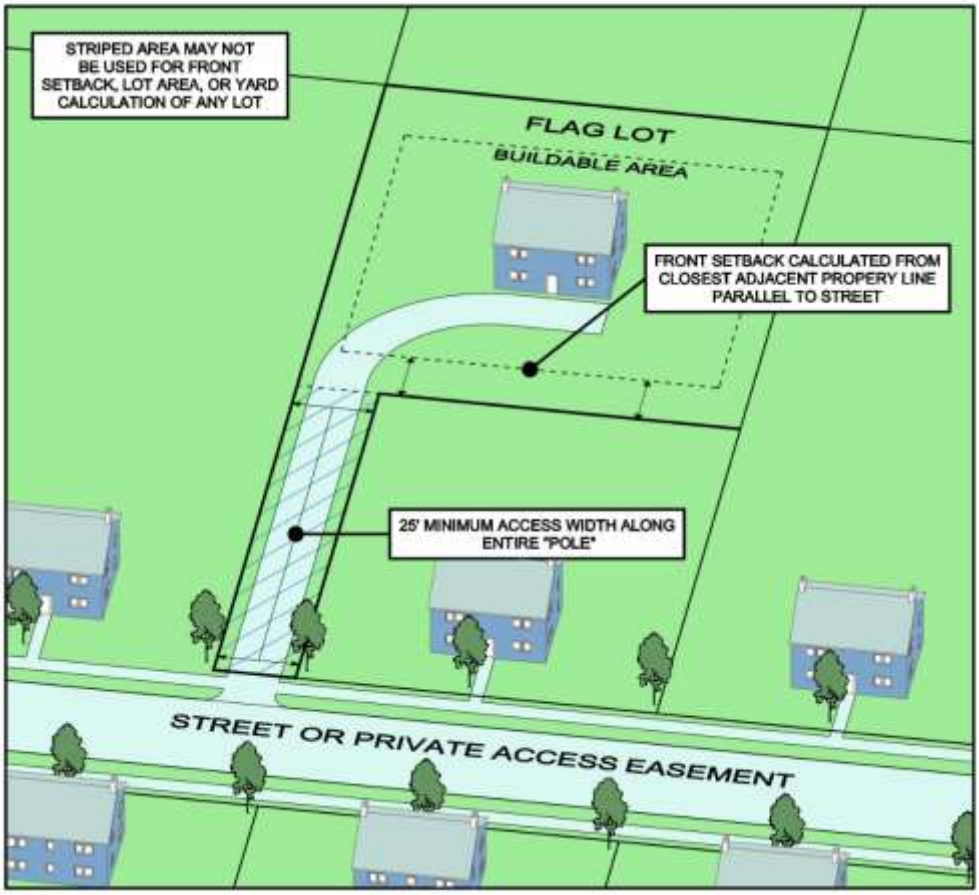
If more than one flag lot is proposed to the rear of another lot or stacked off the street, a minor subdivision exception is required per ***Section 3.2.8, Minor Subdivision****.*

e. SETBACK, FRONT

i. The front setback for a flag lot shall be measured from the line closest to the buildable area and running most parallel with the street.

ii. The area of the pole may not be used to measure the front setback.

FIGURE 4.1.4.C.14: FLAG LOTS



15. LOT AREA IN RIGHT-OF-WAY

a. No land area of the lot which lies within the public street right-of-way may be used for the purposes of lot area or any other lot dimensional requirements.

b. If a portion of the lot is dedicated as public right-of-way as a condition of site plan approval, that area may be used for lot area and dimensional requirements but not for building setback requirements.

16. SETBACK EXEMPTION FROM PRIVATE ACCESS EASEMENTS

A private access easement to one single family lot shall not be considered a street requiring an additional setback as a side against a street or as a corner lot.

17. MINIMUM FRONTAGE OF ZONING LOTS

All zoning lots must have a minimum frontage of twenty-five (25) feet on the street that provides access to the zoning lot.

18. MINIMUM LOT FRONTAGE

The minimum frontage of a zoning lot on a street or private access easement shall be twenty-five (25) feet.

19. UTILITIES AND TRANSMISSION TOWERS

a. Any zoning lots leased or purchased and used solely for a utility or transmission tower use are exempt from the minimum lot size requirements of the zoning district in which it is located.

b. All other requirements for these uses shall be met.

20. IRREGULAR LOTS

The appendages or extensions which do not independently meet the dimensional requirements of the district may be used for no more than twenty percent (20%) of the lot area or yard calculation of the lot.

21. *URBAN AGRICULTURE (W)*

Land being used for agricultural cultivation shall be set back a minimum of five (5) feet from all adjoining parcels or rights-of-way.

D. NONCONFORMING SITUATIONS AND VARIANCES

1. There shall be no variations from the dimensional requirements of this section except in nonconforming situations in **Chapter 9, Nonconformities,** or where the Board of Adjustment may waive the dimensional requirements pursuant to **Section 3.2.16G, BOA Procedure for Variances**.

2. Dimensional and other requirements of zoning districts are set forth in **Section 4.4, General Zoning Districts Established**.

4.1.5 APPLICATION OF DISTRICT REGULATIONS

A. MINIMUM STANDARDS

The regulations established by this Ordinance within each district shall be the minimum standards and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

B. COMPLIANCE

Land may be used and buildings may be erected, altered, enlarged, or used only for one or more of the uses permitted in the applicable zone as indicated in **Table 5.1.1, Principal Use Table,** subject to the dimensional and other requirements of this Ordinance.

C. SEPARATE COMPLIANCE

No part of a yard, lot area, off-street parking area, or loading area required in connection with any building or use for the purpose of complying with this Ordinance, shall be included as part of a yard, lot area, off-street parking area, or loading area similarly required for any other building or use, except as otherwise provided in this Ordinance.

D. YARD AND LOT COMPLIANCE

No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth in **Section 4.1.4B, Dimensional Requirements**, except as otherwise provided in this Ordinance.

E. CORNER LOTS

1. The determination of front, side, and rear lot lines for corner lots shall be made by the Director of Inspections.

2. The Director of Inspections shall consult with the property owner at the time of application for a building or zoning permit.

F. SUBDIVIDED ZONING LOTS WITH WRITTEN AGREEMENTS

When a zoning lot existing as of the effective date of this Ordinance is proposed to be subdivided into two (2) or more zoning lots, the other requirements of this Ordinance shall be applied to each of the subdivided lots, provided, however, that the residential density requirements of this Ordinance and the limits of floodway fringe encroachment provisions of **Section 8.1.3B.1, Limits of Encroachment,** may be applied, in whole or in part, to any one or more of the subdivided lots and not to the other lot(s) when such original zoning lot is subdivided under the following conditions:

1. FLOODPLAIN

The original zoning lot encompasses property with designated floodplain area per **Section 8.1, Floodway and Floodway Fringe Regulations**.

2. GMA'S

The original zoning lot lies partially or completely within GMAs 1, 2, 3, or 4 as designated in Forward 2045.

3. ALLOCATION OF DEVELOPMENT RIGHTS BETWEEN SELLER AND PURCHASER

a. The owner of the original zoning lot and the purchaser(s) of a subdivided part have in writing allocated development rights between or among themselves concerning the development of the original zoning lot whereby a right, or any portion thereof, to develop all, or any portion of, a subdivided part of the original zoning lot as permitted in this Ordinance is transferred to, or is retained by, the remaining portion of the original zoning lot.

b. Development of each subdivided part pursuant to the terms of the writing shall meet or exceed the requirements of this Ordinance.

c. The writing shall further provide that the allocation of development rights shall be appurtenant to and run with the land so benefited and have the effect of imposing a negative easement or restriction upon the servient land.

4. DIRECTOR OF INSPECTIONS APPROVAL OF PLAT

a. The writing constituting the reallocation of development rights must include, or be represented by, a plat illustrating the reallocation.

b. To be effective, the writing and plat shall be reviewed for compliance with this Ordinance by the Director of Inspections, and if the writing and plat complies with this Ordinance, the Director of Inspections shall stamp his approval upon its face, and the writing and plat must then be recorded at the Forsyth County Register of Deeds.

c. A violation of these requirements shall be a violation of this Ordinance and unlawful.

4.1.6 BONUS DENSITY FOR AFFORDABLE HOUSING

A. DENSITY INCREASE PERMITTED

1. An increase in the density otherwise permitted in the zoning district may be permitted for developments which provide on-site housing opportunities for low- or moderate-income households.

A contract shall be approved by the County Attorney or City Attorney, and the Forsyth County Community and Economic Development (FCCED) or the Winston-Salem Community Development Department (CD) as a condition of special use district zoning, preliminary subdivision approval, or other site plan review guaranteeing that the reserved units will be purchased by or rented to qualifying households, and shall be binding for a period established by County or City Affordable Housing programs.

2. The reserved lots or rental units shall be indicated on the site plan submitted.

B. APPLICABILITY

1. DUPLEX OR MULTIFAMILY UNITS

A twenty-five percent (25%) density bonus for duplex or multifamily units may be approved if:

a. A minimum of forty percent (40%) of the total units are to be rented to families earning less than sixty percent (60%) of Forsyth County median income, adjusted for family size, as determined by the United States Department of Housing and Urban Development (HUD). (Hereinafter, median income); or

b. A minimum of twenty percent (20%) of the total units are to be rented to families earning less than fifty percent (50%) of median income.

2. SINGLE FAMILY DETACHED UNITS

A twenty-five percent (25%) density bonus for single family residential development may be approved if twenty-five percent (25%) of total units, or a minimum two units, are to be sold to families earning less than eighty percent (80%) of median income.

C. CONTRACT FOR SALE OF SINGLE FAMILY RESIDENCES

Approval of the special use district zoning, preliminary subdivision, or other site plan review shall not occur until there is a contract between the property owner and Forsyth County or the City of Winston-Salem, which shall also be binding on future owners of the reserved lots. The contract shall be administered by FCCED or CD, and shall include the following provisions:

1. APPROVAL OF SALES AND RESALES

All sales and resales of units shall be approved by FCCED or CD to assure ownership by qualifying buyers in accordance with the following eligibility criteria.

a. INCOME

Family income at the time of purchase shall not exceed the limits set forth in **Section 4.1.6B, Applicability**.

b. RESIDENCY

At least one member of a qualifying household must have lived or worked in Forsyth County for the past twelve (12) months.

2. DURATION OF CONTRACT

The contract shall apply to each of the reserved lots, and shall continue to affect a particular lot for a time period established by County or City Affordable Housing policies.

3. OCCUPANCY

There shall be no occupancy of the unit prior to its sale to a qualifying buyer.

4. SCHEDULE

The contract shall include a schedule by which construction and sale of the reserved units will be accomplished.

5. RESALE PRICE

a. The resale price of any reserved housing unit shall not, at any time during the life of the contract, exceed the maximum amount affordable to the purchasing low or moderate income household as defined by the AMI percentage outlined in section **Section 4.1.6B, Applicability**.

b. The maximum sale or resale price shall be determined by FCCED or CD (depending on jurisdiction), calculated by using current appraisal.

6. VIOLATION OF CONTRACT

Violation of any of the terms of the contract required by this section may constitute grounds for revocation of the special use district zoning, preliminary subdivision, or other site plan review.

D. CONTRACT FOR RENTAL OF DUPLEX OR MULTIFAMILY UNITS

Approval of the special use district zoning, preliminary subdivision, or other site plan review shall not occur until there is a contract between the property owner or developer and Forsyth County or the City of Winston-Salem, which shall also be binding on future owners of the development. The contract shall be administered by Forsyth County or the City of Winston-Salem, and shall include the following provisions:

1. APPROVAL OF RENTALS

All rentals shall be approved by FCDH, HND, or the Housing Authority to assure occupancy by qualifying households in accordance with the following eligibility criteria:

a. INCOME

i. Family income at the time of purchase shall not exceed the limits set forth by FCCED or CD.

ii. Families whose income increases above the eligibility requirements may continue to occupy the rental unit, unless otherwise required through terms of the rental agreement between the lessor and lessee.

b. RESIDENCY

At least one member of a qualifying household must have lived or worked in Forsyth County for the past twelve (12) months.

2. CHANGE IN OCCUPANCY

Every change in occupancy during the term of the contract shall be approved by FCCED or CD to assure continued compliance with eligibility criteria.

3. MAXIMUM RENT

a. The maximum rent allowed shall be determined using HUD's annual income guidelines and/or its annual Fair Market Rent information based on local jurisdiction.

b. The value for median income used in calculating maximum allowable rent shall be determined using HUD's annual income guidelines and/or its annual Fair Market Rent information based on local jurisdiction.

4. VIOLATION OF CONTRACT

Violation of any of the terms of the contract required by this section may constitute grounds for revocation of the Special Use District zoning, preliminary subdivision, or other site plan review.

E. DISCLOSURE OF CONTRACT TERMS TO POTENTIAL HOME-BUYERS

1. EXPLANATION TO PROSPECTIVE BUYER

a. Staff from the FCCED or CD shall meet with the prospective buyer prior to the purchase to assure that all terms of the contract are fully understood.

b. Such explanation shall communicate that although building permits for the improvements to the structure may be obtained if the owner wishes to remodel or construct an addition or accessory structures, there is no assurance that the investment will be regained if the unit is sold prior to the expiration of the contract due to the requirement that it be purchased by a moderate income household.

2. HOME OWNERSHIP COUNSELING

Home ownership counseling shall be made available to buyers to provide information on such topics as insurance and maintenance. The counseling shall be provided by FCCED or CD.

F. RESERVED

4.2 GROWTH MANAGEMENT PLAN

4.2.1 PURPOSE

A. The Growth Management Plan of Forward 2045 seeks to guide future development patterns in the community to provide services in a cost effective and efficient manner; allow for urban, suburban, and rural life styles; and preserve environmental and cultural resources.

B. The Growth Management Plan divides the county into five growth management areas as follows:

1. City/Town Centers (GMA 1);

2. Urban Neighborhoods (GMA 2);

3. Suburban Neighborhoods (GMA 3);

4. Future Growth (GMA 4); and

5. Rural Area (GMA 5).

4.2.2 GOALS

A. Goals are identified in Forward 2045 for each of the growth management areas.

B. Zoning districts established by this Ordinance have been designed, in part, to achieve the goals of the growth management areas.

4.2.3 WHERE AVAILABLE

Copies of Forward 2045 are available online at www.Forward2045.com.

4.2.4 SUPPLEMENTARY STANDARDS FOR NONRESIDENTIAL DEVELOPMENT IN THE GMA 2 AREA

A. *PURPOSE*

The intent of this Ordinance is to encourage the development and redevelopment of nonresidential sites which are compatible with the surrounding character of the urban areas of Winston-Salem (Growth Management Area 2), where adequate public facilities and infrastructure are available. These standards apply to all uses in nonresidential zoning as well as nonresidential uses in residential zoning.

B. *STANDARDS FOR NONRESIDENTIAL DEVELOPMENT*

1. ***STANDARDS FOR SITES LESS THAN ONE ACRE IN SIZE***

The following standards shall apply to the expansion or redevelopment of existing non-residentially zoned sites of less than one acre in GMA 2:

a. ***STREETYARD WIDTH***

Minimum streetyard width shall be five (5) feet in accordance with the requirements of ***Section 6.2.1D.2.a, Width.***

b. ***BUFFERYARD WIDTH AND PLANTINGS***

The minimum bufferyard width and planting requirements of the Ordinance shall be reduced in accordance with ***Section 6.3.2F, Bufferyard Standards for Nonresidential Uses in GMA 2 (W)****.*

c. ***INTERIOR MOTOR VEHICLE SURFACE AREA PLANTING REQUIREMENTS***

The interior motor vehicle surface area planting requirements shall be relaxed in accordance with ***Section 6.2.1D.3.d, Ratio****, and* ***Section 6.2.1D.3.e, Distance of Parking Spaces to Trees****.*

d. ***OFF-STREET LOADING REQUIREMENTS***

The off-street loading requirements of the Ordinance shall be waived in accordance with ***Section 6.1.6A, Requirements****.*

2. ***STANDARDS FOR ALL SITES***

The following standards may apply to all non-residentially zoned development and redevelopment; and all nonresidential development in residential zoning in GMA 2:

a. ***SETBACK REQUIREMENTS***

Setbacks for certain nonresidential zoning districts shall be waived for sites in GMA 2 in accordance with ***Section 4.4, General Zoning Districts Established.***

b. ***STREETYARD WIDTH***

Minimum streetyard width may be reduced to five (5) feet in accordance with the requirements of ***Section 6.3.2B.1, Fractional Calculations****.*

c. ***OUTDOOR STORAGE AREA SCREENING***

Outdoor storage area screening in accordance with ***Section 6.2.1F, Outdoor Storage Area Screening Standards****, shall be required for new development, additions of any size to existing buildings, or a change of use to a high intensity use as identified in* ***Table 5.1.1, Principal Use Table****.*

d. ***MOTOR VEHICLE STORAGE YARD SCREENING***

Motor vehicle storage yard screening shall meet the standards of ***Section 5.2.61, Motor Vehicle Storage Yard****.*

e. ***PARKING SURFACE MATERIALS***

Multiple parking surface materials within a single nonresidential development shall be prohibited, except as provided in ***Section 6.1.3C, Parking Surfaces.***

f. ***PARKING FOR EXISTING NONRESIDENTIAL STRUCTURES BUILT PRIOR TO MARCH 7, 1988***

Nonresidential structures that are nonconforming as to off-street parking requirements may change uses within the building without any requirement to increase existing off-street parking on the zoning lot in accordance with ***Section 9.4.3E, Parking for Nonresidential Structures Built Prior to March 7, 1988 (W)****.*

g. ***PARKING REQUIREMENTS FOR OUTDOOR SEATING***

Required parking for outdoor seating associated with the uses "Restaurant (Without Drive-Through Service)" and "Restaurant (With Drive-Through Service)" may be reduced in accordance with ***Section 6.1.2B.6, Outdoor Seating (W).***

4.3 OFFICIAL ZONING MAP

4.3.1 GENERALLY

A. DESIGNATION AND DESCRIPTION OF OFFICIAL ZONING MAPS

1. There shall be maps known and designated as the Official Zoning Maps which shall show the boundaries of all zoning districts within the planning jurisdiction of the adopting jurisdiction.

2. The Official Zoning Maps as dated upon adoption are made part of this Ordinance as fully as if set forth herein in detail.

B. LOCATION OF OFFICIAL ZONING MAPS

1. The Official Zoning Maps shall be located in the office of the Planning Board.

2. True copies of the Official Zoning Maps are on file in the office of the Director of Inspections.

C. REVISION AND REPLACEMENT OF OFFICIAL ZONING MAPS

1. PLANNING STAFF AUTHORIZATION

a. The Planning staff shall control access to the zoning information contained in the Forsyth County Land Records Information System and is authorized to revise the Official Zoning Maps when amended by the Elected Body.

b. No unauthorized person may alter or modify the Official Zoning Maps.

2. AMENDED MAP

When an Official Zoning Map is amended by the Elected Body, the Planning staff shall revise the appropriate data in the Forsyth County Land Records System and create a new Official Zoning Map reflecting the change.

3. REPLACEMENT MAP

a. In the event that an Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes or additions, the Planning staff may create a new Official Zoning Map.

b. The new Official Zoning Map may be revised to correct drafting or other errors or omissions in the prior Official Zoning Map, but no such corrections shall have the effect of amending the designation or boundaries of any zoning districts on the original Official Zoning Maps or any subsequent amendment thereof.

D. AMENDMENTS TO OFFICIAL ZONING MAPS

1. PROCEDURES

The Official Zoning Maps may be amended under the same procedures which apply to amendments to the text of this Ordinance, as set forth in **Section 3.2.15, UDO Text Amendment** and **Section 3.2.19, Zoning Map Amendment**.

2. UPDATES

a. The Planning staff shall update amended Official Zoning Maps in a timely manner after amendments adopted by the Elected Body.

b. Upon entering any such amendment on a map, the Planning staff shall change the date of the map to indicate the map's latest revision.

3. RECORDS

The Planning Board shall keep copies of superseded prints of the zoning map for historical reference.

4.3.2 INTERPRETATION

A. LOCATION OF DISTRICT BOUNDARIES

1. Zoning district boundaries shall follow property lines identified in the City/County Geographic Information System unless otherwise defined by a field survey or computed description based on 1983 North American Datum which defines a closed polygon, or located along centerlines of streets, alleys, railroad rights-of-way, or extensions

thereof.

2. Any street, alley, or railroad right-of-way shall be deemed to be in the same district as the abutting property; provided that where the centerline of a street, alley, or railroad right-of-way serves as a district boundary, each half of the right-of-way shall be deemed to be in the same district as the property abutting upon that side of the street, alley, or railroad right-of-way.

B. UNCERTAINTY CONCERNING DISTRICT BOUNDARIES

Where uncertainty exists concerning boundaries of districts as shown on the Official Zoning Maps, the following guidelines shall be used:

1. BOUNDARY LINE IS WITHIN A STREET
In cases where a boundary line is within a street, alley, or easement, the boundary line shall be deemed to be the centerline of such right-of-way;

2. ACTUAL LOCATION VARIES FROM MAP ILLUSTRATION
If the actual location of a street, alley, or easement varies from the location as shown on the Official Zoning Maps, then the actual location shall control.

3. BOUNDARY LINE DEFINED BY PROXIMITY TO RIGHT-OF-WAY
In cases where a boundary line is shown as being located a specific distance from a street right-of-way line or other physical feature, such distance shall control.

4. WATER AREAS
All water areas and the land beneath them are controlled by the applicable zoning district regulations within which they are located.

C. LOT DIVIDED BY DISTRICT BOUNDARY LINE

1. Where a district boundary line divides a lot created by recorded deed, map, plat, or court proceeding, and existing as of the date establishing nonconformity in **Section 9.2.1A, Definition**, such boundary shall be presumed to lie on the nearest property line to which it is parallel or most nearly parallel, provided that the district boundary line shown on the Official Zoning Maps is found by the Director of Inspections to be not more than fifty (50) feet, at any point, from said property line.

2. Where a district boundary line is shown on the Official Zoning Maps to be not within fifty (50) feet, at all points, of such property line, then such district boundary line shall be as shown on the Official Zoning Maps, and the exact location thereof shall be as determined by the Director of Inspections through reference to the scale or to notation on the Official Zoning Maps.

D. SPLIT JURISDICTION

1. If a parcel of land lies within the planning and development regulation jurisdiction of more than one local government, for the purposes of this Chapter, the local governments may, by mutual agreement pursuant to Article 20 of Chapter 160A of the General Statutes and with the written consent of the landowner, assign exclusive planning and development regulation jurisdiction under this Chapter for the land, including all development phases on the land, to any one of those local government.

2. In the event no mutual agreement or written consent under subsection (1) of this section exists, the landowner of land lying within the planning and development regulation jurisdiction of more than one local government may elect the planning and development regulations of the local government where the majority of the total acreage of the parcel of land is situated.

3. This section shall only be applicable to planning and development regulations and shall not affect taxation or other nonregulatory matters. The mutual agreement under subsection (1) of this section shall be evidenced by a resolution formally adopted by each governing board and recorded with the register of deeds in every county where the land is located within 14 days of the adoption of the last required resolution.

4.4 GENERAL ZONING DISTRICTS ESTABLISHED

Table 4.4, General Zoning Districts Established, sets out the general zoning districts used in this Ordinance.

TABLE 4.4: GENERAL ZONING DISTRICTS ESTABLISHED

SYMBOL	DISTRICT NAME	INTENT
RESIDENTIAL ZONING DISTRICTS [1] [2]		
YR	Yadkin River Conservation	Each residential district is designed and intended to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in which to live, protected from incompatible and disruptive activities which more properly belong in nonresidential districts. The districts are also intended to assist the community in meeting the growth management goals of Forward 2045. When a residential rezoning proposal is considered, the Growth Management Plan and the residential land use goals and locational criteria contained in Forward 2045 shall be used as guides, in conjunction with other factors, in determining the appropriateness of the proposed district. Other goals of these residential districts are explained in the remainder of this section.
AG	Agricultural	
RS-40	Residential Single-Family	
RS-30	Residential Single-Family	
RS-20	Residential Single-Family	
RS-15	Residential Single-Family	
RS-12	Residential Single-Family	
RS-9	Residential Single-Family	
RS-7	Residential Single-Family	
RS-7	Residential Single-Family	
RSQ	Residential Single-Family Quadraplex	
RM-5	Residential Multifamily	
RM-8	Residential Multifamily	
RM-12	Residential Multifamily	
RM-18	Residential Multifamily	
RM-U	Residential Multifamily	
MH	Manufactured Housing Development	
COMMERCIAL ZONING DISTRICTS		
NO	Neighborhood Office	The purposes of establishing these commercial districts are to provide areas which accommodate the establishment and operation of business and office uses and to assist the community in meeting the growth management goals of Forward 2045. When a commercial rezoning proposal is considered, the Growth Management Plan and the commercial, office, and industrial land use goals and recommendations contained in Forward 2045 shall be used as guides, in conjunction with other factors, in determining the appropriateness of the proposed district.
LO	Limited Office	
CPO	Corporate Park Office	
GO	General Office	
NB	Neighborhood Business	
PB	Pedestrian Business	
LB	Limited Business	
NSB	Neighborhood Shopping Center Business	
HB	Highway Business	
GB	General Business	
CB	Central Business	
MRB-S	*Major Retail and Business – Special (W)*	
E	*Entertainment (W)*	
INDUSTRIAL ZONING DISTRICTS		
LI	Limited Industrial	These industrial districts are established to accommodate enterprises engaged in the
GI	General Industrial	

TABLE 4.4: GENERAL ZONING DISTRICTS ESTABLISHED

SYMBOL	DISTRICT NAME	INTENT
CI	Central Industrial	manufacturing, processing, or assembling of goods, merchandise, or equipment. The standards established for these districts are designed to promote industrial development and to protect nearby residential areas from undesirable aspects of industrial development. Whenever possible, these districts should be separated from residential districts by natural or structural boundaries, such as streams, topographic features, vegetation, major streets, or similar features. When an industrial rezoning proposal is considered, the Growth Management Plan and the industrial land use goals and recommendations in Forward 2045 shall be used as guides, in conjunction with other factors, in determining the appropriateness of the proposed district.
INSTITUTIONAL AND MIXED USE DISTRICTS		
IP	Institutional and Public	The purpose of establishing these districts is to accommodate institutional and major mixed use developments in compliance with the Growth Management Plan of Forward 2045.
C	Campus	
MU-S	Mixed Use - Special	

NOTES:
[1] In RS districts, the suffix number multiplied by 1,000 indicates the minimum lot size in square feet (for example: RS-40 requires a 40,000 square-foot lot for a single-family dwelling).
[2] In RM districts, the suffix number indicates the maximum number of dwelling units per acre (for example: the RM district allows multifamily development at a density of up to 8 units per acre).

4.5 GENERAL RESIDENTIAL ZONING DISTRICT STANDARDS

4.5.1 YR YADKIN RIVER CONSERVATION DISTRICT

A. PURPOSE

The YR District is intended primarily to protect the community's main water supply, preserve the historic features of this area, and preserve the natural beauty of a continuous conservation corridor along the Yadkin River. This zoning district is the most restrictive, with low density residential development the primary use allowed. Objectives of the district are the following:

1. Protection of water supply;
2. Maintenance of rural character;
3. Protection of sensitive natural, historical, recreational, and visual resources;
4. Retention of natural topography and vegetation;
5. Control of sedimentation and other nonpoint source pollution; and
6. Support and encouragement of agricultural activities.

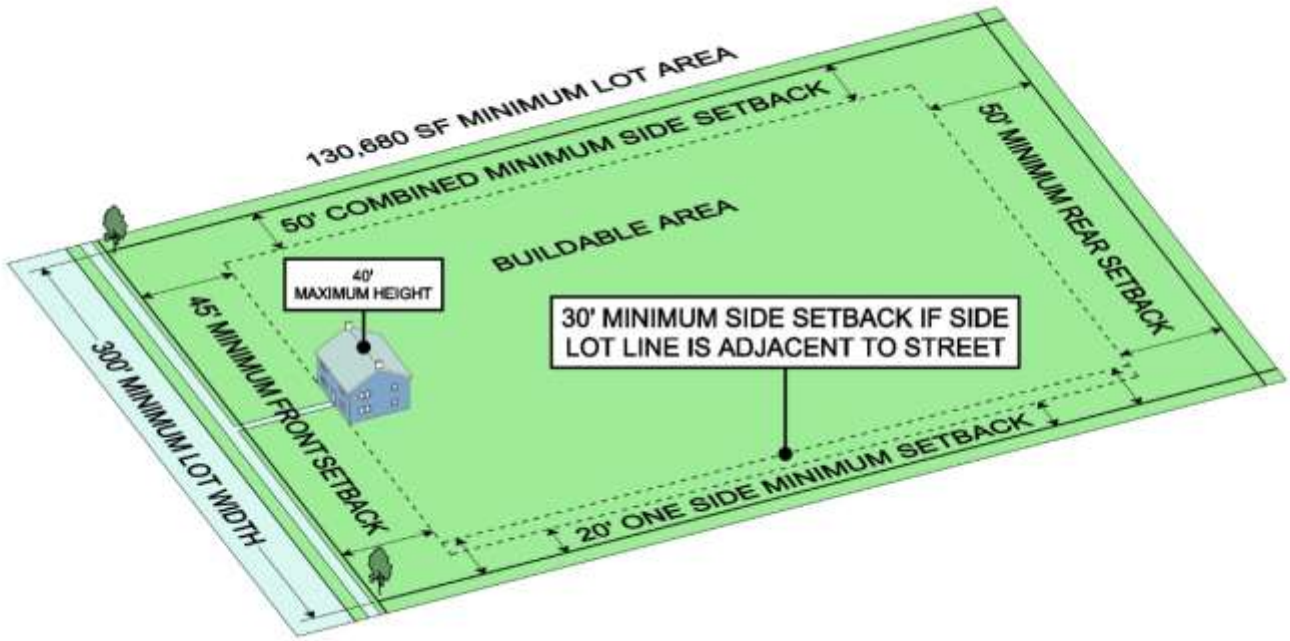
B. GENERAL DIMENSIONAL REQUIREMENTS

TABLE 4.5.1: DIMENSIONAL REQUIREMENTS IN THE YR DISTRICT

Zoning District	Minimum Zoning Lot		Minimum Setbacks [1]					Maximum Impervious Surface Cover (%)	Maximum Height (ft)
			Front (ft) [4]	Rear (ft)	Side [2]				
	Area (sf)	Width (ft) [3]			One Side (ft)	Combined (ft)	Street (ft)		
YR	130,680	300	45	50	20	50	30	No Limit	40

NOTES:
[1] Nonconforming lots in the YR District meeting the provisions of Section 9.3.2, Combination of Nonconforming Vacant Lots and Nonconforming Vacant Lots Approved Prior to 12/31/1994, must meet the minimum setback requirements of the RS-20 zoning district.
[2] Where the main entrance to a single family residence is located on a side yard, the setback for the portion of the wall on which the door is located shall be equal to the front yard setback.
[3] Cul-de-sac lots shall be exempt from lot width requirements.
[4] Cul-de-sac lots may measure the front setback from a chord or straight line between front lot corners provided it does not decrease the front yard setback from the right-of-way of the cul-de-sac or turnaround more than ten (10) feet from the requirements of the zoning district in which the lot is located.

FIGURE 4.5.1.B: GENERAL DIMENSIONAL REQUIREMENTS - YR DISTRICT



C. SUPPLEMENTARY DISTRICT REQUIREMENTS

1. BOUNDARIES

The boundaries of the YR District are defined as a corridor a minimum of two thousand (2,000) feet from the eastern edge of the river channel and including all flood-prone areas up to three thousand (3,000) feet from the edge of the river.

2. DEVELOPMENT STANDARDS

a. MINIMUM LOT SIZE

i. A minimum lot size of three (3) acres shall be required, except for sites developed as planned residential developments.

ii. The overall density of a planned residential development may exceed one unit per three (3) acres if a density bonus is received as set forth in the use conditions for planned residential developments in **Section 5.2.66, Planned Residential Development**.

iii. Density for planned residential developments shall not exceed two (2) units per acre in developable areas not restricted by floodplain or steep hillsides.

b. BUILDING SETBACKS

All structures shall be set back at least two hundred (200) feet from the Yadkin River channel, except public utility systems as identified in this section.

c. STREAM BUFFERS

i. To filter pollutants and to trap sediment, undisturbed vegetated buffers shall be maintained along the Yadkin River and along all streams.

ii. The buffer shall extend horizontally one hundred (100) feet along both sides of the stream channel.

iii. No land disturbing activity, placement of structures or impervious surface cover, or removal of existing vegetation shall be allowed in the stream buffer, except as permitted under **Section 4.5.1C.2.e, Uses Permitted in the Stream Buffer and the Floodplain Area**.

d. FLOODPLAINS

No land disturbing activity or placement of structures shall be allowed in the designated floodplains in the YR District except as permitted under **Section 4.5.1C.2.e, Uses Permitted in the Stream Buffer and the Floodplain Area**.

e. USES PERMITTED IN THE STREAM BUFFER AND THE FLOODPLAIN AREA

The following uses and activities are permitted in YR District stream buffers and floodplains provided the uses and activities are designed to minimize impacts on hydrologic processes, water quality, and wildlife habitat:

i. Agricultural uses, except animal feeding operations, with implementation of accepted soil conservation practices of the Soil Conservation Service;

ii. Forestry operations undertaken on forest land for the production and harvesting of timber and timber products and conducted in accordance with Forest Practice Guidelines Related to Water Quality (best management practices) as adopted by the North Carolina Department of Environmental Quality (DEQ);

1. New and replacement utility systems, including, but not limited to:

2. Stormwater management facilities;

3. Utility holes and sanitary sewer mains;

4. Overhead utility lines;

5. Water supply intake structures; and

6. Gas, electric, and telephone systems (including on-site systems), where there is no practical alternative to locating the systems within the floodplain or the stream buffer;

iii. Streets, bridges, railway lines and associated facilities, where there is no practical alternative to locating them within the stream buffer or floodplain;

iv. Parks, greenways, horseback riding trails, open spaces, and other similar private and public passive recreational uses;

v. Activities ordinarily associated with a residence, such as lawns, gardens, play areas, utility service lines, and similar uses; and

vi. Ponds, boat docks, ramps, piers, or similar facilities.

3. ONE PRINCIPAL BUILDING PER ZONING LOT

Only one residential building shall be placed on a zoning lot or lot of record, except as permitted under **Section 5.3.4C, Dwelling, Accessory (Detached),** or under **Section 5.2.66L, Multiple Dwelling Units Per Zoning Lot (F).**

4.5.2 AG AGRICULTURAL DISTRICT

A. PURPOSE

The AG District is primarily intended to accommodate uses of an agricultural nature. The district is also intended to accommodate scattered non-farm residences on large tracts of land, but is not intended for residential subdivisions with small lots. The district is intended for application in GMAs 4 and 5 and is established for the following purposes:

1. To preserve the rural character of portions of the county and encourage the continued use of land for agricultural, forest, and open space purposes;

2. To discourage scattered commercial and industrial land uses;

3. To concentrate urban development in and around existing urbanized areas and proposed Activity Centers, thereby preventing premature conversion of farmland into urban uses; and

4. To discourage any use which may create premature public infrastructure and service demands.

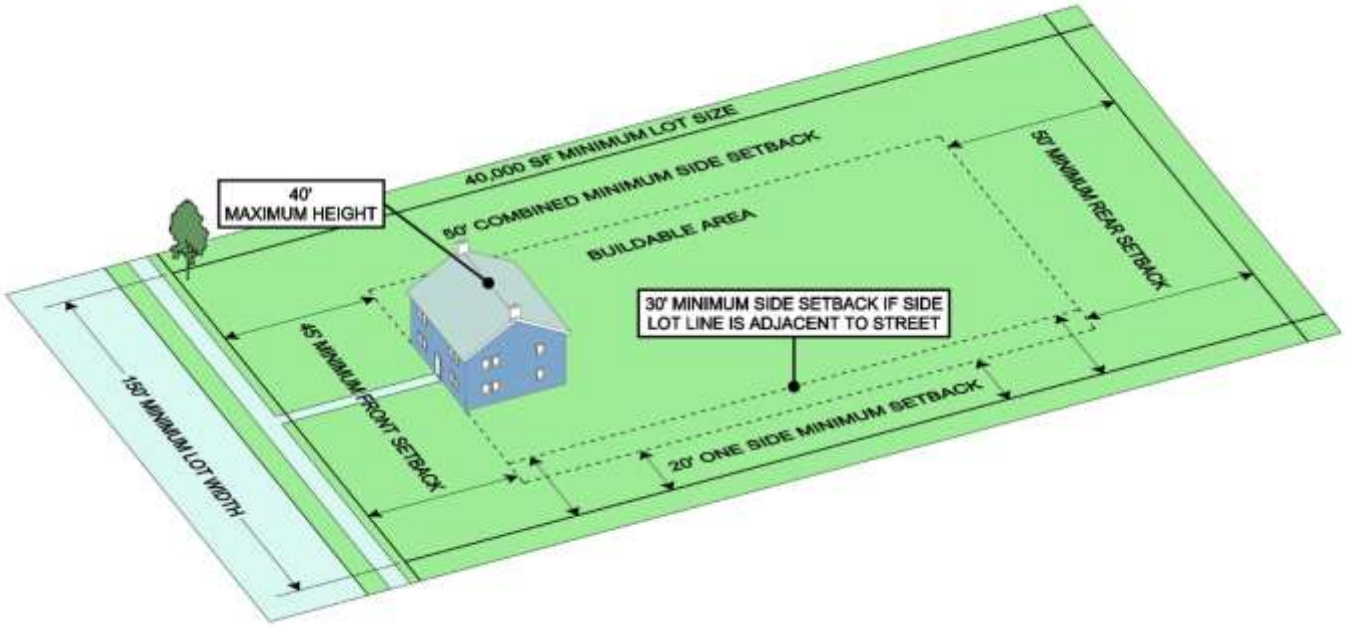
B. GENERAL DIMENSIONAL REQUIREMENTS

TABLE 4.5.2: GENERAL DIMENSIONAL REQUIREMENTS IN THE AG DISTRICT

Zoning District	Minimum Zoning Lot		Minimum Setbacks [1]					Maximum Impervious Surface Cover (%)	Maximum Height (ft)
			Front (ft) [4]	Rear (ft)	Side [2]				
	Area (sf)	Width (ft) [3]			One Side (ft)	Combined (ft)	Street (ft)		
AG	40,000	150	45	50	20	50	30	No Limit	40

NOTES:
[1] Nonconforming lots in the AG District meeting the provisions of Section 9.3.2, Combination of Nonconforming Vacant Lots and Nonconforming Vacant Lots Approved Prior to 12/31/1994, must meet the minimum setback requirements of the RS-20 zoning district.
[2] Where the main entrance to a single family residence is located on a side yard, the setback for the portion of the wall on which the door is located shall be equal to the front yard setback.
[3] Cul-de-sac lots shall be exempt from lot width requirements.
[4] Cul-de-sac lots may measure the front setback from a chord or straight line between front lot corners provided it does not decrease the front yard setback from the right-of-way of the cul-de-sac or turnaround more than ten (10) feet from the requirements of the zoning district in which the lot is located.

FIGURE 4.5.2.B: GENERAL DIMENSIONAL REQUIREMENTS – AG DISTRICT



C. SUPPLEMENTARY DISTRICT REQUIREMENTS

1. ONE PRINCIPAL BUILDING PER ZONING LOT

Only one residential building shall be placed on a zoning lot or lot of record, except as permitted under **Section 5.3.4C, Dwelling, Accessory (Detached),** or under **Section 5.2.66L, Multiple Dwelling Units Per Zoning Lot (F)**.

4.5.3 RS-40 RESIDENTIAL SINGLE FAMILY DISTRICT

A. PURPOSE

1. The RS-40 District is primarily intended to accommodate single family detached dwellings on large lots in areas without access to public water and sewer services.

2. The district is established to promote single family detached residences where environmental features, public service capacities, or soil characteristics necessitate very limited development.

3. This district is intended for application in GMAs 4 and 5 and appropriate protected watershed areas.

4. This district may also be applicable to older, larger lot development in GMAs 2 and 3 developed prior to the effective date of this Ordinance.

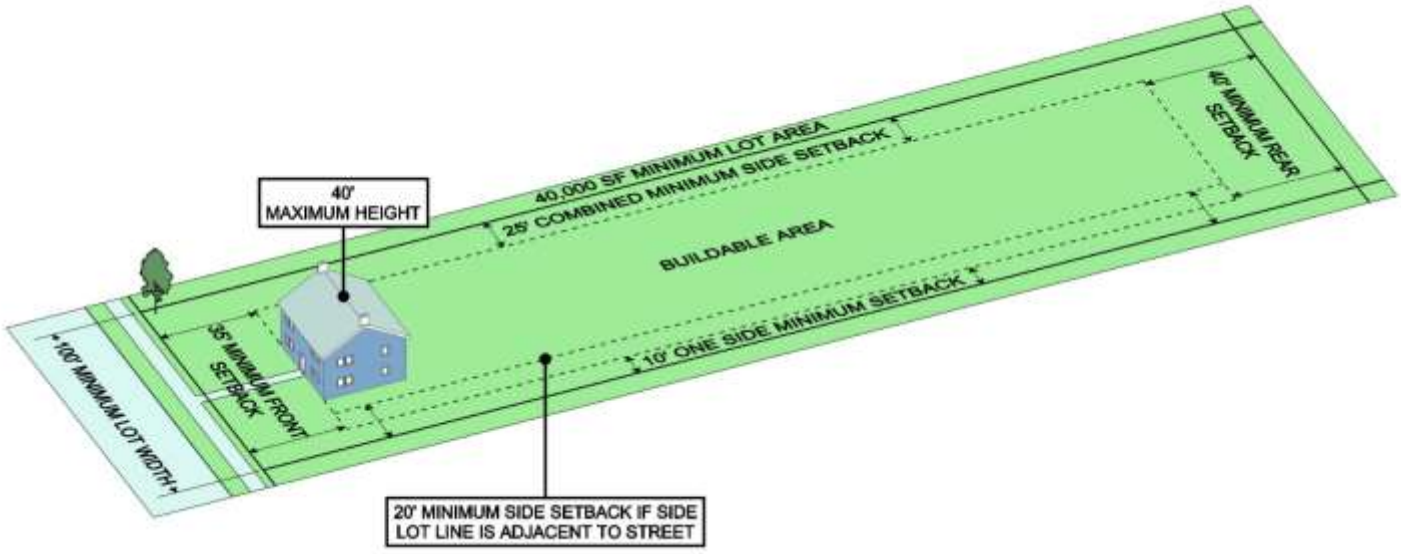
B. GENERAL DIMENSIONAL REQUIREMENTS

TABLE 4.5.3: GENERAL DIMENSIONAL REQUIREMENTS IN THE RS-40 DISTRICT

Zoning District	Minimum Zoning Lot		Minimum Setbacks					Maximum Impervious Surface Cover (%)	Maximum Height (ft)
			Front (ft) [3] [4]	Rear (ft)	Side [1]				
	Area (sf)	Width (ft) [2]			One Side (ft)	Combined (ft)	Street (ft) [4]		
RS-40	40,000	100	35	40	10	25	20	No Limit	40

NOTES:
[1] Where the main entrance to a single family residence is located on a side yard, the setback for the portion of the wall on which the door is located shall be equal to the front yard setback.
[2] Cul-de-sac lots shall be exempt from lot width requirements.
[3] Cul-de-sac lots may measure the front setback from a chord or straight line between front lot corners provided it does not decrease the front yard setback from the right-of-way of the cul-de-sac or turnaround more than ten (10) feet from the requirements of the zoning district in which the lot is located.
[4] *Residential structures in GMA 2 shall meet the requirements of Section 6.4.2, Supplementary Standards For Residential Development In GMA 2 (W).*

FIGURE 4.5.3.B: GENERAL DIMENSIONAL REQUIREMENTS – RS-40 DISTRICT



C. SUPPLEMENTARY DISTRICT REQUIREMENTS

1. ONE PRINCIPAL BUILDING PER ZONING LOT

Only one residential building shall be placed on a zoning lot or lot of record, except as permitted under **Section 5.3.4C, Dwelling, Accessory (Detached),** or under **Section 5.2.66L, Multiple Dwelling Units Per Zoning Lot (F)**.

4.5.4 RS-30 RESIDENTIAL SINGLE FAMILY DISTRICT

A. PURPOSE

1. The RS-30 District is primarily intended to accommodate single family detached dwellings on approximately three-quarter (0.75) acre lots in areas without access to public water and sewer services.

2. This district is intended for application in GMAs 4 and 5.

3. The district may also be applicable to older, larger lot development in GMAs 2 and 3 developed prior to the effective date of this Ordinance.

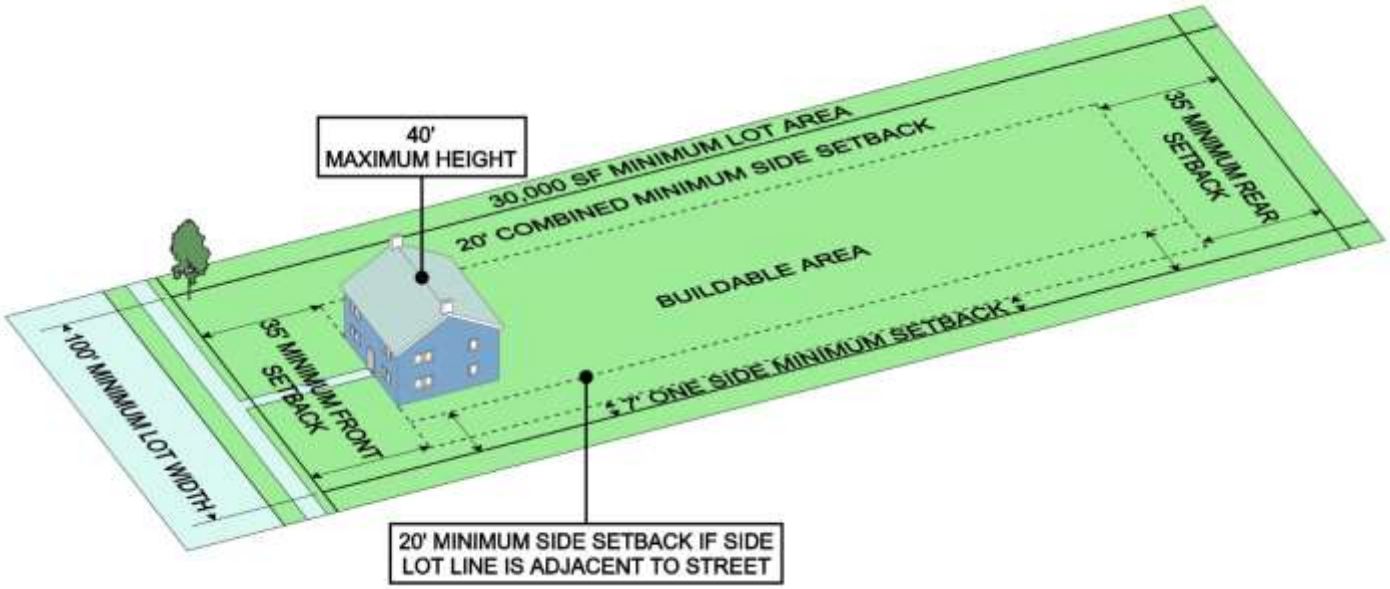
B. GENERAL DIMENSIONAL REQUIREMENTS

TABLE 4.5.4: GENERAL DIMENSIONAL REQUIREMENTS IN THE RS-30 DISTRICT

Zoning District	Minimum Zoning Lot		Minimum Setbacks					Maximum Impervious Surface Cover (%)	Maximum Height (ft)
			Front (ft) [3] [4]	Rear (ft)	Side [1]				
	Area (sf)	Width (ft) [2]			One Side (ft)	Combined (ft)	Street (ft) [4]		
RS-30	30,000	100	35	35	7	20	20	No Limit	40

NOTES:
[1] Where the main entrance to a single family residence is located on a side yard, the setback for the portion of the wall on which the door is located shall be equal to the front yard setback.
[2] Cul-de-sac lots shall be exempt from lot width requirements.
[3] Cul-de-sac lots may measure the front setback from a chord or straight line between front lot corners provided it does not decrease the front yard setback from the right-of-way of the cul-de-sac or turnaround more than ten (10) feet from the requirements of the zoning district in which the lot is located.
[4] *Residential structures in GMA 2 shall meet the requirements of Section 6.4.2, Supplementary Standards For Residential Development In GMA 2 (W).*

FIGURE 4.5.4.B: GENERAL DIMENSIONAL REQUIREMENTS – RS-30 DISTRICT



C. SUPPLEMENTARY DISTRICT REQUIREMENTS

1. ONE PRINCIPAL BUILDING PER ZONING LOT

Only one residential building shall be placed on a zoning lot or lot of record, except as permitted under **Section 5.3.4C, Dwelling, Accessory (Detached),** or under **Section 5.2.66L, Multiple Dwelling Units Per Zoning Lot (F).**

4.5.5 RS-20 RESIDENTIAL SINGLE FAMILY DISTRICT

A. PURPOSE

1. The RS-20 District is primarily intended to accommodate single family detached dwellings in suburban areas and may also be applicable to older, large lot development constructed prior to the effective date of this Ordinance.

2. The district is established to promote orderly development in areas where public water is available.

3. This district is intended for application in GMAs 2, 3 and 4.

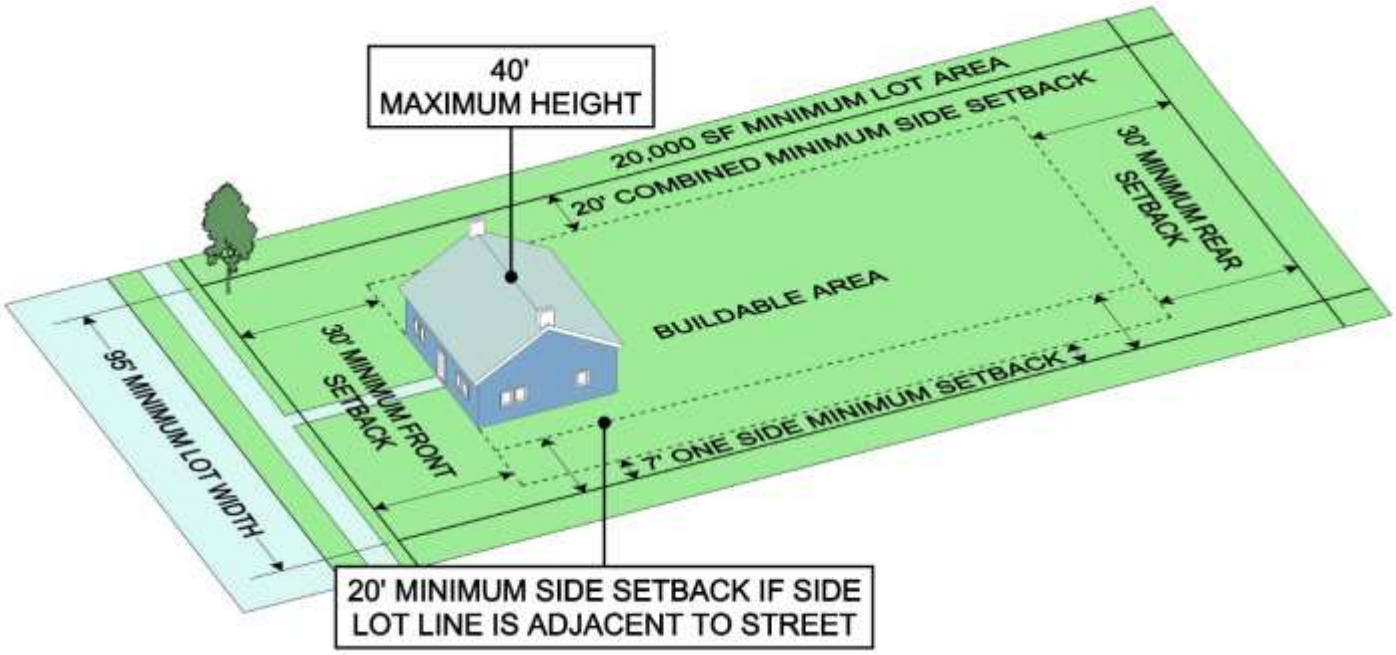
B. GENERAL DIMENSIONAL REQUIREMENTS

TABLE 4.5.5: GENERAL DIMENSIONAL REQUIREMENTS IN THE RS-20 DISTRICT

Zoning District	Minimum Zoning Lot		Minimum Setbacks					Maximum Impervious Surface Cover (%)	Maximum Height (ft)
			Front (ft) [3] [4]	Rear (ft)	Side [1]				
	Area (sf)	Width (ft) [2]			One Side (ft)	Combined (ft)	Street (ft) [4]		
RS-20	20,000	95	30	30	7	20	20	No Limit	40

NOTES:
[1] Where the main entrance to a single family residence is located on a side yard, the setback for the portion of the wall on which the door is located shall be equal to the front yard setback.
[2] Cul-de-sac lots shall be exempt from lot width requirements.
[3] Cul-de-sac lots may measure the front setback from a chord or straight line between front lot corners provided it does not decrease the front yard setback from the right-of-way of the cul-de-sac or turnaround more than ten (10) feet from the requirements of the zoning district in which the lot is located.
[4] *Residential structures in GMA 2 shall meet the requirements of Section 6.4.2, Supplementary Standards For Residential Development In GMA 2 (W).*

FIGURE 4.5.5.B: GENERAL DIMENSIONAL REQUIREMENTS – RS-20 DISTRICT



C. SUPPLEMENTARY DISTRICT REQUIREMENTS

1. ONE PRINCIPAL BUILDING PER ZONING LOT

Only one residential building shall be placed on a zoning lot or lot of record, except as permitted under **Section 5.3.4C, Dwelling, Accessory (Detached),** or under **Section 5.2.66K, Multiple Dwelling Units Per Zoning Lot (W)**.

4.5.6 RS-15 RESIDENTIAL SINGLE FAMILY DISTRICT

A. PURPOSE

1. The RS-15 District is primarily intended to accommodate low to moderate density single family detached dwellings in suburban and urban areas.

2. This district is intended for application in GMAs 2 and 3, and may be suitable for Activity Centers where public facilities, including public water and sewer, public roads, parks, and other governmental support services are available.

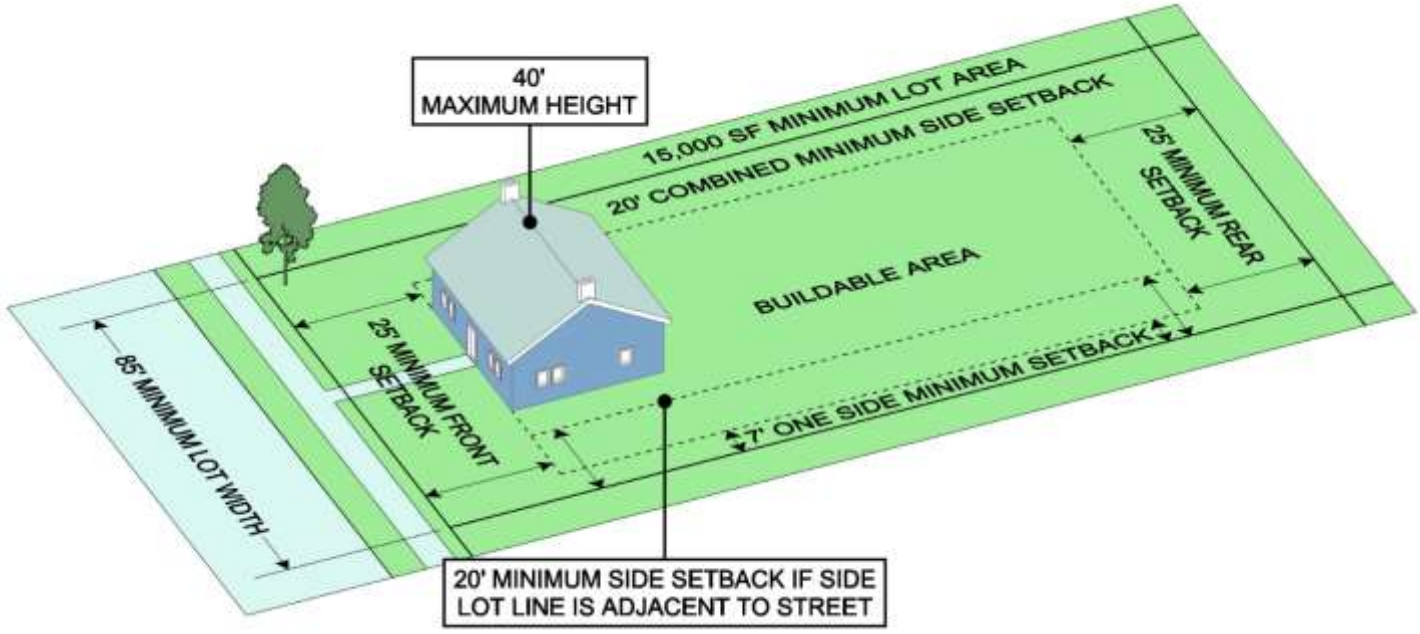
B. GENERAL DIMENSIONAL REQUIREMENTS

TABLE 4.5.6: GENERAL DIMENSIONAL REQUIREMENTS IN THE RS-15 DISTRICT

Zoning District	Minimum Zoning Lot		Minimum Setbacks					Maximum Impervious Surface Cover (%)	Maximum Height (ft)
			Front (ft) [3] [4]	Rear (ft)	Side [1]				
	Area (sf)	Width (ft) [2]			One Side (ft)	Combined (ft)	Street (ft) [4]		
RS-15	15,000	85	25	25	7	20	20	No Limit	40

NOTES:
[1] Where the main entrance to a single family residence is located on a side yard, the setback for the portion of the wall on which the door is located shall be equal to the front yard setback.
[2] Cul-de-sac lots shall be exempt from lot width requirements.
[3] Cul-de-sac lots may measure the front setback from a chord or straight line between front lot corners provided it does not decrease the front yard setback from the right-of-way of the cul-de-sac or turnaround more than ten (10) feet from the requirements of the zoning district in which the lot is located.
[4] *Residential structures in GMA 2 shall meet the requirements of Section 6.4.2, Supplementary Standards For Residential Development In GMA 2 (W).*

FIGURE 4.5.6.B: GENERAL DIMENSIONAL REQUIREMENTS – RS-15 DISTRICT



C. SUPPLEMENTARY DISTRICT REQUIREMENTS

1. ONE PRINCIPAL BUILDING PER ZONING LOT

Only one residential building shall be placed on a zoning lot or lot of record, except as permitted under **Section 5.3.4C, Dwelling, Accessory (Detached),** or under **Section 5.2.66K, Multiple Dwelling Units Per Zoning Lot (W).**

4.5.7 RS-12 RESIDENTIAL SINGLE FAMILY DISTRICT

A. PURPOSE

1. The RS-12 District is primarily intended to accommodate moderate density single family detached dwellings in suburban and urban areas.

2. This district is intended for application in GMAs 2 and 3, and may be suitable for Activity Centers where public facilities, including public water and sewer, public roads, parks, and other governmental support services, are available.

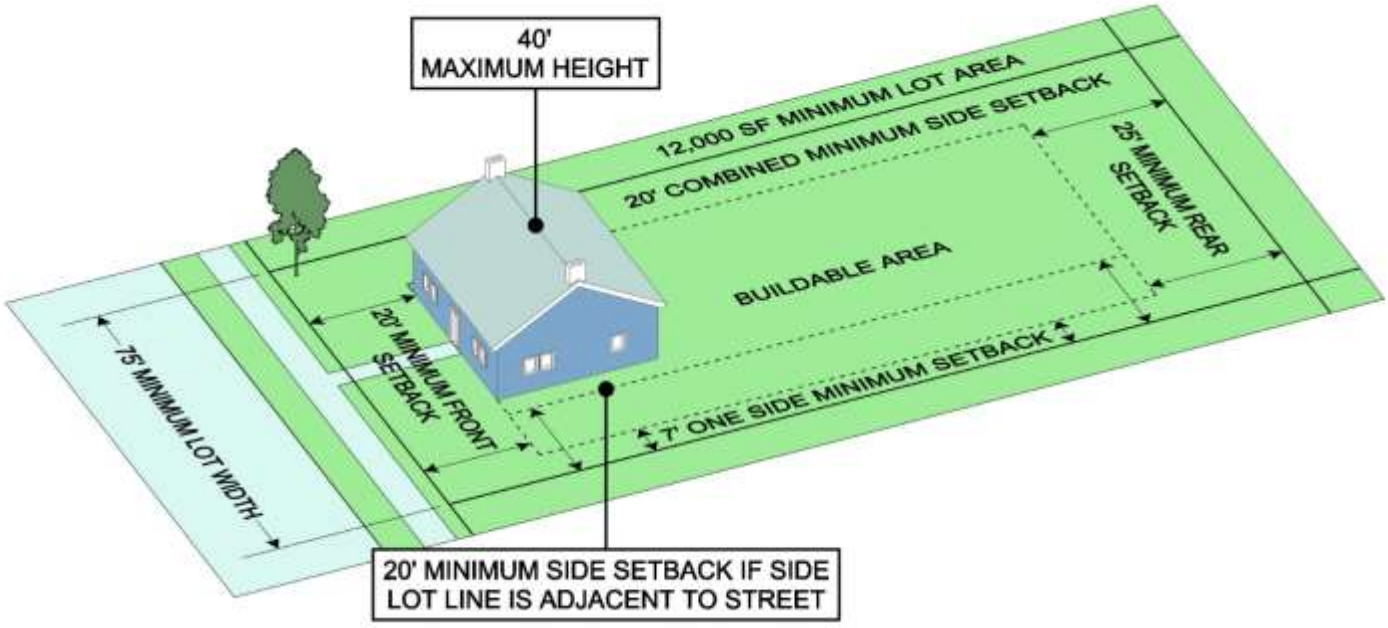
B. GENERAL DIMENSIONAL REQUIREMENTS

TABLE 4.5.7: GENERAL DIMENSIONAL REQUIREMENTS IN THE RS-12 DISTRICT

Zoning District	Minimum Zoning Lot		Minimum Setbacks					Maximum Impervious Surface Cover (%)	Maximum Height (ft)
			Front (ft) [3] [4]	Rear (ft)	Side [1]				
	Area (sf)	Width (ft) [2]			One Side (ft)	Combined (ft)	Street (ft) [4]		
RS-12	12,000	75	20	25	7	20	20	No Limit	40

NOTES:
[1] Where the main entrance to a single family residence is located on a side yard, the setback for the portion of the wall on which the door is located shall be equal to the front yard setback.
[2] Cul-de-sac lots shall be exempt from lot width requirements.
[3] Cul-de-sac lots may measure the front setback from a chord or straight line between front lot corners provided it does not decrease the front yard setback from the right-of-way of the cul-de-sac or turnaround more than ten (10) feet from the requirements of the zoning district in which the lot is located.
[4] *Residential structures in GMA 2 shall meet the requirements of Section 6.4.2, Supplementary Standards For Residential Development In GMA 2 (W).*

FIGURE 4.5.7.B: GENERAL DIMENSIONAL REQUIREMENTS – RS-12 DISTRICT



C. SUPPLEMENTARY DISTRICT REQUIREMENTS

1. ONE PRINCIPAL BUILDING PER ZONING LOT

Only one residential building shall be placed on a zoning lot or lot of record, except as permitted under **Section 5.3.4C, Dwelling, Accessory (Detached),** or under **Section 5.2.66K, Multiple Dwelling Units Per Zoning Lot (W).**

4.5.8 RS-9 RESIDENTIAL SINGLE FAMILY DISTRICT

A. PURPOSE

1. The RS-9 District is primarily intended to accommodate relatively high density single family detached dwellings in urban areas.

2. This district is intended for application in GMAs 2 and 3 and may be suitable in Activity Centers where public facilities, including public water and sewer, public roads, parks, and other governmental support services, are available.

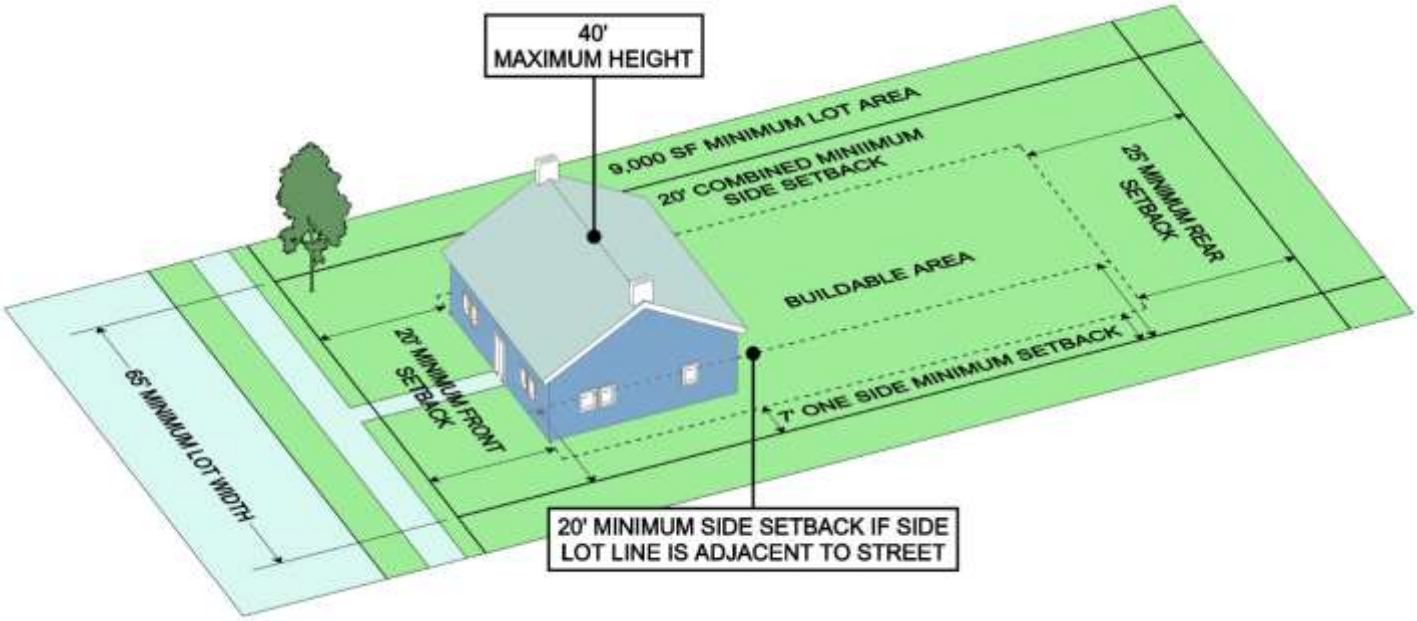
B. GENERAL DIMENSIONAL REQUIREMENTS

TABLE 4.5.8: GENERAL DIMENSIONAL REQUIREMENTS IN THE RS-9 DISTRICT

Zoning District	Minimum Zoning Lot		Minimum Setbacks					Maximum Impervious Surface Cover (%)	Maximum Height (ft)
			Front (ft) [3] [4]	Rear (ft)	Side [1]				
	Area (sf)	Width (ft) [2]			One Side (ft)	Combined (ft)	Street (ft) [4]		
RS-9	9,000	65	20	25	7	20	20	No Limit	40

NOTES:
[1] Where the main entrance to a single family residence is located on a side yard, the setback for the portion of the wall on which the door is located shall be equal to the front yard setback.
[2] Cul-de-sac lots shall be exempt from lot width requirements.
[3] Cul-de-sac lots may measure the front setback from a chord or straight line between front lot corners provided it does not decrease the front yard setback from the right-of-way of the cul-de-sac or turnaround more than ten (10) feet from the requirements of the zoning district in which the lot is located.
[4] *Residential structures in GMA 2 shall meet the requirements of Section 6.4.2, Supplementary Standards For Residential Development In GMA 2 (W).*

FIGURE 4.5.8.B: GENERAL DIMENSIONAL REQUIREMENTS – RS-9 DISTRICT



C. SUPPLEMENTARY DISTRICT REQUIREMENTS

1. ONE PRINCIPAL BUILDING PER ZONING LOT

Only one residential building shall be placed on a zoning lot or lot of record, except as permitted under **Section 5.3.4C, Dwelling, Accessory (Detached),** or under **Section 5.2.66K, Multiple Dwelling Units Per Zoning Lot (W)**.

4.5.9 RS-7 RESIDENTIAL SINGLE FAMILY DISTRICT

A. PURPOSE

1. The RS-7 District is primarily intended to accommodate high density single family detached dwellings in urban areas.

2. This district is intended for application in GMAs 2 and 3, and may be suitable for GMA 4 and Activity Centers where public facilities, including public water and sewer, public roads, parks, and other governmental support services, are available.

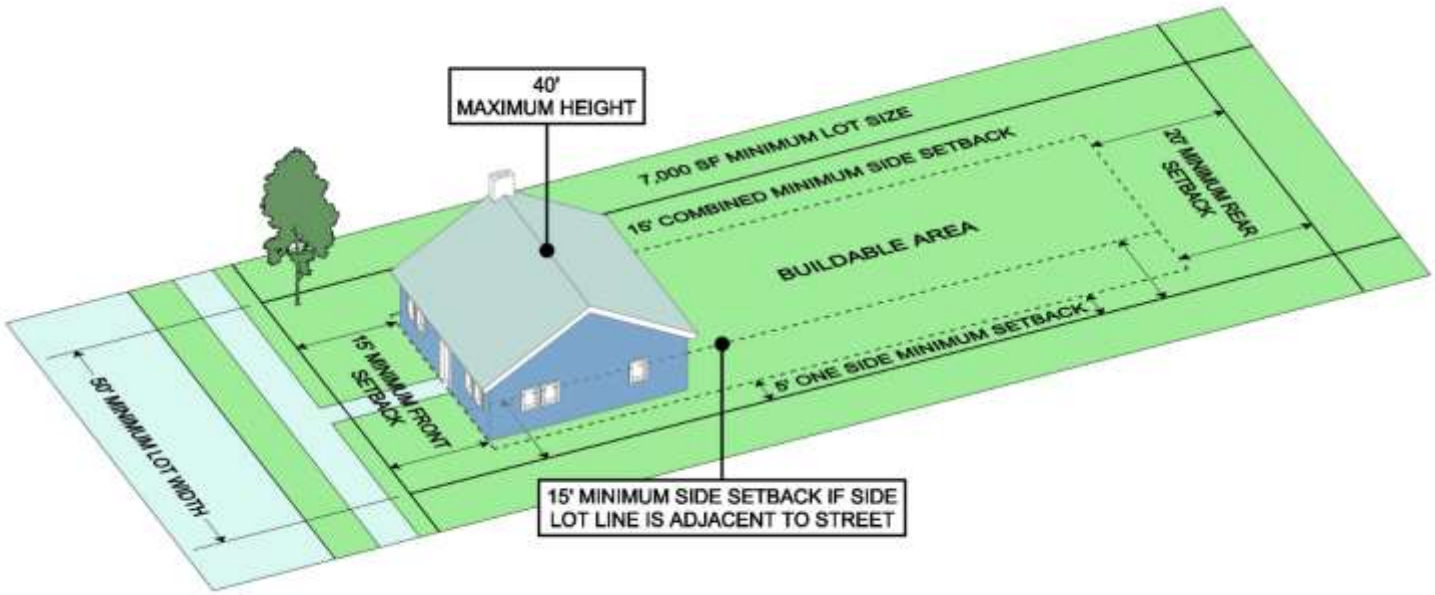
B. GENERAL DIMENSIONAL REQUIREMENTS

TABLE 4.5.9: GENERAL DIMENSIONAL REQUIREMENTS IN THE RS-7 DISTRICT

Zoning District	Minimum Zoning Lot		Minimum Setbacks					Maximum Impervious Surface Cover (%)	Maximum Height (ft)
			Front (ft) [3] [4]	Rear (ft)	Side [1]				
	Area (sf)	Width (ft) [2]			One Side (ft)	Combined (ft)	Street (ft) [4]		
RS-7	7,000	50	15	20	5	15	15	No Limit	40

NOTES:
[1] Where the main entrance to a single family residence is located on a side yard, the setback for the portion of the wall on which the door is located shall be equal to the front yard setback.
[2] Cul-de-sac lots shall be exempt from lot width requirements.
[3] Cul-de-sac lots may measure the front setback from a chord or straight line between front lot corners provided it does not decrease the front yard setback from the right-of-way of the cul-de-sac or turnaround more than ten (10) feet from the requirements of the zoning district in which the lot is located.
[4] *Residential structures in GMA 2 shall meet the requirements of Section 6.4.2, Supplementary Standards For Residential Development In GMA 2 (W).*

FIGURE 4.5.9.B: GENERAL DIMENSIONAL REQUIREMENTS – RS-7 DISTRICT



C. SUPPLEMENTARY DISTRICT REQUIREMENTS

1. ONE PRINCIPAL BUILDING PER ZONING LOT

Only one residential building shall be placed on a zoning lot or lot of record, except as permitted under **Section 5.3.4C, Dwelling, Accessory (Detached),** or under **Section 5.2.66K, Multiple Dwelling Units Per Zoning Lot (W)**.

4.5.10 RSQ RESIDENTIAL SINGLE FAMILY QUADRAPLEX DISTRICT

A. PURPOSE

1. The RSQ District is primarily intended to accommodate predominantly single family areas containing a mixture of single family detached dwellings, duplexes, triplexes, and quadraplexes in urban neighborhoods and in areas with adequate infrastructure to support more intense development.

2. This district is intended for application in GMAs 2 and 3 and may be suitable for Activity Centers where public facilities, including public water and sewer, public roads, parks, and other governmental support services are available.

B. GENERAL DIMENSIONAL REQUIREMENTS

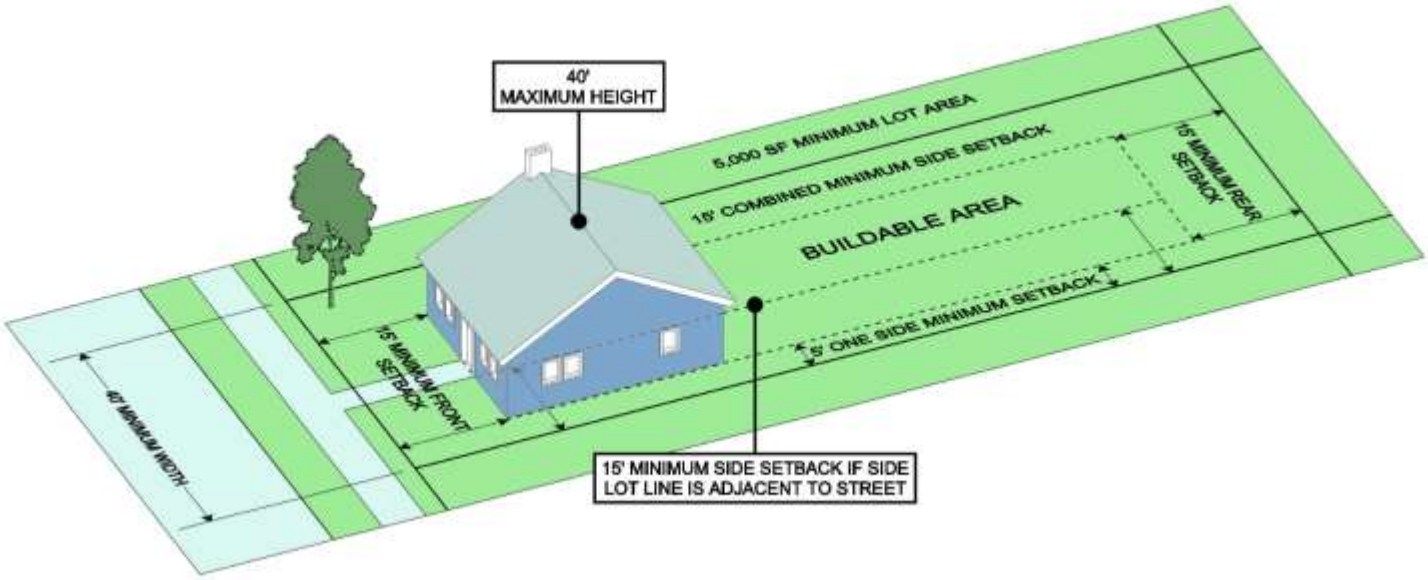
TABLE 4.5.10: GENERAL DIMENSIONAL REQUIREMENTS IN THE RSQ DISTRICT

RSQ Zoning District/ Use	Minimum Zoning Lot		Minimum Setbacks					Maximum Impervious Surface Cover (%)	Maximum Height (ft)
			Front (ft) [3] [6]	Rear (ft)	Side [1]				
	Area (sf)	Width (ft) [2]			One Side (ft)	Combined (ft)	Street (ft) [6]		
Single Family	5,000	40	15	15	5	15	15	No Limit	40
Duplex	7,000	50	15	15	7	15	15	No Limit	40
Twin Homes	[4]	[4]	0 [4]	0 [4]	0 [4]	0 [4]	0 [4]	No Limit	40
Triplex	9,000	60	15	15	10	20	15	No Limit	40
Quadraplex	11,000	60	15	15	10	20	15	No Limit	40
3- or 4-Unit Townhouse	[5]	[5]	0 [5]	0 [5]	0 [5]	0 [5]	0 [5]	No Limit	40
Other	11,000	60	15	15	10	20	15	No Limit	40

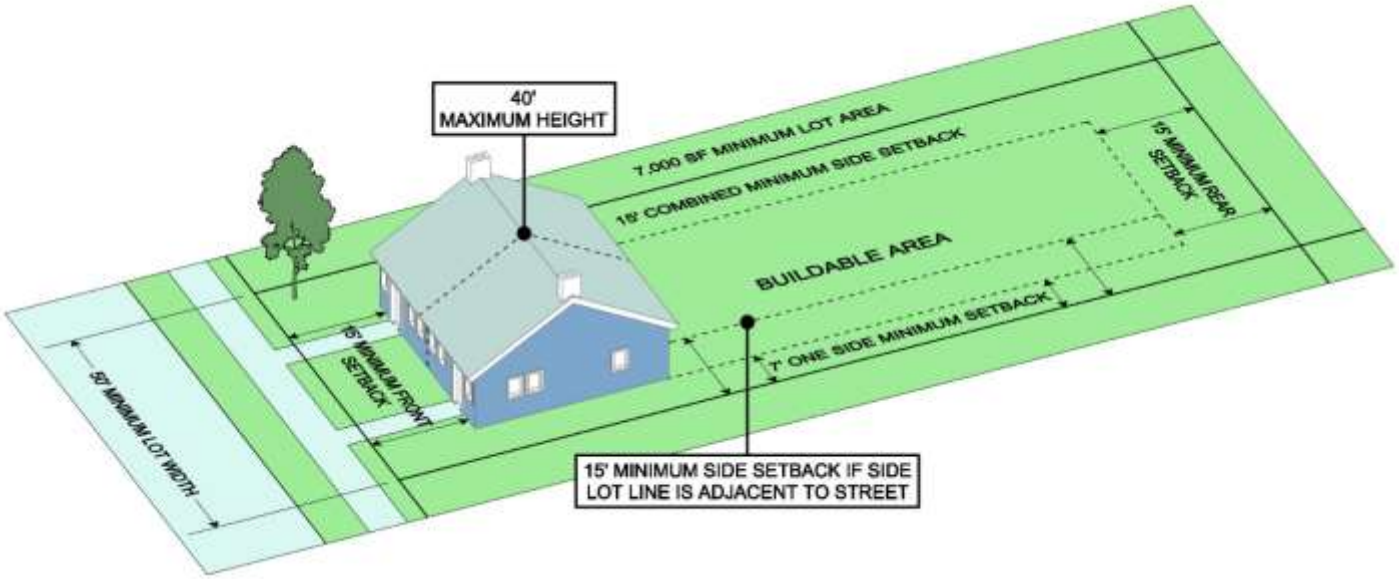
NOTES:
[1] Where the main entrance to a single family residence is located on a side yard, the setback for the portion of the wall on which the door is located shall be equal to the front yard setback.
[2] Cul-de-sac lots shall be exempt from lot width requirements.
[3] Cul-de-sac lots may measure the front setback from a chord or straight line between front lot corners provided it does not decrease the front yard setback from the right-of-way of the cul-de-sac or turnaround more than ten (10) feet from the requirements of the zoning district in which the lot is located.
[4] Lot area, lot width, and building setbacks for Twin Homes shall be the same as for Duplex, however the land under units may be sold with no setbacks.
[5] Lot area, lot width and building setbacks for three- and four-Unit Townhouses shall be the same as for Quadraplex, however, the land under units may be sold with no setbacks.
[6] *Residential structures in GMA 2 shall meet the requirements of Section 6.4.2, Supplementary Standards For Residential Development In GMA 2 (W).*

FIGURE 4.5.10.B: GENERAL DIMENSIONAL REQUIREMENTS – RSQ DISTRICT

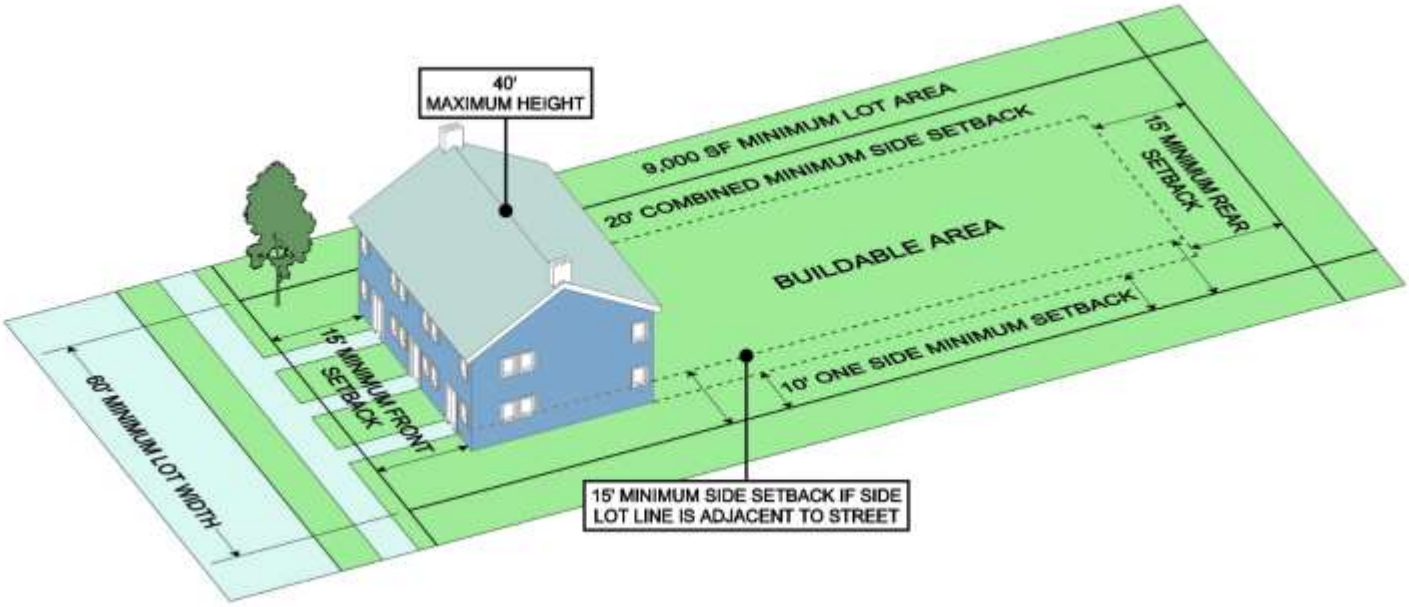
SINGLE FAMILY:



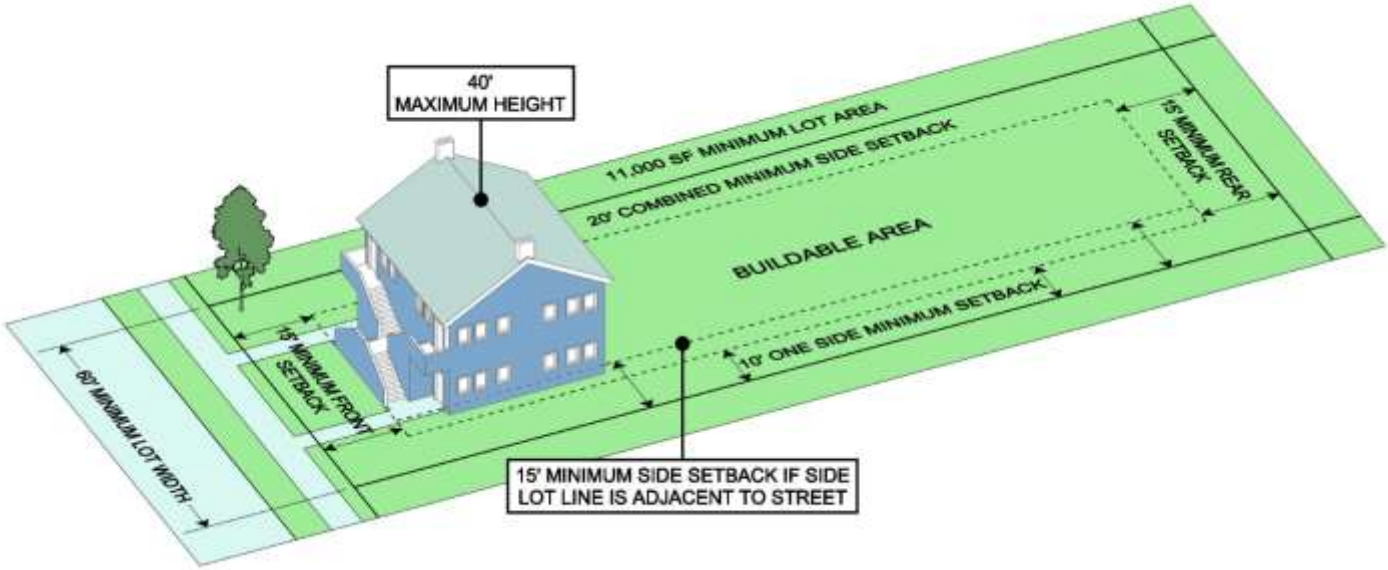
DUPLEX:



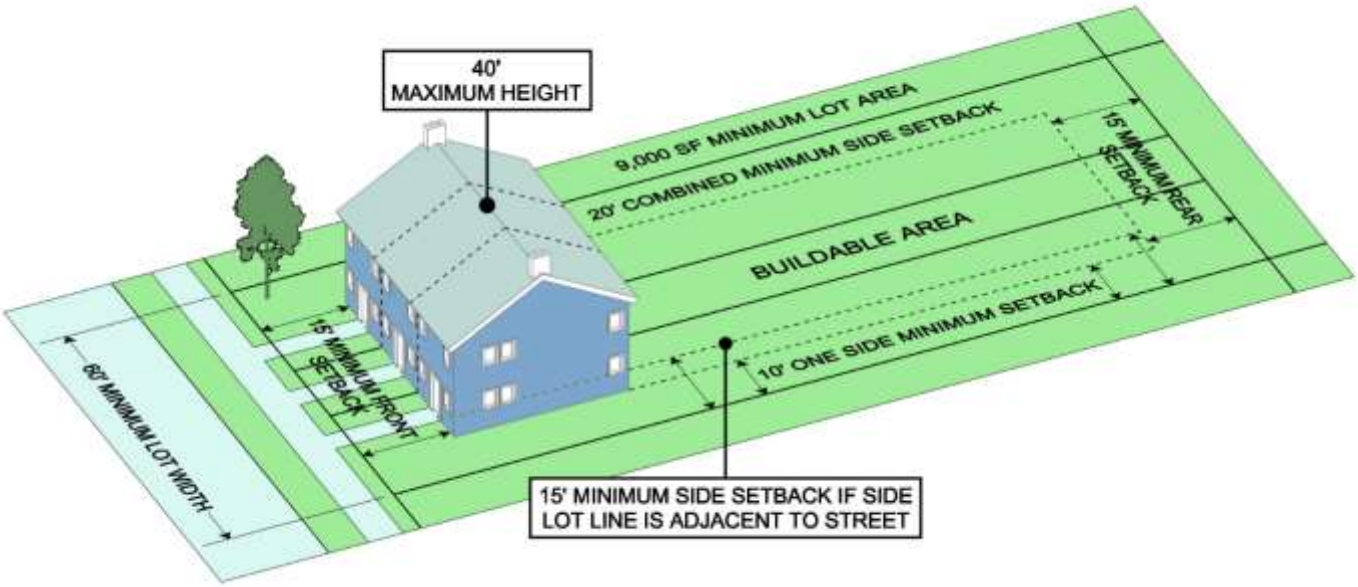
TRIPLEX:



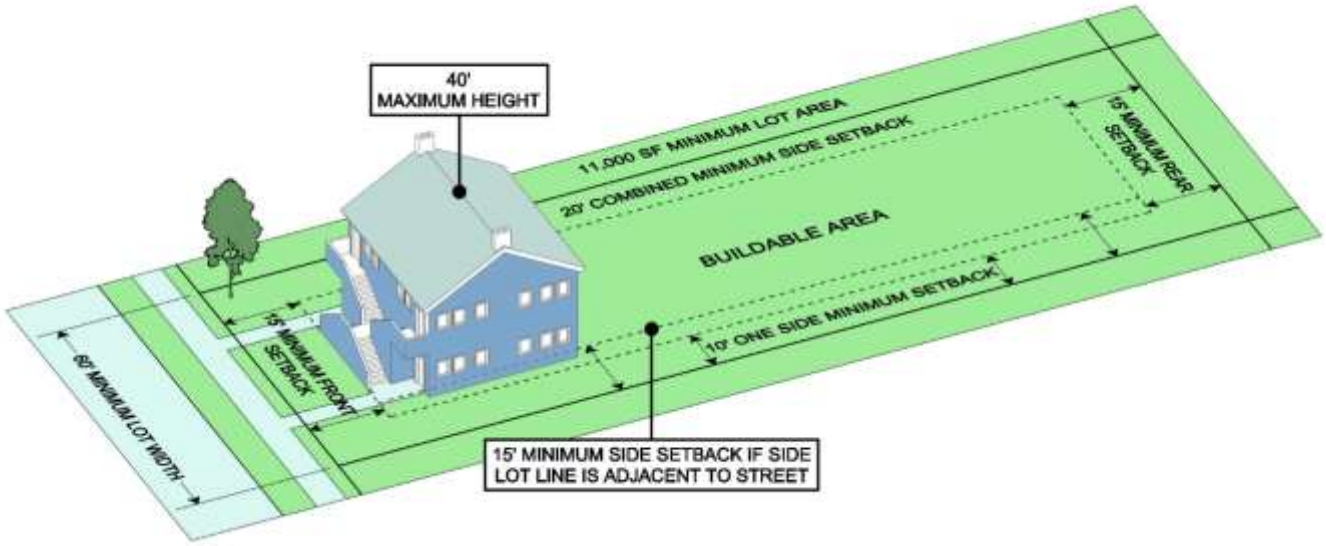
QUADRAPLEX:



3- OR 4- UNIT TOWNHOUSE:



OTHER:



C. SUPPLEMENTARY DISTRICT REQUIREMENTS

1. PARKING IN SIDE OR REAR

a. LOTS IN FORSYTH COUNTY (F)

i. All off-street parking shall be provided to the side or rear of the principal building(s) unless the Planning staff determines that, due to lot size, shape, or topographic features, some or all parking cannot be placed to the side or rear.

ii. All parking shall be set back at least five (5) feet off the property line.

iii. The intervening five (5) feet shall be landscaped to meet the type I bufferyard standards of **Table 6.3.2A.3.a, Type I Bufferyard**.

iv. The provisions of this section shall not apply to single family dwellings.

b. *LOTS IN WINSTON-SALEM*

i. *All off-street parking shall be provided to the side or rear of the principal building(s) unless the Planning staff determines that, due to lot size, shape, or topographic features, some or all parking cannot be placed to the side or rear.*

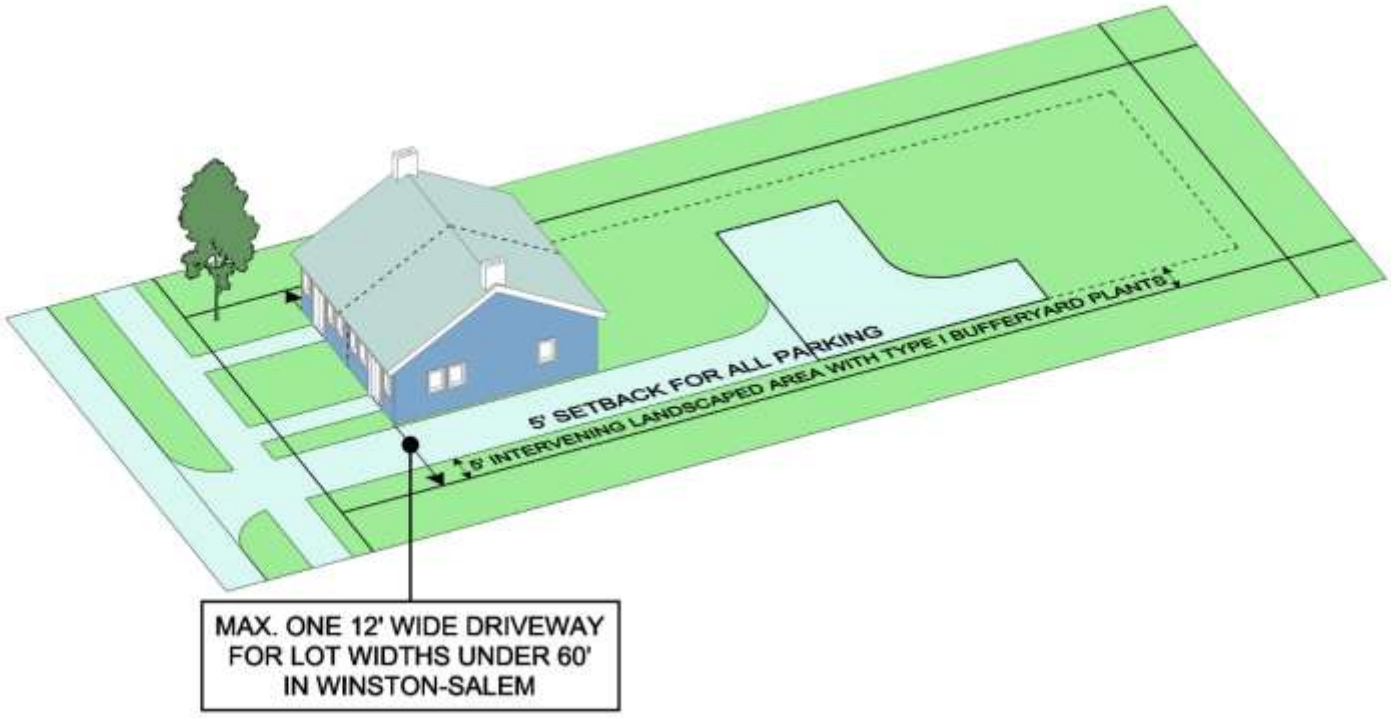
ii. *All parking shall be set back at least five (5) feet off the property line.*

iii. *The intervening five (5) feet shall be landscaped to meet the type I bufferyard standards of **Section 6.3, Bufferyard Standards**.*

iv. *The provisions of this section shall not apply to single family dwellings with lot widths sixty (60) feet wide or greater at the building line.*

v. *Lots less than sixty (60) feet wide at the building line shall be permitted only one driveway connection to the street with a maximum driveway width of twelve (12) feet measured at the right-of-way. (W)*

FIGURE 4.5.10.C.1: PARKING IN SIDE OR REAR



2. VEHICULAR USE LANDSCAPING REQUIREMENTS

Vehicular use landscaping requirements of ***Section 6.2.1D, Motor Vehicle Surface Area Landscaping Standards* (W)**, or **Section 6.2.2C, Motor Vehicle Surface Area Landscaping Standards (F)**, as appropriate, must be met for multifamily developments (triplexes or quadraplexes) where parking is provided at the front of the principal building.

3. LANDSCAPED SEPARATION FROM BUILDING

A minimum three (3) foot wide landscaped area shall be provided between any parking area and building wall providing access into the unit(s).

4. BUFFERYARD

The bufferyard requirements for multifamily uses in **Section 6.3, Bufferyard Standards,** shall not apply.

5. ROOF PITCH

A roof having a pitch with a minimum vertical rise of four (4) feet for each twelve (12) feet of horizontal run is required on all buildings.

6. UNITS PER LOT

Only one principal residential building may be erected or placed on a zoning lot, except that two principal buildings existing on a single zoning lot as of the effective date of this Ordinance is considered legal and not nonconforming.

7. CONVERSION

a. Conversion of any existing residential building to accommodate more dwelling units must obtain a special use permit from the Board of Adjustment.

b. No exterior alteration which would detract from the single family character of the building shall be permitted.

c. No new stairways to upper floors are permitted on any side of a building which faces a public street.

8. HO DISTRICT

In any neighborhood with a Historic Overlay (HO) District, the HO District regulations shall supersede any conflicting RSQ standards.

9. MULTIFAMILY USE CONDITIONS

Multifamily buildings in the RSQ District do not need to comply with the use conditions for "Residential Buildings, Multifamily" in **Section 5.2.70, Residential Building, Multifamily; Townhouse; or Twin Home (F)**, or ***Section 5.2.71, Residential Building, Multifamily; Townhouse; or Twin Home (W)***, as appropriate

10. DWELLING UNITS

No residential building in the RSQ District can have more than four (4) dwelling units.

4.5.11 RM-5 RESIDENTIAL MULTIFAMILY DISTRICT

A. PURPOSE

1. The RM-5 District is primarily intended to accommodate low density, pedestrian-oriented sites and communities containing duplexes, twin homes, multifamily, and townhouse residential buildings containing between three and six units, and similar residential uses at a maximum overall density of five units per acre.

2. This district is intended for GMAs 2 and 3 and may be suitable for GMA 4 and Activity Centers where public facilities, including public water and sewer, public roads, parks, and other governmental support services, are available.

B. GENERAL DIMENSIONAL REQUIREMENTS

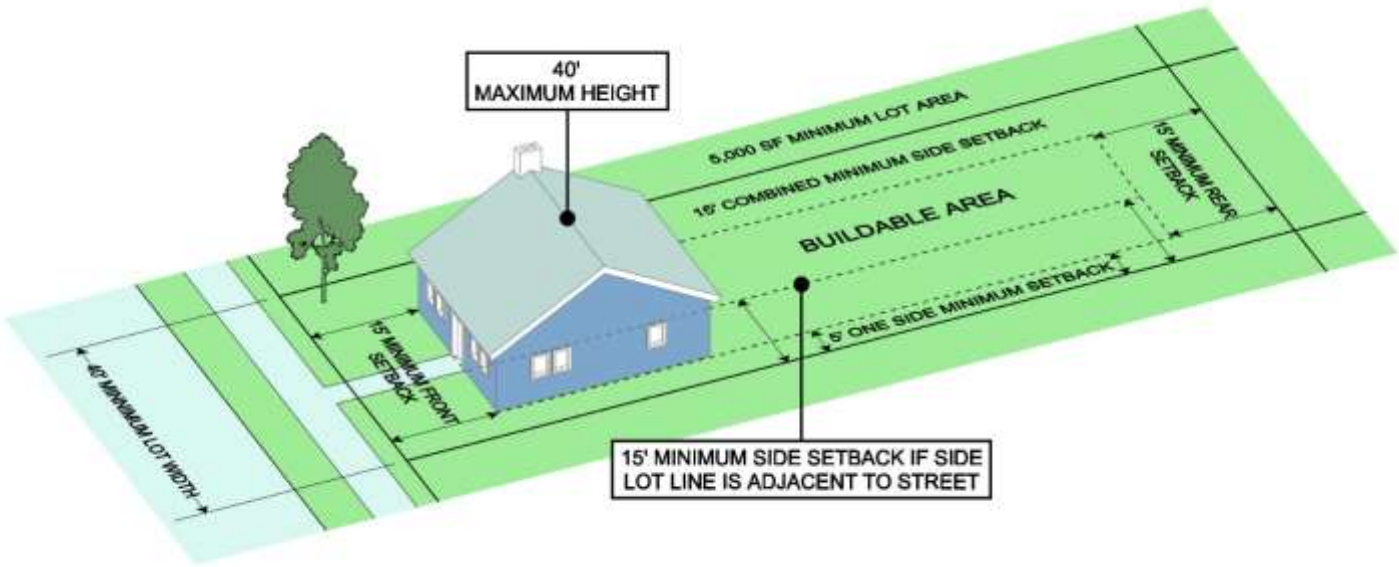
TABLE 4.5.11: GENERAL DIMENSIONAL REQUIREMENTS IN THE RM-5 DISTRICT

Zoning District/ Use	Minimum Zoning Lot [8]		Minimum Setbacks					Maximum Impervious Surface Cover (%)	Maximum Height (ft)
			Front (ft) [5] [7]	Rear (ft)	Side [1]				
	Area (sf)	Width (ft) [4]			One Side (ft)	Combined (ft)	Street (ft) [7]		
Single Family	5,000	40	15	15	5	15	15	No Limit	40
Duplex	7,000	50	15	15	7	15	15	No Limit	40
Twin Homes	None	None	0 [2]	0 [3]	0 [3]	0 [3]	0 [2]	No Limit	40
Triplex Multi-family	9,000	60	15	15	10	20	15	No Limit	40
Quadraplex Multi-family	11,000	60	15	15	10	20	15	No Limit	40
3- to 6-Unit Townhouse	None	None	0 [2]	0 [6]	0 [6]	0 [6]	0 [2]	No Limit	40
Other	11,000	60	15	15	10	20	15	No Limit	40

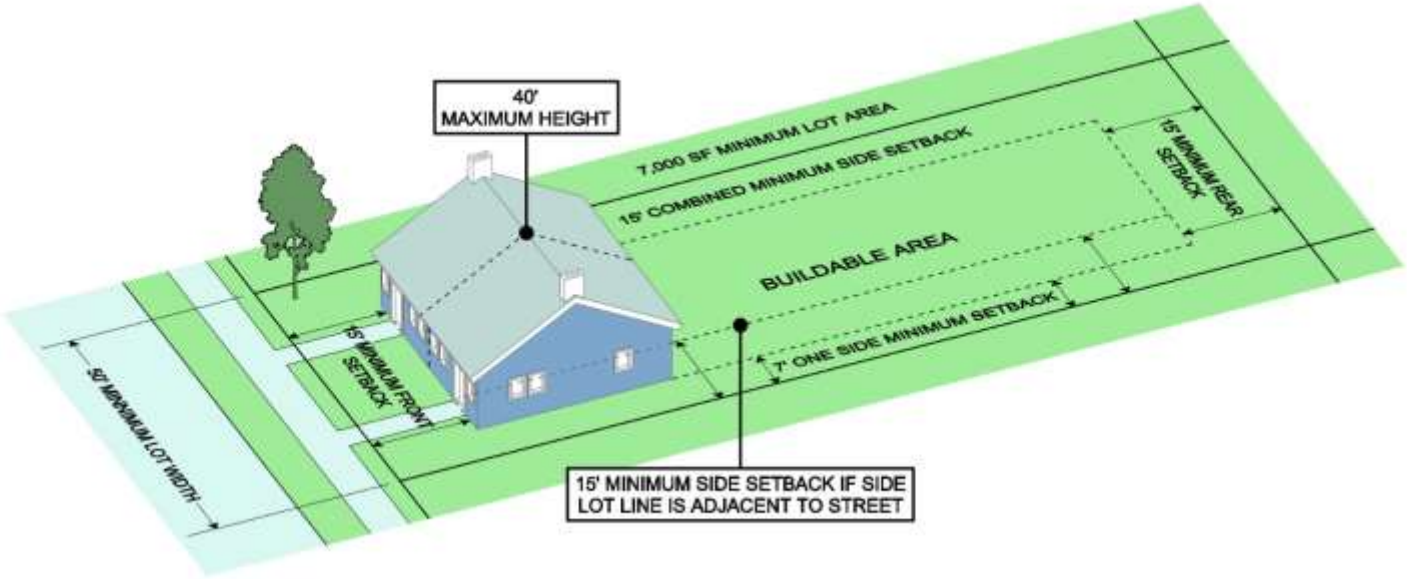
NOTES:
[1] Where the main entrance to a single family residence is located on a side yard, the setback for the portion of the wall on which the door is located shall be equal to the front yard setback.
[2] Buildings must be set back minimum fifteen (15) feet off front and side street right-of-way.
[3] Buildings must be spaced a minimum of fifteen (15) feet from side to side, fifteen (15) feet from side to rear and thirty (30) feet from rear to rear; however, the land under units may be sold with no setbacks.
[4] Cul-de-sac lots shall be exempt from lot width requirements.
[5] Cul-de-sac lots may measure the front setback from a chord or straight line between front lot corners provided it does not decrease the front yard setback from the right-of-way of the cul-de-sac or turnaround more than ten (10) feet from the requirements of the zoning district in which the lot is located.
[6] Buildings must be spaced a minimum twenty (20) feet from side to side, twenty (20) feet from side to rear and forty (40) feet from rear to rear; however, the land under units may be sold with no setbacks.
[7] *Residential structures in GMA 2 shall meet the requirements of Section 6.4.2, Supplementary Standards For Residential Development In GMA 2 (W).*
[8] In no case shall any RM-5 development exceed an overall density of five (5) dwelling units per acre.

FIGURE 4.5.11.B: GENERAL DIMENSIONAL REQUIREMENTS – RM-5 DISTRICT

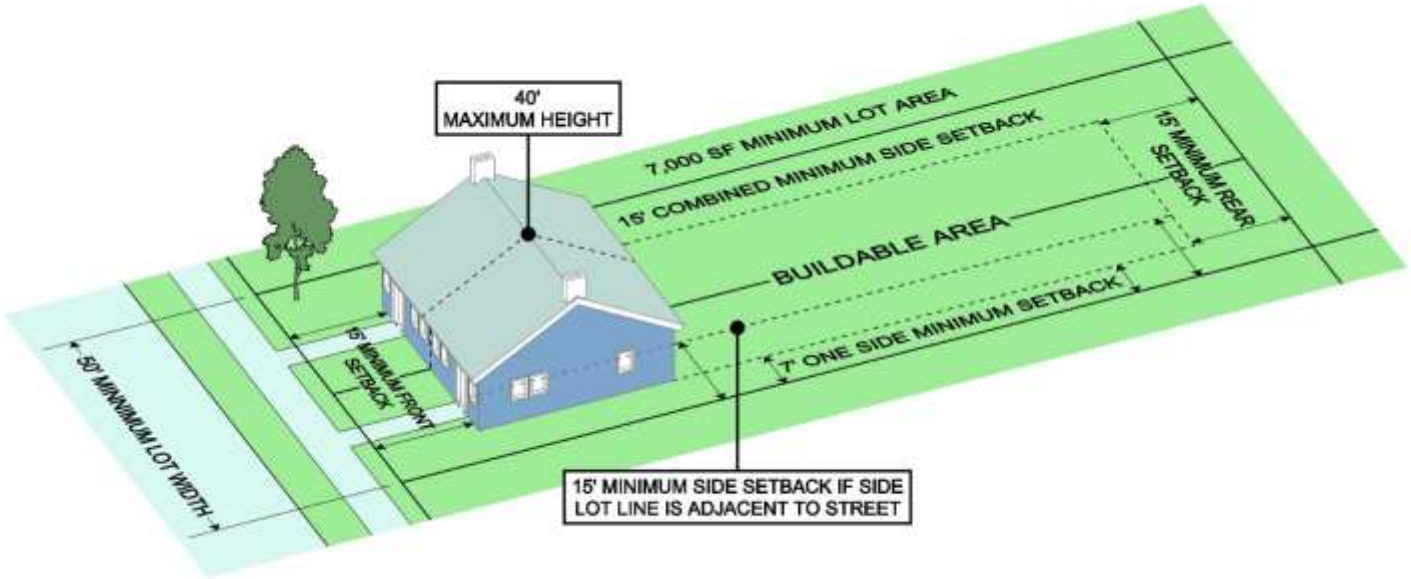
SINGLE FAMILY:



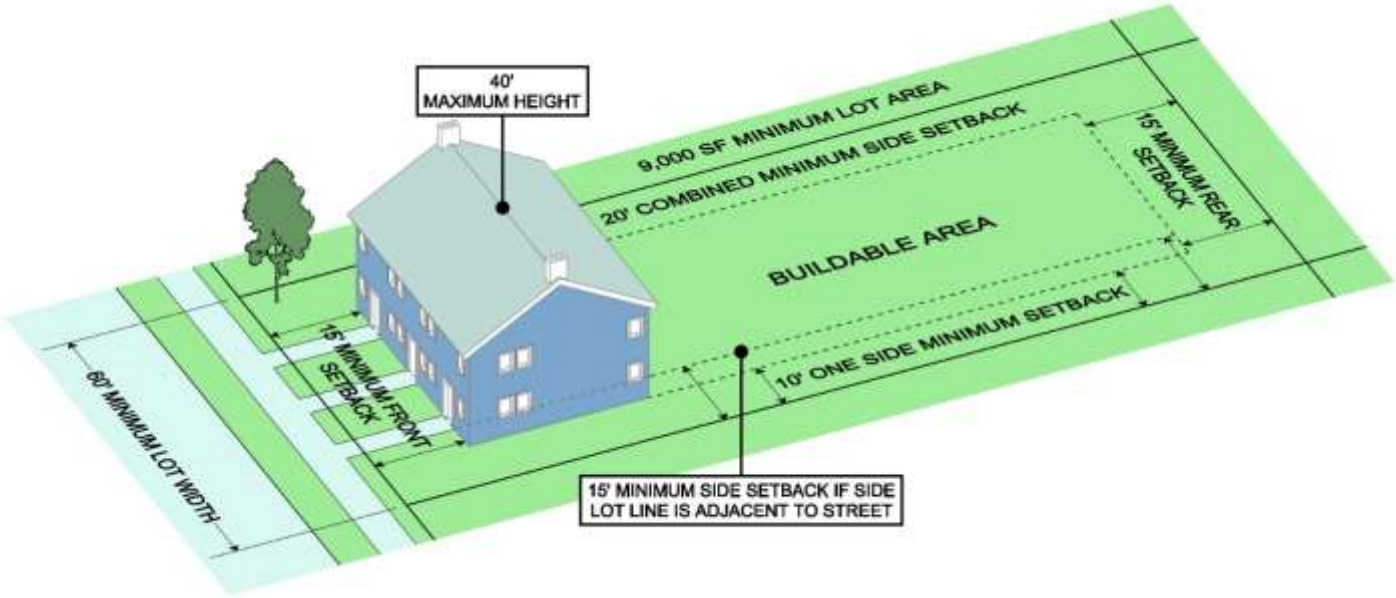
DUPLEX:



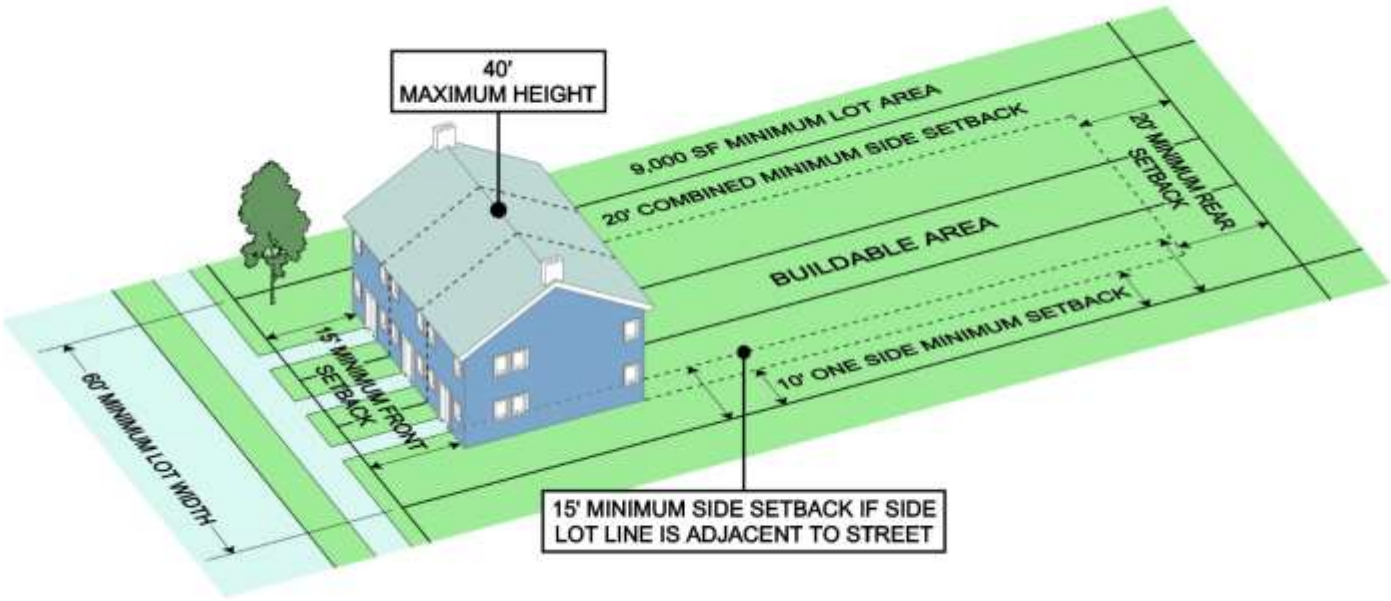
TWIN HOMES:



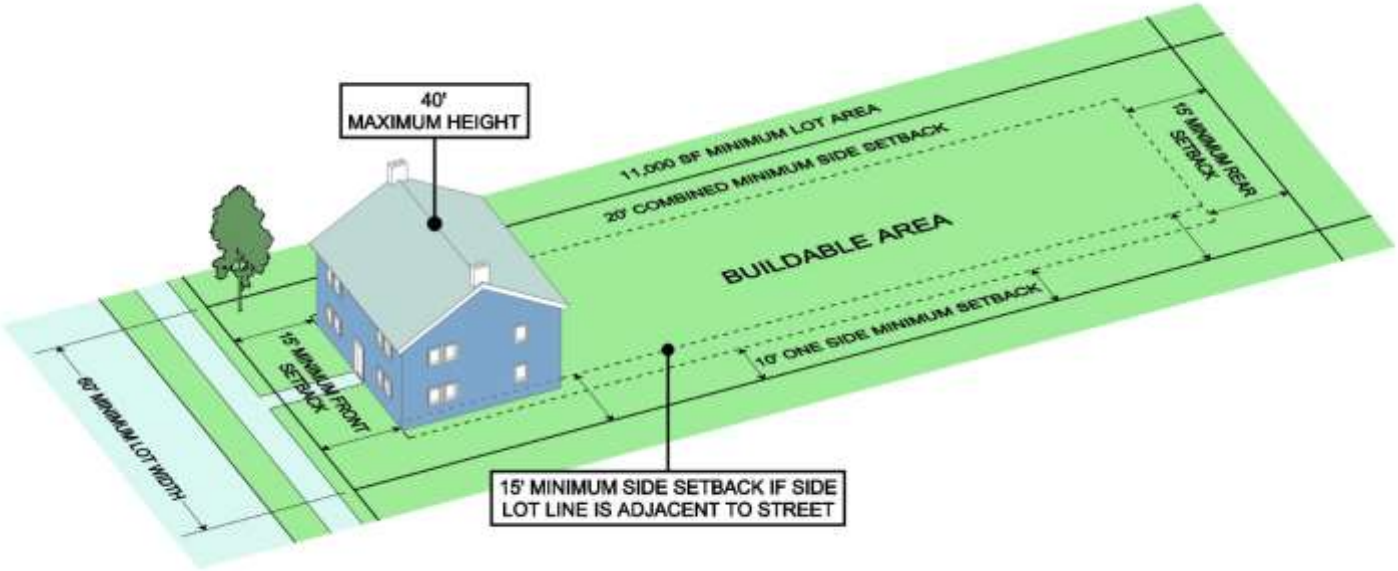
TRIPLEX:



3- OR 4- UNIT TOWNHOUSE:



OTHER:



C. SUPPLEMENTARY DISTRICT REQUIREMENTS

No multifamily or other residential buildings exceeding six (6) units will be allowed in the RM-5 district.

4.5.12 RM-8 RESIDENTIAL MULTIFAMILY DISTRICT

A. PURPOSE

1. The RM-8 District is primarily intended to accommodate duplexes, twin homes, townhouses, multifamily, and other low intensity multifamily uses at a maximum overall density of eight (8) units per acre.

2. This district is appropriate for GMAs 2 and 3 and may be suitable for Activity Centers where public facilities, including public water and sewer, public roads, parks, and other governmental support services are available.

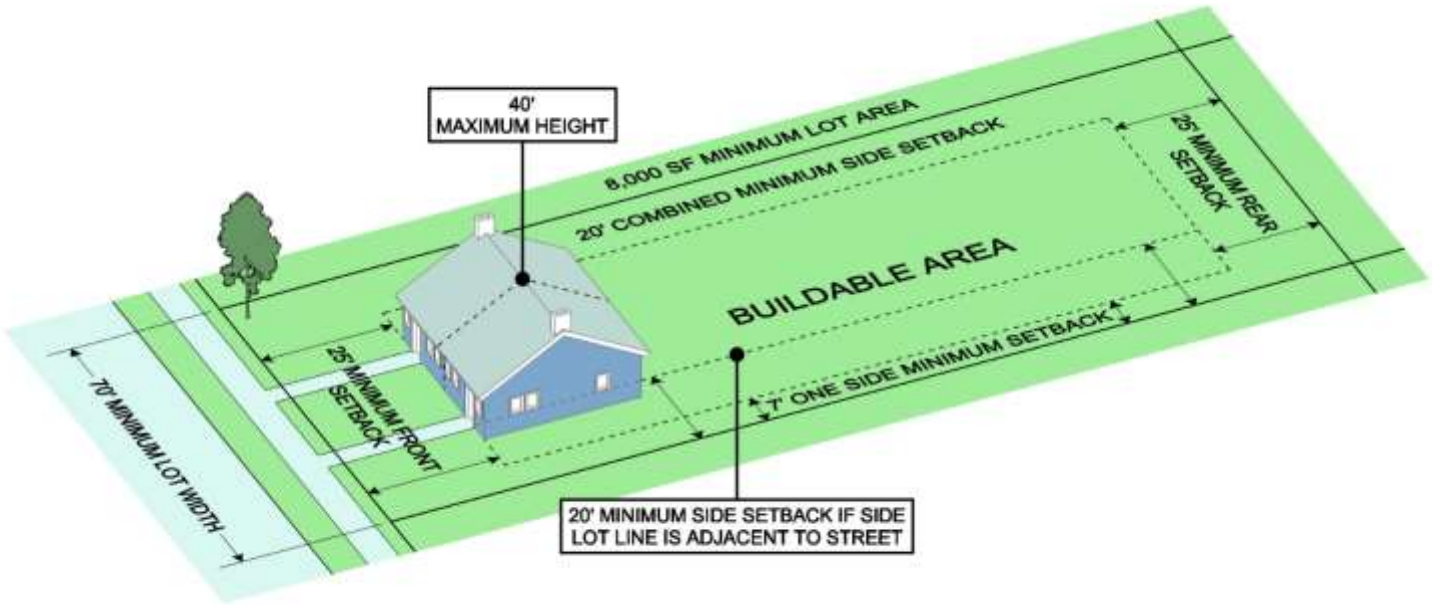
B. GENERAL DIMENSIONAL REQUIREMENTS

TABLE 4.5.12: GENERAL DIMENSIONAL REQUIREMENTS IN THE RM-8 DISTRICT [5]

Zoning District/ Use	Minimum Zoning Lot		Minimum Setbacks					Maximum Impervious Surface Cover (%)	Maximum Height (ft)
			Front (ft) [3] [4]	Rear (ft)	Side [1]				
	Area (sf)	Width (ft) [2]			One Side (ft)	Combined (ft)	Street (ft) [4]		
RM-8	8,000	70	25	25	7	20	20	70	48

NOTES:
[1] Where the main entrance to a single family residence is located on a side yard, the setback for the portion of the wall on which the door is located shall be equal to the front yard setback.
[2] Cul-de-sac lots shall be exempt from lot width requirements.
[3] Cul-de-sac lots may measure the front setback from a chord or straight line between front lot corners provided it does not decrease the front yard setback from the right-of-way of the cul-de-sac or turnaround more than ten (10) feet from the requirements of the zoning district in which the lot is located.
[4] *Residential structures in GMA 2 shall meet the requirements of Section 6.4.2, Supplementary Standards For Residential Development In GMA 2 (W).*
[5] Single family uses within all RM districts shall meet the "Single Family" dimensional requirements of Table 4.5.11, General Dimensional Requirements in the RM-5 District.

FIGURE 4.5.12.B: GENERAL DIMENSIONAL REQUIREMENTS – RM-8 DISTRICT



C. SUPPLEMENTARY DISTRICT REQUIREMENTS

Structures with a height greater than forty (40) feet shall be set back a minimum of fifty (50) feet from adjacent properties zoned for single family residential development.

4.5.13 RM-12 RESIDENTIAL MULTIFAMILY DISTRICT

A. PURPOSE

1. The RM-12 District is primarily intended to accommodate multifamily uses at a maximum overall density of twelve (12) units per acre.

2. This district is appropriate for GMAs 1, 2, and 3 and may be suitable for Activity Centers where public facilities, including public water and sewer, public roads, parks, and other governmental support services, are available.

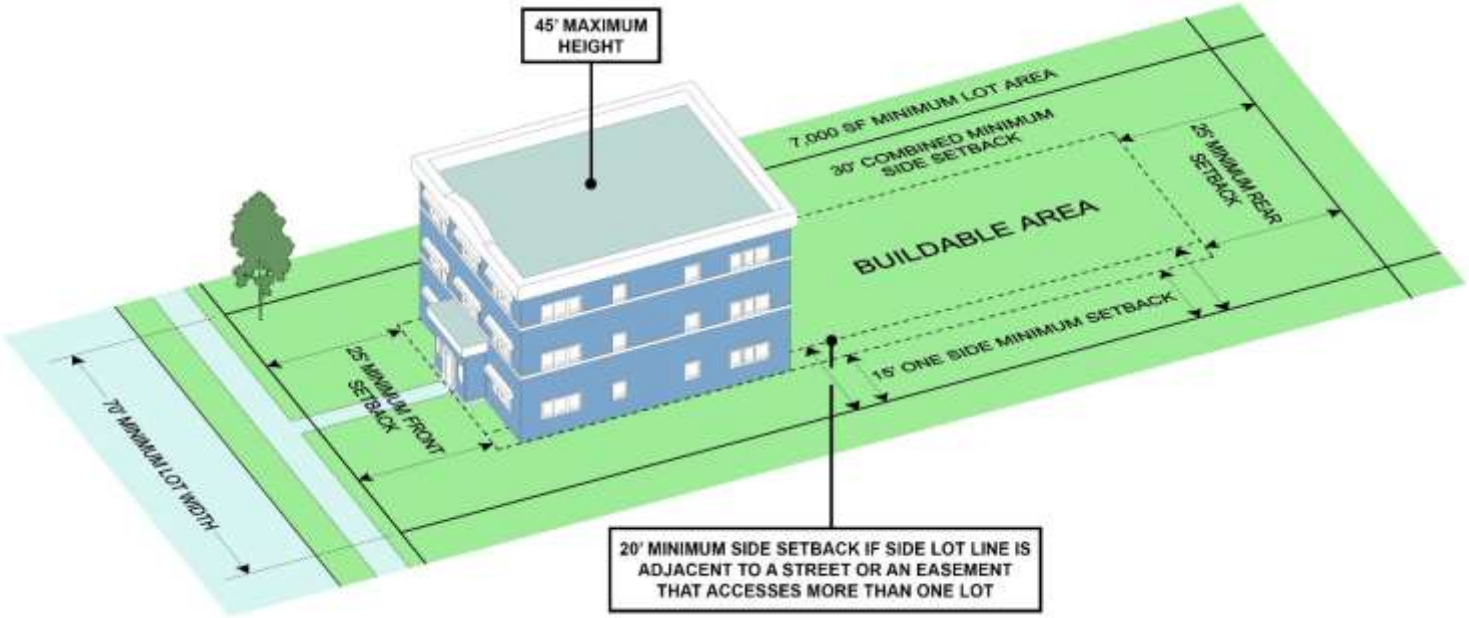
B. GENERAL DIMENSIONAL REQUIREMENTS

TABLE 4.5.13: GENERAL DIMENSIONAL REQUIREMENTS IN THE RM-12 DISTRICT [5]

Zoning District/ Use	Minimum Zoning Lot		Minimum Setbacks					Maximum Impervious Surface Cover (%)	Maximum Height (ft)
			Front (ft) [3] [4]	Rear (ft)	Side [1]				
	Area (sf)	Width (ft) [2]			One Side (ft)	Combined (ft)	Street (ft) [4]		
RM-12	7,000	70	25	25	15	30	20	75	60

NOTES:
[1] Where the main entrance to a single family residence is located on a side yard, the setback for the portion of the wall on which the door is located shall be equal to the front yard setback.
[2] Cul-de-sac lots shall be exempt from lot width requirements.
[3] Cul-de-sac lots may measure the front setback from a chord or straight line between front lot corners provided it does not decrease the front yard setback from the right-of-way of the cul-de-sac or turnaround more than ten (10) feet from the requirements of the zoning district in which the lot is located.
[4] *Residential structures in GMA 2 shall meet the requirements of Section 6.4.2, Supplementary Standards For Residential Development In GMA 2 (W).*
[5] Single family uses within all RM districts shall meet the "Single Family" dimensional requirements of Table 4.5.11, General Dimensional Requirements in the RM-5 District.

FIGURE 4.5.13.B: GENERAL DIMENSIONAL REQUIREMENTS – RM-12 DISTRICT



C. SUPPLEMENTARY DISTRICT REQUIREMENTS

Structures with a height greater than forty (40) feet shall be set back a minimum of fifty (50) feet from adjacent properties zoned for single family residential development.

4.5.14 RM-18 RESIDENTIAL MULTIFAMILY DISTRICT

A. PURPOSE

1. The RM-18 District is primarily intended to accommodate multifamily uses at a maximum overall density of eighteen (18) units per acre.

2. This district is appropriate for GMAs 1 and 2 and may be suitable for GMA 3 and Activity Centers where public facilities, including public water and sewer, public roads, parks, and other governmental support services, are available and the site has direct access to a minor or major thoroughfare.

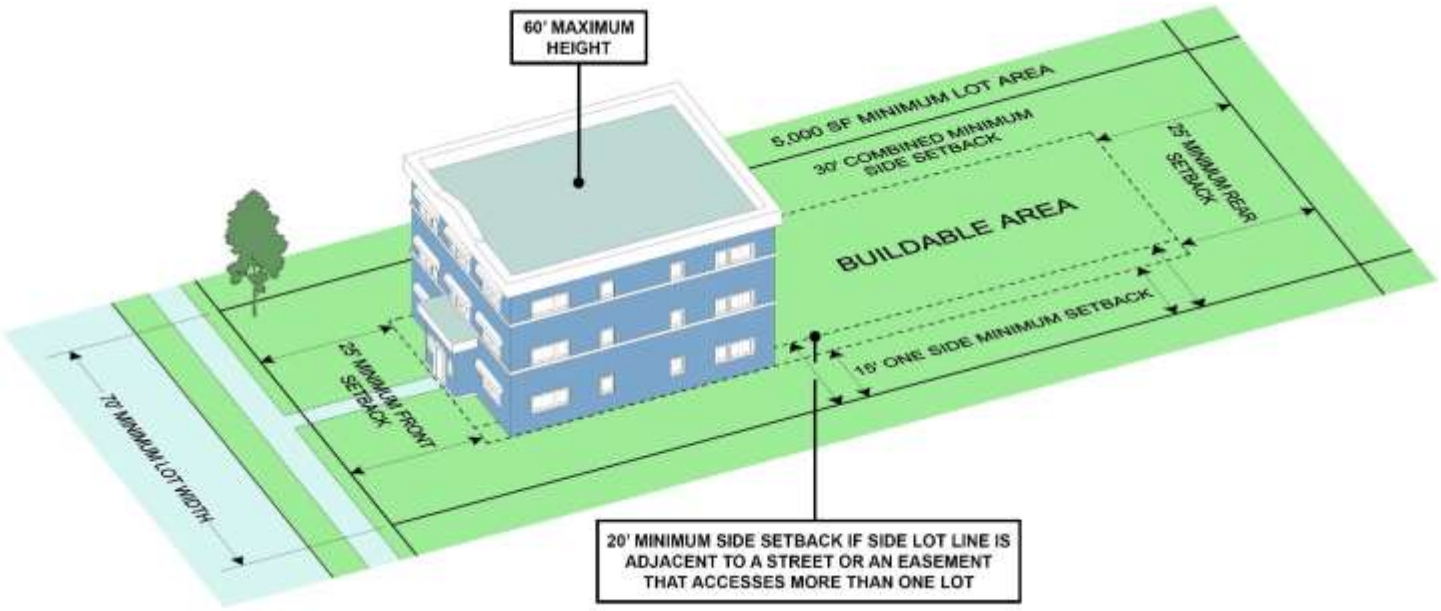
B. GENERAL DIMENSIONAL REQUIREMENTS

TABLE 4.5.14: GENERAL DIMENSIONAL REQUIREMENTS IN THE RM-18 DISTRICT [5]

Zoning District/ Use	Minimum Zoning Lot		Minimum Setbacks					Maximum Impervious Surface Cover (%)	Maximum Height (ft)
			Front (ft) [3] [4]	Rear (ft)	Side [1]				
	Area (sf)	Width (ft) [2]			One Side (ft)	Combined (ft)	Street (ft) [4]		
RM-18	5,000	70	25	25	15	30	20	80	72

NOTES:
[1] Where the main entrance to a single family residence is located on a side yard, the setback for the portion of the wall on which the door is located shall be equal to the front yard setback.
[2] Cul-de-sac lots shall be exempt from lot width requirements.
[3] Cul-de-sac lots may measure the front setback from a chord or straight line between front lot corners provided it does not decrease the front yard setback from the right-of-way of the cul-de-sac or turnaround more than ten (10) feet from the requirements of the zoning district in which the lot is located.
[4] *Residential structures in GMA 2 shall meet the requirements of Section 6.4.2, Supplementary Standards For Residential Development In GMA 2 (W).*
[5] Single family uses within all RM districts shall meet the "Single Family" dimensional requirements of Table 4.5.11, General Dimensional Requirements in the RM-5 District.

FIGURE 4.5.14.B: GENERAL DIMENSIONAL REQUIREMENTS – RM-18 DISTRICT



C. SUPPLEMENTARY DISTRICT REQUIREMENTS

Structures with a height greater than forty (40) feet shall be set back a minimum of fifty (50) feet from adjacent properties zoned for single family residential development.

4.5.15 RM-U RESIDENTIAL MULTIFAMILY DISTRICT

A. PURPOSE

1. The RM-U District is primarily intended to accommodate multifamily uses at unrestricted densities.

2. This district is appropriate for GMAs 1 and 2 and may be suitable for Activity Centers where public facilities, including public water and sewer, public roads, parks, and other governmental services, are available and the site has direct access to a minor or major thoroughfare.

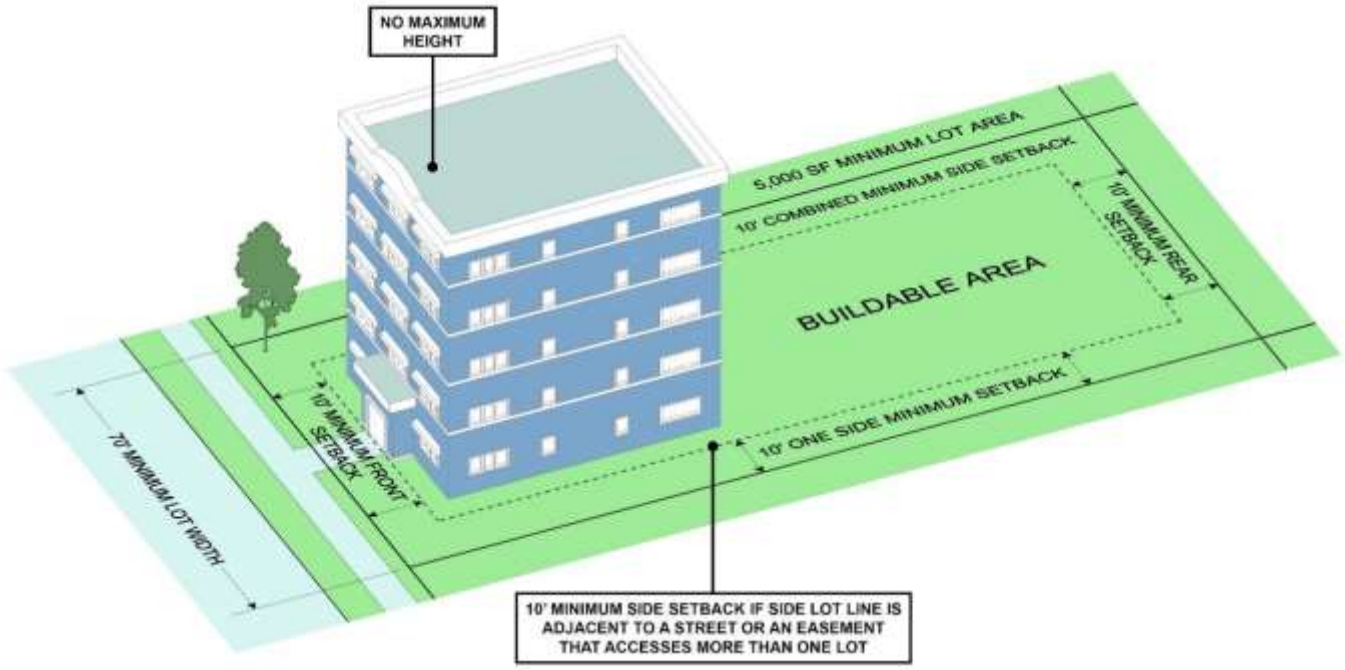
B. GENERAL DIMENSIONAL REQUIREMENTS

TABLE 4.5.15: GENERAL DIMENSIONAL REQUIREMENTS IN THE RM-U DISTRICT [5]

Zoning District/ Use	Minimum Zoning Lot		Minimum Setbacks					Maximum Impervious Surface Cover (%)	Maximum Height (ft)
			Front (ft) [3] [4]	Rear (ft)	Side [1]				
	Area (sf)	Width (ft) [2]			One Side (ft)	Combined (ft)	Street (ft) [4]		
RM-U	5,000	70	10	10	10	10	10	85	No Limit

NOTES:
[1] Where the main entrance to a single family residence is located on a side yard, the setback for the portion of the wall on which the door is located shall be equal to the front yard setback.
[2] Cul-de-sac lots shall be exempt from lot width requirements.
[3] Cul-de-sac lots may measure the front setback from a chord or straight line between front lot corners provided it does not decrease the front yard setback from the right-of-way of the cul-de-sac or turnaround more than ten (10) feet from the requirements of the zoning district in which the lot is located.
[4] *Residential structures in GMA 2 shall meet the requirements of Section 6.4.2, Supplementary Standards For Residential Development In GMA 2 (W).*
[5] Single family uses within all RM districts shall meet the "Single Family" dimensional requirements of Table 4.5.11, General Dimensional Requirements in the RM-5 District.

GENERAL DIMENSIONAL REQUIREMENTS – RM-U DISTRICT



C. SUPPLEMENTARY DISTRICT REQUIREMENTS

Minimum lot sizes for single family, two family, and multifamily residential buildings on small lots must meet the requirements of the zoning district where located (see **Section 4.4, General Zoning Districts Established**).

4.5.16 MH MANUFACTURED HOUSING DEVELOPMENT DISTRICT

A. PURPOSE

1. The MH District is primarily intended to accommodate manufactured housing developments with a maximum overall density of five (5) units per acre.

2. This district is intended for application in GMA 3 where public facilities, including public water and sewer, public roads, parks, and other governmental support services, are available.

B. GENERAL DIMENSIONAL REQUIREMENTS

1. The general dimensional requirements for a single home on an individual lot in the MH District are given below.

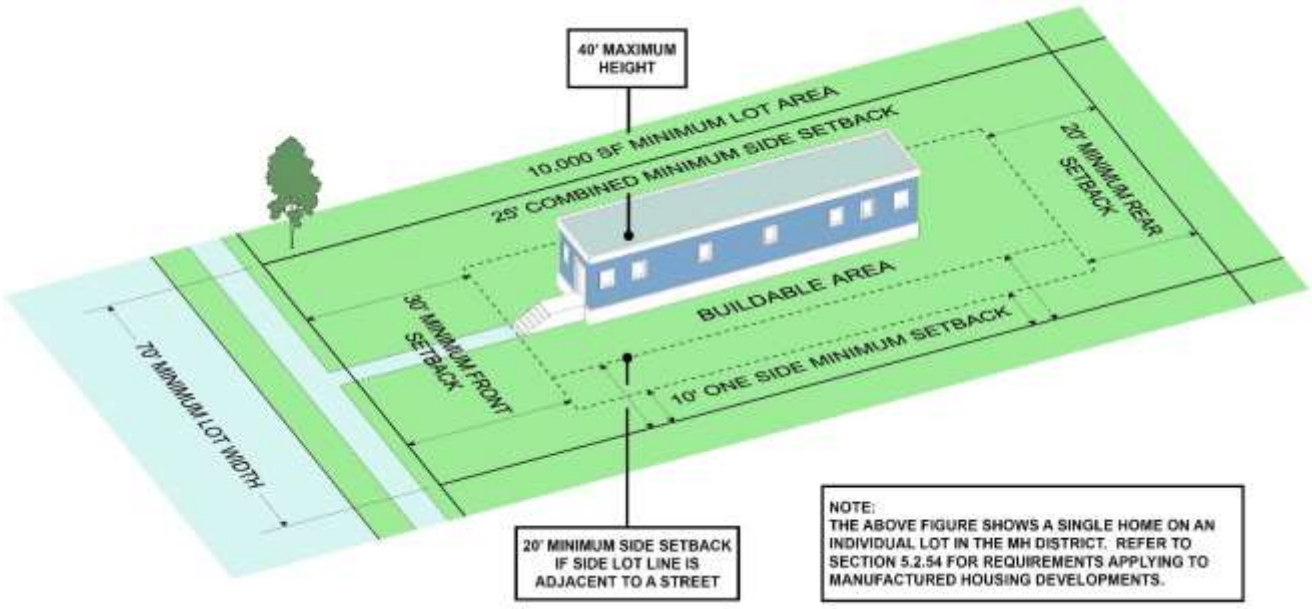
2. The dimensional requirements for manufactured housing developments are contained in the use conditions for manufactured housing developments (see **Section 5.2.54, Manufactured Housing Development**).

TABLE 4.5.16: GENERAL DIMENSIONAL REQUIREMENTS IN THE MH DISTRICT

Zoning District/ Use	Minimum Zoning Lot		Minimum Setbacks					Maximum Impervious Surface Cover (%)	Maximum Height (ft)
			Front (ft) [3] [4]	Rear (ft)	Side [1]				
	Area (sf)	Width (ft) [2]			One Side (ft)	Combined (ft)	Street (ft) [4]		
MH	10,000	70	30	20	10	25	20	No Limit	40

NOTES:
[1] Where the main entrance to a single family residence is located on a side yard, the setback for the portion of the wall on which the door is located shall be equal to the front yard setback.
[2] Cul-de-sac lots shall be exempt from lot width requirements.
[3] Cul-de-sac lots may measure the front setback from a chord or straight line between front lot corners provided it does not decrease the front yard setback from the right-of-way of the cul-de-sac or turnaround more than ten (10) feet from the requirements of the zoning district in which the lot is located.
[4] *Residential structures in GMA 2 shall meet the requirements of Section 6.4.2, Supplementary Standards For Residential Development In GMA 2 (W).*

FIGURE 4.5.16.B: GENERAL DIMENSIONAL REQUIREMENTS – MH DISTRICT



4.5.17 SUMMARY DIMENSIONAL STANDARDS TABLE – RESIDENTIAL DISTRICTS

The dimensional standards for the residential districts are summarized in the table below.

TABLE 4.5.17: RESIDENTIAL DISTRICT DIMENSIONAL STANDARDS SUMMARY TABLE
[1] [2] [3] [10]

Zoning District	Minimum Zoning Lot		Minimum Setbacks [4]					Maximum Impervious Surface Cover (%)	Maximum Height (ft)
			Front (ft) [9]	Rear (ft)	Side [8]				
	Area (sf)	Width (ft) [3]			One Side (ft)	Combined (ft)	Street (ft) [9]		
YR [6]	130,680	300	45	50	20	50	30	—	40
AG [6]	40,000	150	45	50	20	50	30	—	40
RS-40	40,000	100	35	40	10	25	20	—	40
RS-30	30,000	100	35	35	7	20	20	—	40
RS-20	20,000	95	30	30	7	20	20	—	40
RS-15	15,000	85	25	25	7	20	20	—	40
RS-12	12,000	75	20	25	7	20	20	—	40
RS-9	9,000	65	20	25	7	20	20	—	40
RS-7	7,000	50	15	20	5	15	15	—	40
RSQ [5]	—/ 11,000	—/ 60	0/ 15	0/ 15	0/ 10	0/ 20	0/ 20	—	40
RM-5 [5]	—/ 11,000	—/ 60	0/ 15	0/ 15	0/ 10	0/ 20	0/ 15	—	40
RM-8 [7]	8,000	70	25	25	7	20	20	70	48
RM-12	7,000	70	25	25	15	30	20	75	60
RM-18	5,000	70	25	25	15	30	20	80	72
RM-U	5,000	70	10	10	10	10	10	85	—
MH	10,000	70	30	20	10	25	20	—	40

NOTES:
[1] These dimensional requirements are subject to additional provisions in Section 4.1.4C, Additional Standards; Section 5.2, Use-Specific Standards; Section 4.9, Overlay and Special Purpose Districts; Section 6.2.2, Landscaping Standards – Forsyth County, and *Section 6.2.1, Landscaping and Tree Preservation Standards – Winston-Salem*; Section 6.3, Bufferyard Standards; and *Section 6.4.2, Supplementary Standards For Residential Development In GMA 2 (W)*.
[2] Larger lot width, depth, or area may be required by the Public Health Department for the installation of septic systems.
[3] Additional dimensional requirements for residential uses in other districts are listed in the section for the appropriate zoning district in Section 4.5.18, Minimum Lot Sizes in the RM Districts, and Section 4.8.5, Additional Dimensional Requirements by Use Type in the Nonresidential Districts.
[4] No setback is required for twin homes; all other uses must be set back a minimum of five (5) feet.
[5] Ranges of requirements for RSQ and RM-5 are listed; dimensional requirements are based on use in the district. See Section 4.5.10, RSQ Residential Single Family Quadraplex District; and Section 4.5.11, RM-5 Residential Multifamily District.

TABLE 4.5.17: RESIDENTIAL DISTRICT DIMENSIONAL STANDARDS SUMMARY TABLE
[1] [2] [3] [10]

Zoning District	Minimum Zoning Lot		Minimum Setbacks [4]					Maximum Impervious Surface Cover (%)	Maximum Height (ft)
					Side [8]				
	Area (sf)	Width (ft) [3]	Front (ft) [9]	Rear (ft)	One Side (ft)	Combined (ft)	Street (ft) [9]		

[6] Nonconforming lots in the YR and AG Districts meeting the provisions of Section 9.3.2, Combination of Nonconforming Vacant Lots and Nonconforming Vacant Lots Approved Prior to 12/31/1994, must meet the minimum setback requirements of the RS-20 zoning district.
[7] Three story structures in RM-8 must be setback a minimum of fifty (50) feet from adjacent properties zoned for single family residential development.
[8] Where the main entrance to a single family residence is located on a side yard, the setback for the portion of the wall on which the door is located shall be equal to the front yard setback.
[9] Residential structures in GMA 2 shall meet the requirements of Section 6.4.2, Supplementary Standards For Residential Development In GMA 2 (W).
[10] Single family uses within all RM districts shall meet the "Single Family" dimensional requirements of Table 4.5.11, General Dimensiona Requirements in the RM-5 District.

4.5.18 MINIMUM LOT SIZES IN THE RM DISTRICTS

Minimum lot sizes for permitted single-family, two-family, and multifamily residential buildings on individual lots in the RM districts are summarized in the table below.

TABLE 4.5.18: MINIMUM LOT SIZES IN THE RM DISTRICTS [2]

NUMBER OF UNITS	MINIMUM LOT SIZE BY ZONING DISTRICT [1]				
	RM-5	RM-8	RM-12	RM-18	RM-U
1	5,000	5,000	5,000	5,000	5,000
2	7,000	10,000	10,000	9,000	7,000
3	9,000		15,000	12,000	9,000
4	11,000		18,500	14,500	11,000
5			22,000	17,000	12,500
6			24,000	19,500	14,000
7				22,000	15,500
8				23,500	17,000
9				25,000	18,500
10				26,000	20,000
11					21,500
12					22,000

NOTES:
[1] Permitted densities for other multifamily developments not shown in this table are calculated based upon the suffix number of the RM District (e.g., RM-5 allows five (5) units per acre).
[2] Single family uses within all RM districts shall meet the "Single Family" dimensional requirements of Table 4.5.11, General Dimensiona Requirements in the RM-5 District.

4.6 GENERAL COMMERCIAL ZONING DISTRICTS

4.6.1 NO NEIGHBORHOOD OFFICE DISTRICT

A. PURPOSE

1. The NO District is primarily intended to accommodate very low intensity office uses within converted single family detached units.

2. The district is intended to be located on the periphery of established residential areas, along major and minor thoroughfares.

3. The district is established to provide convenient locations for offices, the size and operating characteristics of which require limited parking and which generate little traffic.

4. Standards are designed so that this district may serve as a transitional land use between residential districts and commercial districts.

5. This district is intended for application in GMAs 2, 3 and 4.

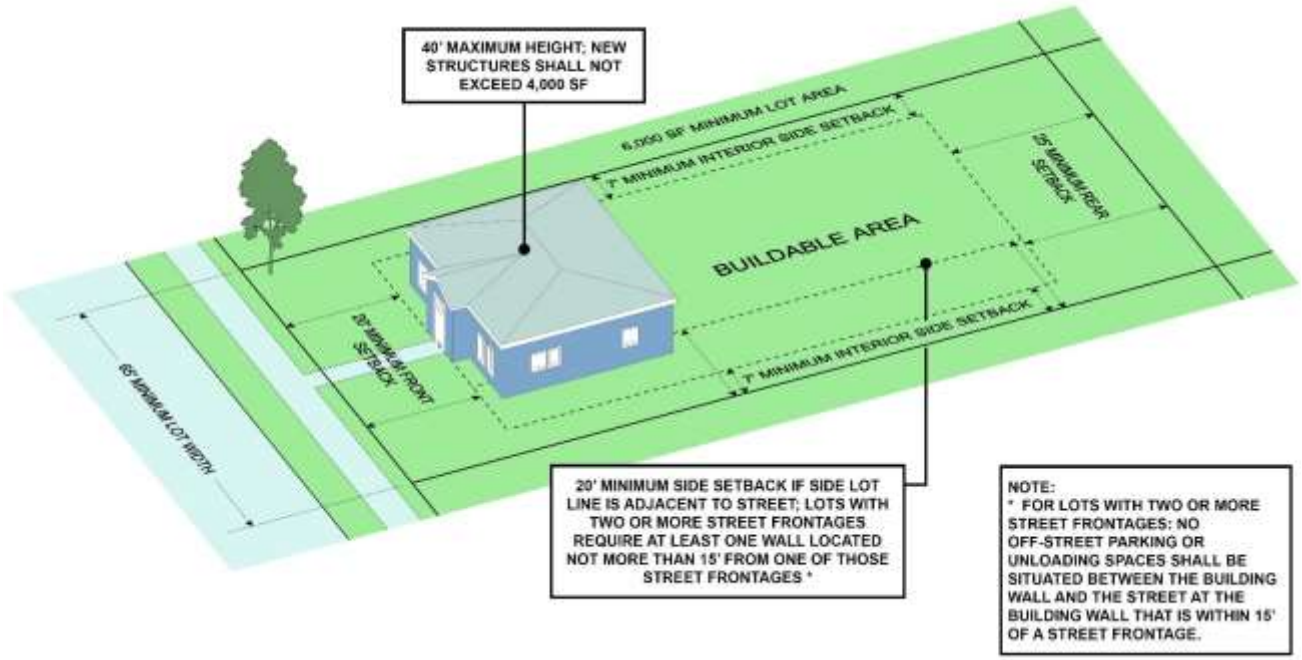
B. GENERAL DIMENSIONAL REQUIREMENTS

TABLE 4.6.1: GENERAL DIMENSIONAL REQUIREMENTS IN THE NO DISTRICT

Zoning District	Minimum Zoning Lot		Minimum Contiguous Site Area (ac)	Minimum Setbacks [2]				Maximum Impervious Surface Cover (%)	Maximum Height (ft)
				Front (ft) [1]	Rear (ft)	Side			
	Area (sf)	Width (ft)				Interior Side (ft)	Street (ft) [1]		
NO	6,000	65	None	20	25	7	20	60	40

NOTES:
[1] *Residential structures in GMA 2 shall meet the requirements of Section 6.4.2, Supplementary Standards For Residential Development In GMA 2 (W).*
[2] A zoning lot which has frontage on two (2) or more streets shall have at least one building wall located not more than fifteen (15) feet from one of those street frontages. There shall be no surface off-street parking or unloading spaces located between that building wall and the street or an extension of that building wall through the entire street frontage.

FIGURE 4.6.1.B: GENERAL DIMENSIONAL REQUIREMENTS – NO DISTRICT



C. SUPPLEMENTARY DISTRICT REQUIREMENTS

Minimum lot sizes for single family residences, duplexes, twin homes, and multifamily developments must meet the requirements of **Section 4.8.5, Additional Dimensional Requirements by Use Type in the Nonresidential Districts**. Other supplemental district requirements are:

1. STRUCTURES SIZE

New structures in the NO District shall not exceed four thousand (4,000) square feet in gross floor area.

2. PARKING REQUIREMENTS

a. REDUCTIONS

Off-street parking requirements contained in **Section 6.1.5, Alternative Parking and Parking Incentives**, are reduced fifteen percent (15%).

b. LOCATION

i. All off-street parking shall be provided to the rear or to the side of the principal structure with the exception of two (2) parking spaces which may be located in front of the structure.

ii. The side parking area may be no closer to the street than the principal structure.

3. LANDSCAPING, BUFFERYARD, AND STREETYARD STANDARDS

The following landscaping and bufferyard standards apply in the NO District.

a. FRONT YARD

Ten (10) feet of the front yard in the NO District shall be landscaped with plant materials to provide a grassed lawn or other maintained landscaping.

b. REAR PARKING

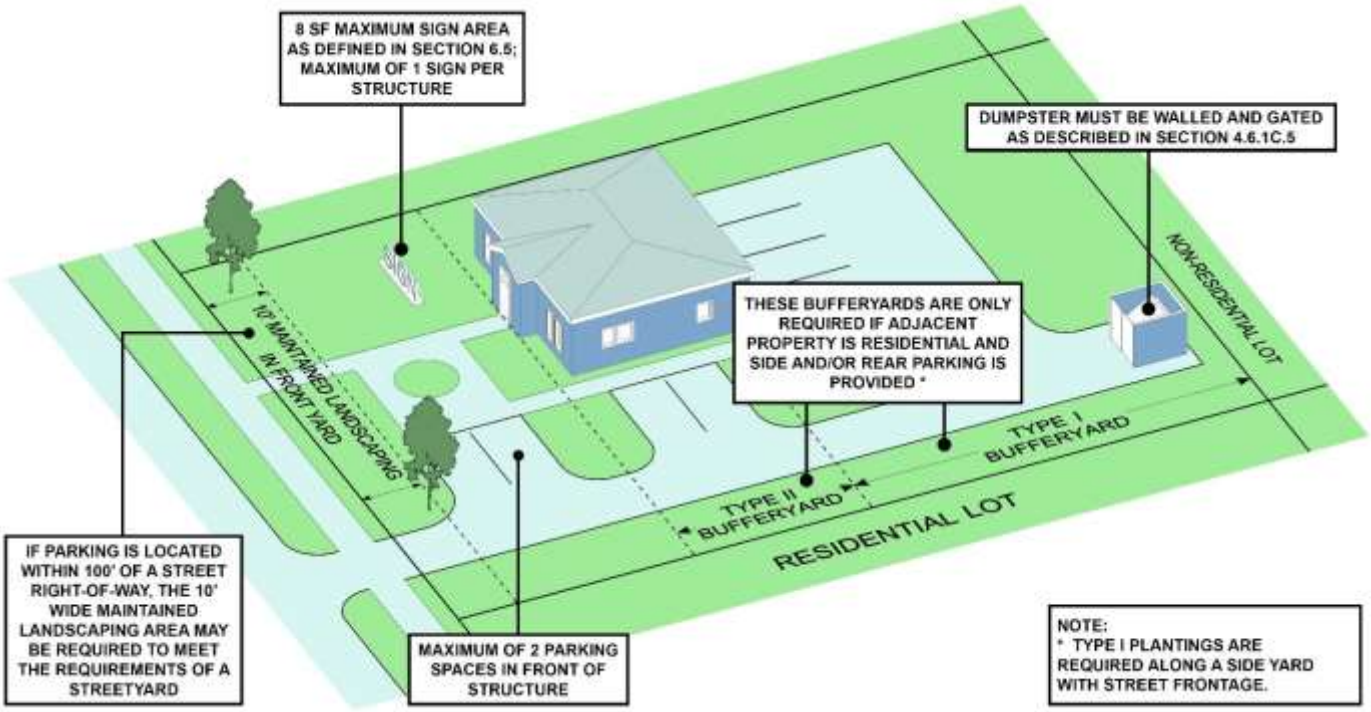
Parking area shall be buffered by a type I bufferyard, as defined in **Section 6.3, Bufferyard Standards**, adjacent to residentially-zoned property.

c. SIDE PARKING

Type I plantings will be provided in the required streetyard. A type II bufferyard, as defined in **Section 6.3, Bufferyard Standards**, shall be provided if side parking abuts a residentially-zoned property.

4. **SIGNAGE**
   - **a.** Only one sign per structure will be permitted in NO Districts.
   - **b.** This sign may be a ground sign, projecting sign, roof sign, or wall sign.
   - **c.** This sign will be limited to eight (8) square feet as defined in **Section 6.5, Signage**.
5. **TRASH FACILITIES**
   Dumpsters shall be enclosed on three (3) sides with walls at least eight (8) feet high and constructed of the same material as the principal building on the zoning lot; the fourth side of the enclosure shall be a permanent gate of wood or other opaque material.
6. **EXTERIOR LIGHTING**
   Exterior lighting on the property shall not be installed at a height of more than eight (8) feet above the finished grade and shall be so shielded as to cast no direct light upon adjacent property.
7. **MULTIFAMILY RESIDENTIAL DEVELOPMENT**
   - **a.** Multifamily residential development is permitted at a maximum density of four (4) units per acre.
   - **b.** Multifamily residential buildings may contain no more than four (4) units per structure.

FIGURE 4.6.1.C: CERTAIN SUPPLEMENTARY DISTRICT REQUIREMENTS – NO DISTRICT



4.6.2 LO LIMITED OFFICE DISTRICT

A. PURPOSE

1. The LO District is primarily intended to accommodate moderately intense medical, professional, administrative, and government office uses on small to mid-sized sites, in a suburban setting.

2. The district is typically located near the intersection of a collector street or thoroughfare in areas which are otherwise developed with residences.

3. Standards are designed so this district may serve as a transition between residential districts and commercial districts.

4. This district is intended for application in GMAs 2 and 3.

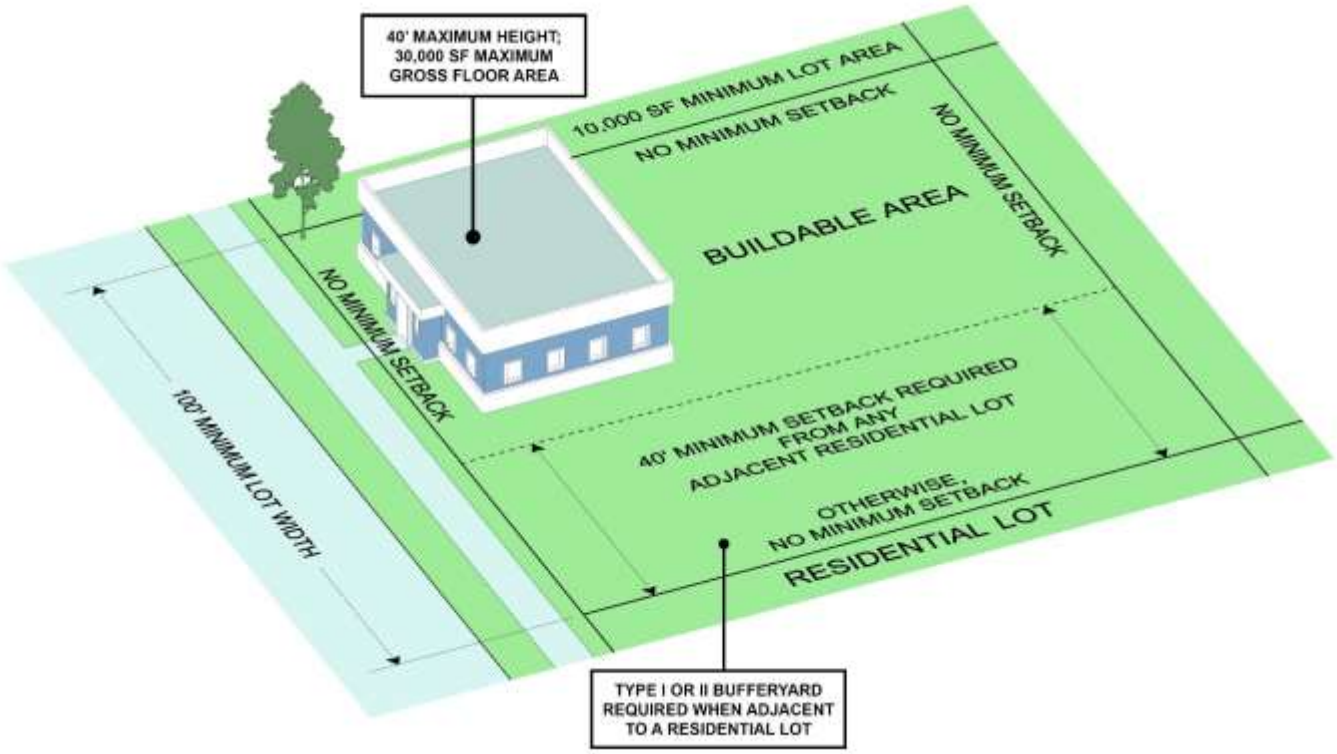
B. GENERAL DIMENSIONAL REQUIREMENTS

TABLE 4.6.2: GENERAL DIMENSIONAL REQUIREMENTS IN THE LO DISTRICT

Zoning District	Minimum Zoning Lot		Minimum Contiguous Site Area (ac)	Minimum Setbacks [1], [3]				Maximum Impervious Surface Cover (%)	Maximum Height (ft)
	Area (sf)	Width (ft)		Front (ft) [2]	Rear (ft)	Side			
						Interior Side (ft)	Street (ft) [2]		
LO	10,000	100	No Limit	None	None	None	None	75	40

NOTES:
[1] Whenever a lot in a nonresidential district other than the NB or NO Districts shares a common boundary line with a lot in a residential district (except RM-U), YR, AG, or H District with no intervening street or highway, the lot in the nonresidential district shall have a required setback along the shared boundary line of not less than forty (40) feet or shall have the required setback for the nonresidential district, whichever is greater.
[2] *Residential structures in GMA 2 shall meet the requirements of Section 6.4.2, Supplementary Standards For Residential Development In GMA 2 (W).*
[3] *Minimum nonresidential setbacks in GMA 2 shall be waived in accordance with Section 4.2.4B, Standards for Nonresidential Development. (W)*

FIGURE 4.6.2.B: GENERAL DIMENSIONAL REQUIREMENTS – LO DISTRICT



C. SUPPLEMENTARY DISTRICT REQUIREMENTS

1. Structures in the LO District shall not exceed thirty thousand (30,000) square feet in gross floor area.

2. Minimum lot sizes for multifamily developments must meet the requirements of **Section 4.8.5, Additional Dimensional Requirements by Use Type in the Nonresidential Districts**.

D. MULTIFAMILY RESIDENTIAL DEVELOPMENT

Multifamily residential development is permitted at a maximum density of twelve (12) units per acre.

E. USE-BASED GROSS FLOOR AREA RESTRICTIONS

1. A maximum of five percent (5%) of the gross floor area of development within the LO zoning district may be used for the following uses:

a. Food or Drug Store;

b. Retail Store;

c. Services, Business A;

d. Services, Personal; or

e. Restaurant (without drive-through service).

2. The uses listed above shall be further restricted to the following conditions:

a. All non-office uses shall be within the same building as the office development and shall not exceed twenty-five percent (25%) of the gross floor area of said building.

b. All non-office development shall be calculated as a percentage of existing or new office square footage on the same zoning lot.

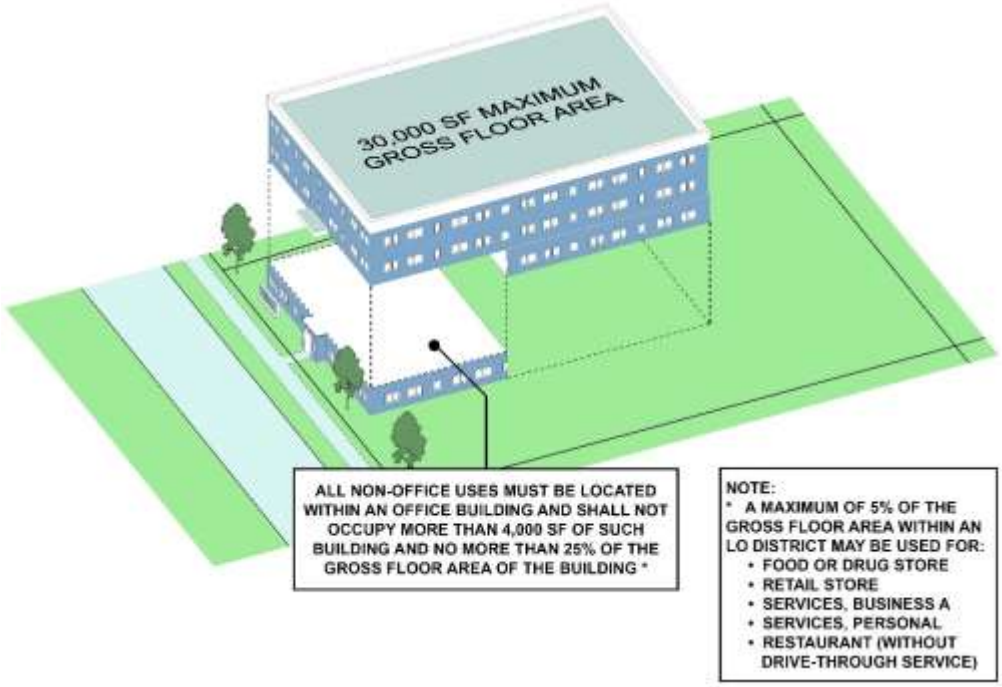
c. No non-office development shall be occupied until a minimum of seventy-five (75%) of office square footage in the building has been built.

d. A maximum of four thousand (4,000) square feet of non-office uses shall be allowed in any single office structure.

e. No free-standing signage for non-office uses is permitted.

f. Building signage shall be limited to a maximum of six (6) square feet of copy area and shall not be internally illuminated.

FIGURE 4.6.2.E: CERTAIN USE-BASED GROSS FLOOR AREA RESTRICTIONS – LO DISTRICT



4.6.3 CPO CORPORATE PARK OFFICE DISTRICT

A. PURPOSE

1. The CPO District is primarily intended to accommodate office and research and development uses in a planned, campus-like setting compatible with adjacent residential uses.

2. Auxiliary assembly and warehousing activities may be permitted as part of a total project.

3. The district may contain limited commercial uses within employment centers.

4. The district is intended for large sites with direct access to thoroughfares which provide locations for major development in GMAs 1, 2, 3 and 4 and Activity Centers.

B. GENERAL DIMENSIONAL REQUIREMENTS

TABLE 4.6.3: GENERAL DIMENSIONAL REQUIREMENTS IN THE CPO DISTRICT

Zoning District	Minimum Zoning Lot		Minimum Contiguous Site Area (ac)	Minimum Setbacks [2], [4]				Maximum Impervious Surface Cover (%)	Maximum Height (ft) [3]
	Area (sf)	Width (ft)		Front (ft)	Rear (ft)	Side			
						Interior Side (ft)	Street (ft)		
CPO	[1]	250 [1]	10	None	None	None	None	80	60/ unlimited

NOTES:
[1] For outparcels with internal access to the property provided, the minimum lot size is twenty thousand (20,000) square feet; the required minimum lot width is reduced to one hundred (100) feet; and the interior rear and side yard requirements are deleted, except that any side yard provided adjacent to an interior lot line shall not be less than twelve (12) feet. Negative access along external roads must be provided and on record.
[2] Whenever a lot in a nonresidential district other than the NB or NO Districts shares a common boundary line with a lot in a residential district (except RM-U), YR, AG, or H District with no intervening street or highway, the lot in the nonresidential district shall have a required setback along the shared boundary line of not less than forty (40) feet or shall have the required setback for the nonresidential district, whichever is greater.
[3] Height of structure above sixty (60) feet may be increased by one foot for each foot of additional setback beyond minimum required, if adjacent to property zoned RS, RM (except RM-U), YR, AG, or H.
[4] *Minimum nonresidential setbacks in GMA 2 shall be waived in accordance with Section 4.2.4B, Standards for Nonresidential Development. (W)*

FIGURE 4.6.3.B: GENERAL DIMENSIONAL REQUIREMENTS – CPO DISTRICT

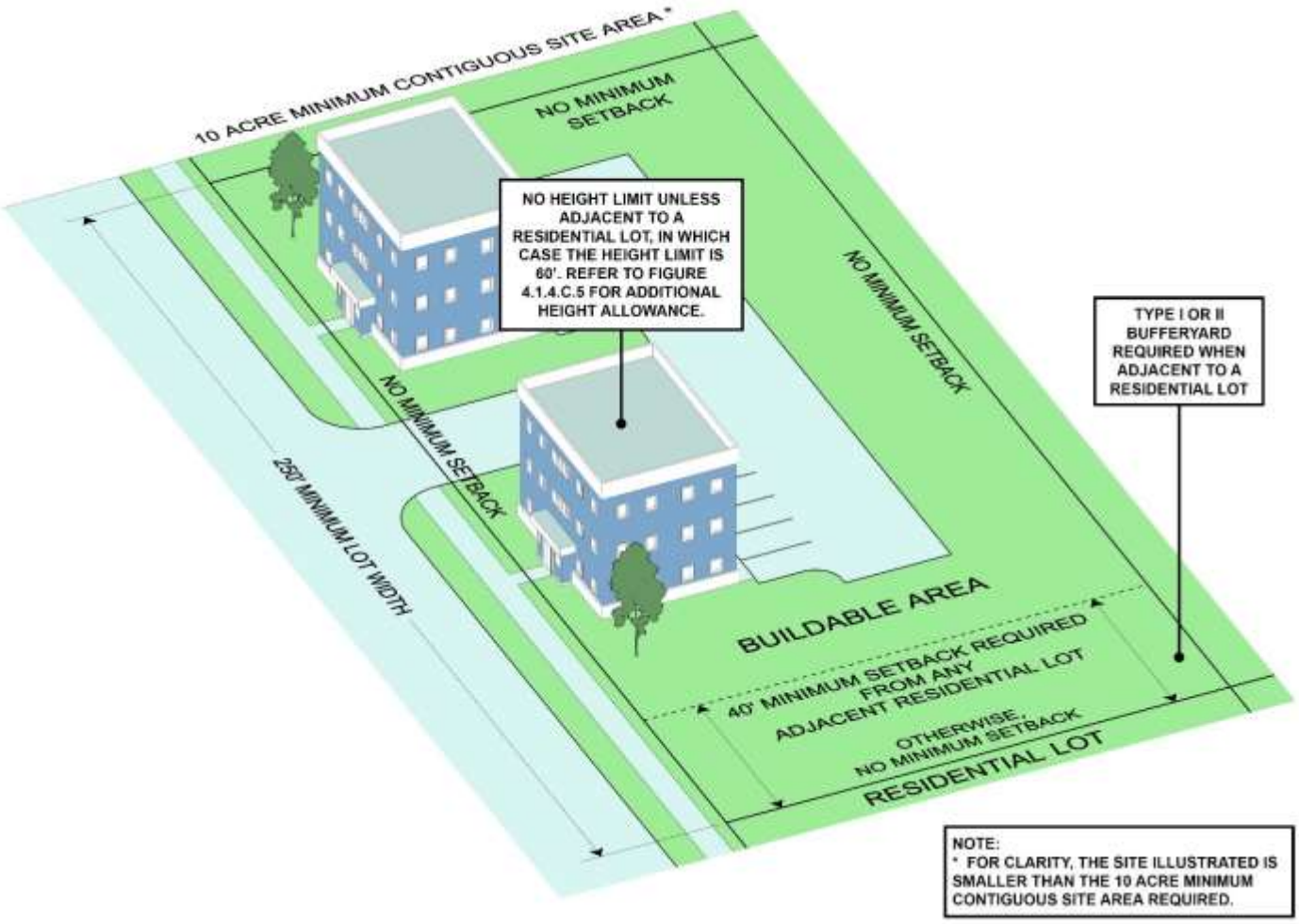
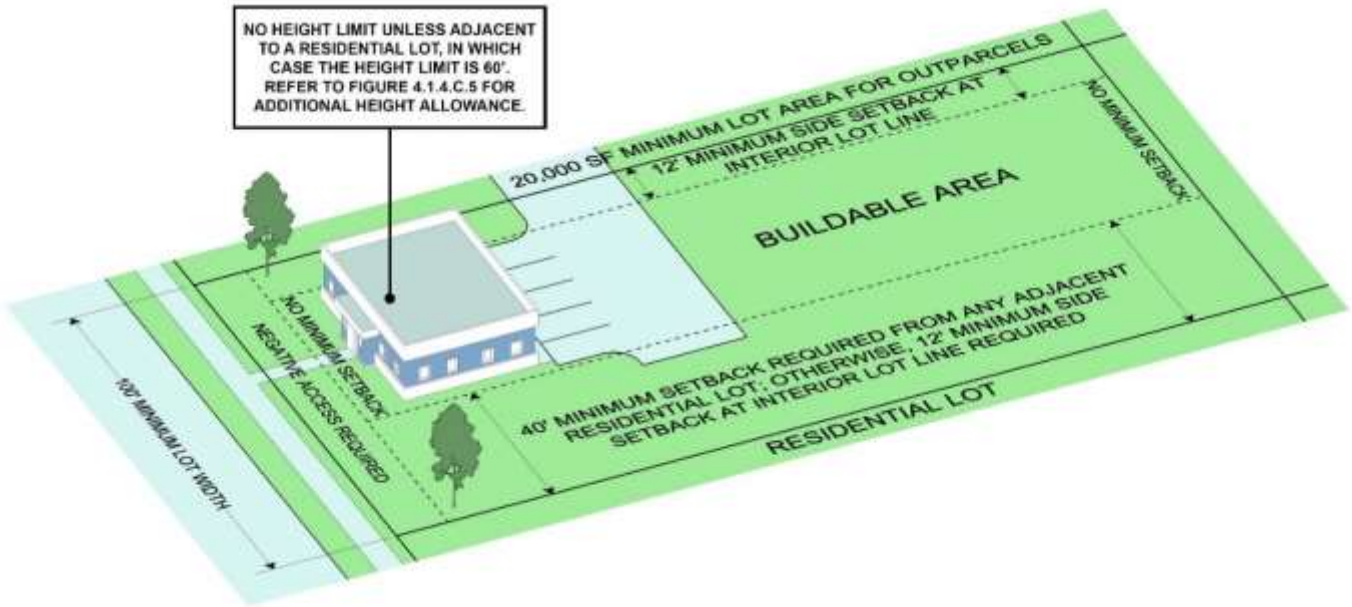


FIGURE 4.6.3.B.1: OUTPARCEL REQUIREMENTS – CPO DISTRICT



C. SUPPLEMENTARY DISTRICT REQUIREMENTS

1. LIMITED INDUSTRIAL USES ALLOWED

Industrial uses permitted in the LI District which are specifically related to the principal use are permitted to a maximum of thirty percent (30%) of the square footage within each building or of the total building square footage of the zoning lot.

2. LIMITED COMMERCIAL USES ALLOWED

a. Commercial uses permitted in the LO and LB Districts are limited to a maximum of thirty percent (30%) of the square footage within each building or of the total building square footage of the zoning lot.

b. Noncommercial uses must be developed prior to or concurrent with commercial uses.

3. VEHICULAR ACCESS

Vehicular access onto a major or minor thoroughfare or onto a road improved to necessary standards as determined by the Director of Public Works for the City of Winston-Salem or the North Carolina Department of Transportation.

4.6.4 GO GENERAL OFFICE DISTRICT

A. PURPOSE

1. The GO District is primarily intended to accommodate high intensity office uses and supporting services, as well as intermediate-density residential uses.

2. The district is established to provide locations for employment within GMAs 1 and 2, Activity Centers, and GMA 3 with access to thoroughfares.

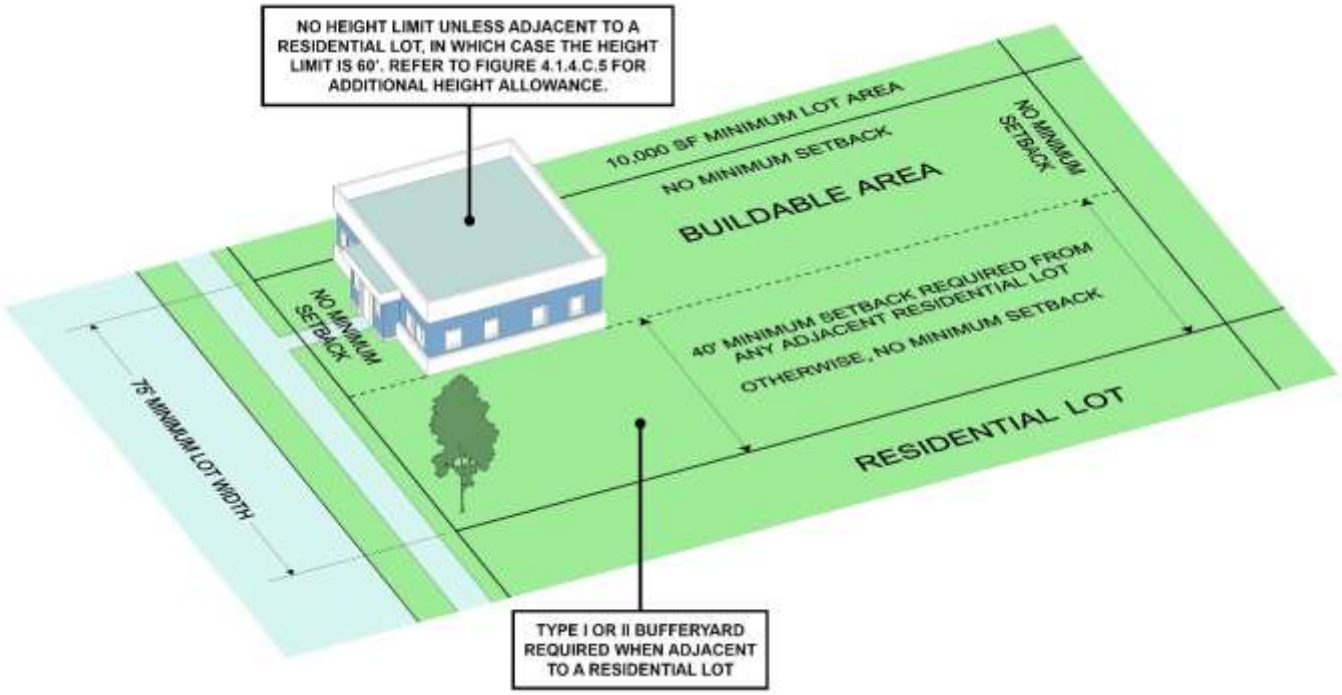
B. GENERAL DIMENSIONAL REQUIREMENTS

TABLE 4.6.4: GENERAL DIMENSIONAL REQUIREMENTS IN THE GO DISTRICT

Zoning District	Minimum Zoning Lot		Minimum Contiguous Site Area (ac)	Minimum Setbacks [1], [4]				Maximum Impervious Surface Cover (%)	Maximum Height (ft) [3]
	Area (sf)	Width (ft)		Front (ft)	Rear (ft)	Side			
						Interior Side (ft)	Street (ft)		
GO	10,000	75	None	None	None	None	None	80 [2]	60/ unlimited

NOTES:
[1] Whenever a lot in a nonresidential district other than the NB or NO Districts shares a common boundary line with a lot in a residential district (except RM-U), YR, AG, or H District with no intervening street or highway, the lot in the nonresidential district shall have a required setback along the shared boundary line of not less than forty (40) feet or shall have the required setback for the nonresidential district, whichever is greater.
[2] The eighty percent (80%) limit applies only to GMA 3.
[3] There is no height limit unless adjacent to property zoned RS, RM (except RM-U), YR, AG, or H. Height of structure above sixty (60) feet may be increased one foot for each foot of additional setback beyond the forty (40) foot minimum required if adjacent to property zoned RS, RM (except RM-U), YR, AG, or H.
[4] *Minimum nonresidential setbacks in GMA 2 shall be waived in accordance with Section 4.2.4B, Standards for Nonresidential Development. (W)*

FIGURE 4.6.4.B: GENERAL DIMENSIONAL REQUIREMENTS – GO DISTRICT



C. SUPPLEMENTARY DISTRICT REQUIREMENTS

1. Multifamily residential development is permitted at a maximum density of eighteen (18) units per acre and must meet the requirements **Section 4.8.5, Additional Dimensional Requirements by Use Type in the Nonresidential Districts**.

2. Multifamily and townhouse units shall only be allowed in GO zoning within the Winston-Salem zoning jurisdiction.

4.6.5 NB NEIGHBORHOOD BUSINESS DISTRICT

A. PURPOSE

1. The NB District is primarily intended to accommodate low intensity office, retail, and personal service uses close to or within residential areas.

2. The district is established to provide convenient locations for businesses which serve the everyday household needs of nearby residents without disrupting the character of the neighborhood.

3. The district should demonstrate pedestrian oriented design through elements such as on-street parking, façade articulation, storefront display windows, awnings and building entrances facing the street.

4. The district is not intended to accommodate retail uses which attract customers from outside the neighborhood or which primarily cater to motorists.

5. This district is intended for application in GMAs 2, 3, 4 and 5.

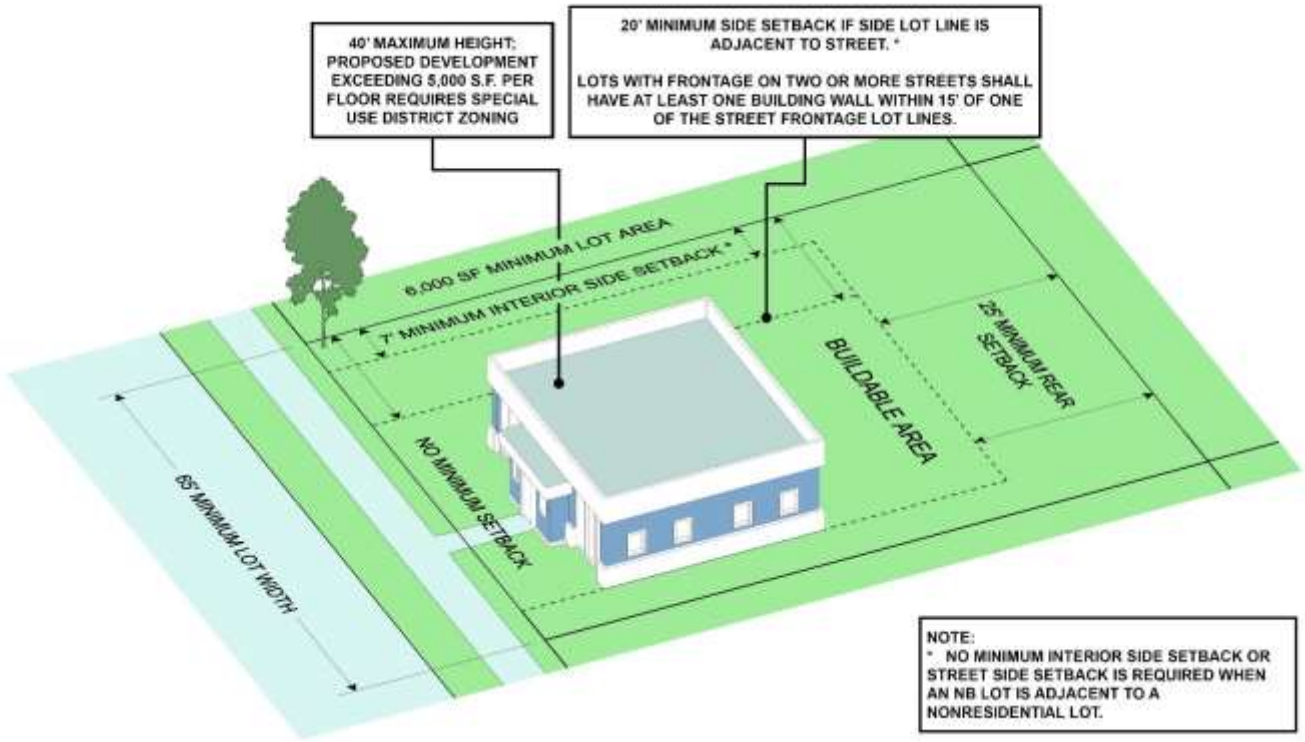
B. GENERAL DIMENSIONAL REQUIREMENTS

TABLE 4.6.5: GENERAL DIMENSIONAL REQUIREMENTS IN THE NB DISTRICT

Zoning District	Minimum Zoning Lot		Minimum Contiguous Site Area (ac)	Minimum Setbacks [2], [3]				Maximum Impervious Surface Cover (%)	Maximum Height (ft)
	Area (sf)	Width (ft)		Front (ft) [1]	Rear (ft)	Side			
						Interior Side (ft)	Street (ft) [1]		
NB	6,000	65	None	0	25	7	20	No Limit	40

NOTES:
[1] *Residential structures in GMA 2 shall meet the requirements of Section 6.4.2, Supplementary Standards For Residential Development In GMA 2 (W).*
[2] A zoning lot which has frontage on two (2) or more streets shall have at least one building wall located not more than fifteen (15) feet from one of those street frontages. There shall be no surface off-street parking or unloading spaces located between that building wall and the street or an extension of that building wall through the entire street frontage.
[3] A zoning lot that is adjacent to another nonresidential lot may have minimum setbacks for interior side and side street of zero (0).

FIGURE 4.6.5.B: GENERAL DIMENSIONAL REQUIREMENTS – NB DISTRICT



C. SUPPLEMENTARY DISTRICT REQUIREMENTS

1. FLOOR AREA LIMITATION

a. New development is limited to a maximum gross floor area of five thousand (5,000) square feet per floor.

b. Proposed development exceeding five thousand (5,000) square feet per floor requires special use district zoning.

2. PROHIBITED USES

The following uses are not permitted in GMAs 1, 2 and 3:

a. Motor Vehicle Repair and Maintenance;

b. Convenience Store with Gasoline Sales; and

c. Retail Store Specializing in Automobile Supply.

3. PROHIBITED ACTIVITIES

a. No drive-through or in-car service shall be permitted.

b. No gasoline sales shall be permitted in an NB District in GMAs 1, 2 and 3.

4. MOTOR VEHICLE STORAGE YARD

a. A motor vehicle storage yard with a maximum enclosed storage area of three thousand (3,000) square feet shall be permitted as an accessory use to a motor vehicle repair and maintenance facility, where permitted in accordance with **Section 4.6.5C.4, Motor Vehicle Storage Yard**.

b. Such yard shall meet all use conditions applicable to motor vehicle storage yards, **Section 5.2.61, Motor Vehicle Storage Yard**.

5. AUTOMATIC TELLER MACHINES

Automatic teller machines shall be permitted as an accessory use if not constructed as a drive-through facility.

6. PARKING REQUIREMENTS

a. The following parking requirements apply in the NB District.

b. Districts located within GMA 1, 2 or 3 must meet the additional requirements of **Section 4.6.5C.13, Design Enhancements**.

i. REDUCTIONS

As per **Section 6.1.5D, Parking Alternatives in Selected Zoning Districts**, off-street parking requirements are reduced thirty percent (30%).

ii. LOCATION

1. All off-street parking shall be provided to the rear or to the side of the principal structure with the exception of two (2) parking spaces which may be located in front of the structure.

2. The side parking area may be no closer to the street than the principal structure.

7. LANDSCAPING, BUFFERYARD AND STREETYARD STANDARDS

Rear parking and side parking areas shall be buffered by a type II bufferyard, as defined in **Section 6.3, Bufferyard Standards**, if adjacent to residentially zoned property.

8. SIGNAGE

a. IN FORSYTH COUNTY

i. Freestanding and attached signs are permitted in NB Districts.

ii. One freestanding sign with a maximum height of four (4) feet and a maximum area of twenty (20) square feet is permitted. (F)

iii. Attached signage may include awning, projecting, or wall signs with a maximum area of five percent (5%) of the building wall. (F)

iv. Attached signage may only be installed on street-facing façades. (F)

v. Internally illuminated signs are prohibited. (F)

vi. The sign(s) shall meet the requirements of **Section 6.5, Signage.** (F)

b. IN WINSTON-SALEM

i. *Freestanding and attached signs are permitted in NB Districts. (W)*

ii. *One freestanding sign with a maximum height of four (4) feet and a maximum area of twenty (20) square feet is permitted. (W)*

iii. *Attached signage may include awning, projecting or wall signs with a maximum area of five percent (5%) of the building. (W)*

iv. *Attached signage may only be installed on street-facing façades. (W)*

v. *Internally illuminated signs are prohibited. (W)*

vi. *The sign(s) must meet the requirements of **Section 6.5, Signage.** (W)*

9. TRASH FACILITIES

Dumpsters shall be enclosed on three (3) sides with walls at least eight (8) feet high and constructed of a material similar to the principal building on the zoning lot; the fourth side of the enclosure may be a permanent gate of wood or other opaque material.

10. EXTERIOR LIGHTING

Exterior lighting on the property shall not be installed at a height of more than twenty-five (25) feet above the finished grade and shall utilize full cut off fixtures so as to cast no direct light upon adjacent property.

11. ON-STREET PARKING

Some on-street parking may be permitted to satisfy off-street parking requirements in accordance with **Section 6.1.5M, On-Street Parking Supplements for Pedestrian Oriented Developments**.

12. SCREENING MECHANICAL EQUIPMENT

All on-site mechanical equipment shall be screened in accordance with ***Section 6.2.1G, Utility Service Area Screening Standards***, or **Section 6.2.2F, Utility Service Area Screening Standards**, as appropriate.

13. DESIGN ENHANCEMENTS

The following design enhancements are required in GMAs 1, 2 and 3:

a. BUILDING ENTRANCE ORIENTATION

i. All buildings in the NB District shall have at least one (1) principal building entrance oriented to the street.

ii. There shall be at least one (1) entrance per one hundred (100) linear feet of street frontage, on one or more street-facing façades.

b. GROUND FLOOR TRANSPARENCY OF NONRESIDENTIAL STRUCTURES

i. No less than fifty percent (50%) of the ground floor (between two (2) and ten (10) feet above street level) street-facing façades of structures within the NB District shall consist of transparent windows, doors, or openings in the façade.

ii. Where walls, fences, or other similar features exist between the public right-of-way and the street-facing façade, a minimum of fifty percent (50%) of such feature shall consist of transparent openings.

c. OFF-STREET PARKING AND LOADING

i. No surface off-street parking or unloading spaces, except a maximum of two (2) spaces in accordance with **Section 6.1.5D, Parking Alternatives in Selected Zoning Districts**, shall be located between the building wall and the street or an extension of that building wall through the entire street frontage.

ii. Parking reductions and location must be in accordance with the requirements of **Section 4.6.7, LB Limited Business District**.

d. BUILDING WALLS WITH STREET FRONTAGE

Building walls with street frontage shall emphasize pedestrian-oriented architectural features such as façade articulation, windows, awnings, porticoes, and similar features.

14. MULTIFAMILY DEVELOPMENT

a. Multifamily development is permitted only in combined use buildings at a maximum density of four (4) units not located on the ground floor.

b. Additional units may be permitted through special use district zoning.

FIGURE 4.6.5.C: CERTAIN SUPPLEMENTARY DISTRICT REQUIREMENTS – NB DISTRICT

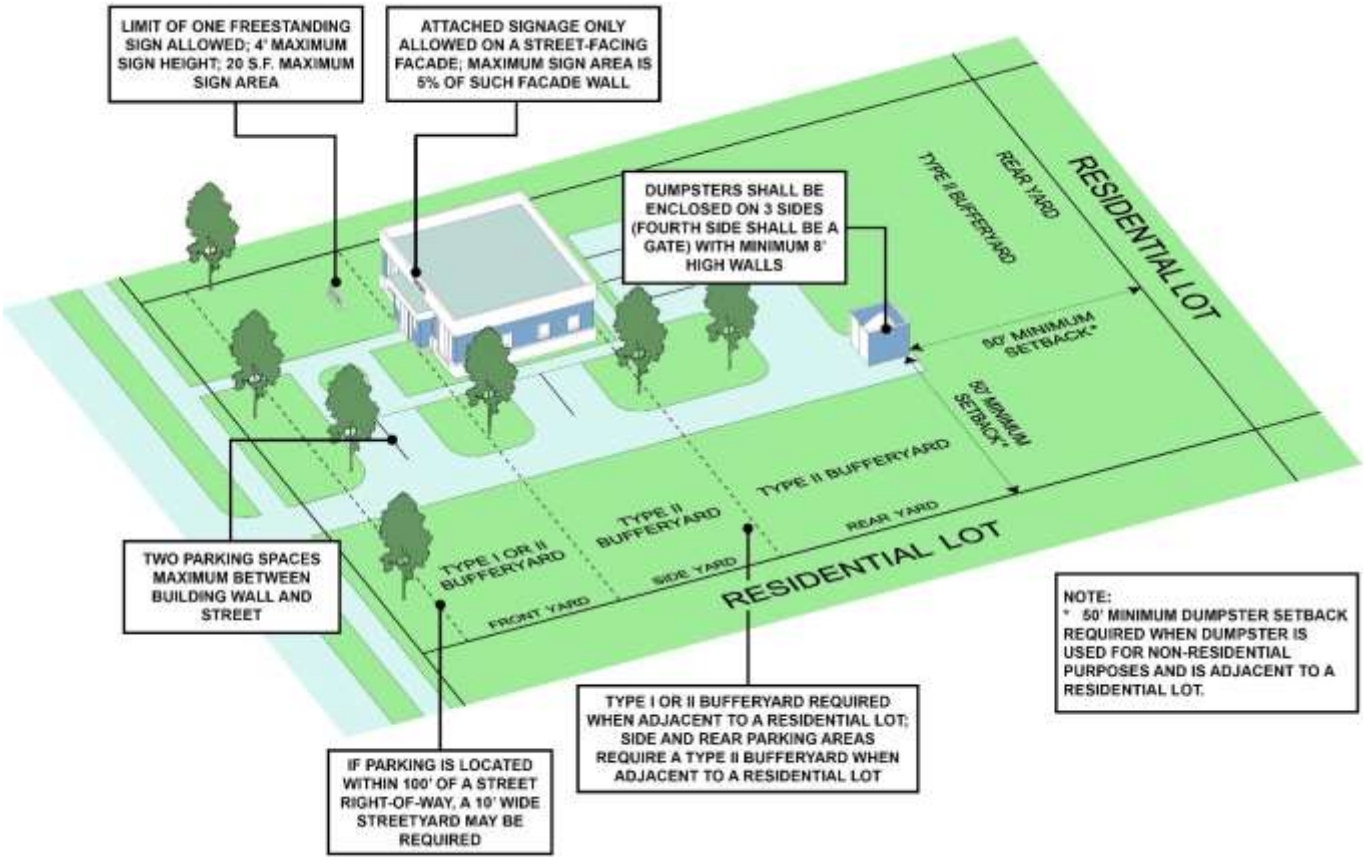
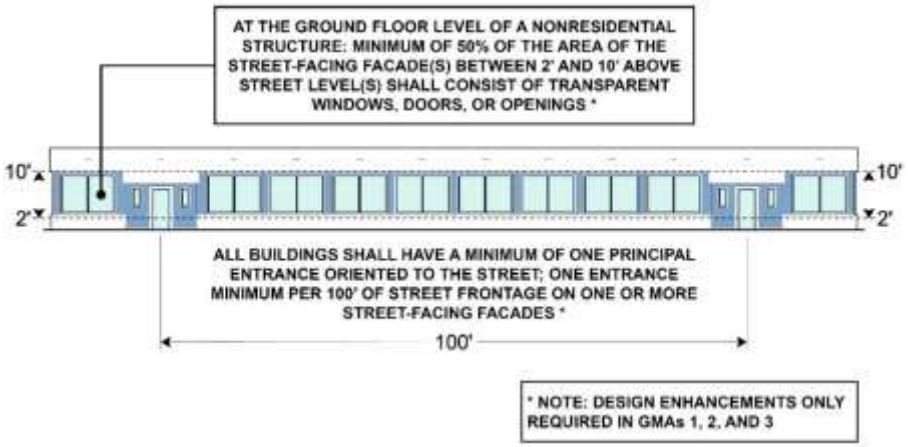


FIGURE 4.6.5.C.13: CERTAIN DESIGN ENHANCEMENT REQUIREMENTS – NB DISTRICT



4.6.6 PB PEDESTRIAN BUSINESS DISTRICT

A. PURPOSE

1. The PB District is primarily intended to accommodate office, retail, service, institutional, and high density residential uses which customarily serve community and convenience business needs of smaller communities and urban nodes in the City and County.

2. The district is intended to encourage the development of attractive, identifiable small towns, and to accommodate the pattern of building in the business concentrations surrounding the central core of Winston-Salem, and the central core of other municipalities in the County.

3. The district should demonstrate pedestrian oriented design through elements such as buildings pulled up to the street, on-street parking, street trees, covered arcades, awnings, storefront display windows, public/private outdoor spaces, wide sidewalks, and building entrances facing the street.

4. This district is intended for application in Growth Management Areas 1, 2 and 3.

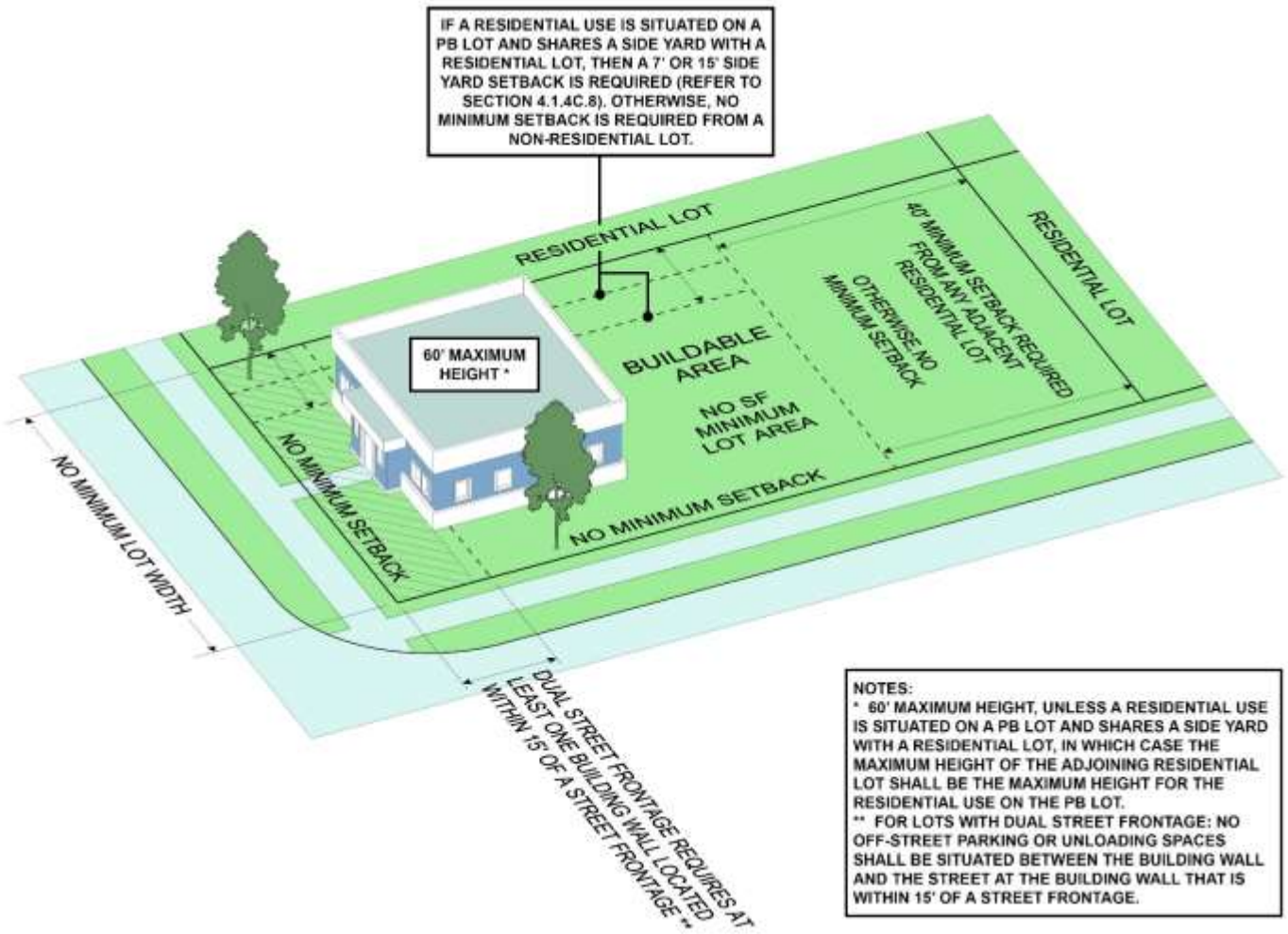
B. GENERAL DIMENSIONAL REQUIREMENTS

TABLE 4.6.6: GENERAL DIMENSIONAL REQUIREMENTS IN THE PB DISTRICT

Zoning District	Minimum Zoning Lot		Minimum Contiguous Site Area (ac)	Minimum Setbacks [1], [2], [4]				Maximum Impervious Surface Cover (%)	Maximum Height (ft) [2]
				Front (ft) [3]	Rear (ft)	Side			
	Area (sf)	Width (ft)				Interior Side (ft)	Street (ft) [3]		
PB	None	None	None	None	None	None	None	Unlimited	60

NOTES:
[1] Whenever a lot in a nonresidential district other than the NB or NO Districts shares a common boundary line with a lot in a residential district (except RM-U), YR, AG, or H District with no intervening street or highway, the lot in the nonresidential district shall have a required setback along the shared boundary line of not less than forty (40) feet or shall have the required setback for the nonresidential district, whichever is greater.
[2] Whenever a residential use in the PB District shares a side yard boundary line with a lot in a residential district, the requirements of Section 4.1.4C.8, Special Yard Requirements Where Nonresidential Districts Adjoin Residential Districts, shall apply.
[3] *Residential structures in GMA 2 shall meet the requirements of Section 6.4.2, Supplementary Standards For Residential Development In GMA 2 (W).*
[4] A zoning lot which has frontage on two (2) or more streets shall have at least one building wall located not more than fifteen (15) feet from one of those street frontages. There shall be no surface off-street parking or unloading spaces located between that building wall and the street or an extension of that building wall through the entire street frontage.

FIGURE 4.6.6.B: GENERAL DIMENSIONAL REQUIREMENTS – PB DISTRICT



C. SUPPLEMENTARY DISTRICT STANDARDS

1. PARKING

a. See **Section 6.1.5D, Parking Alternatives in Selected Zoning Districts**.

b. Shared parking may be permitted in accordance with the requirements of **Section 6.1.5B, Shared Parking**.

2. SCREENING MECHANICAL EQUIPMENT

All on-site mechanical equipment shall be screened in accordance with ***Section 6.2.1F, Outdoor Storage Area Screening Standards***, or **Section 6.2.2E, Outdoor Storage Area Screening Standards**, as appropriate.

3. WITHIN GMA 1

a. GENERAL DIMENSIONAL REQUIREMENTS

i. Except as specified in this section, there are no general dimensional requirements for the PB District within GMA 1, provided that each additional foot of height in excess of sixty (60) feet shall be set back a minimum of four (4) feet from properties zoned RS, RSQ, or H.

ii. A minimum forty (40) foot setback from any residential district (except RMU) shall be required in accordance with **Section 4.1.4C.8, Special Yard Requirements Where Nonresidential Districts Adjoin Residential Districts**.

iii. Under no circumstances shall the heights of structures exceed one hundred fifty (150) feet.

b. STREETYARD

See ***Section 6.2.1D.2.f, PB District***, or **Section 6.2.2C.2.f, PB District**, as appropriate.

c. *MECHANICALLY STABILIZED SLOPES*

*See **Section 8.4.6.B, Mechanically Stabilized Slopes and Fills***.

4. MINIMUM LOT SIZE

Minimum lot sizes for single family residences and multifamily developments must meet the requirements of **Section 4.8.5, Additional Dimensional Requirements by Use Type in the Nonresidential Districts**.

5. LOADING

Shared loading may be permitted in accordance with the requirements of **6.1.6E, Shared Loading**.

6. BUILDING ENTRANCE ORIENTATION

a. All buildings in the PB District shall have at least one principal building entrance oriented to the street.

b. No surface off-street parking or unloading spaces, except a maximum of two (2) spaces in accordance with **Section 6.1.5D, Parking Alternatives in Selected Zoning Districts,** shall be located between that building wall and the street or an extension of that building wall through the entire street frontage.

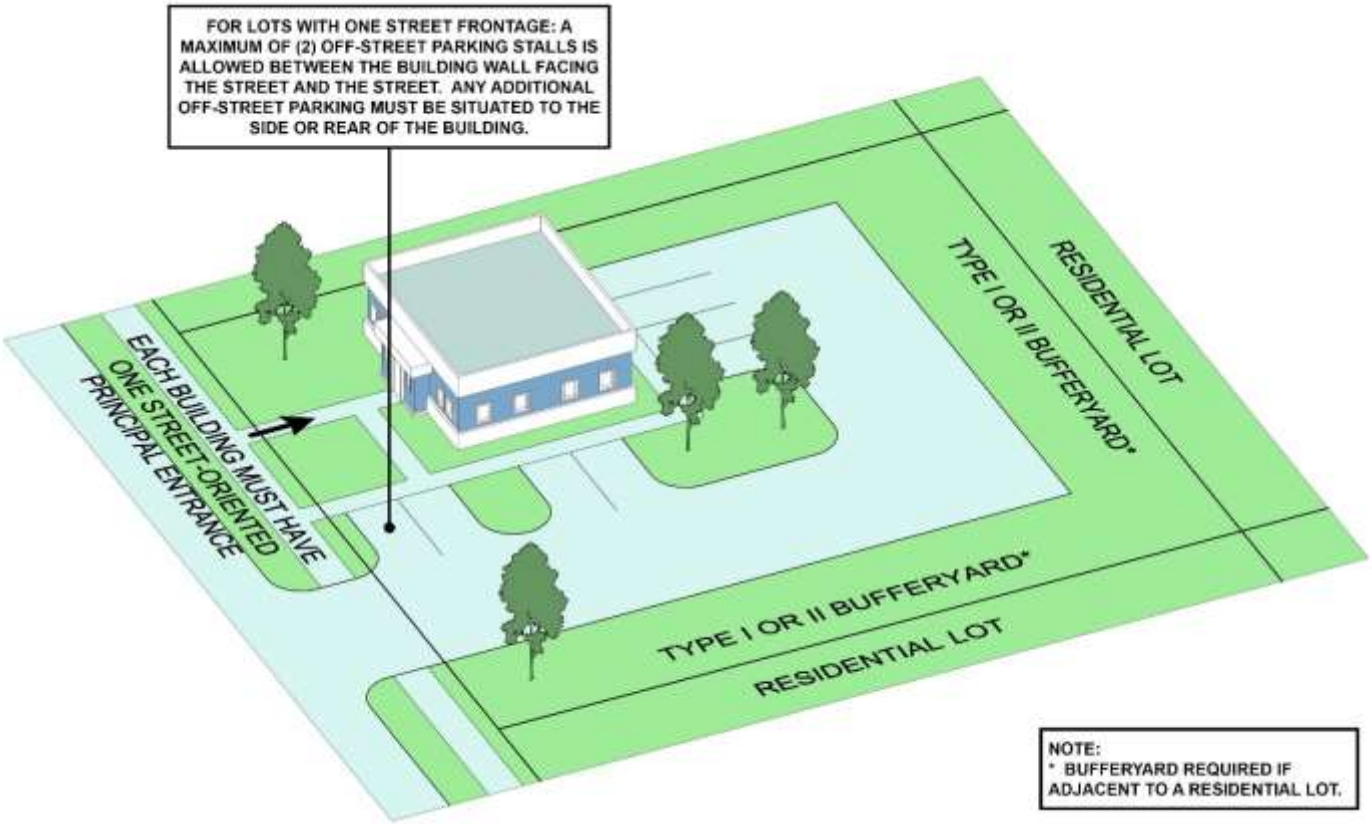
7. BUILDING WALLS WITH STREET FRONTAGE

Building walls with street frontage shall emphasize pedestrian-oriented architectural features such as facade articulation, windows, awnings, porticoes, and similar features.

8. ALTERNATIVE COMPLIANCE (PB-S DISTRICTS)

Alternative site plans which deviate from the strict application of the supplementary district standards in **Section 4.6.6C, Supplementary District Standards**, but which adhere to the PB purpose statement, may be approved through the special use district zoning process in **Section 3.2.19D, Special Use Districts**.

FIGURE 4.6.6.C: CERTAIN SUPPLEMENTARY DISTRICT STANDARDS – PB DISTRICT



4.6.7 LB LIMITED BUSINESS DISTRICT

A. PURPOSE

1. The LB District is primarily intended to accommodate moderately intense neighborhood shopping and service centers close to residential areas.

2. The district is established to provide locations for businesses which serve nearby neighborhoods, including smaller business locations up to ten (10) acres in size in rural areas.

3. The district is typically located near the intersection of a collector street or thoroughfare in areas which are otherwise developed with residences.

4. Standards are designed so that this district, in some instances, may serve as a transition between residential districts and other commercial districts.

5. This district is intended for application in GMAs 2, 3, 4 and 5.

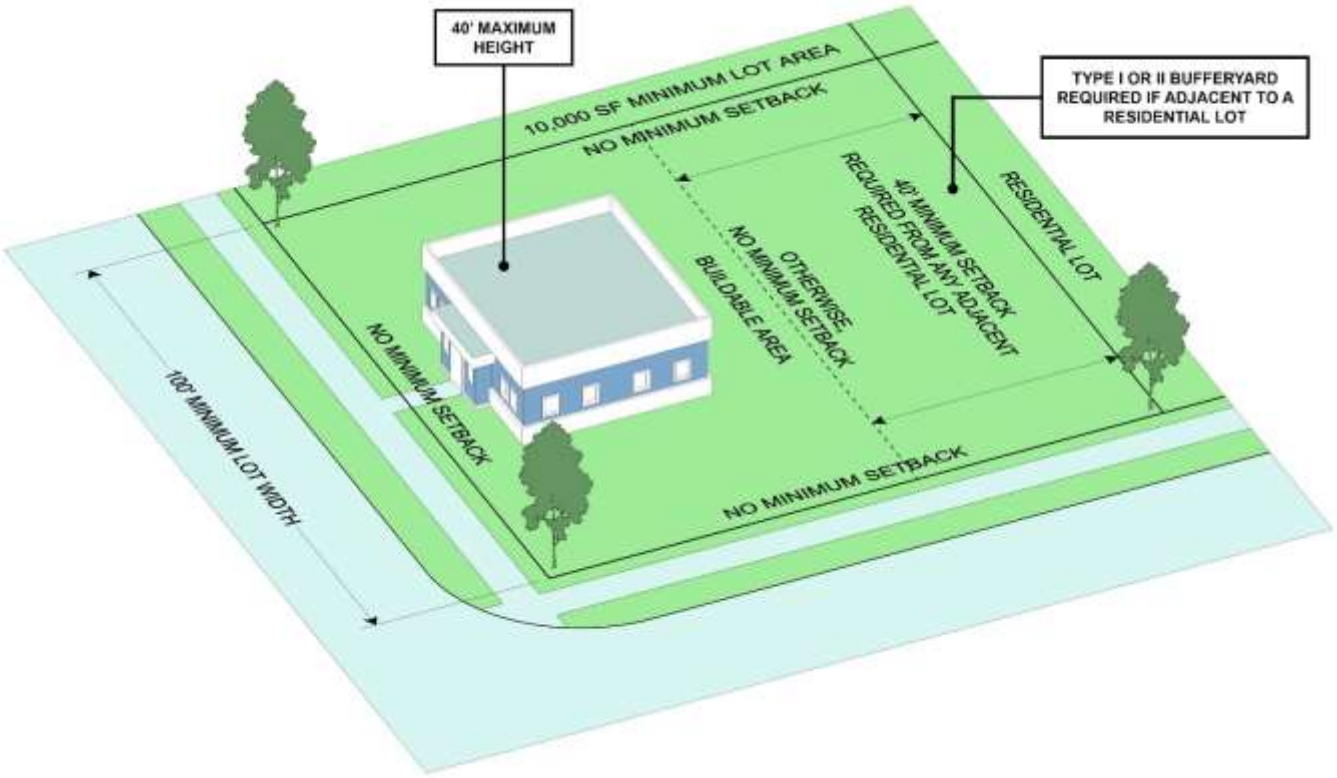
B. GENERAL DIMENSIONAL REQUIREMENTS

TABLE 4.6.7: GENERAL DIMENSIONAL REQUIREMENTS IN THE LB DISTRICT

Zoning District	Minimum Zoning Lot		Minimum Contiguous Site Area (ac)	Minimum Setbacks [1], [2]				Maximum Impervious Surface Cover (%)	Maximum Height (ft)
	Area (sf)	Width (ft)		Front (ft)	Rear (ft)	Side			
						Interior Side (ft)	Street (ft)		
LB	10,000	100	None	None	None	None	None	75	40

NOTES:
[1] Whenever a lot in a nonresidential district other than the NB or NO Districts shares a common boundary line with a lot in a residential district (except RM-U), YR, AG, or H District with no intervening street or highway, the lot in the nonresidential district shall have a required setback along the shared boundary line of not less than forty (40) feet or shall have the required setback for the nonresidential district, whichever is greater.
[2] *Minimum nonresidential setbacks in GMA 2 shall be waived in accordance with Section 4.2.4B, Standards for Nonresidential Development. (W)*

FIGURE 4.6.7.B: GENERAL DIMENSIONAL REQUIREMENTS – LB DISTRICT



C. SUPPLEMENTARY DISTRICT REQUIREMENTS IN GMAS 4 AND 5

1. GMA AND LOT AREA LIMITATIONS

The following uses are permitted only in GMAs 4 and 5 and are limited to a maximum zoning lot size of one acre:

a. Outdoor display retail; and

b. Motor vehicle repair and maintenance.

2. MOTOR VEHICLE STORAGE YARD

a. In GMAs 4 and 5, a motor vehicle storage yard with a maximum enclosed storage area of three thousand (3,000) square feet shall be permitted as an accessory use to a motor vehicle repair service.

b. Such yard shall meet all use conditions applicable to motor vehicle storage yards, **Section 5.2.61, Motor Vehicle Storage Yard**.

3. SIGNAGE

a. Only one sign per structure will be permitted in LB Districts in GMAs 4 and 5. (F)

b. The sign will be limited to thirty-six (36) square feet as defined in **Section 6.5, Signage** (F)

c. *Signage shall meet the requirements of **Section 6.5, Signage** (W)*

4. TRASH FACILITIES

Dumpsters shall be screened on three (3) sides with walls of a material similar to the principal building or with vegetation.

5. ON-STREET PARKING

Some on-street parking may be permitted to satisfy off-street parking requirements in accordance with **Section 6.1.5M, On-Street Parking Supplements for Pedestrian Oriented Developments.**

4.6.8 NSB NEIGHBORHOOD SHOPPING CENTER BUSINESS DISTRICT

A. PURPOSE

1. The NSB District is intended to provide for the development of integrated, self-contained shopping and service centers designed to meet the daily retail and service needs of residents in the surrounding area.

2. The district is designed to be compatible with adjacent residential areas by limiting uses and access drives, and by providing substantial setbacks and landscape buffers.

3. The district is intended for application on sites with good road access in GMAs 1, 2 and 3 and Activity Centers.

4. Development in GMA 4 should be considered only where there is a demonstrated need for retail and service uses.

5. The establishment of a neighborhood shopping center district does not establish justification for future commercial zoning in the area.

B. GENERAL DIMENSIONAL REQUIREMENTS

TABLE 4.6.8: GENERAL DIMENSIONAL REQUIREMENTS IN THE NSB DISTRICT

Zoning District	Minimum Zoning Lot		Minimum Contiguous Site Area (ac)	Minimum Setbacks [2], [3]				Maximum Impervious Surface Cover (%)	Maximum Height (ft)
				Front (ft)	Rear (ft)	Side			
	Area (sf)	Width (ft)				Interior Side (ft)	Street (ft)		
NSB	[1]	250 [1]	4	None	None	None	None	75	40

NOTES:
[1] For outparcels with internal access to the property provided, the minimum lot size is twenty thousand (20,000) square feet; the required minimum lot width is reduced to one hundred (100) feet; and the interior rear and side yard requirements are deleted, except that any side yard provided adjacent to an interior lot line shall not be less than twelve (12) feet. Negative access along external roads must be provided and on record.
[2] Whenever a lot in a nonresidential district other than the NB or NO Districts shares a common boundary line with a lot in a residential district (except RM-U), YR, AG, or H District with no intervening street or highway, the lot in the nonresidential district shall have a required setback along the shared boundary line of not less than forty (40) feet or shall have the required setback for the nonresidential district, whichever is greater.
[3] *Minimum nonresidential setbacks in GMA 2 shall be waived in accordance with Section 4.2.4B, Standards for Nonresidential Development. (W)*

FIGURE 4.6.8.B: GENERAL DIMENSIONAL REQUIREMENTS – NSB DISTRICT

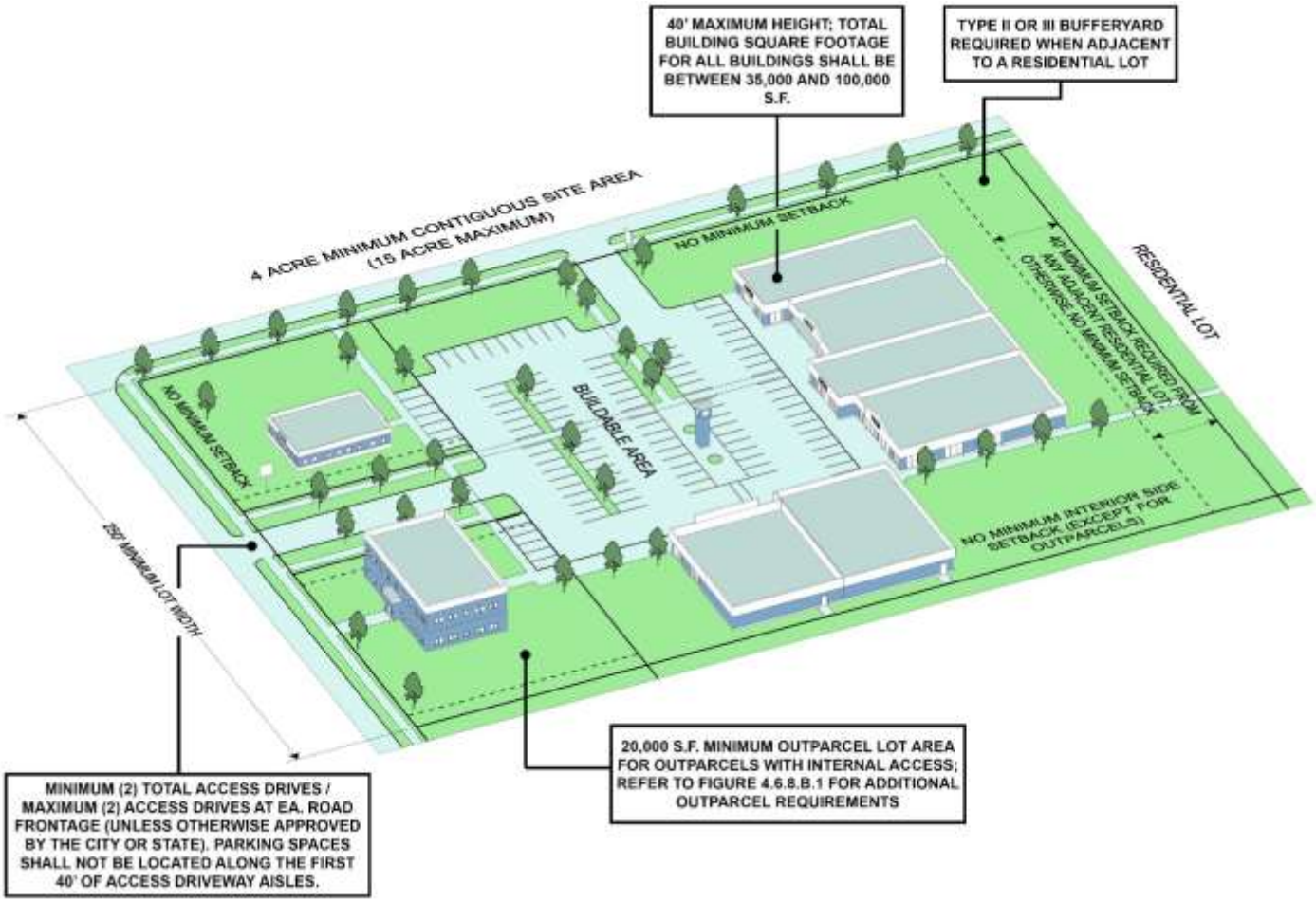
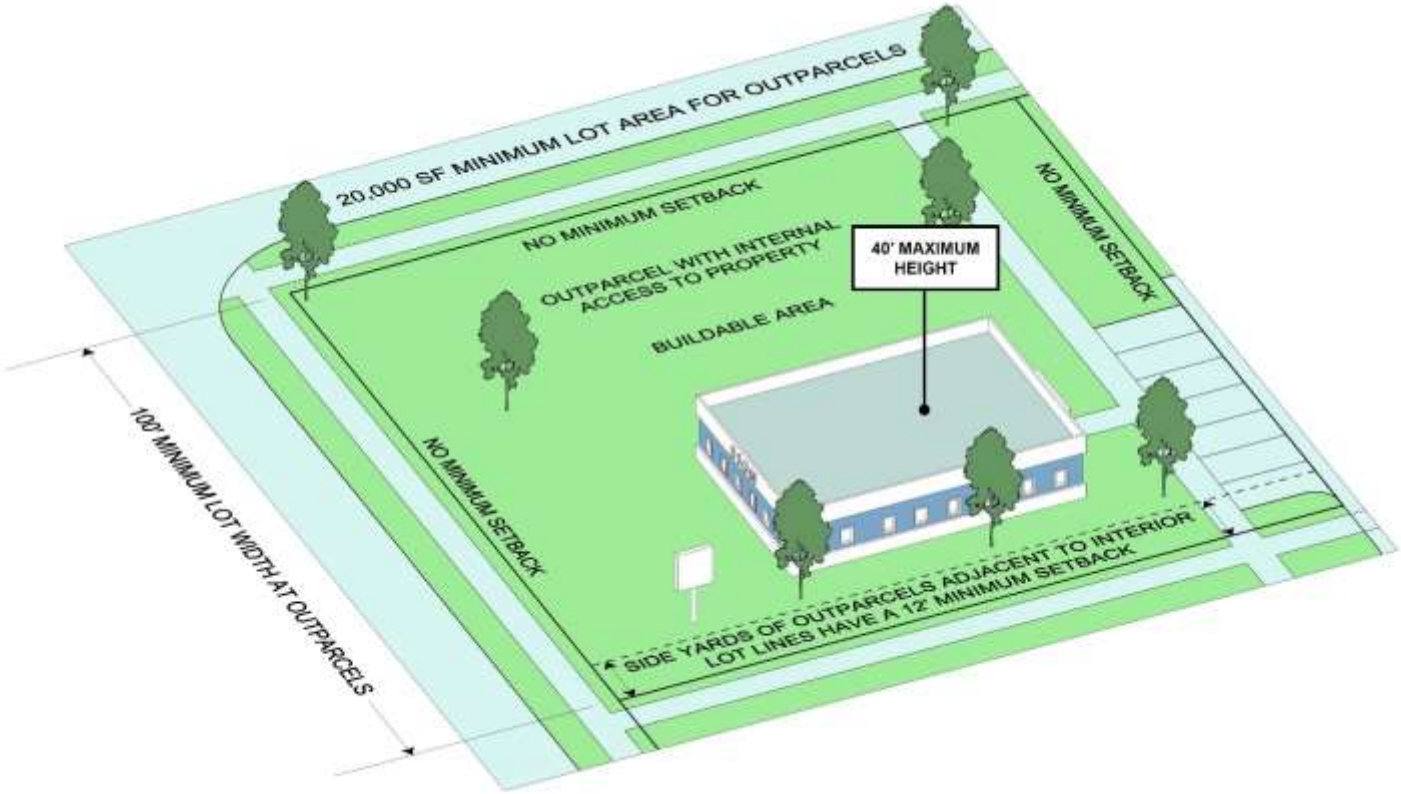


FIGURE 4.6.8.B.1: OUTPARCEL REQUIREMENTS – NSB DISTRICT



C. SUPPLEMENTARY DISTRICT REQUIREMENTS

1. SITE SIZE

The minimum site size shall be four (4) acres, and the maximum site size shall be fifteen (15) acres.

2. BUILDING SQUARE FOOTAGE

Total building square footage shall be at least thirty-five thousand (35,000) square feet and not more than one hundred thousand (100,000) square feet.

3. ACCESS

a. SITE ACCESS

The site shall have direct access to a major or minor thoroughfare.

b. INTERNAL ACCESS

All uses shall access only internally to the site.

c. ACCESS DRIVEWAYS

The location and number of driveways shall be limited to assure safe access and circulation and to promote compatibility with surrounding residential areas. In reviewing site plans, the following conditions may be required by the Director of Planning or the Assistant City Manager for Public Works of the City of Winston-Salem or the North Carolina Department of Transportation for lands in Forsyth County.

i. TURN LANES AND SIGNALS

Ingress turn lanes and traffic signals provided at all access driveways.

ii. PEDESTRIAN ACCESS

Safe pedestrian access from adjacent residential areas.

4. OTHER SITE PLAN REQUIREMENTS RELATED TO ACCESS

a. WIDTH OF DRIVEWAYS

Access driveways meeting City or State standards.

b. DRIVEWAY ALIGNMENT

Access driveways shall be aligned with other existing and planned intersections and/or streets, including, but not limited to, streets identified in the Transportation Plan.

c. MINIMUM NUMBER OF DRIVEWAYS

A minimum of two (2) access driveways shall be provided unless approved by the City or the State.

d. MAXIMUM NUMBER OF DRIVEWAYS

i. No more than two (2) access driveways per road frontage shall be permitted, unless approved by the City or the State.

ii. The City or the State may approve up to a total of three (3) access driveways per road frontage.

e. PARKING AISLES

Parking spaces shall not be located along the first forty (40) feet of the access driveway aisles.

f. PEDESTRIAN ACCESS

Safe pedestrian access shall be provided internally.

5. BUS SHELTERS

Sites on current or planned Winston-Salem Transit Authority bus routes shall provide at least one bus shelter, as determined by the Winston-Salem Transit Authority.

6. RIGHT-OF-WAY DEDICATION

Land shall be dedicated for public right-of-way to meet projected needs for roads shown on the Transportation Plan, or for other roads as determined by the City, Town, or North Carolina Department of Transportation.

7. ALTERNATIVE PARKING ALLOWANCE

Up to ten percent (10%) of the required parking spaces may be unmarked and used for open space purposes during off peak hours, according to the provisions of **Section 6.1.5K, Alternative Parking Allowance in NSB District**.

8. LOADING AREAS/DOCKS

Loading areas and docks are considered part of the principal structure and shall meet building setback requirements.

9. STORMWATER MANAGEMENT

In the City of Winston-Salem, a stormwater management plan shall be submitted to and approved by the City Engineering Department. Outside the City of Winston-Salem, the developer shall demonstrate adequate provision for control of stormwater runoff.

10. SIGNS

Signs shall meet the requirements of **Section 6.5, Signage.**

11. MOTOR VEHICLE STORAGE YARD

a. A motor vehicle storage yard with a maximum enclosed storage area of three thousand (3,000) square feet shall be permitted as an accessory use to a motor vehicle repair service.

b. Such yard shall meet all use conditions applicable to motor vehicle storage yards (**Section 5.2.61, Motor Vehicle Storage Yard**).

12. OTHER DEPARTMENT REQUIREMENTS

All site plan requirements of departments reviewing the project shall be met.

4.6.9 HB HIGHWAY BUSINESS DISTRICT

A. PURPOSE

1. The HB District is primarily intended to accommodate retail service, distributive uses, and high-density residential.

2. The district is established to provide locations for establishments which require high visibility and good road access, or which cater primarily to passing motorists.

3. The district is not intended to encourage or accommodate strip commercial development.

4. Developments in this district generally have substantial front setbacks.

5. This district is intended for application in GMAs 2, 3 and 4.

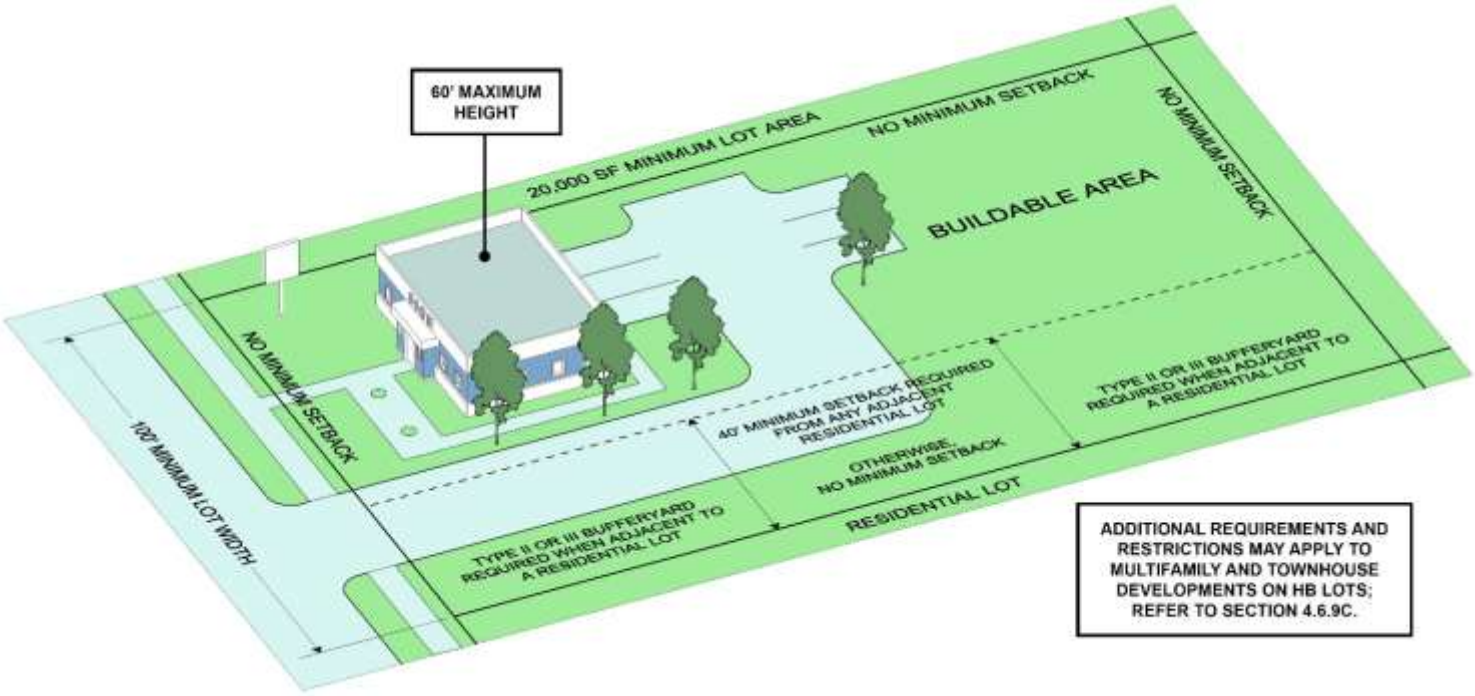
B. GENERAL DIMENSIONAL REQUIREMENTS

TABLE 4.6.9: GENERAL DIMENSIONAL REQUIREMENTS IN THE HB DISTRICT

Zoning District	Minimum Zoning Lot		Minimum Contiguous Site Area (ac)	Minimum Setbacks [1], [2]				Maximum Impervious Surface Cover (%)	Maximum Height (ft)
	Area (sf)	Width (ft)		Front (ft)	Rear (ft)	Side			
						Interior Side (ft)	Street (ft)		
HB	20,000	100	None	None	None	None	None	85	60

NOTES:
[1] Whenever a lot in a nonresidential district other than the NB or NO Districts shares a common boundary line with a lot in a residential district (except RM-U), YR, AG, or H District with no intervening street or highway, the lot in the nonresidential district shall have a required setback along the shared boundary line of not less than forty (40) feet or shall have the required setback for the nonresidential district, whichever is greater.
[2] *Minimum nonresidential setbacks in GMA 2 shall be waived in accordance with Section 4.2.4B, Standards for Nonresidential Development. (W)*

FIGURE 4.6.9.B: GENERAL DIMENSIONAL REQUIREMENTS – HB DISTRICT



C. *SUPPLEMENTARY DISTRICT REQUIREMENTS (W)*

1. *The uses residential building, multifamily and residential building, townhouse may only be located on parcels with access to designated Forward 2045 growth corridors or within designated activity centers as defined in the Forward 2045 comprehensive plan or associated area plans.*

2. *Minimum lot sizes for multifamily development must meet the requirements of* ***Section 4.8.5, Additional Dimensional Requirements by Use Type in the Nonresidential Districts****.*

3. *Multifamily and townhouse units shall only be allowed in HB zoning within the Winston-Salem zoning jurisdiction.*

4.6.10 GB GENERAL BUSINESS DISTRICT

A. PURPOSE

1. The GB District is primarily intended to accommodate a wide range of retail, service, and office, and high density residential uses located along thoroughfares in areas which have developed with minimal front setbacks.

2. The district is not intended to encourage or accommodate strip commercial development.

3. The district would accommodate destination retail and service uses, characterized by either a larger single business use or the consolidation of numerous uses in a building or planned development, with consolidated access.

4. This district is intended for application in GMAs 1, 2 and 3 and Activity Centers.

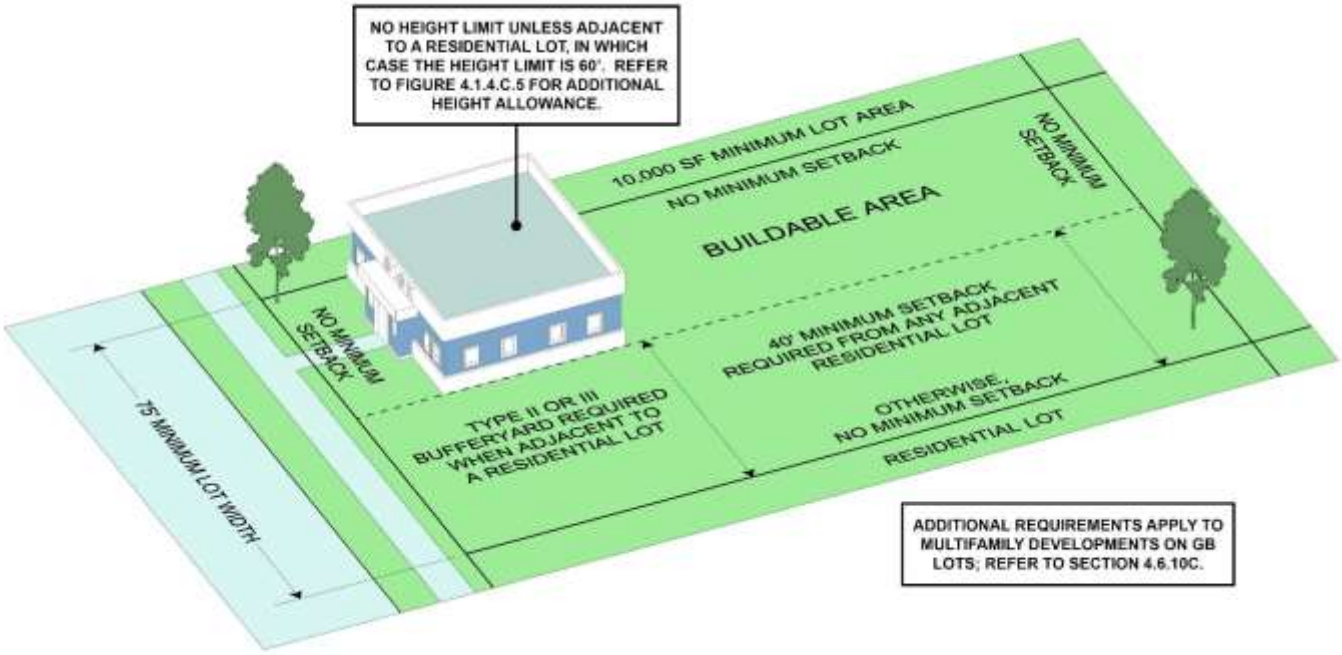
B. GENERAL DIMENSIONAL REQUIREMENTS

TABLE 4.6.10: GENERAL DIMENSIONAL REQUIREMENTS IN THE GB DISTRICT

Zoning District	Minimum Zoning Lot		Minimum Contiguous Site Area (ac)	Minimum Setbacks [1]				Maximum Impervious Surface Cover (%)	Maximum Height (ft) [2]
	Area (sf)	Width (ft)		Front (ft) [3]	Rear (ft)	Side			
						Interior Side (ft)	Street (ft) [3]		
GB	10,000	75	None	None	None	None	None	No Limit	60/ Unlimited

NOTES:
[1] Whenever a lot in a nonresidential district other than the NB or NO Districts shares a common boundary line with a lot in a residential district (except RM-U), YR, AG, or H District with no intervening street or highway, the lot in the nonresidential district shall have a required setback along the shared boundary line of not less than forty (40) feet or shall have the required setback for the nonresidential district, whichever is greater.
[2] There is no height limit unless adjacent to property zoned RS, RM (except RM-U), YR, AG, or H. Height of structure above sixty (60) feet may be increased by one foot for each foot of additional setback beyond the forty (40) foot minimum required, if adjacent to property zoned RS, RM (except RM-U), YR, AG, or H.
[3] *Residential structures in GMA 2 shall meet the requirements of Section 6.4.2, Supplementary Standards For Residential Development In GMA 2 (W).*

FIGURE 4.6.10.B: GENERAL DIMENSIONAL REQUIREMENTS – GB DISTRICT



C. SUPPLEMENTARY DISTRICT REQUIREMENTS

Minimum lots sizes for multifamily developments must meet the requirements of **Section 4.8.5, Additional Dimensional Requirements by Use Type in the Nonresidential Districts**.

4.6.11 CB CENTRAL BUSINESS DISTRICT

A. PURPOSE

1. The CB District is intended for application in GMA 1.

2. The district is established to encourage high intensity, compact urban development.

3. The district is intended to accommodate a wide range of uses, including office, retail, service, and institutional developments in a pedestrian-oriented setting.

4. The district also accommodates high density residential development.

5. These uses may be mixed on the same tract or within the same structure.

B. GENERAL DIMENSIONAL REQUIREMENTS

Except as specified in this section, there are no general dimensional requirements for the CB District.

C. STREETYARD

Please refer to **Section 6.2.1D.2.e, CB and CI Districts**, for streetyard requirements applicable in the CB District.

D. SETBACKS FROM RESIDENTIAL DISTRICTS

Whenever a lot in a nonresidential district other than the NB or NO Districts shares a common boundary line with a lot in a residential district (except RM-U), YR, AG, or H District with no intervening street or highway, the lot in the nonresidential district shall have a required setback along the shared boundary line of not less than forty (40) feet or shall have the required setback for the nonresidential district, whichever is greater.

E. SUPPLEMENTARY DISTRICT REQUIREMENTS

1. ***MECHANICALLY STABILIZED SLOPES***
See ***Section 8.4.6.B, Mechanically Stabilized Slopes and Fills***.

4.6.12 MAJOR RETAIL AND BUSINESS DISTRICT (MRB-S) (W)

A. *PURPOSE*

1. *The purpose of the MRB-S District Section is to ensure that major retail projects are adequately analyzed through site plan review and supplemental criteria in order to determine their compatibility with the surrounding community.*

2. *This district is characterized by large-sized destination shopping in a single structure, or as part of a large shopping center.*

3. *The potential individual and cumulative impact upon the community as a result of the large-scale retail development shall receive a comprehensive review under the established criteria.*

4. *The establishment of a major retail and business district does not establish justification for future large-scale retail zoning in the area. Therefore the community's natural, physical, economic and fiscal resources, and their adequacy to accommodate the impact of such developments, both individually and cumulatively shall be fully evaluated.*

5. *This District is intended for application in GMAs 1, 2 and 3, and within a designated Activity Center, and shall be applied as a special use district.*

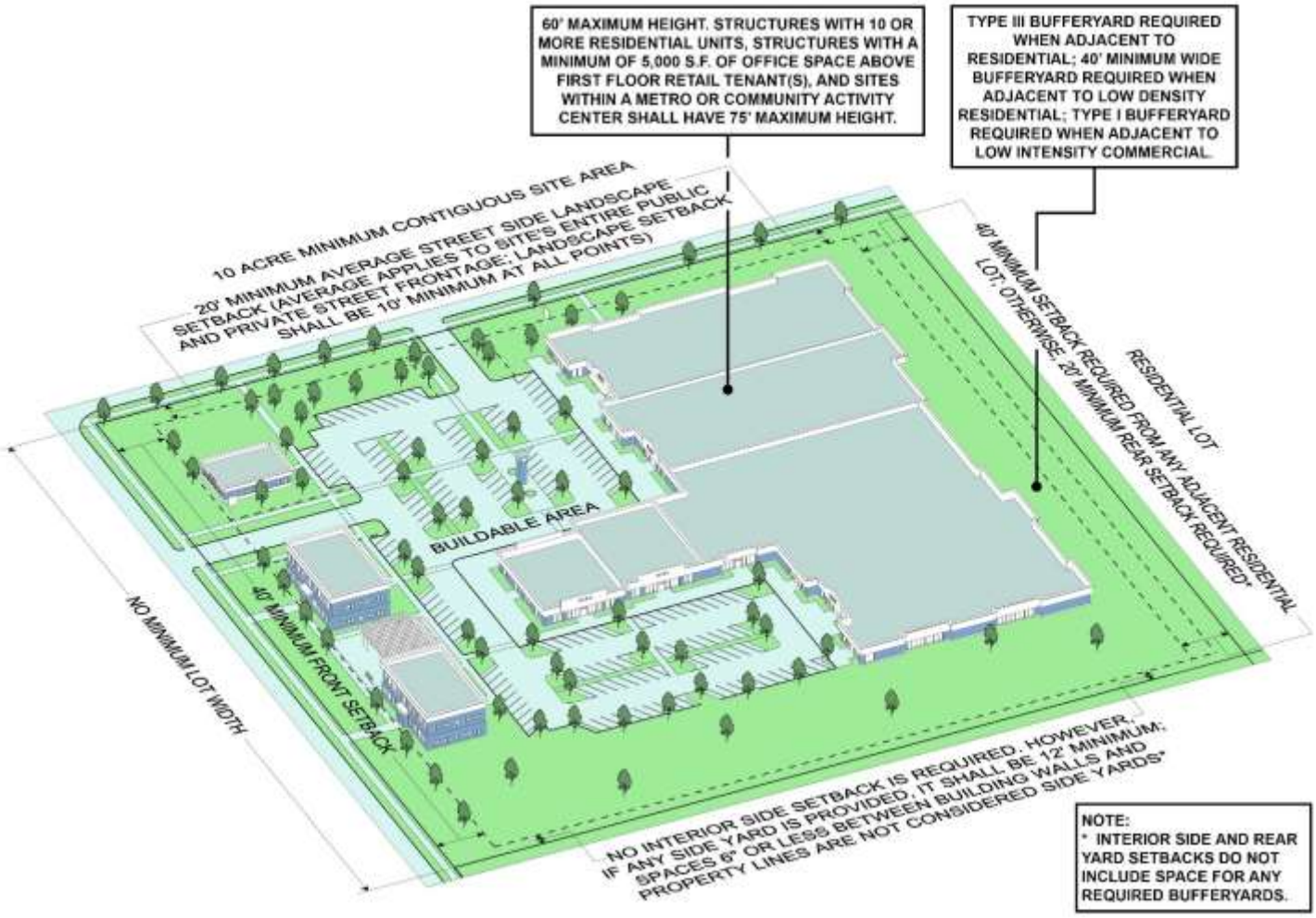
B. *GENERAL DIMENSIONAL REQUIREMENTS*

TABLE 4.6.12: GENERAL DIMENSIONAL REQUIREMENTS IN THE MRB-S DISTRICT

Zoning District	Minimum Zoning Lot		Minimum Contiguous Site Area (ac)	Minimum Setbacks [1], [5], [7]				Maximum Impervious Surface Cover (%)	Maximum Height (ft) [2]
	Area (sf)	Width (ft)		Front (ft) [6]	Rear (ft)	Side [3]			
						Interior Side (ft)	Street (ft) [6]		
MRB-S	None	None	10	40	20 [4]	0.5/12	20 [2]	85	60

NOTES:
[1] Whenever a lot in a nonresidential district other than the NB or NO Districts shares a common boundary line with a lot in a residential district (except RM-U), YR, AG, or H District with no intervening street or highway, the lot in the nonresidential district shall have a required setback along the shared boundary line of not less than forty (40) feet or shall have the required setback for the nonresidential district, whichever is greater.
[2] As per Section 6.4.3, Large Scale Retail Developments (W),and which shall apply to all development done within the MRB-S District and which shall be reflected in the site plan required as part of the rezoning application.
[3] Side yards are not required, however any side yard provided adjacent to an interior lot line shall not be less than twelve (12) feet in width. A space less than six (6) inches in width between an interior lot line and a building wall shall not be regarded as a side yard. This does not include the required bufferyard.
[4] This does not include the required bufferyard.
[5] These requirements may be varied during the review and approval of a site plan per Section 6.4.3, Large Scale Retail Developments (W).
[6] Residential structures in GMA 2 shall meet the requirements of Section 6.4.2, Supplementary Standards For Residential Development In GMA 2 (W).
[7] Minimum nonresidential setbacks in GMA 2 shall be waived in accordance with Section 4.2.4B, Standards for Nonresidential Development. (W)

FIGURE 4.6.12.B: GENERAL DIMENSIONAL REQUIREMENTS – MRB-S DISTRICT



C. *SPECIAL USE DISTRICT STANDARDS*

1. *SITE PLAN*

A site plan and building elevations for any development within the district in conformance with the site plan requirements of ***Section 6.4.3, Large Scale Retail Developments (W)****, and which shall be submitted as part of the rezoning application.*

2. *MULTIFAMILY, OFFICE AND MIXED-USES ALLOWED*

In order to promote mixed use developments, which offer living and working opportunities with little reliance upon the automobile, and/or which are located in a designated Activity Center as identified in Forward 2045 or an adopted small area plan, the following shall apply:

a. *Residential uses, when ten (10) or more units are proposed there shall be:*

i. *No residential density calculation;*

ii. *No parking requirement;*

iii. *A maximum height limit of seventy-five (75) feet for the structure(s) containing the residential uses;*

iv. *Bufferyard alternative compliance, as per* ***Section 6.3.2C,*** **Alternative Compliance***; and*

v. *An increase in the maximum allowed impervious coverage of the site from eighty-five percent (85%) to all overall maximum of ninety percent (90%) for the subject site, unless the restrictions of an overlay district are greater.*

b. *Office uses of at least five thousand (5,000) gross square footage when constructed as upper stories to a first floor retail space shall have:*

i. *No parking requirement;*

ii. *A maximum height limit of seventy-five (75) feet for the structure(s) containing the office uses;*

iii. *Bufferyard alternative compliance, as per* ***Section 6.3.2C,*** **Alternative Compliance***; and*

iv. *An increase in the maximum allowed impervious coverage of the site from eighty-five percent (85%) to all overall maximum of ninety percent (90%) for the subject site, unless the restrictions of an overlay district are greater.*

c. *Office uses of at least five thousand (5,000) gross square footage when constructed as a standalone structure and/or when occupying the first floor of any structure, shall have:*

i. *A fifty percent (50%) parking reduction;*

ii. *Bufferyard alternative compliance, as per* ***Section 6.3.2C,*** **Alternative Compliance***; and*

iii. *An increase in the maximum allowed impervious coverage of the site from eighty-five percent (85%) to all overall maximum of ninety percent (90%) for the subject site, unless the restrictions of an overlay district are greater.*

d. *Developments located in a Activity Center as identified in Forward 2045 or an adopted small area plan, shall have:*

i. *Up to a fifty percent (50%) parking reduction;*

ii. *Bufferyard alternative compliance, as per* ***Section 6.3.2C,*** **Alternative Compliance***;*

iii. *An increased height allowance to seventy-five (75) feet; and*

iv. *An increase in the maximum allowed impervious coverage of the site from eighty-five percent (85%) to all overall maximum of ninety percent (90%) for the subject site, unless the restrictions of an overlay district are greater.*

3. *SITE SIZE*

The minimum site size shall be ten (10) acres.

4. *SIGNAGE*

The HB zone district sign allowances, as per ***Section 6.5, Signage****, shall apply, unless further restricted through an approved and attached site plan.*

5. *BUFFERYARD STANDARDS*

a. *Due to the twenty-four (24) hour nature of the loading docks and storage areas of this scale of retail development, this district shall be considered an Industrial (IND) zoning type (Type III) as per* ***Section 6.3, Bufferyard Standards****.*

b. *When adjacent to a low density residentially zoned property the bufferyard shall be no less than forty (40) feet and include three (3) deciduous trees and eighteen (18) primary evergreen plants per one hundred (100) linear feet of bufferyard.*

c. *Additionally, the elected body may require a larger bufferyard and/or a bufferyard with more plantings, berm(s) and fences, in order to provide a more effective transitional buffer between users.*

6. *APPLICABILITY*

a. *New construction equal to or exceeding one hundred twenty-five thousand (125,000) gross square feet of single plate ground floor area and serving a single tenant as a stand-alone retail structure or as part of a multi-tenant shopping center;*

b. *Twenty-five thousand (25,000) square foot or more additions to an existing one hundred thousand (100,000) or more gross square feet single plate ground floor space serving a single tenant, or an addition that results in a single plate ground floor tenant of at least one hundred twenty-five thousand (125,000) gross square feet or more after the addition; and*

c. *Pad sites with structures that are associated with the primary development and which are included in the original subdivision and/or master plan of the overall development.*

7. *DECISION*

a. *Upon thorough review of required information pertinent to the major retail development, the application may be approved, approved with conditions, or denied.*

b. *Such additional reasonable conditions and safeguards, as it may deem necessary to implement the purposes of this section and other code regulations may be included in the decision.*

8. *THREE (3) YEAR TIME PERIOD*

a. *An MRB-S District that is approved in connection with this section shall become invalid unless the work or action authorized under it shall commence within three (3) years after the date of issuance.*

b. *Completion of all work or action authorized there under shall occur within two (2) years of the date of issuance unless an extension of time not to exceed one (1) year is approved in advance after public hearing by the Planning Board.*

4.6.13 E ENTERTAINMENT DISTRICT (W)

A. *PURPOSE*

1. *The E District is primarily intended to accommodate a mixture of retail, office, residential, and entertainment (indoor and outdoor) related uses.*

2. *This district is intended for application in GMAs 1 and 2.*

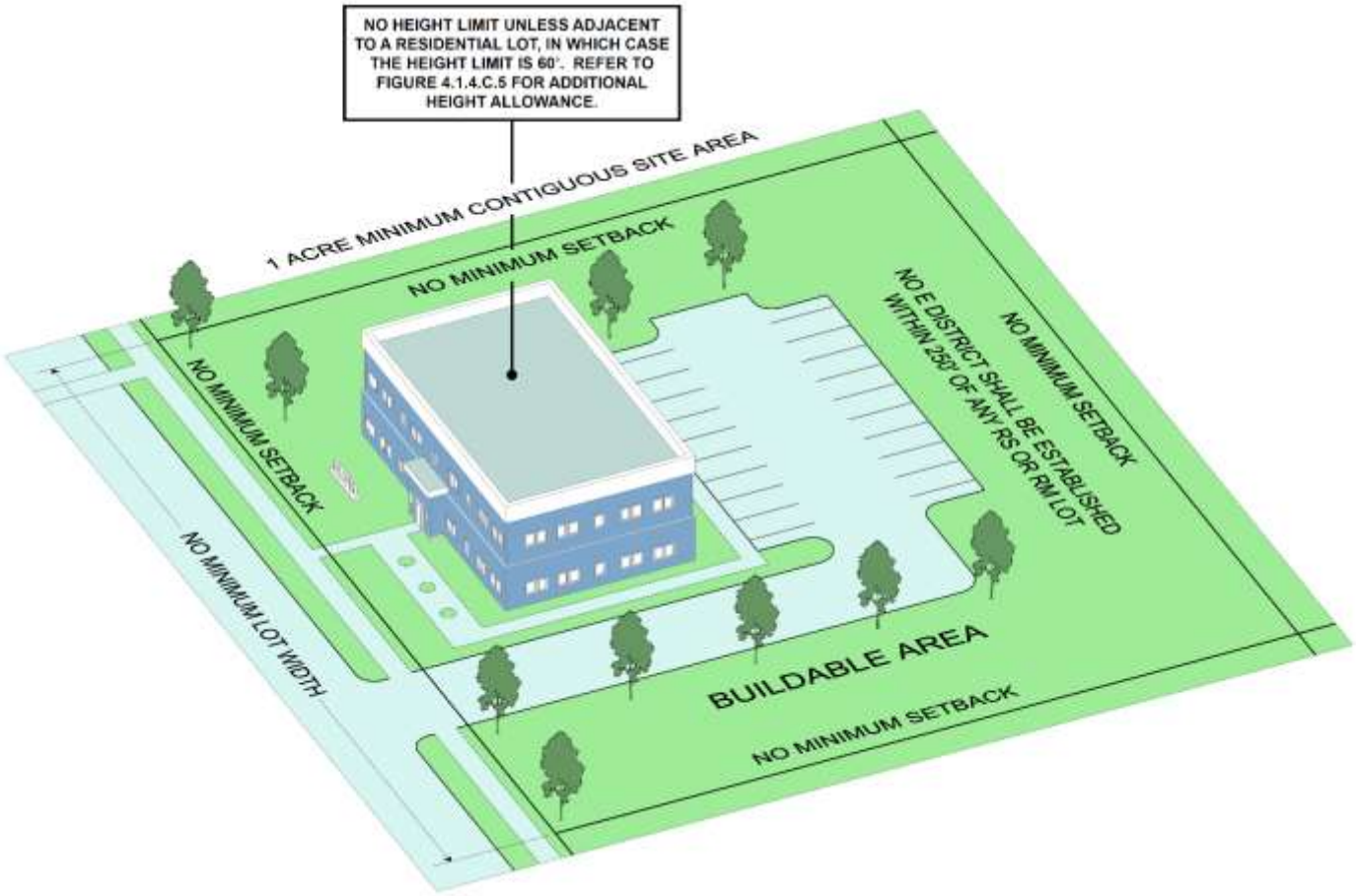
B. *GENERAL DIMENSIONAL REQUIREMENTS*

TABLE 4.6.13: GENERAL DIMENSIONAL REQUIREMENTS IN THE E DISTRICT

Zoning District	Minimum Zoning Lot		Minimum Contiguous Site Area (ac)	Minimum Setbacks [1]				Maximum Impervious Surface Cover (%)	Maximum Height (ft) [2]
				Front (ft) [3]	Rear (ft)	Side			
	Area (sf)	Width (ft)				Interior Side (ft)	Street (ft) [3]		
E	None	None	1	None	None	None	None	No Limit	60

NOTES:
[1] Whenever a lot in a nonresidential district other than the NB or NO Districts shares a common boundary line with a lot in a residential district (except RM-U), YR, AG, or H District with no intervening street or highway, the lot in the nonresidential district shall have a required setback along the shared boundary line of not less than forty (40) feet or shall have the required setback for the nonresidential district, whichever is greater.
[2] There is no height limit unless adjacent to property zoned RS, RM (except RM-U), YR, AG, or H. Height of structure above sixty (60) feet may be increased by one (1) foot for each foot of additional setback beyond the forty (40) foot minimum required, if adjacent to property zoned RS, RM (except RM-U), YR, AG, or H.
[3] Residential structures in GMA 2 shall meet the requirements of Section 6.4.2, Supplementary Standards For Residential Development In GMA 2 (W).

FIGURE 4.6.13.B: GENERAL DIMENSIONAL REQUIREMENTS – E DISTRICT



C. *PROXIMITY TO OTHER E DISTRICTS*

An E District shall not be established within one (1) mile of another E District, measured in a straight line from the closest points on the boundary lines of the two (2) districts.

D. *PROXIMITY TO RS AND RM ZONING*

No E District shall be established within two hundred fifty (250) feet of any RS or RM zoned property, measured in a straight line between the closest point of the E District and the closest point of any RS (including RSQ zoning) or RM zoning.

E. *CROSSWALKS*

1. *Crosswalks shall be provided at any location within the E District where pedestrians cross public streets, driveways, or parking lots.*

2. *This requirement can be waived by the Director of Public Works if a required crosswalk location is deemed unnecessary or unsafe.*

3. *The developer(s) of the E District shall be responsible for all costs associated with the installation of said crosswalks.*

F. *PARKING*

All uses allowed within the E District shall meet the off-street parking requirements designated in Table 6.1.2A., Motor Vehicle and Bicycle Parking Space Requirements.

1. *PARKING STUDY*

a. *Any use allowed within the E District that cannot reasonably meet its designated off-street parking requirements shall have the option of submitting a parking study for review and approval by the Director of Public Works.*

b. *The parking study shall include the:*

i. *Required number of parking spaces;*

ii. *Amount of parking provided on-site;*

iii. *Any available on-street parking in close proximity;*

iv. *Proximity to publicly accessible parking decks and travel distance to said decks; and*

v. *Opportunities for shuttle service/park and ride, and any shared parking arrangements.*

c. *In the case of a disapproval of a parking study by the Director of Public Works, the applicant may appeal the decision to the City Council.*

d. *Any appeal of a disapproval shall be made within thirty (30) days of service of the decision upon the applicant, by filing a notice of appeal with the Director of Public Works.*

e. *Upon recommendation of the Public Works Committee, the City Council shall fix a reasonable time for hearing the appeal.*

2. *PROXIMITY TO PUBLIC PARKING DECKS*

a. *Any use allowed within the E District may take up to a maximum fifteen percent (15%) reduction in off-street parking requirements, provided that the use is located within one-quarter (¼) of a mile of a publicly accessible parking deck.*

b. *The one-quarter (¼) mile distance shall be measured as a person would walk between the two (2) sites using the centerline(s) of the public streets connecting the two (2) sites, not as the crow flies.*

4.7 GENERAL INDUSTRIAL ZONING DISTRICTS

4.7.1 LI LIMITED INDUSTRIAL DISTRICT

A. PURPOSE

1. The LI District is primarily intended to accommodate limited manufacturing, wholesaling, warehousing, research and development, and related commercial and service activities which, in their normal operations, have little or no adverse effect upon adjoining properties.

2. The district is established to provide locations for industrial development in GMAs 1, 2, 3 and 4 and Activity Centers.

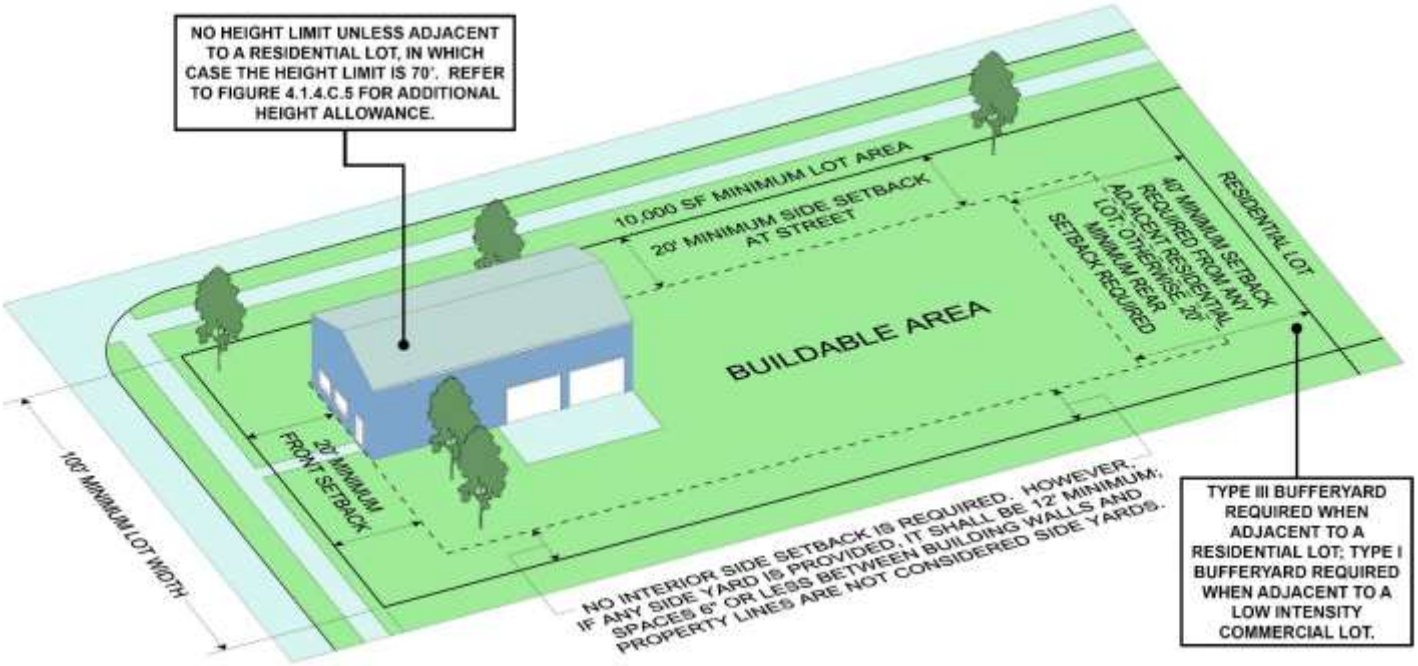
B. GENERAL DIMENSIONAL REQUIREMENTS

TABLE 4.7.1: GENERAL DIMENSIONAL REQUIREMENTS IN THE LI DISTRICT

Zoning District	Minimum Zoning Lot		Minimum Contiguous Site Area (ac)	Minimum Setbacks [1]				Maximum Impervious Surface Cover (%)	Maximum Height (ft) [3]
	Area (sf)	Width (ft)		Front (ft)	Rear (ft)	Side			
						Interior Side (ft)	Street (ft)		
LI	10,000	100	None	20	20	0.5/12 [2]	20	90	70/ unlimited

NOTES:
[1] Whenever a lot in a nonresidential district other than the NB or NO Districts shares a common boundary line with a lot in a residential district (except RM-U), YR, AG, or H District with no intervening street or highway, the lot in the nonresidential district shall have a required setback along the shared boundary line of not less than forty (40) feet or shall have the required setback for the nonresidential district, whichever is greater.
[2] Side yards are not required, however any side yard provided adjacent to an interior lot line shall be not less than twelve (12) feet in width. A space less than six (6) inches in width between an interior lot line and a building wall shall not be regarded as a side yard.
[3] There is no height limit unless adjacent to property zoned RS, RM (except RM-U), YR, AG, or H. Height of the structure above seventy (70) feet may be increased by one foot for each foot of additional setback above the minimum required, if adjacent to property zoned RS, RM (except RM-U), YR, AG, or H.

FIGURE 4.7.1.B: GENERAL DIMENSIONAL REQUIREMENTS – LI DISTRICT



C. SUPPLEMENTARY DISTRICT REQUIREMENTS

See **Section 5.3.2, Uses Accessory to Certain Principal Uses**, for permitted accessory uses and limitations.

4.7.2 GI GENERAL INDUSTRIAL DISTRICT

A. PURPOSE

1. The GI District is primarily intended to accommodate a wide range of assembling, fabricating, and manufacturing activities.

2. The district is established for the purpose of designating appropriate locations and establishing development regulations for uses which may have significant environmental impacts or which require special measures to ensure compatibility with adjoining properties.

3. The district is established to provide locations for major developments in GMAs 1, 2 and 3.

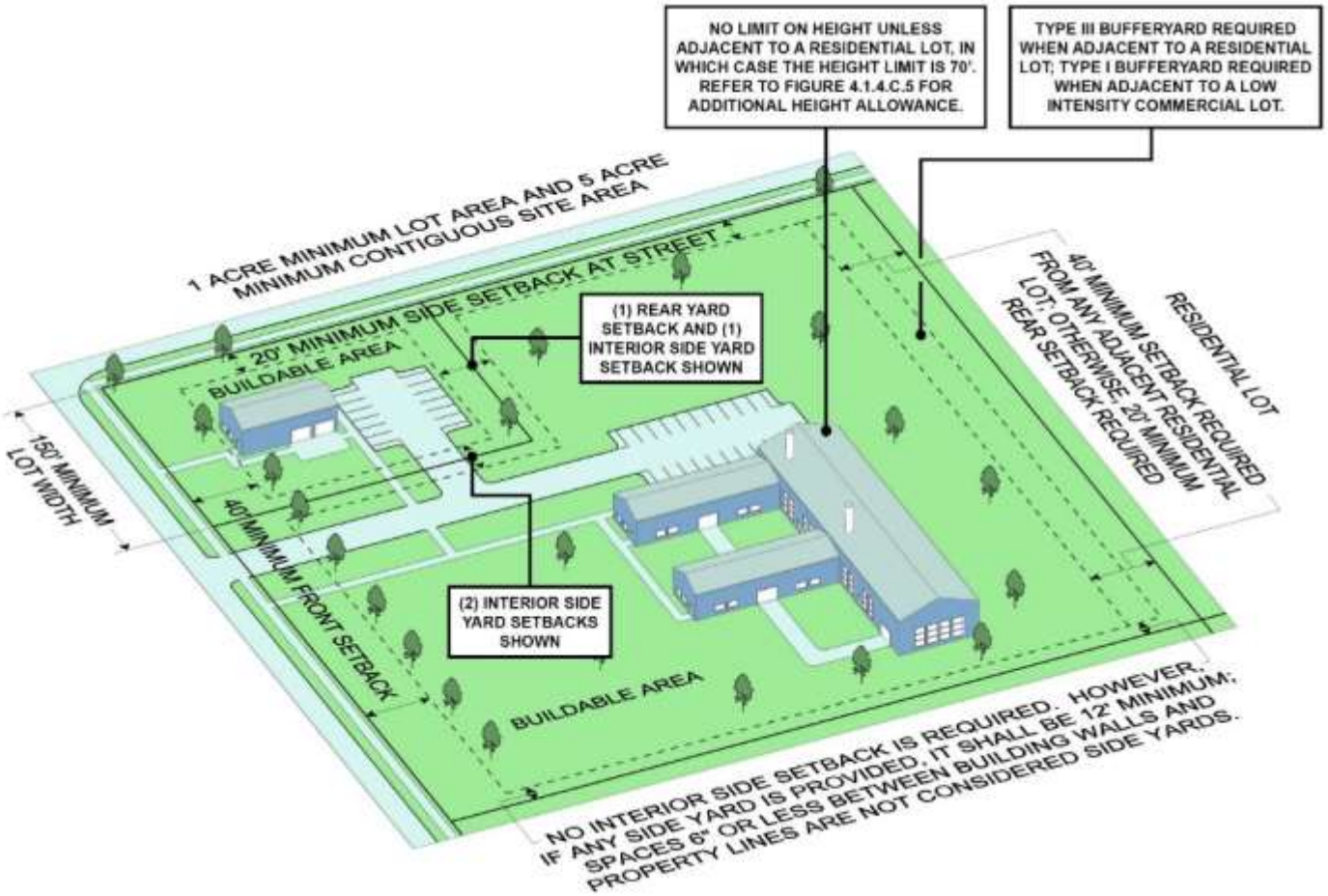
B. GENERAL DIMENSIONAL REQUIREMENTS

TABLE 4.7.2: GENERAL DIMENSIONAL REQUIREMENTS IN THE GI DISTRICT

Zoning District	Minimum Zoning Lot		Minimum Contiguous Site Area (ac)	Minimum Setbacks [1]				Maximum Impervious Surface Cover (%)	Maximum Height (ft) [3]
	Area (sf)	Width (ft)		Front (ft)	Rear (ft)	Side			
						Interior Side (ft)	Street (ft)		
GI	43,560	150	5	40	20	0.5/12 [2]	20	No Limit	70/ unlimited

NOTES:
[1] Whenever a lot in a nonresidential district other than the NB or NO Districts shares a common boundary line with a lot in a residential district (except RM-U), YR, AG, or H District with no intervening street or highway, the lot in the nonresidential district shall have a required setback along the shared boundary line of not less than forty (40) feet or shall have the required setback for the nonresidential district, whichever is greater.
[2] Side yards are not required, however any side yard provided adjacent to an interior lot line shall be not less than twelve (12) feet in width. A space less than six (6) inches in width between an interior lot line and a building wall shall not be regarded as a side yard.
[3] There is no height limit unless adjacent to property zoned RS, RM (except RM-U), YR, AG, or H. Height of the structure above seventy (70) feet may be increased by one foot for each foot of additional setback beyond the minimum required, if adjacent to property zoned RS, RM (except RM-U), YR, AG, or H.

FIGURE 4.7.2.B: GENERAL DIMENSIONAL REQUIREMENTS – GI DISTRICT



C. SUPPLEMENTARY DISTRICT REQUIREMENTS

See **Section 5.3.2, Uses Accessory to Certain Principal Uses,** for permitted accessory uses and limitations.

4.7.3 CI CENTRAL INDUSTRIAL DISTRICT

A. PURPOSE

1. The CI District is intended to accommodate biomedical, technological, scientific, and other public and private research uses within GMA 1.

2. The district is also intended to accommodate a pedestrian oriented mixture of uses such as office, retail, residential, and light manufacturing to support the primary research function of the district.

3. The district encourages innovation by offering flexibility in design and layout requirements in an urban context.

4. Development in the CI District should incorporate pedestrian oriented design elements such as facade articulation, sidewalks, open space plazas, entrances facing the street, windows, awnings, and structured parking.

B. GENERAL DIMENSIONAL REQUIREMENTS

Except as specified in this section, there are no general dimensional requirements for the CI District.

C. STREETYARD

Please refer to ***Section 6.2.1D.2.e, CB and CI Districts***, or **Section 6.2.2C.2.e, CB and CI Districts**, as appropriate for streetyard requirements applicable in the CI District.

D. SETBACKS FROM RESIDENTIAL DISTRICTS

Whenever a lot in a nonresidential district other than the NB or NO Districts shares a common boundary line with a lot in a residential district (except RM-U), YR, AG, or H District with no intervening street or highway, the lot in the nonresidential district shall have a required setback along the shared boundary line of not less than forty (40) feet or shall have the required setback for the nonresidential district, whichever is greater.

E. SUPPLEMENTARY DISTRICT REQUIREMENTS.

1. SIDEWALKS
Sidewalks shall be required along both sides of all streets and shall connect buildings with open space areas.

2. SCREENING
Loading, service, and utility areas shall be visually screened or designed and located in a manner not to have an adverse visual impact from any adjoining street, excluding limited access interstates or highways.

3. *MECHANICALLY STABILIZED SLOPES*
See ***Section 8.4.6.B, Mechanically Stabilized Slopes and Fills.***

4.8 GENERAL INSTITUTIONAL AND MIXED-USE ZONING DISTRICTS

4.8.1 IP INSTITUTIONAL AND PUBLIC DISTRICT

A. PURPOSE

1. The IP District is intended to accommodate public and institutional uses which have a limited land use impact or traffic generation potential upon surrounding uses.

2. The district is intended to accommodate smaller, less intensive public and institutional uses which have concentrated service areas and are located in or near residential areas, or larger, less intensive recreational or institutional facilities in rural areas.

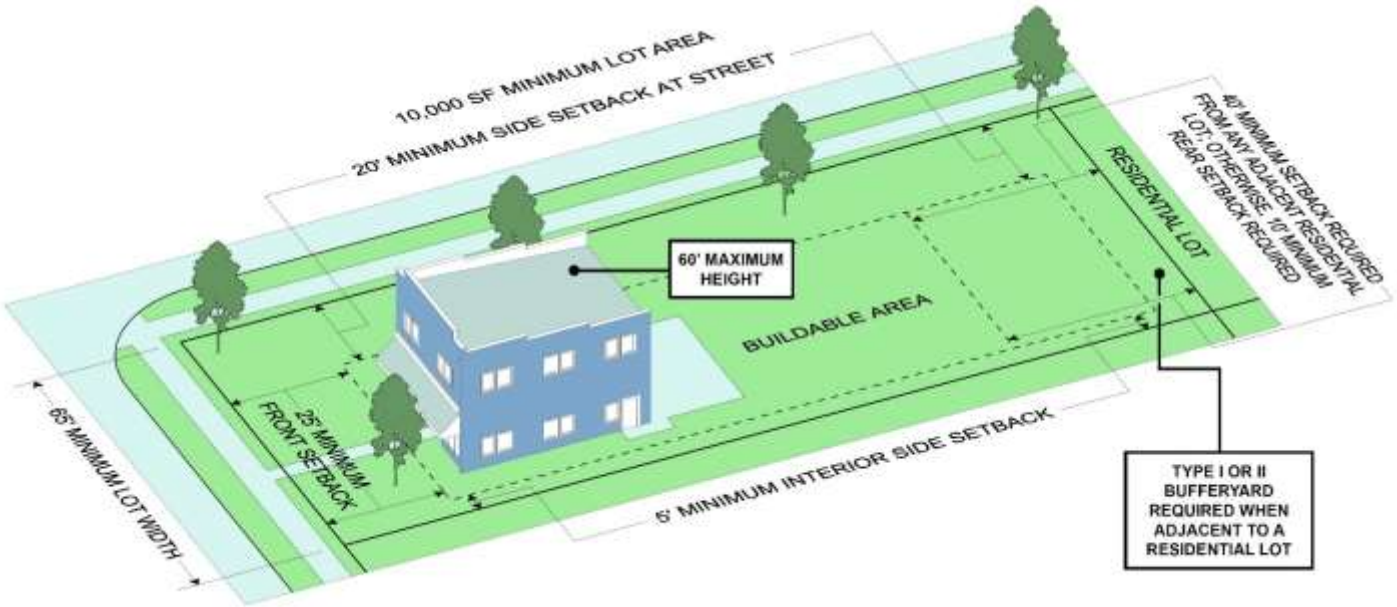
B. GENERAL DIMENSIONAL REQUIREMENTS

TABLE 4.8.1: GENERAL DIMENSIONAL REQUIREMENTS IN THE IP DISTRICT

Zoning District	Minimum Zoning Lot		Minimum Contiguous Site Area (ac)	Minimum Setbacks [1]				Maximum Impervious Surface Cover (%)	Maximum Height (ft)
	Area (sf)	Width (ft)		Front (ft) [2]	Rear (ft)	Side			
						Interior Side (ft)	Street (ft) [2]		
IP	10,000	65	None	25	10	5	20	60	60

NOTES:
[1] Whenever a lot in a nonresidential district other than the NB or NO Districts shares a common boundary line with a lot in a residential district (except RM-U), YR, AG, or H District with no intervening street or highway, the lot in the nonresidential district shall have a required setback along the shared boundary line of not less than forty (40) feet or shall have the required setback for the nonresidential district, whichever is greater.
[2] *Residential structures in GMA 2 shall meet the requirements of Section 6.4.2, Supplementary Standards For Residential Development In GMA 2 (W).*

FIGURE 4.8.1.B: GENERAL DIMENSIONAL REQUIREMENTS – IP DISTRICT



4.8.2 C CAMPUS DISTRICT

A. PURPOSE

1. The C District is intended to accommodate medium to large-sized public, semi-public, and institutional uses which have a major land use impact or traffic generation potential upon surrounding uses.

2. The district is intended to accommodate larger, more intensive public and institutional uses which have extensive service areas and are centrally located.

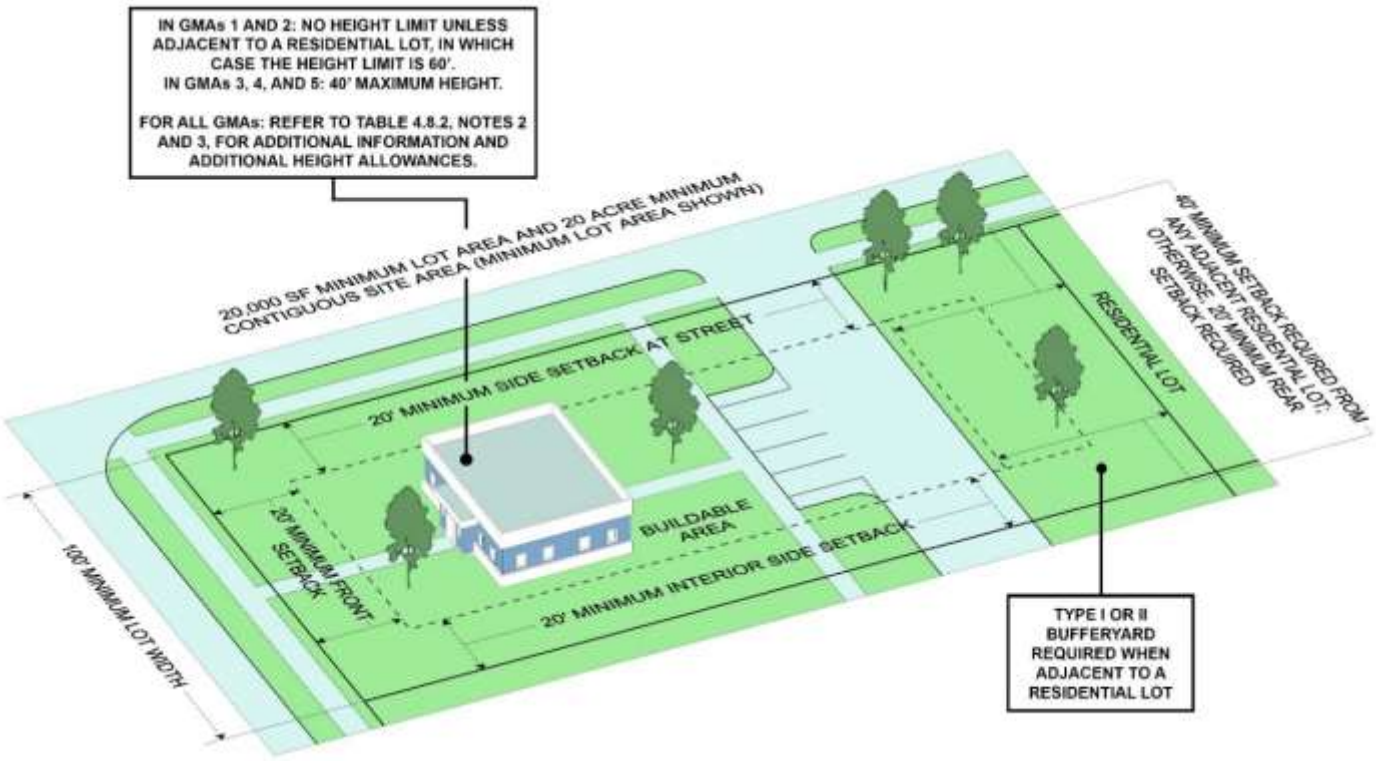
B. GENERAL DIMENSIONAL REQUIREMENTS

TABLE 4.8.2: GENERAL DIMENSIONAL REQUIREMENTS IN THE C DISTRICT

Zoning District	Minimum Zoning Lot		Minimum Contiguous Site Area (ac)	Minimum Setbacks [1]				Maximum Impervious Surface Cover (%)	Maximum Height (ft) [2], [3]
	Area (sf)	Width (ft)		Front (ft)	Rear (ft)	Side			
						Interior Side (ft)	Street (ft)		
C	20,000	100	20	20	20	20	20	70 [4]	40/75 or 60/ unlimited

NOTES:
[1] Whenever a lot in a nonresidential district other than the NB or NO Districts shares a common boundary line with a lot in a residential district (except RM-U), YR, AG, or H District with no intervening street or highway, the lot in the nonresidential district shall have a required setback along the shared boundary line of not less than forty (40) feet or shall have the required setback for the nonresidential district, whichever is greater.
[2] In GMAs 1 and 2, there is no height limit unless adjacent to property zoned RS, RM (except RM-U), YR, AG, or H. Height of structure above sixty (60) feet may be increased by one foot for each foot of additional setback beyond the minimum forty (40) foot required, if adjacent to property zoned RS, RM (except RM-U), or H. If structure is set back at least one hundred twenty (120) feet from property zoned RS, RM (except RM-U), YR, AG or H, there is no height limit.
[3] In GMAs 3, 4 and 5, the maximum height is forty (40) feet. However, the maximum permitted height of any structure may be increased by one foot for every additional five (5) feet of setback beyond the minimum setbacks required, up to a maximum building height of seventy-five (75) feet.
[4] There is no impervious surface coverage limit in GMAs 1 and 2.

FIGURE 4.8.2.B: GENERAL DIMENSIONAL REQUIREMENTS – C DISTRICT



C. SUPPLEMENTARY DISTRICT REQUIREMENTS

1. ACCESS

Vehicular access onto a major or minor thoroughfare or onto a road improved to necessary standards as determined by the Director of Public Works for the City of Winston-Salem or the North Carolina Department of Transportation.

2. AUTOMATIC TELLER MACHINE

Automatic teller machines shall be permitted as an accessory use.

4.8.3 MU-S MIXED USE - SPECIAL USE DISTRICT

A. PURPOSE

1. The MU-S District is intended to accommodate a Planned Unit Development (PUD) containing residential uses and at least one nonresidential use with the mix of uses achieved through incorporating multiple uses within a single building or by single-use buildings located throughout the site.

2. This district has applications in a broad range of urban to suburban locations.

3. The size and intensity of MU-S developments may vary based on their physical context and location. Appropriate setbacks, streetyards, bufferyards, and building heights among other site and design elements will be considered to ensure compatibility of the development on a site-specific basis

4. The MU-S District provides greater development flexibility in exchange for certain planning and design considerations, and provides an opportunity to propose development which would otherwise not be accommodated by the UDO. Any Planned Unit Development proposed via the MU-S district shall be evaluated on its own merits.

5. The MU-S district promotes quality design and respects surrounding land use and character with particular consideration given to the architectural details and facades of mixed-use and nonresidential buildings and the design of the streetscape. Elements such as building fenestration and massing, placement of windows, incorporation of awnings and other architectural elements as well as landscaping, street trees, and presence of plazas, pocket parks, public squares and other common public open space will be utilized to ensure a well-designed development.

6. The MU-S district shall include pedestrian-oriented design elements that promote walkability such as a system of sidewalks or other all-weather paths linking different parts of the development. Accommodation of multimodal transportation options is also encouraged.

B. GENERAL INFORMATION

1. DISTRICT REVIEW

a. The MU-S district is fundamentally different from other zoning districts in the UDO. MU-S zoning can only be established through the special use district zoning process in accordance with **Section 3.2.19D, Special Use Districts**, site plan review process. No General Use zoning provisions are available.

b. Compatibility and design integration of the proposed district shall be ensured by specifying appropriate setbacks, streetyards, bufferyards, building heights, lots sizes, and other development standards through the site plan review process.

c. Petitions for MU-S zoning may be subject to additional review requirements to ensure compatibility with surrounding land uses and compliance with the principal objectives of the MU-S district. Such requirements may include submittal of proposed building elevations, street and building cross sections, and other representative graphics demonstrating the internal and external compatibility of the proposed development.

2. DISTRICT OBJECTIVES

a. The MU-S District is intended to address new development concepts, innovative design, and other unique situations and proposals which cannot be as easily accommodated through conventional zoning districts.

b. The MU-S district generally permits a broad range of land uses including single family residential, multifamily residential, retail/commercial, office, institutional/public, and Manufacturing A and B.

c. Each MU-S district should incorporate residential uses and at least one nonresidential use in a cohesive, comprehensively planned development which is compatible and well integrated with its surrounding context.

C. GENERAL DIMENSIONAL REQUIREMENTS

1. There are no general dimensional requirements for the MU-S District; these requirements shall be specified on a site specific basis through the required site plan review process.

2. These requirements include but are not limited to: bufferyards, setbacks, streetyards, building height, and lot

dimensions and area.

3. In all situations, Fire Code and other regulations pertaining to general health, safety, and welfare apply.

D. SUPPLEMENTARY DISTRICT REQUIREMENTS

Other supplemental district requirements for MU-S developments include:

1. SKETCH PLAN REVIEW MEETING

a. Prior to the formal submission of a proposed MU-S district, the developer or their representative shall attend a Sketch Plan Review Meeting with Planning and Development Services staff concerning the proposed plan of development.

b. At this Sketch Plan Review Meeting, the developer shall submit a sketch plan for the proposed MU-S district and general information concerning traffic circulation and utilities for review, comments, and recommendations by Planning and Development Services staff.

2. RESERVED

3. RESERVED

4. RESERVED

5. RESERVED

6. RESPONSIBILITY

A homeowners association or similar entity shall be established to manage and maintain private streets, open space, and other common areas and facilities, which exist within the proposed MU-S district.

7. RESERVED

8. PARKING

a. NUMBER OF SPACES

i. Off-street parking for any use in the MU-S District shall receive an automatic thirty percent (30%) reduction of the parking requirements of **Table 6.1.2A., Motor Vehicle and Bicycle Parking Space Requirements**.

ii. A comprehensive off-street parking and loading study which includes shared parking may be approved by the Assistant City Manager for Public Works or designee in lieu of the standard parking and loading requirements as specified in **Section 6.1, Off-Street Parking and Loading**.

b. ON-STREET PARKING

i. On-street parking in appropriate locations is encouraged in accordance with the MU-S purpose statement.

ii. Some on-street parking may be permitted to satisfy off-street parking requirements in accordance with **Section 6.1.5M, On-Street Parking Supplements for Pedestrian Oriented Developments.**

9. GENERAL REQUIREMENTS

All MU-S developments shall meet the following requirements:

a. DISTINCT LAND USES

i. All MU-S districts shall contain residential units and at least one nonresidential use as listed in **Section 4.8.3B.2, District Objectives**.

ii. RESERVED

iii. Mixing of uses can occur by having two or more uses located in the same building (i.e. ground floor retail with residences above) or by having two or more uses located in different buildings within the overall district.

b. FACADES

In mixed use and nonresidential buildings, ground level street facades shall incorporate pedestrian oriented elements such as, but not limited to, storefront display windows, covered arcades, awnings, and pedestrian level building fenestration.

c. STREETSCAPE DESIGN

MU-S districts shall exhibit characteristics of pedestrian friendly streetscape design such as, but not limited to, buildings pulled up to the street, sidewalks and street trees, public/private outdoor spaces, and traffic calming devices, including on-street angled and parallel parking.

d. OPEN SPACE

A minimum of five percent (5%) of the total land area of the proposed MU-S district shall consist of common open space. Common open space may include, but shall not be limited to, the following: plazas, public squares, recreational amenities such as tennis courts or swimming pools, pocket parks, and community gardens.

e. PERIMETER BUFFERYARDS

i. In order to ensure compatibility between uses inside the MU-S District and those outside, bufferyard standards as outlined in **Section 6.3.2, Determination of Bufferyard** shall serve as guidelines to establish bufferyards through the required site plan review process.

ii. Actual bufferyard requirements may be reduced or increased depending on the level of integration with adjacent uses.

4.8.4 SUMMARY DIMENSIONAL STANDARDS TABLE – NONRESIDENTIAL DISTRICTS

The dimensional standards for the commercial, industrial, institutional, and mixed use districts are summarized in the table below.

TABLE 4.8.4: NONRESIDENTIAL DISTRICT DIMENSIONAL STANDARDS SUMMARY TABLE [1] [2]

Zoning District	Minimum Zoning Lot		Minimum Contiguous Site Area (ac)	Minimum Setbacks [8] [12]				Maximum Impervious Surface Cover (%)	Maximum Height (ft)
				Front (ft) [11]	Rear (ft)	Side			
	Area (sf)	Width (ft)				Interior Side (ft)	Street (ft) [11]		
NO	6,000	65	—	20	25	7	20	60	40
LO	10,000	100	—	—	—	—	—	75	40
CPO	—	250 [4]	10	—	—	—	—	80	60/unlimited [3]
GO	10,000	75	—	—	—	—	—	80 [5]	60/unlimited [3]
NB [13]	6,000	65	—	0	25	7 [13]	20 [13]	—	40
PB [10]	—	—	—	—	—	—	—	—	60
LB	10,000	100	—	—	—	—	—	75	40
NSB	—	250 [4]	4	—	—	—	—	75	40
HB	20,000	100	—	—	—	—	—	85	60
GB	10,000	75	—	—	—	—	—	—	60/unlimited [3]
CB	—	—	—	—	—	—	—	—	—
MRB-S [9]	—	—	*10*	*40*	*20*	*0.5/ 12* [6]	*20*	*85*	*60*
E (W)	-	-	*1*	-	-	-	-		*60*
LI	10,000	100	—	20	20	0.5/ 12 [6]	20	90	70/unlimited [3]
GI	43,560	150	5	40	20	0.5/ 12 [6]	20	—	70/unlimited [3]
CI	—	—	—	—	—	—	—	—	—
IP	10,000	65	—	25	10	5	20	60	60
C	20,000	100	20	20	20	20	20	70 [7]	40/75 or 60/unlimited [3]
MU-S	—	—	—	—	—	—	—	—	—

NOTES:
[1] These dimensional requirements are subject to additional provisions in Section 4.1.4C, Additional Standards; Section 5.2, Use-Specific Standards; Section 4.4, General Zoning Districts Established; Section 6.2.2, Landscaping Standards – Forsyth County, and Section 6.2.1, Landscaping and Tree Preservation Standards – Winston-Salem; Section 6.3, Bufferyard Standards; and Section 6.4.1, Standards for Older Neighborhoods (F).
[2] Larger lot width, depth, or area may be required by the Public Health Department for the installation of septic systems.

TABLE 4.8.4: NONRESIDENTIAL DISTRICT DIMENSIONAL STANDARDS SUMMARY TABLE [1] [2]

Zoning District	Minimum Zoning Lot		Minimum Contiguous Site Area (ac)	Minimum Setbacks [8] [12]				Maximum Impervious Surface Cover (%)	Maximum Height (ft)
	Area (sf)	Width (ft)		Front (ft) [11]	Rear (ft)	Side			
						Interior Side (ft)	Street (ft) [11]		

[3] Certain districts have an option for height (e.g., 60/unlimited). The first number indicates the maximum height allowed at the minimum setback required adjacent to property zoned RS, RM (except RM-U), YR, AG, or H. Heights may be increased according to the provisions of Sections 4.1.4C.5, Setbacks for Taller Structures in GO, CPO, GB, GI and MU-S Districts, and 4.1.4C.6, Setbacks for Taller Structures in the C District. Height limits for the C District vary per GMAs; see Section 4.8.2, C Campus District).
[4] Minimum area and width requirements may be reduced for the CPO and NSB Districts under the respective subsections of Section 4.4, General Zoning Districts Established.
[5] The eighty percent (80%) limit applies only in GMA 3, per Section 4.6.4, GO General Office District.
[6] Side yards are not required, however any side yard provided adjacent to an interior lot line shall be not less than twelve (12) feet in width. A space less than six (6) inches in width between an interior lot line and a building wall shall not be regarded as a side yard.
[7] The seventy percent (70%) limit does not apply to GMAs 1 and 2, per Section 4.8.2, C Campus District).
[8] Whenever a lot in a nonresidential district other than the NB or NO Districts shares a common boundary line with a lot in a residential district (except RM-U), YR, AG, or H District with no intervening street or highway, the lot in the nonresidential district shall have a required setback along the shared boundary line of not less than forty (40) feet or shall have the required setback for the nonresidential district, whichever is greater.
[9] Section 6.4.3, Large Scale Retail Developments (W) shall apply to all development done within the MRB-S District and shall be reflected in the site plan required as part of the rezoning application. (W)
[10] Whenever a residential use in the PB Zoning District shares a side yard boundary line with a lot in a residential district, the requirements of Section 4.1.4C.8, Special Yard Requirements Where Nonresidential Districts Adjoin Residential Districts, shall apply.
[11] Residential structures in GMA 2 shall meet the requirements of Section 6.4.2, Supplementary Standards For Residential Development In GMA 2 (W).
[12] Minimum nonresidential setbacks in GMA 2 shall be waived in accordance with Section 4.2.4B, Standards for Nonresidential Development. (W)
[13] A zoning lot that is adjacent to another nonresidential lot may have minimum setbacks for interior side and side street of zero (0).

4.8.5 ADDITIONAL DIMENSIONAL REQUIREMENTS BY USE TYPE IN THE NONRESIDENTIAL DISTRICTS

Minimum lot sizes for permitted single-family, duplex, twin home, and multifamily residential buildings on lots in the nonresidential districts are summarized in the table below.

TABLE 4.8.5: DIMENSIONAL REQUIREMENTS BY USE TYPE IN THE NONRESIDENTIAL DISTRICTS

Zoning District	Minimum Zoning Lot		Minimum Setbacks					Maximum Impervious Surface Cover (%)	Maximum Height (ft)
					Side				
	Area (sf)	Width (ft)	Front (ft)	Rear (ft)	One Side (ft)	Combined (ft)	Street (ft)		
Single Family Residences in NO, NB, PB and MU-S Districts									
NO	6,000	50	20	10	5	15	20	70	40
PB [2], NB	—	—	—	—	—	—	—	—	—
MU-S	—	—	—	—	—	—	—	—	—
Duplexes in MU-S, PB, NB and NO Districts									
MU-S	—	—	—	—	—	—	—	—	—
PB [2], NB	—	—	—	—	—	—	—	—	—
NO	—	—	20	20	10	25	20	—	—
Twin Homes in MU-S, PB, NB and NO Districts									
MU-S	—	—	—	—	—	—	—	—	—
PB [2], NB	—	—	—	—	—	—	—	—	—
NO	—	—	20	20	0	25	20	—	—
Multifamily Developments in GB, HB, CB, PB, NB, MU-S, NO, LO Districts									
GB	20,000	100	—	—	—	—	—	85	60
HB[3]	43,560	100	_	_	_	_	_	85	60
CB	—	—	—	—	—	—	—	—	—
PB [2], NB	—	—	—	—	—	—	—	—	—
MU-S	—	—	—	—	—	—	—	—	—
NO, LO	—	—	20	20	10	25	20	—	—
GO[6]	10,000	75	_	_	_	_	_	80[4]	60[5]/ limited

NOTES:
[1] These dimensional requirements are subject to additional provisions in Section 4.1.4C, Additional Standards; Section 5.2, Use-Specific Standards; Section 4.4, General Zoning Districts Established; Section 6.2.2, Landscaping Standards – Forsyth County and Section 6.2.1, Landscaping and Tree Preservation Standards – Winston-Salem; Section 6.3, Bufferyard Standards; and Section 6.4.1, Standards for Older Neighborhoods (F).

TABLE 4.8.5: DIMENSIONAL REQUIREMENTS BY USE TYPE IN THE NONRESIDENTIAL DISTRICTS

Zoning District	Minimum Zoning Lot		Minimum Setbacks					Maximum Impervious Surface Cover (%)	Maximum Height (ft)
					Side				
	Area (sf)	Width (ft)	Front (ft)	Rear (ft)	One Side (ft)	Combined (ft)	Street (ft)		

[2] Whenever a residential use in the PB Zoning District shares a side yard boundary line with a lot in a residential district, the requirements of Section 4.1.4C.8, Special Yard Requirements Where Nonresidential Districts Adjoin Residential Districts, shall apply.
[3] Multifamily developments shall only be allowed in HB districts in the Winston-Salem zoning jurisdiction.
[4] The eighty percent (80%) limit applies only to GMA 3.
[5] There is no height limit unless adjacent to property zoned RS, RM (except RM-U), YR, AG, or H. Height of structure above sixty (60) feet may be increased one foot for each foot of additional setback beyond the forty (40) foot minimum required if adjacent to property zoned RS, RM (except RM-U), YR, AG, or H.
[6] Multifamily developments shall only be allowed in GO districts in the Winston-Salem zoning jurisdiction. (W)

4.9 OVERLAY AND SPECIAL PURPOSE DISTRICTS

4.9.1 OVERLAY AND SPECIAL PURPOSE DISTRICTS ESTABLISHED

The following overlay and special purpose zoning districts are established:

TABLE 4.9.1: SPECIAL PURPOSE ZONING DISTRICTS

SYMBOL	DISTRICT NAME	INTENT
NCO	Neighborhood Conversation Overlay	The purpose of establishing these districts is to assist the community in meeting the recommendations of Forward 2045 and to meet requirements of State and federal law. When a rezoning proposal for one of these districts is considered, historic preservation, watershed protection, and other applicable goals and recommendations contained in Forward 2045 shall be used as guides, in conjunction with other factors, in determining the appropriateness of the proposed district.
TO	Thoroughfare Overlay	
AO	Airport Overlay	
H	Historic	
HO	Historic Overlay	
WO	*Winston Overlay (W)*	
MLKO	*Martin Luther King Overlay (W)*	

4.9.2 NCO NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT

A. PURPOSE

The NCO District is intended:

1. To preserve and enhance the appearance and special character of certain older neighborhoods by encouraging reuse of existing buildings and new infill development which respects the context of the existing built and natural characteristics;

2. To recognize these characteristics as a major part of the community's identity and positive image, and thereby enhance the visual quality of the community;

3. To stabilize and improve property values;

4. To reduce conflicts between new construction and existing development;

5. To be proactive, not reactive; and

6. To be long term in nature.

B. NCO DISTRICT REQUIREMENTS

1. APPLICABILITY

a. NEW DEVELOPMENT

The regulations of the NCO District shall apply to all new development within the boundaries of the NCO District except as specifically exempted by the provision of this section, or as exempted by **Section 2.7, Vested Rights**.

b. EXISTING DEVELOPMENT

A structure existing at the time an NCO District is approved shall not be deemed a nonconformity because of the NCO District regulations.

c. EXPANSION OF EXISTING DEVELOPMENT

The regulations of the NCO District shall apply to all work as described in this section that would include expansion of existing structures including but not limited to work such as additions and porches.

2. EXEMPTIONS

The following types of activities are exempt from the provisions of this section:

a. Interior alterations;

b. Routine maintenance where no changes are made to the appearance of the structure of grounds, or repair of any structure or site feature;

c. Routine maintenance or repair of streets, sidewalks, pavement markings, utility service lines, street signs, traffic signals, and/or replacement of street light fixtures; and

d. The construction, reconstruction, alteration, restoration, moving, or demolition of any structure or site feature which the Director of Housing and Neighborhood Services and/or the Director of Inspections determines is required to protect the public safety because of an unsafe or dangerous condition.

3. DEVELOPMENT REVIEW PROCESS

a. SITE PLAN REQUIREMENT

i. Except for projects as specifically exempted herein, no building, grading, or demolition permit shall be issued within the NCO District prior to the submittal and approval of plans by the Director of Planning.

ii. The plans shall meet the requirements of **Section 3.2.11, Site Plan**.

b. COMPLIANCE REQUIRED

No site plan or subdivision plat shall be approved which does not demonstrate compliance with the provisions of this section and the conservation standards of the applicable design study.

c. APPEALS

Any aggrieved party may take an appeal from the actions of the Director of Planning to the Board of Adjustment, whether the site plan was approved or disapproved.

4. STANDARDS FOR DEVELOPMENT WITHIN THE NCO DISTRICT

a. CONSERVATION STANDARDS

i. All development within the NCO District shall be subject to the conservation standards contained in the applicable Neighborhood Conservation Overlay District.

ii. These conservation standards may be more stringent or less stringent than the regulations of the underlying zone; in the event of any conflict, the neighborhood conservation standard shall apply.

iii. The conservation standards shall be objective standards and may regulate only the following: Dimensional requirements;

1. Parking requirements;

2. Signage;

3. Lighting;

4. Vehicular access;

5. Location of exterior entrances and stairways;

6. Roof shape;

7. Building orientation and scale;

8. Outdoor storage; and

9. Location and screening of utilities.

iv. No proposed conservation standard shall conflict with the provisions of NCGS 160D-702.

b. DEMOLITION

A demolition permit may not be denied within an NCO District; however, prior to receiving a demolition permit the structure to be removed must be properly documented and submitted to Historic Resources staff.

C. ZONING APPLICATIONS

Except for applications filed by the City or County, the Planning Board shall not accept applications for zoning property to an NCO District unless the application meets all of the following criteria:

1. The area to be zoned shall contain at least fifteen (15) contiguous acres.

2. The area to be zoned is an area whose development began at least forty (40) years prior to the application for zoning to the NCO District in GMA 2, and twenty-five (25) years in GMAs 3, 4, and 5.

3. Each NCO district may only contain one neighborhood as defined:

a. By a National Register District (NRD) eligible area;

b. By an identifiable street and lot patterns;

c. By an original neighborhood plat; or

d. By any other clearly definable physical attributes that unify the neighborhood character.

D. ESTABLISHMENT PROCEDURE

The creation of an NCO District is a five-step process. The petitioner (neighborhood association) will initiate each of these steps. The following shall be the procedure for establishing NCO Districts:

1. Before proceeding with a Neighborhood Conservation Overlay zoning request, the petitioner will first need to go through the pre-application process to determine the eligibility of the proposed district. The pre-application process consists of the following:

a. The petitioner shall submit to staff its written preliminary proposal for NCO designation, which must include the area being considered, the desired objectives and the goals/reasons for requesting the NCO zoning designation. Staff will consider the age of the neighborhood, the proposed boundaries of the District, and the reasons for the selection of an NCO District over other possible strategies for neighborhood conservation. Staff shall provide comments to the petitioner for consideration.

b. Petitioners shall submit the support, in writing, of an official neighborhood association committee with by-laws (for each neighborhood/application). This neighborhood association shall have an elected body of officers and shall be open to all neighborhood residents.

c. Petitioners shall submit the signature of fifty-five percent (55%) of the property owners in the defined district who support the intention of applying for an NCO, except where the proposed NCO is located in an NRSA (Neighborhood Revitalization Strategy Area), signatures of twenty-five percent (25%) of the property owners shall be required. If determined by the Director of Planning and Development Services or his/her designee that any standard or combination of standards proposed for the NCO District would constitute a downzoning, signatures of support from one hundred percent (100%) of the property owners in the defined district shall be required. Each developed lot, each buildable lot under the current zoning regulations, and any nonconforming vacant lots which meet the provisions of **Section 9.3, Nonconforming Vacant Lots**, are given a vote. Any of the above may be comprised of more than one tax lot.

d. When step **a**, step **b**, and step **c** above have been completed, the pre-application request will go to the Historic Resources Commission for review and comment.

e. Once step **d** above has been completed, the Planning Board will make a determination on eligibility. If determined to be eligible, the petitioner shall continue with the establishment procedure.

2. An inventory and description of the distinctive natural and manmade features of the area/neighborhood.

a. Conducting the inventory and compiling the information is the responsibility of the petitioner. Staff will supply the petitioner with two (2) base maps. Neighborhoods having NRD (National Register District) inventories shall use the maps as a part of the inventory submission. The inventory shall include:

i. General description and history of the neighborhood.

ii. Documentation of predominate architectural building types in neighborhood including roof forms and pitch. (Representative photos should be part of submission.)

iii. Documentation of block-by-block front setbacks, side setbacks, building-to-land ratio, lot sizes and configurations, and building orientation (to be averaged and used for standards).

iv. General description of natural features including streams, wooded areas, parks, and other open spaces.

v. Documentation of standard vehicular access and parking location for existing multifamily residential buildings.

b. Upon completion of inventory, Planning Staff shall review the inventory to determine if all information needed has been properly documented.

3. A listing of the conservation standards to be met within the proposed NCO District if zoning is adopted. Standards developed as part of the Neighborhood Conservation Overlay District must be tied to the characteristics defined in the inventory and demonstrate the preservation of neighborhood character.

4. A listing of voluntary conservation guidelines for the area if desired by petitioners to be administered by the neighborhood.

5. Final submission, notification and adoption. The final submission shall include:

a. The completed inventory (two (2) copies);

b. Conservation standards: Two (2) copies of the proposed conservation standards;

c. Voluntary standards: As listed in Section **b** above;

d. Proof of neighborhood support for rezoning and specific NCO standards as evidenced by the signatures of seventy-five percent (75%) [sixty-five percent (65%)] of the property owners in the proposed NCO district, except when a proposed NCO District is located within an NRSA (Neighborhood Revitalization Strategy Area) as defined by the map adopted by the Elected Body. When a Neighborhood Conservation Overlay request area is located within an NRSA, signatures of twenty-five percent (25%) of the property owners shall be required;

e. List of property owners for notification in label format;

f. Signed memorandum of understanding with the neighborhood association concerning its responsibility for continued property owner notification and monitoring of NCO District requirements. The term of the memorandum of understanding will extend through the duration of the district.

6. Once all the previous procedural steps have been accomplished, an application for rezoning the said general area to an NCO District shall be accepted for consideration by Planning Board and the Elected Body. The Planning Board and the Elected Body shall proceed in the same manner as would otherwise be required for a change in the Zoning Ordinance and the request shall be processed according to the procedures set forth in **Section 3.2.15, UDO Text Amendment** and **Section 3.2.19, Zoning Map Amendment**.

7. When an NCO District is approved, the conservation standards contained in the applicable Neighborhood Conservation Overlay District are adopted by reference and become a part of this Ordinance.

E. NONCONFORMING STRUCTURES, CONFORMING STRUCTURES AND NONCONFORMING AND CONFORMING VACANT LOTS

1. EXISTING NONCONFORMING STRUCTURES

a. All additions, changes, expansions, and alterations to a nonconforming structure must comply with the NCO District Standards and/or any applicable zoning standards or a variance must be approved from the Board of Adjustment in accordance with **Section 3.2.16G, BOA Procedure for Variances** prior to the issuance of a building permit.

b. Reconstruction after demolition or destruction shall be in accordance with **Section 3.2.2H, Demolition By Neglect Of Local Historic Landmarks Or Structures Within Historic (H) Or Historic Overlay (HO) Districts**.

2. EXISTING CONFORMING STRUCTURES ON CONFORMING OR NONCONFORMING LOTS

All additions, changes, expansions, and alterations to an existing conforming structure must comply with the NCO District Standards and/or any applicable zoning standards or a variance must be approved from the

Board of Adjustment in accordance with **Section 3.2.16G, BOA Procedure for Variances** prior to the issuance of a building permit.

3. EXISTING NONCONFORMING AND CONFORMING VACANT LOTS

Any new construction on a nonconforming or conforming vacant lot must comply with the NCO District Standards and/or any applicable zoning standards or a variance must be approved from the Board of Adjustment in accordance with **Section 3.2.16G, BOA Procedure for Variances,** prior to the issuance of a building permit.

F. ENFORCEMENT

1. Inspections will review all building permits and rezoning materials, as required in application form, in the NCO District for compliance with conservation standards.

2. It is the responsibility of the neighborhood association to provide continuing property owner education and monitoring of the NCO District requirements according to the signed memorandum of understanding as stated in **Section 4.9.2D.5.f**.

G. REPEAL OF DISTRICT

The following shall be required to repeal any district boundaries of the NCO District:

1. If fifty-five percent (55%) or more of the neighborhood no longer desires a NCO District, the neighborhood association may file an application for rezoning to remove the NCO District from the official zoning map and be regulated by the underlying zoning district alone.

2. If the memorandum of understanding signed by the neighborhood association is violated by lack of participation by the neighborhood, the Elected Body may initiate a rezoning action to remove the NCO District from the official zoning map and be regulated by the underlying zoning district alone.

4.9.3 TO THOROUGHFARE OVERLAY DISTRICT

A. PURPOSE

The TO District is intended to:

1. Encourage development and redevelopment which preserves the visual quality and functional operation of major roadways;

2. Enhance the visual image of the community;

3. Promote traffic safety;

4. Preserve property values; and

5. Implement the goals, policies, and objectives of Forward 2045.

B. OVERLAY DISTRICT REQUIREMENTS

1. APPLICABILITY

Within a TO District, every use of a building or land hereafter established, including demolition and reconstruction of new uses, shall meet the requirements of this section unless otherwise exempted below.

2. EXEMPTIONS

a. NEW RESIDENTIAL DEVELOPMENT

New single family, duplex, or twin home development shall be exempt from all of the provisions of this section.

b. REUSE OR REDEVELOPMENT

Reuse, remodeling, repairs, or other redevelopment which do not create additional building floor area or parking spaces shall be exempt from the provisions of this section.

c. EXPANSIONS

Building additions, parking lot expansions or other redevelopment that creates additional building floor area or parking spaces not exceeding twenty-five percent (25%) of the floor area or parking spaces existing on the site on the effective date of this Ordinance shall be exempt from the provisions of this section, except no expansion may occur within a required setback area. There shall be only one such expansion.

d. SHALLOW LOTS

Vacant lots of record existing as of the effective date of this Ordinance in GMAs 1, 2, or 3 with less than one hundred fifty (150) feet of depth, or in GMAs 4 and 5 with less than two hundred (200) feet of depth shall be exempt from the provisions of this section, except that these lots are required to meet the ten (10) foot setback for parking off right-of-way and streetyard planting.

e. BUFFERYARD

If existing structures or parking areas are located within a landscaped bufferyard area required pursuant to this section on the effective date of this Ordinance, alternative bufferyard standards may be approved in accordance with **Section 6.3.2C, Alternative Compliance**.

3. APPLICABLE ROADS AND BOUNDARIES

The TO District shall consist of the public right-of-way and those lands within one hundred (100) feet of either side of the right-of-way, including access ramps, of all freeways and all roads in the Interstate System. Additional roads may be included in a TO District pursuant to **Section 4.9.3C, Establishment of Other Designated TO Districts**. The TO District does not include land lying underneath bridges or elevated portions of roadways.

4. DEVELOPMENT REVIEW

No building or zoning permit or subdivision plat shall be approved which does not demonstrate compliance with the provisions of this section.

5. STANDARDS FOR DEVELOPMENT WITHIN THE TO DISTRICT

All development within the TO District shall be subject to the site development standards of the underlying district, in addition to the following:

a. ENCLOSED FACILITIES

All manufacturing, storage, offices, wholesale, retail sales, or similar uses, other than display areas for motor vehicle sales and plant nurseries, shall be conducted within an enclosed building, except as otherwise provided below.

b. OUTSIDE STORAGE

i. Outside storage shall be permitted only if screened from view from the thoroughfare.

ii. The outside storage shall not occupy an area larger than one-half of the area covered by the principal building.

c. LOADING AND GARAGE BAYS

All loading areas and entrances to motor vehicle repair bays shall be screened from view from the thoroughfare.

d. SHIELDING ON-SITE UTILITIES

All public utilities and related facilities, heating, ventilation and air conditioning (HVAC) units, including on-ground and rooftop mechanical systems, and dumpsters, shall be so located and/or shielded so as to not be visible from the public right-of-way.

e. UTILITIES

All utilities providing direct service to individual buildings shall be placed underground. All distribution lines running parallel to the roadway within the TO District and installed or relocated in conjunction with construction of a new thoroughfare or widening of an existing thoroughfare which involves the relocation of power lines and poles shall be located underground, unless required to be placed above ground by the applicable utility provider.

f. SETBACK

Any new structure or vehicular use area, including parking lots, loading areas, and driveways, and any addition to an existing structure or vehicular use area shall be set back a minimum distance from the right-of-way line as indicated below:

TABLE 4.9.3.B: TO DISTRICT SETBACKS

GROWTH MANAGEMENT AREA	BUILDING AND VEHICULAR USE AREA SETBACK (FEET)
GMA 1	0
GMA 2 and 3	20
GMA 4 and 5	50

g. LANDSCAPED BUFFERYARD

Within the setback area, the landscaped bufferyard requirements of **Section 6.3, Bufferyard Standards,** shall be met using a twenty (20) foot wide Type II bufferyard. Use of existing vegetation to meet the requirements is encouraged.

C. ESTABLISHMENT OF OTHER DESIGNATED TO DISTRICTS

1. Along segments of existing and proposed major and minor thoroughfares designated on the adopted Transportation Plan, a TO District may be established following the preparation of a corridor study and plan to protect and enhance the appearance and/or functioning of the roadway, consistent with the purpose of the TO District.

2. The corridor study and plan shall describe the conditions and boundaries of the segment of thoroughfare

being studied, and may make recommendations in regard to setbacks, landscaping, right-of-way plantings, shielding utilities, access, enclosing facilities, outdoor storage, loading and garage bay provisions, underground utilities, or other areas as deemed appropriate.

3. The study and plan shall be submitted to the Planning Board for review and recommendation prior to submission to the Elected Body for adoption.

4. The boundaries and recommendations of each corridor plan shall be adopted as a separate and distinct TO District. The development standards contained in the applicable TO District are adopted by reference and become a part of the Zoning Ordinance.

D. VARIANCE

1. Applications for variances from the setback and landscaping requirements of the TO District may be approved by the Board of Adjustment in accordance with the procedures in **Section 3.2.16G, BOA Procedure for Variances.**

2. Approval of a variance shall include the determination that there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance because of one or more of the following conditions:

a. NARROW
Unusually narrow sections of land available for planting within the back and/or side yards because of existing permanent structures, existing paving, or natural features such as rock outcroppings.

b. ELEVATION CHANGE
Elevation change of more than twelve (12) feet within the area where screening would be located.

c. PUBLIC SAFETY
Specialized land uses such as public utilities, airports, etc. where strict adherence to the screening standard would significantly interfere with the function of that use and would create a public safety problem.

d. PUBLIC AGENCY
Actions of a public agency.

e. PLATTING OR DEEDING
Difficulties arising from the recorded platting or deeding of land prior to the adoption of this Ordinance.

4.9.4 AO AIRPORT OVERLAY DISTRICT

A. PURPOSE

The AO District is intended:

1. To recognize Smith Reynolds Airport as a public facility providing air transportation services;

2. To establish that an airport hazard endangers the lives and property of users of the Smith Reynolds Airport and property or occupants of land in the vicinity, thereby, impairing the utility of the airport and the public investment therein;

3. To prevent the creation or establishment of airport hazards for the protection of the public health, safety, and general welfare and to promote the most appropriate use of land; and

4. To avoid air space obstructions in the flight paths to Smith Reynolds Airport.

B. ADMINISTRATION

1. Airport zoning regulations shall be administered and enforced as a part of this Ordinance.

2. The Inspections Division shall have the duty of administering and enforcing airport zoning regulations.

C. AIR SPACE OBSTRUCTION ZONE

1. ESTABLISHMENT

a. An Airspace Obstruction Zone is established to carry out the purposes of this Ordinance.

b. These regulations are intended to limit the height of structures and objects that may be hazardous to the operational safety of aircraft operating to and from the airport.

2. BOUNDARY

The boundary of this zone shall apply to the area in the vicinity of Smith Reynolds Airport defined by the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as shown on the AO District boundary map on file in the Department of Planning and Development Services.

D. RUNWAY PROTECTION ZONES

1. ESTABLISHMENT

Runway Protection Zones (RPZs) are trapezoidal areas established at ground level prior to the threshold or beyond the end of runways at Smith Reynolds Airport to provide a clear area free of airport activity obstructions.

2. BOUNDARY

The boundary of these trapezoidal zones is shown on the AO District boundary map on file in the Department of Planning and Development Services.

E. ALTERNATIVE PLANTING REQUIREMENT

Medium variety trees shall be planted in lieu of large variety trees wherever landscaping is required by this Ordinance for any site located in Runway Protection Zones permitted after adoption of this Ordinance.

F. ZONING AND BUILDING PERMITS

1. Within the Airspace Obstruction Zone, or within any Runway Protection Zone, the following activities shall require a Zoning/Building Permit to be granted by the Inspections Division.

a. NEW/EXPANDING STRUCTURES OR LAND USES

i. No person shall construct or expand a structure which could extend above the Airspace Obstruction Zone (or establish or expand a land use or new structure in any Runway Protection Zone) without first giving appropriate notice (e.g. Form 7460-1) to the Federal Aviation Administration (FAA), to Smith-Reynolds Airport and to the Inspections Division.

ii. No Zoning/Building Permit shall be issued for any proposed structure that could extend above the Airspace Obstruction Zone (or for any structure or land use within in a Runway Protection Zone) for a period of one-hundred twenty (120) days or until the FAA has made a study and issued a report on the effect of said structure or land use on airport operations, whichever occurs first.

G. EXCEPTIONS

These regulations shall not apply to any air navigation facility, airport visual approach or landing aid, or aircraft arresting device, of a type approved by the Federal Aviation Administration, the location and height of which is fixed by its functional purpose.

4.9.5 H HISTORIC AND HO HISTORIC OVERLAY DISTRICTS

A. HISTORIC DISTRICTS ESTABLISHED

The following Historic Districts are hereby established.

1. H HISTORIC DISTRICT

a. The H District is established as a separate use district.

b. The purpose of the H District is to do the following by means of listing and regulation:

Safeguard the heritage of the community by preserving those areas that embody nationally-significant elements of the community's culture, history, architectural history, or prehistory; and

Promote the use and conservation of such areas for the education, pleasure, and enrichment of the residents of Forsyth County and the State.

c. The boundaries of the H Districts are shown on the Official Zoning Maps.

2. HO HISTORIC OVERLAY DISTRICT

a. The HO District is established as a district which overlays existing zoning districts in designated historic areas. The purpose of the HO District is to do the following by means of listing and regulation:

Safeguard the heritage of the community by preserving those areas that embody important elements of the community's culture, history, architectural history, or prehistory; and

Promote the use and conservation of such areas for the education, pleasure, and enrichment of the residents of Forsyth County and the State.

b. The boundaries of the HO Districts are shown on the Official Zoning Maps.

B. ESTABLISHMENT AND AMENDMENT PROCEDURE

1. ESTABLISHMENT

The Elected Bodies may designate one or more geographic areas, that are deemed to be of special significance in terms of their history, prehistory, architecture, or culture and to possess integrity of design, setting, materials, feeling, and association, as an H or HO District. The following shall be the procedure for establishing H or HO Districts:

a. Requests for establishment of H or HO Districts may be made in any one of the following methods:

i. By the Elected Bodies of Forsyth County;

ii. By property owners within an affected area;

iii. By a neighborhood group, association, or coalition; and

iv. At the initiative of the Commission.

b. All requests shall first be presented to the Commission. The Commission shall conduct a preliminary consideration of the request to determine the eligibility of the general area proposed to become an H or HO District.

c. If the Commission determines by vote that said general area is ineligible to become an H or HO District, the Commission shall report such determination to the appropriate Elected Body. The Elected Body may accept the determination of the Commission, or it may direct the Commission to proceed in accordance with these standards as if the Commission's determination had been that said general area was eligible to become an H or HO District.

d. If the Commission determines by vote that said general area is eligible to become an H or HO District, it shall notify property owners within said general area, through first class mail, that establishment of a designated H or HO district has been proposed and that the formation of a task force to prepare a detailed study for such establishment will be considered by the Commission at a specified date and time.

e. The Commission may appoint a task force to develop Design Review Standards and boundaries for said general area. The task force shall be composed primarily of individuals representing various interests in said general area.

f. After developing Design Review Standards and boundaries, the task force shall report to the Commission.

g. The Commission shall review the Design Review Standards and boundaries and shall then vote on whether to accept the task force report.

h. Once the task force report has been accepted, the Commission shall schedule at least two (2) public informational meetings about the proposed district. Property owners within the proposed boundary area shall be notified of the public informational meetings through first class mail and through notice in a newspaper having general circulation in the area.

i. The Commission shall hold the public informational meetings and receive questions and comments.

j. The Commission shall consider revisions to the proposed Design Review Standards and boundaries, as necessary, and prepare final proposed Design Review Standards and boundaries.

k. The Commission shall prepare and submit a report to the Director of Planning & Development Services and the North Carolina Department of Natural and Cultural Resources. The report shall include, but not be limited to, the following information:

A description of the boundaries of the proposed district;

A map at a scale of not less than one inch represents two hundred (200) feet (1" equals 200'), showing the boundaries of the proposed district; and

A description of the significance of the proposed district, including its buildings, structures, features, sites, or surroundings.

l. The North Carolina Department of Natural and Cultural Resources shall submit an analysis of, and recommendations concerning, the report described in **Section 4.9.5B.1.k** above to the Elected Body. Failure of the North Carolina Department of Natural and Cultural Resources to submit written analysis and recommendations to the Elected Body within thirty (30) calendar days after a written request for such analysis has been received by the Department shall relieve the County/City/Town/Village of any responsibility for awaiting such analysis, and the Elected Body may at any time thereafter take any necessary action to adopt or amend its zoning regulation.

m. Once all the previous procedural steps have been met, the County/City/Town/Village shall proceed in the same manner as would otherwise be required for adoption or amendment of a zoning regulation, and the request shall be processed according to the procedures set forth in **Section 3.2.15, UDO Text Amendment** and **Section 3.2.19, Zoning Map Amendment**. In addition, the Design Review Standards for the proposed district shall be made available to the Elected Body for its review and comment.

n. **Sections 4.9.5B.1.a** through **4.9.5B.1.i** above shall not apply to a rezoning petition for a proposed H or HO District for which a task force has been previously appointed to study said general area and has submitted a report to the Commission.

2. AMENDMENT

The following shall be required to amend, supplement, change, modify, or repeal any district boundaries of the H or HO Districts.

a. The Commission shall prepare and submit a report to the Director of Planning & Development Services and the North Carolina Department of Natural and Cultural Resources. The report shall include, but not be limited to, the following information:

A description of the amended boundaries of the district;

A map at a scale of not less than one inch represents two hundred (200) feet (1" equals 200'), showing the amended boundaries of the district; and

An amended description of the significance of the district, including its buildings, structures, features, sites, or surroundings.

b. The North Carolina Department of Natural and Cultural Resources shall include an analysis of and recommendations concerning the report described in **Section 4.9.5B, Establishment and Amendment Procedure**, to the Elected Body. Failure of the North Carolina Department of Natural and Cultural Resources to submit written analysis and recommendations to the Elected Body within thirty (30) calendar days after a written request for such analysis has been received by the Department shall relieve the County/City/Town/Village of any responsibility for awaiting such analysis, and the Elected Body may at any time thereafter take any necessary action to adopt or amend its zoning regulation.

c. Once all the previous procedural steps have been met, an application to amend, supplement, change, modify, or repeal the H or HO Districts shall be accepted. The County/City/Town/Village shall proceed in the same manner as would otherwise be required for an amendment of the zoning regulations and the request shall be processed according to the procedures set forth in **Section 3.2.15, UDO Text Amendment** and **Section 3.2.19, Zoning Map Amendment**.

C. H DISTRICT REGULATIONS

1. PERMITTED USES

In H Districts, the following principal and accessory uses are permitted:

a. Any use found by the Commission to have existed on the particular property during the period of significance, as defined in the current Design Review Standards;

b. Any single family residential use which is allowed without a special use permit from the Board of Adjustment;

c. A religious institution, college or university, or operation of an historic preservation organization with purposes related to the district; and

d. Uses normally accessory to the principal uses permitted in above.

2. NONCONFORMING USES

Prior to its acting upon an application for a special use permit pursuant to **Section 3.2.15, UDO Text Amendment** and **Section 3.2.19, Zoning Map Amendment,** to expand or convert a nonconforming use in the H Districts, the Board of Adjustment shall first receive the recommendation of the Commission with respect to such application.

3. DIMENSIONAL REQUIREMENTS FOR NEW CONSTRUCTION

a. REQUIREMENTS

All buildings and structures in the H Districts shall comply with the following yard and height provisions:

FRONT YARD

1. No building or part of a building, other than steps, open porches, overhanging eaves, and cornices, shall extend nearer to a front street line than the average distance of the setbacks of the principal buildings on the same block and on the same side of the street within one hundred (100) feet from the zoning lot in either direction.
2. Provided, however, that in no case shall the front setback be less than eight (8) feet, and no building shall be required to set back more than forty (40) feet from the front street line.

SIDE YARDS

1. **THERE SHALL BE A SIDE YARD OF NOT LESS THAN SEVEN (7) FEET ON EACH SIDE OF THE PRINCIPAL BUILDING.**
2. This restriction shall not apply to accessory buildings.

REAR YARD

1. **THERE SHALL BE A REAR YARD WITH A DEPTH OF NOT LESS THAN THIRTY-FIVE (35) FEET.**
2. When a building extends through from street to street, the front yard restrictions shall be observed on both streets.

HEIGHT

No building shall exceed a height of thirty-five (35) feet.

b. EXCEPTIONS TO DIMENSIONAL REQUIREMENTS DUE TO AUTHENTIC RESTORATION AND RECONSTRUCTION

In the event that the Commission finds that an application for a building permit covers activity constituting an authentic restoration or reconstruction of a building or structure that existed at the same location in or prior to 1856 in the Old Salem Historic District or in or prior to 1832 in the Bethabara Historic District, said building or structure may be restored or reconstructed without compliance with dimensional requirements in **Section 4.1.4B, Dimensional Requirements**.

Any items restored, reconstructed, or maintained over, on, or within public sidewalks, public alley areas, or other such public way shall be the responsibility of the owner.

The owner's restoration, reconstruction, or maintenance of any such item shall constitute the owner's agreement to protect and hold the County/City/Town/Village blameless against any and all liability, cost, damage, or expense suffered or sustained by the County/City/Town/Village as a result of or growing out of the restoration, reconstruction, or maintenance.

Such items, so approved, may be lawfully restored, reconstructed, or maintained.

Any such item projecting over the street or alley shall be, at its lowest point, seven (7) feet above the travel way.

The provisions of this subsection shall prevail over inconsistent or conflicting provisions of this Ordinance.

4. NONCONFORMING STRUCTURES AND IMPROVEMENTS

a. In the H Districts, any habitable structure existing prior to December 31, 1994 shall be exempt from the current dimensional requirements in **Section 4.1.4B, Dimensional Requirements** and **Section 6.1, Off-Street Parking and Loading,** which includes off-street parking requirements.

b. Such exemptions shall be based upon the structure's use as of December 31, 1994, which includes the number of required parking spaces for the site and use.

c. In no instance shall the structure's use be allowed to convert to a more intense use as per the parking requirements of **Section 6.1, Off-Street Parking and Loading,** without first meeting the additional parking needs of the new use.

D. HO DISTRICT REGULATIONS

1. PERMITTED USES

a. The HO District is established as a district which overlays existing residential and nonresidential zoning districts in certain areas with historic resources.

b. All uses permitted in these residential and nonresidential districts, whether by right or as a special use, shall be permitted in the HO District according to the procedures established for such uses.

2. DIMENSIONAL REQUIREMENTS

a. REQUIREMENTS

All buildings and structures in the HO Districts shall comply with the dimensional requirements established in the Design Review Standards adopted for each separate HO District.

Design Review Standards are addressed in **Section 3.2.2F, Standards For Review**.

b. EXCEPTIONS TO DIMENSIONAL REQUIREMENTS DUE TO AUTHENTIC RESTORATION OR RECONSTRUCTION

In the event that the Commission finds that an application for a building permit covers activity constituting an authentic restoration or reconstruction in the same location as the original location and in the original conformation of the structure of historic and/or architectural significance to the HO District, said building or structure may be restored or reconstructed without compliance with dimensional requirements in **Section 4.1.4B, Dimensional Requirements**.

Any items restored, reconstructed, or maintained over, on, or within public sidewalks, public alley areas, or other such public way shall be the responsibility of the owner.

The owner's restoration, reconstruction, or maintenance of any such item shall constitute the owner's agreement to protect and hold the County/City/Town/Village blameless against any and all liability, cost, damage, or expense suffered or sustained by the County/City/Town/Village as a result of or growing out of the restoration, reconstruction, or maintenance.

Such items, so approved, may be lawfully restored, reconstructed, or maintained.

Any such item projecting over the street or alley shall be, at its lowest point, twelve (12) feet above the travel way.

The provisions of this subsection shall prevail over inconsistent or conflicting provisions of this Ordinance.

3. NONCONFORMING STRUCTURES AND IMPROVEMENTS

a. In the HO districts, any habitable structure existing prior to December 31, 1994 shall be exempt from the current dimensional requirements in **Section 4.1.4B, Dimensional Requirements,** and **Section 6.1, Off-Street Parking and Loading,** which includes off-street parking requirements.

b. Such exemptions shall be based upon the structure's use as of December 31, 1994, which includes the number of required parking spaces for the site and use.

c. In no instance shall the structure's use be allowed to convert to a more intense use as per the parking requirements of **Section 6.1, Off-Street Parking and Loading,** without first meeting the additional parking needs of the new use.

4. PARKING VARIANCE

a. Where the Commission, in considering an application for a certificate of appropriateness, finds that the number of off-street parking spaces required by this Ordinance for a building or structure within an H or HO District or a designated Local Historic Landmark would render the building incongruous with the historic aspects of the designated district, it may recommend to the Board of Adjustment a variance, in part or in whole, of the off-street parking requirements.

b. The Board of Adjustment may authorize a lesser number of off-street parking spaces, provided:

i. The Board of Adjustment finds that the lesser number of off-street parking spaces will not create problems due to increase on-street parking; and

ii. The Board of Adjustment finds that the lesser number of off-street parking spaces will not constitute a threat to the public safety.

E. LOCAL HISTORIC LANDMARK (LHL) DESIGNATION

1. DESIGNATION APPLICATION

a. A property owner, or other interested party, may request that a property be designated as a Local Historic Landmark (LHL) by application to the Commission.

b. Requests for designation shall be made as directed by Commission staff.

c. An application fee may be required by the Commission for processing of the application.

2. DESIGNATION CRITERIA

The Commission shall adopt local criteria by which properties may be considered for designation as historic landmarks.

3. DESIGNATION PROCEDURES

No ordinance designating a LHL or any amendment thereto may be adopted, nor may any designated LHL be accepted or acquired by the Commission until the following procedural steps have been taken:

a. The Commission shall adopt Rules of Procedure.

b. The Commission shall prepare and adopt principles and Design Review Standards for altering, restoring, moving, or demolishing properties designated as historic landmarks.

c. The Commission shall forward to the Office of Archives and History of the North Carolina Department of Natural and Cultural Resources an investigation and report on the historic, architectural, prehistorical, educational, or cultural significance of each building, structure, site, area, or object proposed for designation or acquisition.

d. The North Carolina Department of Natural and Cultural Resources is allowed thirty (30) calendar days from receipt of the Commission's complete investigation and report to provide written comments to the Commission concerning the proposed designation or acquisition. Failure of the Department to submit its comments within the time allowed relieves the Commission and Elected Bodies of any responsibility to consider the comments.

e. The Commission shall hold a legislative hearing on the proposed regulation. The Commission shall recommend to the Elected Body, as appropriate, approval or denial of designation of the proposed regulation. A notice of the hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than ten (10) days nor more than twenty-five (25) days before the date scheduled for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

f. The Elected Body, as appropriate, shall hold a legislative hearing on the proposed regulation. A notice of the hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than ten (10) days nor more than twenty-five (25) days before the date scheduled for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included. Following the hearing, the Elected Body may adopt the regulation as proposed, adopt the regulation with any amendments it deems necessary, or reject the proposed regulation.

g. Upon adoption of the regulation, the following provisions shall apply:

The owners and occupants of each designated LHL shall be given written notification of the designation by Commission staff within a reasonable time.

One copy of the regulation and all amendments to it shall be filed by the Commission staff in the office of the Register of Deeds of Forsyth County. Each regulation shall be indexed according to the name of the owner of the property at the time the regulation is adopted in the grantee and grantor indexes in the Register of Deeds office.

One copy of the regulation and all amendments to it shall be given to the Chief Building Official.

One copy of the regulation and all amendments to it shall be kept on file in the office of the appropriate County/City/Town/Village Clerk in whose planning and development regulation jurisdiction the property lies, and made available for public inspection at any reasonable time.

The fact that a building, structure, site, area or object has been designated as an LHL shall be clearly indicated on all tax maps maintained by Forsyth County for such period as the designation remains in effect.

The Commission shall give notice of the adoption of the landmark regulation or any amendment to it to the Forsyth County Tax Supervisor.

The designation and any recorded restriction upon the property limiting its use for preservation purposes shall be considered by the Tax Supervisor in appraising the property for tax purposes.

4. LHL REGULATIONS

a. PERMITTED USES

All uses permitted in the existing residential and nonresidential zoning district, whether by right or as a special use, shall be permitted for each LHL according to the procedures established for such uses.

b. DIMENSIONAL REQUIREMENTS

REQUIREMENTS

1. All buildings and structures designated as a LHL shall comply with the dimensional requirements established in the Design Review Standards adopted for the LHLs.

2. Design Review Standards are addressed in **Section 3.2.2F, Standards For Review**.

EXCEPTIONS TO DIMENSIONAL REQUIREMENTS DUE TO AUTHENTIC RESTORATION OF RECONSTRUCTION

3. In the event that the Commission finds that an application for a building permit covers activity constituting an authentic restoration or reconstruction in the same location as the original location and in the original conformation of the structure of historic and/or architectural significance to LHL, said building or structure may be restored or reconstructed without compliance with dimensional requirements of **Section 4.1.4B, Dimensional Requirements**.

4. Any items restored, reconstructed or maintained over, on, or within public sidewalks, public alley areas, or other such public way shall be the responsibility of the owner.

5. The owner's restoration, reconstruction, or maintenance of any such item shall constitute the owner's agreement to protect and hold the County/City/Town/Village blameless against any and all liability, cost, damage, or expense suffered or sustained by the County/City/Town/Village as a result of or growing out of the restoration, reconstruction, or maintenance.

6. Such items so approved, may be lawfully restored, reconstructed, or maintained. Any such item projecting over the street or alley shall be, at its lowest point, twelve (12) feet above the travel way unless located in the H District.

7. If located in an H District see **Section 4.9.5C.3.b, Exceptions to Dimensional Requirements Due to Authentic Restoration and Reconstruction**.

8. The provisions of this subsection shall prevail over inconsistent or conflicting provisions of this Ordinance.

c. NONCONFORMING STRUCTURES AND IMPROVEMENTS

Any LHL existing prior to December 31, 1994 shall be exempt from the current dimensional requirements in **Section 4.1.4B, Dimensional Requirements,** and **Section 6.1, Off-Street Parking and Loading,** which includes off street parking requirements.

Such exemptions shall be based upon the structure's use at that time, which includes the number of permitted parking spaces for the site and use.

In no instance shall the structure's use be allowed to convert to a more intense use as per the parking requirements of **Section 6.1, Off-Street Parking and Loading,** without first meeting the additional parking needs of the new use.

4.9.6 WO WINSTON OVERLAY DISTRICT (W)

A. *PURPOSE*

1. *The WO District is intended to encourage new development which is compatible with the existing urban form and character of Downtown Winston-Salem.*

2. *The standards of this district are intended to prevent new inappropriate suburban-style development while still allowing for creativity and flexibility in creating urban, pedestrian-oriented design opportunities in the Core District of Downtown.*

3. *Attention shall be given to creating new development which reinforces the character of existing, significant historic, institutional, and public facilities within Downtown, recognizing that such facilities have unique design characteristics that may be inconsistent with the standards set forth herein.*

B. *APPLICABILITY*

1. *The standards of this section shall apply to the following situations within the WO District boundaries following adoption of this Ordinance;*

a. *New construction.*

b. *Additions to existing structures in that such additions shall not create a greater level of nonconformity with the provisions of **Section 4.9.6D, District Requirements**, than currently exists on the site.*

c. *Reconstruction or renovation of existing structures, the cost of which is equal or greater than seventy-five percent (75%) of tax value of the existing structure.*

d. *Exterior alterations to existing structures in that such alterations shall not create a greater level of nonconformity with the provisions of **Section 4.9.6D, District Requirements** than currently exists on the site.*

2. *This section shall not apply to existing structures not affected by **b**, **c**, and **d** above.*

C. *WO DISTRICT BOUNDARIES*

The WO District applies in accordance with the adopted Winston Overlay District Boundaries Map.

D. *DISTRICT REQUIREMENTS*

1. *LOCATION OF STRUCTURES*

a. *Structures within the WO District shall have front build-to lines of zero (0) feet.*

b. *However, where rowhouse-style residential units incorporate external stairs to satisfy the floor elevation requirements of **Section 4.9.6D.7, Ground Floor Residential Uses**, the street-facing build-to line may be set back as far from the right-of-way as the façade-adjacent edge of the stair landing.*

c. *Additionally, at least seventy percent (70%) of the combined site frontage adjoining street rights-of-way shall include structures with build-to lines of zero (0) feet.*

d. *No surface parking shall be allowed within forty (40) feet of street rights-of-way pursuant to **Section 4.9.6D.5, New Surface Parking**, of this Ordinance.*

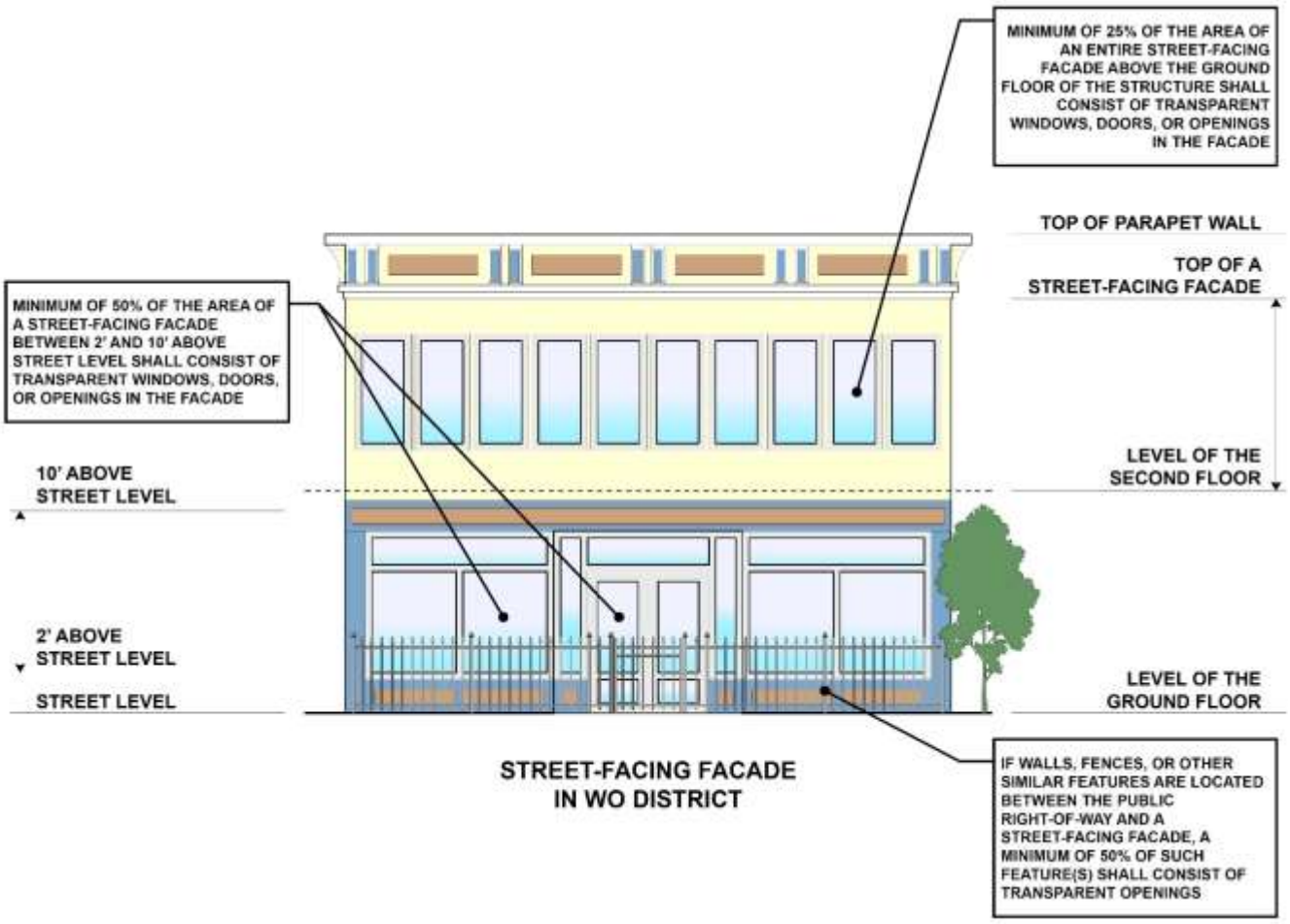
2. *FAÇADE TRANSPARENCY*

a. *No less than fifty percent (50%) of the ground floor (between two (2) and ten (10) feet above street level) street-facing façades of structures within the WO District shall consist of transparent windows, doors, or openings in the façade.*

b. *Additionally, no less than twenty-five percent (25%) of the entire street-facing façades above the ground floor of structures within the WO District shall consist of transparent windows, doors, or openings in the façade.*

c. *Where walls, fences or other similar features exist between the public right-of-way and the street-facing facade, a minimum of fifty percent (50%) of such feature shall consist of transparent openings.*

FIGURE 4.9.6.D.2 – FAÇADE TRANSPARENCY REQUIREMENTS IN THE WO DISTRICT

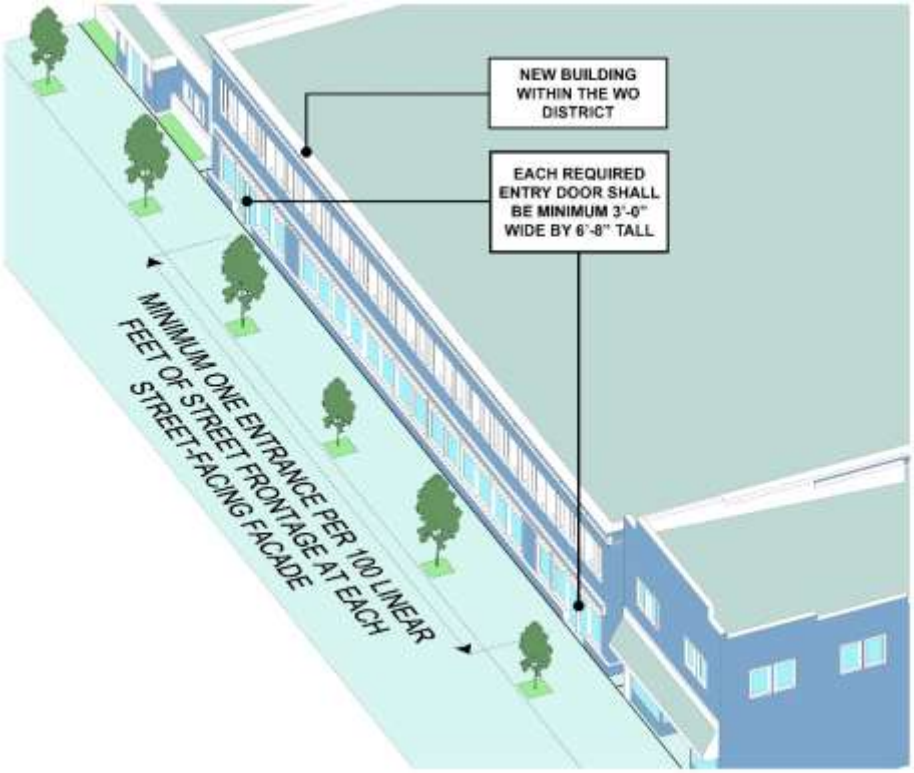


3. ***ENTRANCES***

a. *Buildings within the WO District shall have at least one entrance per one hundred (100) linear feet of street frontage, on each street-facing facade with a minimum of one entrance per building.*

b. *Each entrance shall be able to accommodate a door at least thirty-six (36) inches wide and six (6) feet, eight (8) inches tall.*

FIGURE 4.9.6.D.3 – BUILDING ENTRY REQUIREMENTS IN THE WO DISTRICT



4. *COMMERCIAL PARKING*

*The use commercial parking within the WO District shall be allowed in the form of structured parking built in accordance with **Section 4.9.6D.1, Location of Structures**, or in the form of surface parking lots set back a minimum of forty (40) feet from adjoining street rights-of-way.*

5. *NEW SURFACE PARKING*

a. *New surface parking shall only be allowed to the rear of buildings within the WO District or shall be set back a minimum of forty (40) feet from adjoining street rights-of-way, except where new surface parking areas are enclosed with walls or fences which are between fifty percent (50%) to seventy-five percent (75%) transparent.*

b. *Such walls shall be constructed of brick or stone and shall be set back two (2) feet from the street right-of-way.*

c. *A streetyard meeting the requirements of **Section 6.2.1D, Motor Vehicle Surface Area Landscaping Standards**, shall be installed between such walls and the right-of-way.*

d. *Additionally, such wall shall not exceed fifty (50) feet in length along the right-of-way, inclusive of any driveway opening.*

6. *NEW STRUCTURED PARKING*

a. *The ground floor of any new parking structure shall contain active land uses along a minimum of fifty percent (50%) of all of its street-facing façades.*

b. *No less than fifty percent (50%) of the ground floor (between two (2) and ten (10) feet above street level) street-facing façades of said active land uses shall consist of transparent windows or doors.*

c. *Active land uses may be commercial, office, residential, or institutional in nature.*

d. *All street-facing façades above the ground floor of new parking structures shall incorporate decorative design elements such as façade detailing, shimmer walls, or public art.*

7. *GROUND FLOOR RESIDENTIAL USES*

a. *Street-adjacent ground floor residential uses in the WO District shall be designed with a finished floor elevation of at least three (3) feet above the average street grade in front of the building or unit.*

b. *This requirement shall not apply to ground floor residential units which are not street-adjacent.*

8. *OVER-STREET CONNECTORS*

a. *The construction of new over-street pedestrian connectors shall be prohibited in the rights-of-way of the following streets in the WO District:*

i. *Fourth Street;*

ii. *Fifth Street;*

iii. *Trade Street;*

iv. *Liberty Street;*

v. *Main Street;*

vi. *Cherry Street;*

vii. *Marshall Street; and*

viii. *Spruce Street.*

b. *This prohibition shall not apply to the repair or reconstruction of existing over-street connectors within these rights-of-way.*

E. *ALTERNATIVE COMPLIANCE*

1. *Alternative compliance may be granted by the Planning Board for development whose practical difficulties in meeting the specific requirements of this section are determined to exist through the Planning Board review process as prescribed in* ***Section B10.1.2, City-County Joint Planning Board****.*

2. *Such development may include public, institutional, or assembly facilities such as churches, theaters, convention centers and related uses or structures which have design characteristics and considerations that are inconsistent with the standards of* ***Section 4.9.6D, District Requirements****, and are designed to complement or achieve consistency with established urban form.*

3. *Additionally, as part of its review, the Planning Board shall consider recommendations by the Historic Resources Commission for properties located within a National Register Historic District or for properties listed individually on the National Register.*

4. *An applicant for alternative compliance may appeal the decision of the Planning Board to the Elected Body by filing with the City Secretary a notice of appeal within sixty (60) days of said decision.*

5. *The Elected Body shall make its decision based upon the standards and purposes of the Winston Overlay District.*

6. *Any building permit issued for the development shall state that development must comply with the decision of the Planning Board or Elected Body, as applicable.*

7. *There shall be no additional fees for filing an appeal under this section.*

4.9.7 MLKO MARTIN LUTHER KING OVERLAY DISTRICT (W)

A. *PURPOSE*

1. *The MLKO District is intended to encourage new development which is compatible with the proposed urban form and character of eastern Winston-Salem.*

2. *The standards of this district are intended to prevent new suburban-style development while still allowing for creativity and flexibility in creating urban, pedestrian-oriented design opportunities in this area.*

B. *APPLICABILITY*

1. *The standards of this section shall apply to the following situations within the MLKO District boundaries following adoption of this Ordinance:*

a. *New construction;*

b. *Additions to existing structures in that such additions shall not create a greater level of nonconformity with the provisions of* ***Section 4.9.7D, District Requirements****, than currently exists on the site;*

c. *Reconstruction or renovation of existing structures which is equal or greater than seventy-five percent (75%) of tax value of the existing structure; and*

d. *Exterior alterations to existing structures in that such alterations shall not create a greater level of nonconformity with the provisions of* ***Section 4.9.7D, District Requirements*** *than currently exists on the site.*

2. *This section shall not apply to existing structures not affected by* ***b****,* ***c****, and* ***d*** *above or to the uses residential building, single family; residential building, duplex; residential building, twin home; or to the uses residential building, townhouse; and residential building, multifamily; located within buildings containing four or fewer units.*

C. *MLKO DISTRICT BOUNDARIES*

The MLKO District applies in accordance with the adopted Martin Luther King Overlay District Boundaries Map.

D. *DISTRICT REQUIREMENTS*

1. *LOCATION OF STRUCTURES*

a. *Structures within the MLKO District shall have front build-to lines of between five (5) feet and ten (10) feet.*

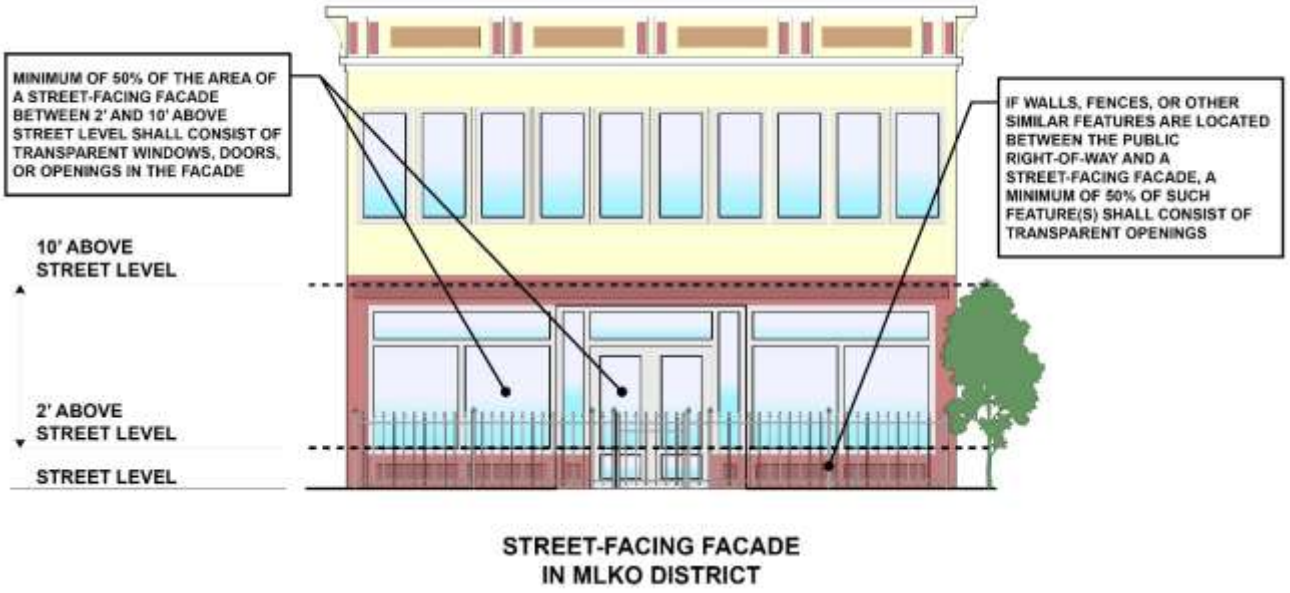
b. *Additionally, structures on corner lots shall also have side-street build-to lines of between five (5) feet and ten (10) feet.*

2. *GROUND FLOOR FACADE TRANSPARENCY*

a. *No less than fifty percent (50%) of the ground floor (between two (2) and ten (10) feet above street level) street-facing facades of structures within the MLKO District shall consist of transparent windows, doors, or openings in the facade.*

b. *Where walls, fences, or other similar features exist between the public right-of-way and the street-facing facade, a minimum of fifty percent (50%) of such feature shall consist of transparent openings.*

FIGURE 4.9.7.D.2 – GROUND FLOOR FACADE TRANSPARENCY REQUIREMENTS IN THE MLKO DISTRICT



STREET-FACING FACADE
IN MLKO DISTRICT

3. *ENTRANCES*

a. *Buildings within the MLKO District shall have at least one entrance per one hundred (100) linear feet of street frontage, on each street-facing facade, with a minimum of one entrance per building.*

b. *Each entrance shall be able to accommodate a door at least thirty-six inches (36) inches wide and six (6) feet, eight (8) inches tall.*

4. *SIGNAGE*

Freestanding signs in the MLKO District shall have a maximum height of six (6) feet and a maximum area of thirty-six (36) square feet.

5. *OFF-STREET PARKING*

*Off-street parking within the district adjacent to Martin Luther King Jr. Drive shall meet the streetyard requirements of **Section 6.2.1D, Motor Vehicle Surface Area Landscaping Standards**, or may be alternatively screened by walls or fences which are between fifty percent (50%) to seventy-five percent (75%) transparent. Such walls shall be constructed of brick or stone.*

6. *ALTERNATIVE COMPLIANCE*

a. *Alternative compliance may be granted by the Planning Board for development whose practical difficulties in meeting the specific requirements of this section are determined to exist through the Planning Board review process as prescribed in **Section 10.1.2B.1, Site Plan Review**.*

b. *Such development may include public, institutional, or assembly facilities such as churches and theaters, as well as uses which have vehicle drive-through or stacking lanes located between the street and the street-facing building façade, which have design characteristics and considerations that are inconsistent with the standards of **Section 4.9.6D, District Requirements,** but are designed to minimize that inconsistency and complement the intended urban form.*

c. *Additionally, as part of its review, the Planning Board shall consider recommendations by the Historic Resources Commission for properties located within a National Register Historic District or for properties listed individually on the National Register.*

7. *APPEAL*

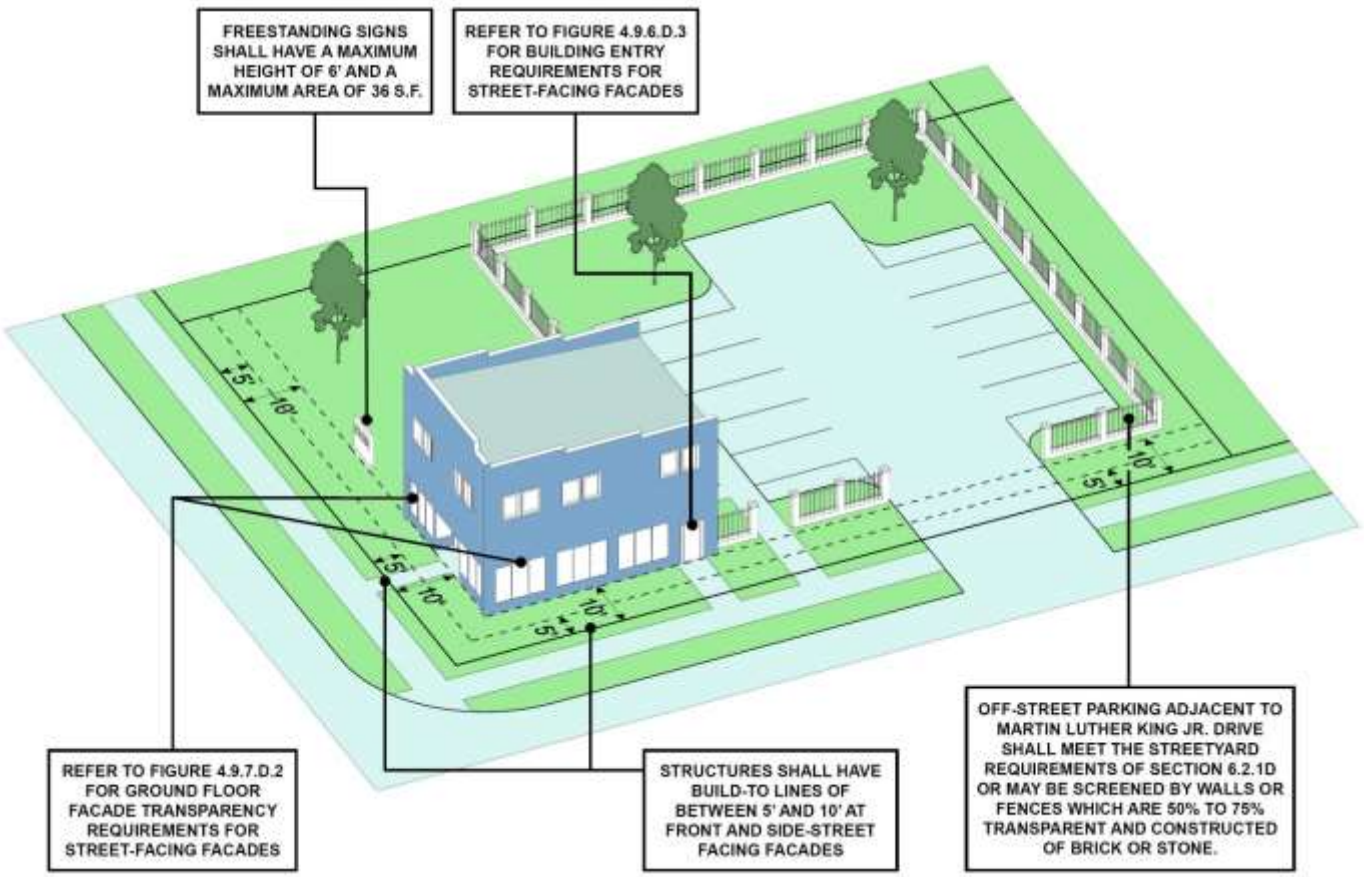
a. *An applicant for alternative compliance may appeal the decision of the Planning Board to the Elected Body by filing with the City secretary a notice of appeal within sixty (60) days of said decision.*

b. *The Elected Body shall make its decision based upon the standards and purposes of the Martin Luther King Overlay District.*

c. *Any building permit issued for the development shall state that development must comply with the decision of the Planning Board or Elected Body, as applicable.*

d. *There shall be no additional fees for filing an appeal under this section.*

FIGURE 4.9.7.D – CERTAIN DISTRICT REQUIREMENTS – MLKO DISTRICT



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5.1 PERMITTED USES

5.1.1 PRINCIPAL USE TABLE

A. **Table 5.1.1, Principal Use Table,** displays the principal uses allowed in each zoning district and references use conditions.

B. **Table 5.1.1, Principal Use Table,** should be read in conjunction with the definitions of principal uses and other terms in **Section 11.2, Definitions**.

C. Land, buildings, and structures shall only be used in accordance with the districts shown on the Official Zoning Maps, and subject to all requirements and conditions specified in this Ordinance.

5.1.2 ESTABLISHED NONCONFORMING USES

Nonconforming uses as regulated in **Section 9.2, Nonconforming Uses,** shall be permitted.

5.1.3 NEW OR UNLISTED USES AND EXPANSION OF USES CLASSIFIED IN PREVIOUS ZONING ORDINANCES

A. When a proposed use is not listed in **Table 5.1.1, Principal Use Table**, the Director of Inspections shall classify the use with that use in the Table most similar and enforce the requirements of the similar listed use.

B. Except when the provisions for nonconforming situations in **Chapter 9, Nonconformities,** apply, whenever a use that was classified under a previous zoning ordinance is increased in intensity or expanded, the Director of Inspections shall classify the entire zoning lot to the most similar current use in **Table 5.1.1, Principal Use Table**.

5.1.4 OTHER DEVELOPMENT REQUIREMENTS OF THE ZONING ORDINANCE

A. ADDITIONAL DEVELOPMENT REQUIREMENTS

In addition to the regulation of uses pursuant to this Section, **Section 5.1, Permitted Uses,** and the use conditions of **Section 5.2, Use-Specific Standards**, the following additional development requirements of this Ordinance may apply to specific properties and situations.

TABLE 5.1.4: ADDITIONAL DEVELOPMENT STANDARDS

SECTION NUMBER	APPLICABLE STANDARDS
Sections 4.5 through 4.8	Supplementary Regulations for Certain Zoning Districts
Section 4.9	Regulations for Overlay and Special Purpose Districts
Section 5.3	Accessory Uses
Section 5.4	Temporary Uses
Section 4.1.4B	Dimensional Requirements
Section 6.5	Sign Regulations
Section 6.1	Parking, Stacking, and Loading Areas
Section 6.2	Landscaping Standards
Section 6.3	Bufferyard Standards
Sections 6.4 through 6.6	Various Development Standards
Section 4.9.5	Historic Preservation
Chapter 9	Nonconforming Situations

B. SITE PLAN REVIEW CONDITIONS

For uses which require review by the Planning Board, the Board of Adjustment, and/or the Elected Body, or for special use district rezoning requests, additional conditions may be recommended or placed on the use pursuant to **Section 10.1.2, City-County Joint Planning Board**, **Section 10.1.3, Board of Adjustment**, **Section 3.2.13E, Special Use Permits Authorized By The Elected Body**, and **Section 3.2.19D, Special Use Districts**.

5.1.5 TABLE OF PRINCIPAL USES

A. INTERPRETATION

1. ZONING PERMIT FROM DIRECTOR OF INSPECTIONS
Uses identified in a particular district column with a Z require only issuance of a zoning permit by the Director of Inspections and shall be allowed in such district with such conditions as referenced in the Conditions column, subject to all other applicable requirements of this Ordinance.

2. SITE PLAN APPROVAL BY PLANNING BOARD
Uses identified in a particular district column with a P shall be permitted in such district upon approval by the Planning Board of a site plan meeting such conditions as referenced in the Conditions column, subject to all other applicable requirements as identified in **Section 5.1.4, Other Development Requirements of the Zoning Ordinance**.

3. SPECIAL USE PERMIT APPROVAL BY BOARD OF ADJUSTMENT
Uses identified in a particular district column with an A shall be permitted in such district upon approval of a Special Use Permit by the Board of Adjustment, **unless exempted per Section 3.2.13D.10 of this ordinance**, with such conditions as referenced in the Conditions column, subject to all other applicable requirements as identified in **Section 5.1.4, Other Development Requirements of the Zoning Ordinance**.

4. SPECIAL USE PERMIT APPROVAL BY ELECTED BODY
Uses identified in a particular district column with an E shall be permitted in such district upon approval of a Special Use Permit by the Elected Body, **unless exempted per Section 3.2.13E.8 of this ordinance,** with such conditions as referenced in the Conditions column, subject to all other applicable requirements as identified in **Section 5.1.4, Other Development Requirements of the Zoning Ordinance**.

5. CONDITIONS COLUMN
The number in the Conditions column references the subsection of **Section 5.2, Use-Specific Standards**, i.e., condition **5.2.72**refers to Section ***5.2.72, Residential Building, Single Family (W)***.

6. SPECIAL USE DISTRICT ZONING APPROVAL BY ELECTED BODY
Uses identified in a particular district column with an S shall be permitted in zoning districts designated with a –S suffix after the zoning designations, with such conditions as referenced in the Conditions column, subject to all other applicable requirements as identified in **Section 5.1.4, Other Development Requirements of the Zoning Ordinance.**

B. H DISTRICT

The uses permitted in the H District are not displayed in **Table 5.1.1, Principal Use Table**. Please refer to **Section 4.9.5C.1, Permitted Uses**, for permitted uses in the H District.

TABLE 5.1.1: PRINCIPAL USE TABLE

Z = Permit from Zoning Officer; S = Special Use District Rezoning;
P = Planning Board Review; A = Special Use Permit from BOA; E = Elected Body Special Use Permit
(Lo) = Following a use indicates the use is a low-intensity use
(Hi) = Following the use is a high-intensity use.

	Residential Districts																Commercial Districts											Ind. Dist.			I & MU Dist.			Conditions
	YR	AG	RS40	RS30	RS20	RS15	RS12	RS9	RS7	RSQ	RM5	RM8	RM12	RM18	RMU	MH	NO	LO	CPO	GO	NB	PB	LB	NSB	HB	GB	CB	MRB-S[4]	E	LI	GI	CI	IP	C	MU-S	
RESIDENTIAL USES																																			
Cottage Court (Low)							P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S						P/S	P/S							P/S						P/S	5.2.26.1
Residential Building, Single Family (Lo)	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z			Z	Z					Z[6]		P				Z		Z	5.2.72
Residential Building, Duplex (Lo)										Z	Z	Z	Z	Z	Z		Z	Z			Z	Z							P						Z	
Residential Building, Townhouse (Lo)										P	P	P	P	P	P		P	P		P[7]	P	P			P[8]	P	Z	Z	P			Z			Z	5.2.70; 5.2.71
Residential Building, Twin Home (Lo)										Z	Z	Z	Z	Z	Z		Z	Z			Z	Z							P						Z	5.2.70; 5.2.71
Residential Building, Multifamily (Hi)										P	P	P	P	P	P		P	P		P[7]	P	P			P[8]	P	Z	Z	P			Z			Z	5.2.70; 5.2.71
Manufactured Home, Class A (Lo)	A	A	A	A	A	A	A	A	A	A						Z																		Z	5.2.49
Manufactured Home, Class B (F) (Lo)	A	A	A	A	A											Z																			5.2.50
Manufactured Home, Class B (W) (Lo)																*Z*																			5.2.51
Manufactured Home, Class C (F) (Lo)	A	A	A	A												Z																			5.2.50
Manufactured Home, Class D (Lo)																																			5.2.53
Manufactured Housing Development (Lo)																P																		Z	5.2.54
Boarding or Rooming House (Lo)													Z	Z	Z							Z			Z	Z	Z							Z	5.2.11
Combined Use (Lo)																	Z	Z			Z	Z	Z			Z	Z	Z	Z			Z			Z	5.2.25
Family Group Home A (Lo)	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z		Z															Z	Z	Z	5.2.30
Family Group Home B (Hi)												P	P	P	P			Z				P				P	P						P	Z	Z	5.2.30

TABLE 5.1.1: PRINCIPAL USE TABLE

Z = Permit from Zoning Officer; S = Special Use District Rezoning;
P = Planning Board Review; A = Special Use Permit from BOA; E = Elected Body Special Use Permit
(Lo) = Following a use indicates the use is a low-intensity use
(Hi) = Following the use is a high-intensity use.

	Residential Districts																Commercial Districts											Ind. Dist.			I & MU Dist.			Conditions
	YR	AG	RS40	RS30	RS20	RS15	RS12	RS9	RS7	RSQ	RM5	RM8	RM12	RM18	RMU	MH	NO	LO	CPO	GO	NB	PB	LB	NSB	HB	GB	CB	MRB-S[4]	E	LI	GI	CI	IP	C	MU-S	
Family Group Home C (Hi)													P	P	P							P				P	P						A	Z	Z	5.2.31
Fraternity or Sorority (Hi)												P	P	P	P					Z						Z	Z							Z		5.2.33
Life Care Community (Lo)												P	P	P	P							P				P	P	Z						Z	Z	5.2.47
Planned Residential Development (Lo)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P										Z					P		Z	5.2.66
AGRICULTURAL USES																																				
Agricultural Production, Livestock (W) (Lo)		*A*																																		
Agricultural Production, Crops (F) (Lo)	Z	Z	Z	Z	Z	Z	Z	Z	Z							Z					Z									Z	Z				Z	
Agricultural Production, Livestock (F) (Lo)	Z	Z	Z	Z	Z	Z	Z	Z	Z							Z					Z									Z	Z				Z	
Agricultural Tourism (F) (Lo)	Z	Z																																		5.2.6
Animal Feeding Operation (Hi)		Z																													Z					5.2.8
Fish Hatchery (Lo)		Z																												Z	Z					
Urban Agriculture (W) (Lo)		Z	A	A	A	A	A	A	A	A	A	A	A	A	A	A						Z	Z		Z	Z				Z	Z		Z	Z	Z	
RETAIL AND WHOLESALE TRADE USES																																				
Arts and Crafts Studio (Lo)																				Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z			Z	
Building Materials Supply (Hi)																									Z	Z		Z	Z	Z	Z				Z	
Bulk Storage of Petroleum Products (Hi)																															Z					
Convenience Store (Hi)																					Z[1]	Z	Z	Z	Z	Z		Z	Z			Z			Z	
Food or Drug Store (Hi)																					Z[1]	Z	Z	Z	Z	Z	Z	Z	Z			Z			Z	
Fuel Dealer (Hi)																									Z	Z				Z	Z	Z				
Furniture and Home Furnishings Store (Lo)																					Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z			Z	
Micro-Brewery or Micro-Distillery (Hi)																						Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z			Z	5.2.57
Motor Vehicle Dismantling and																															P					5.2.59

TABLE 5.1.1: PRINCIPAL USE TABLE

Z = Permit from Zoning Officer; S = Special Use District Rezoning;
P = Planning Board Review; A = Special Use Permit from BOA; E = Elected Body Special Use Permit
(Lo) = Following a use indicates the use is a low-intensity use
(Hi) = Following the use is a high-intensity use.

	RESIDENTIAL DISTRICTS																COMMERCIAL DISTRICTS											IND. DIST.			I & MU DIST.			CONDITIONS
	YR	AG	RS40	RS30	RS20	RS15	RS12	RS9	RS7	RSQ	RM5	RM8	RM12	RM18	RMU	MH	NO	LO	CPO	GO	NB	PB	LB	NSB	HB	GB	CB	MRB-S[4]	E	LI	GI	CI	IP	C	MU-S	
Wrecking Yard (Hi)																																			
Motorcycle Dealer (Hi)																						Z	Z		Z	Z	A	Z		Z	Z	A			Z	
Nursery, Lawn and Garden Supply Store, Retail (Hi)																							Z	Z	Z	Z		Z		Z	Z				Z	
Outdoor Display Retail (Hi)																							Z^2		Z	Z		Z		Z	Z				Z	5.2.63
Restaurant (without drive-through service) (Hi)																			Z		Z	Z	Z	Z	Z	Z	Z	Z	Z			Z			Z	
Restaurant (with drive-through service) (Hi)																								Z	Z	Z		Z	Z						Z	
Retail Store (Hi)																					Z^1	Z	Z	Z	Z	Z	Z	Z	Z			Z			Z	5.2.73
Shopping Center (Hi)																						Z	Z	Z	Z	Z	Z	Z	Z			Z			Z	*5.2.80;* 5.2.81
Shopping Center, Small (Hi)																						Z	Z	Z	Z	Z	Z	Z				Z			Z	*5.2.82;* *5.2.83*
Storage Trailer (Hi)																															Z					
Wholesale Trade A (Hi)																										Z	Z	Z	Z	Z	Z	Z			Z	
Wholesale Trade B (Hi)																														Z	Z					
BUSINESS AND PERSONAL SERVICE USES																																				
Adult Establishment (F) (Hi)																										Z					Z				5.2.5
Adult Establishment (W) (Hi)																										*Z*					*Z*				*5.2.5*
Banking and Financial Services (Hi)																	A	Z	Z	Z	A^1	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z			Z	
Bed and Breakfast (Lo)			A	A	A	A	A	A	A	A	A	Z	Z	Z	Z		A	Z			A	Z	Z		Z	Z	Z					Z			Z	5.2.10
Building Contractors, General (Hi)																						Z			Z	Z			Z	Z	Z					
Building Contractors, Heavy (Hi)																														Z	Z					

TABLE 5.1.1: PRINCIPAL USE TABLE

Z = Permit from Zoning Officer; S = Special Use District Rezoning;
P = Planning Board Review; A = Special Use Permit from BOA; E = Elected Body Special Use Permit
(Lo) = Following a use indicates the use is a low-intensity use
(Hi) = Following the use is a high-intensity use.

	Residential Districts																Commercial Districts												Ind. Dist.			I & MU Dist.			Conditions
	YR	AG	RS40	RS30	RS20	RS15	RS12	RS9	RS7	RSQ	RM5	RM8	RM12	RM18	RMU	MH	NO	LO	CPO	GO	NB	PB	LB	NSB	HB	GB	CB	MRB-S[4]	E	LI	GI	CI	IP	C	MU-S	
Car Wash (Hi)																					Z	Z	Z	Z	Z		Z		Z	Z				Z	5.2.14
Electronic Sweepstakes Operation (W) (Hi)																																			*5.2.29*
Entertainment Facility, Large (Hi)																									E	E	E		Z						
Funeral Home (Lo)																		Z		Z		Z	Z		Z	Z		Z					Z		Z	
Hotel or Motel (Hi)																			Z			Z			Z	Z	Z	Z	Z			Z			Z	
Kennel, Indoor (Hi)																		E					Z	Z	Z	Z		Z	Z	Z	Z				Z	5.2.41
Kennel, Outdoor (F) (Hi)	Z	Z	Z	A	A													A					Z		Z	Z				Z	Z					5.2.42
Motor Vehicle, Rental and Leasing (Hi)																			Z			Z	Z	Z	Z	Z	A	Z		Z	Z	Z				
Motor Vehicle, Repair and Maintenance (Hi)																					Z[1]	Z	Z[2]	Z	Z	Z	A	Z	Z	Z	Z				Z	5.2.60
Motor Vehicle, Body or Paint Shop (Hi)																									Z	Z				Z	Z					5.2.60
Motor Vehicle, Storage Yard (Hi)																									Z	Z				Z	Z					5.2.61
Offices (Lo)																	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z			Z	
Services, A (Lo)																			Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z			Z	
Services, B (Hi)																						Z			Z	Z	Z	Z	Z	Z	Z	Z			Z	*5.2.77*
Signs, Off-Premises (Hi)																									Z					Z	Z	Z				5.2.84
Storage Services, Retail External (Hi) Internal (Lo)																				Z					Z Z	Z Z		 Z	 Z	Z Z	Z Z			 Z	*5.2.89*
Testing and Research Lab (Lo)																			Z			Z			Z	Z	Z	Z		Z	Z	Z			Z	
Veterinary Services (Lo)																		A			Z[1]	Z	Z	Z	Z	Z		Z	Z		Z				Z	5.2.95
Warehousing (Hi)																						Z			Z	Z			Z	Z	Z					
RECREATIONAL USES																																				
Campground (F) (Lo)	A	A	A	A																																5.2.13
Fishing, Fee Charged (Lo)	A	A	A	A	A	A																													Z	5.2.32
Golf Course (Lo)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P									Z						Z		Z		Z	5.2.34

TABLE 5.1.1: PRINCIPAL USE TABLE

Z = Permit from Zoning Officer; S = Special Use District Rezoning;
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	RESIDENTIAL DISTRICTS																COMMERCIAL DISTRICTS										IND. DIST.			I & MU DIST.			CONDITIONS
	YR	AG	RS40	RS30	RS20	RS15	RS12	RS9	RS7	RSQ	RM5	RM8	RM12	RM18	RMU	MH	NO	LO	CPO	GO	NB	PB	LB	NSB	HB	GB	CB	MRB-S[4]	E	LI	GI	CI	IP	C	MU-S	
Recreation Services, Indoor (Lo)																					Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	A		Z	5.2.69
Recreation Services, Outdoor (Hi)																						Z			Z	Z	Z	Z	Z		Z	Z	A		Z	5.2.69
Recreation Facility, Public (Lo)	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	
Recreational Vehicle Park (Hi)	A	A	A	A																					Z											5.2.68
Riding Stable (Lo)	A	A	A[3]	A[3]	A[3]																														Z	5.2.74
Shooting Range, Indoor (F) (Hi)																									Z	Z					Z					
Shooting Range, Outdoor (F) (Hi)		A	A	A	A																										A					5.2.79
Swimming Pool, Private (Lo)	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z		Z				Z				Z	Z	Z	Z			Z	Z		Z	5.2.90
Theater, Drive-In (Hi)																									Z											5.2.91
Theater, Indoor (Hi)																						Z		Z	Z	Z	Z	Z	Z			Z			Z	
INSTITUTIONAL AND PUBLIC USES																																				
Academic Biomedical Research Facility (Lo)																			Z			Z			Z	Z	Z			Z	Z	Z	P	Z	Z	5.2.1
Academic Medical Center (Hi)																			Z	Z		Z			Z	Z	Z	Z		Z		Z		Z	Z	
Adult Day Care Center (Lo)												A	A	A	A		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z		Z	Z	Z	Z	5.2.3
Adult Day Care Home (Lo)	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z		Z	Z	Z	Z	5.2.4
Animal Shelter, Public (Hi)																							Z		Z	Z				Z	Z		E		Z	5.2.95
Cemetery (Lo)		P	P	P																					Z	Z							Z			5.2.15
Child Care, Drop-In (Lo)																	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z		Z	Z	Z	Z	5.2.16
Child Care Institution (Lo)																				P		P				P	A						P	P	Z	5.2.17
Child Care, Sick Children (Lo)												A	A	A	A		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z		Z	Z	Z	Z	5.2.18
Child Day Care Center (Lo)												A	A	A	A		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z		Z	Z	Z	Z	5.2.19
Child Day Care Home (Lo)	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z		Z	Z	Z	Z	5.2.20

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	Residential Districts																Commercial Districts											Ind. Dist.			I & MU Dist.			Conditions
	YR	AG	RS40	RS30	RS20	RS15	RS12	RS9	RS7	RSQ	RM5	RM8	RM12	RM18	RMU	MH	NO	LO	CPO	GO	NB	PB	LB	NSB	HB	GB	CB	MRB-S[4]	E	LI	GI	CI	IP	C	MU-S	
Church or Religious Institution, Community (Lo)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A			Z	Z		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	P	Z	Z	5.2.22
Church or Religious Institution, Neighborhood (Lo)	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	5.2.23
Club or Lodge (Hi)																				Z		Z	Z		Z	Z	Z	Z	Z			Z	A		Z	5.2.24
College or University (Hi)																			Z	Z		Z			Z	Z	Z	Z		Z		Z	A	Z	Z	
Correctional Institution (Hi)																									E	E	E				Z	E				5.2.26
Dirt Storage (Hi)	A	A	A	A	A																				A	A				A	A					5.2.27
Government Offices, Neighborhood Organization, or Post Office (Lo)																	Z	Z	Z	Z	Z[1]	Z	Z	Z	Z	Z	Z	Z		Z	Z	Z	Z		Z	
Group Care Facility A (Hi)													A	A	A			P				P				P	P									5.2.35
Group Care Facility B (Hi)																										P										5.2.35
Group Care Facility C (Hi)																										S										5.2.36
Habilitation Facility A (Lo)		A	A	A	A	A	A	A	A	A	A	A	Z	Z	Z				Z	Z		Z	Z		Z	Z	Z	Z				Z	Z	Z	Z	5.2.37
Habilitation Facility B (Lo)													Z	Z	Z				Z	Z		Z	Z		Z	Z	Z	Z				Z	Z	Z	Z	5.2.38
Habilitation Facility C (Lo)													A	A	A				Z	Z		Z	Z		Z	Z	Z	Z				Z	Z	Z	Z	5.2.38
Hospice and Palliative Care (Lo)																		Z		Z								Z					Z	Z	Z	
Hospital or Health Center (Hi)																			Z	Z		Z			Z	Z	Z	Z		Z		Z		Z	Z	
Institutional Vocational Training Facility (Hi)																			Z	Z		Z			Z	Z	Z	Z		Z	Z					
Landfill, Construction & Demolition (F) (Hi)																									P	P				P	P					5.2.43
Landfill, Construction &		*P*	*P*	*P*																					*P*	*P*				*P*	*P*					*5.2.43*

TABLE 5.1.1: PRINCIPAL USE TABLE

Z = Permit from Zoning Officer; S = Special Use District Rezoning;
P = Planning Board Review; A = Special Use Permit from BOA; E = Elected Body Special Use Permit
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	Residential Districts																Commercial Districts											Ind. Dist.			I & MU Dist.			Conditions
	YR	AG	RS40	RS30	RS20	RS15	RS12	RS9	RS7	RSQ	RM5	RM8	RM12	RM18	RMU	MH	NO	LO	CPO	GO	NB	PB	LB	NSB	HB	GB	CB	MRB-S[4]	E	LI	GI	CI	IP	C	MU-S	
Demolition (W) (Hi)																																			
Landfill, Land Clearing/Inert Debris, (W) (Hi)		*P*	*P*	*P*																*P*				*P*	*P*				*P*	*P*			*A*		*5.2.44*
Landfill, Land Clearing/ Inert Debris, 2 acres or less (F) (Hi)		P	P	P	A															P				P	P				P	P			A		5.2.44
Landfill, Land Clearing/ Inert Debris, greater than 2 acres (F) (Hi)		E	E	E	E																			P	P				P	P					5.2.44
Landfill, Sanitary (W) (Hi)			*E*	*E*																										*E*					*5.2.45*
Landfill, Sanitary (F) (Hi)																								A	A				A	A					5.2.45
Library, Public (Lo)		P	P	P	P	P	P	P	P	P	Z	Z	Z	Z	Z		Z	Z		Z	Z	Z	Z	Z	Z	Z	Z				Z	Z		Z	5.2.46
Limited Campus Uses (Lo)						P	P	P	P	P	P	P	P	P	P		P	Z			P		Z					Z							Z	5.2.48
Museum or Art Gallery (Lo)																		Z		Z	Z	Z	Z	Z	Z	Z	Z	Z			Z	Z	Z	Z	
Nursing Care Institution (Lo)		A	A	A	A							Z	Z	Z	Z					Z		Z				Z	Z	Z				Z	Z	Z	5.2.62
Police or Fire Station (Hi)	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	5.2.67
Postal Processing Facility (Hi)																						Z					A			Z	Z	Z				
Recycling Center (Hi)																														Z	Z					
School, Private (Hi)		P	P	P	P	P	P	P	P	P	P	P	P	P	P							P	P		P	P	P		P			Z	P	Z	Z	5.2.75
School, Public (Hi)		P	P	P	P	P	P	P	P	P	P	P	P	P	P							P	P		P	P	P		P			Z	P	Z	Z	5.2.76
School, Vocational or Professional (Lo)																			Z	Z		Z	Z	Z	Z	Z	Z	Z		Z	Z	Z	P	Z	Z	
Shelter for Homeless (Lo)																						E				E	E			E						5.2.78
Solid Waste Transfer Station (Hi)																														A	Z					5.2.85
Special Events Center (Hi)	A	A	A	A	A																	Z	Z	Z	Z	Z	Z	Z	Z	Z		Z		Z	Z	5.2.86
Stadium, Coliseum, or																						Z			Z	Z	Z		Z			Z		Z	Z	5.2.87

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Z = Permit from Zoning Officer; S = Special Use District Rezoning;
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	RESIDENTIAL DISTRICTS																COMMERCIAL DISTRICTS											IND. DIST.			I & MU DIST.			CONDITIONS
	YR	AG	RS40	RS30	RS20	RS15	RS12	RS9	RS7	RSQ	RM5	RM8	RM12	RM18	RMU	MH	NO	LO	CPO	GO	NB	PB	LB	NSB	HB	GB	CB	MRB-S[4]	E	LI	GI	CI	IP	C	MU-S	
Exhibition Bldg (Hi)																																			
MANUFACTURING AND MINING																																			
Manufacturing A (Hi)																			Z						Z				Z	Z	Z			Z	5.2.55
Manufacturing B (Hi)																														Z	Z					5.2.55
Manufacturing C (Hi)																															Z / S					5.2.55.1
Asphalt and Concrete Plant (F) (Hi)																															Z					
Asphalt and Concrete Plant (W) (Hi)																															*E*					*5.2.9*
Borrow Site (Hi)	A	A	A	A	A																				A	A				A	A					5.2.12
Hazardous Waste Management Facility (Hi)																															E					5.2.39
Meat Packing Plant (Hi)																															P					5.2.56
Mining, Quarry, or Extractive Industry (Hi)																															E					5.2.58
Recycling Plant (Hi)																															Z					
Storage and Salvage Yard (Hi)																															Z					5.2.88
TRANSPORTATION AND UTILITIES																																			
Access Easement, Private Off-Site (Lo)	E[5]	E[5]	E[5]	E[5]	E[5]	E[5]	E[5]	E[5]	E[5]	E[5]	E[5]	E[5]	E[5]	E[5]	E[5]	E[5]	E[5]	E[5]	E[5]	E[5]	E[5]	E[5]	E[5]	E[5]	E[5]	E[5]	E[5]	Z		E[5]	E[5]	E[5]	E[5]	E[5]	Z	5.2.2[5]
Airport, Private (Hi)																			P												P					5.2.7
Airport, Public (Hi)																															A					
Heliport (Hi)																			P												P	P				5.2.40
Helistop (Hi)																			A	A		A			A	A	A			A	A	A				5.2.40
Park and Shuttle Lot (Lo)		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Z	Z	Z		Z	Z	Z	Z	Z	Z		Z	Z	Z	Z	P		Z	5.2.64
Parking, Commercial (Lo)																			Z			Z	Z	Z	Z	Z	Z		Z	Z	Z	Z			Z	
Parking, Off-Site, for Multifamily or Institutional Uses			E	E	E	E	E	E	E	E	E	E	E	E	E																					5.2.65

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	RESIDENTIAL DISTRICTS																COMMERCIAL DISTRICTS											IND. DIST.			I & MU DIST.			CONDITIONS
	YR	AG	RS40	RS30	RS20	RS15	RS12	RS9	RS7	RSQ	RM5	RM8	RM12	RM18	RMU	MH	NO	LO	CPO	GO	NB	PB	LB	NSB	HB	GB	CB	MRB-S[4]	E	LI	GI	CI	IP	C	MU-S	
Terminal, Bus or Taxi (Hi)																						Z			Z	Z	Z	Z		Z	Z	Z			Z	
Terminal, Freight (Hi)																															Z					
Transmission Tower (F) (Hi)		Z/A	Z/A	Z/A	Z/A	Z/A	Z/A	Z/A	Z/A	Z/A	Z/A	Z/A	Z/A	Z/A	Z/A	Z/A		Z/A	Z/A	Z		Z/A	Z/A	Z/A	Z	Z	Z	Z	Z	Z	Z	Z	Z/A	Z	Z	5.2.93
Transmission Tower (W) (Hi)		*E*	*E*	*E*	*E*	*E*	*E*	*E*	*E*	*E*	*E*	*E*	*E*	*E*	*E*	*E*		*Z/A*	*Z/A*	*Z*		*Z/A*	*Z/A*	*Z/A*	*Z*	*Z*	*Z*	*Z*	*Z*	*Z*	*Z*	*Z*	*Z/A*	*Z*	*Z*	*5.2.92*
Utilities (Hi)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Z	Z	Z	P	Z	Z	Z	Z	Z	Z		Z	Z	Z	Z	Z		Z	5.2.94

NOTES:
[1] See Section 4.6.5C, Supplementary District Requirements.
[2] See Section 4.6.7C, Supplementary District Requirements in GMAs 4 and 5.
[3] See Section 5.2.74, Riding Stable, Including Veterinarian Services for Equine Species and Cattle.
[4] Per *Section 4.6.12, Major Retail and Business District (MRB-S) (W)*.
[5] SUP not required if requirements of Section 5.2.2, Access Easement, Private Off-Site, are met.
[6] See *Section 5.2.72, Residential Building, Single Family (W)*.
[7] See Section 4.6.4, GO General Office District.
[8] See Section4.6.9, HB Highway Business District.

5.2 USE-SPECIFIC STANDARDS

5.2.1 ACADEMIC BIOMEDICAL RESEARCH FACILITY IN THE IP ZONING DISTRICT

A. MINIMUM SITE

The minimum size for an academic biomedical research facility is twenty (20) acres.

B. SETBACKS

All buildings shall be a minimum of eighty (80) feet from any adjacent property zoned AG, YR, RS, or RM.

5.2.2 ACCESS EASEMENT, PRIVATE OFF-SITE

A. APPLICABILITY

Access easements and private streets shall meet the following requirements:

1. Access easements or private streets that cross any of the following zoning districts: CPO, GO, PB, LB, NSB, HB, GB, LI, GI, CI, and MRB-S [or the respective companion *special use/special use limited (W)*/special use-no site plan (F) districts] to access a use in the CPO, GO, PB, LB, NSB, HB, GB, LI, GI, CI, and MRB-S [or the respective companion *special use/special use limited (W)*/special use-no site plan (F) districts] districts shall be permitted without a special use permit.

2. All other access easements and private streets that cross a zoning district that does not allow the use being served shall require a special use permit in accordance with **Section 3.2.13E, Special Use Permits Authorized By The Elected Body**.

B. SPECIAL USE DISTRICT ZONING

Notwithstanding the requirements of **Section 5.2.2A, Applicability**, a private access easement established pursuant to **Section 3.2.13E, Special Use Permits Authorized By The Elected Body,** may serve more than one zoning lot or special use district zones.

C. STANDARDS

Private access easements requiring the issuance of a special use permit in **Section 5.2.2A, Applicability**, must be designed in conformity with the accepted criteria established for public streets of equivalent width, grade, curvature, intersection locations, and other safety features.

5.2.3 ADULT DAY CARE CENTER

A. AS AN ACCESSORY USE

This use is permitted as an accessory use to a church or religious institution if it is on the same zoning lot as the church or religious institution. Such accessory use shall be permitted in all zoning districts, except for the GI district.

B. SPACE REQUIREMENTS

At least fifty (50) square feet of heated space per person enrolled, or sufficient space to meet State requirements, whichever is greater, shall be provided.

C. HOURS OF OUTDOOR ACTIVITIES

Outdoor activities shall be limited to between 8:00 a.m. and 8:00 p.m.

D. PASSENGER LOADING SPACE

At least one designated off-street passenger loading and unloading space shall be provided for every twenty (20) persons enrolled, plus adequate turnaround.

E. CERTIFICATION

Certification by the State is required.

5.2.4 ADULT DAY CARE HOME

A. LOCATION

This use is permitted only in a private residence occupied by the operator or as an accessory use to a church or religious institution if it is on the same zoning lot as the church or religious institution. This accessory use to a church or religious institution shall be permitted in all zoning districts, except for the GI district.

B. NUMBER OF PERSONS RECEIVING CARE

See the definition of Adult Day Care Home in **Table 11.2.2, Definitions**, for the limit on the number of adolescents or adults permitted to receive care.

C. SPACE REQUIREMENTS

At least fifty (50) square feet of heated space per person enrolled or space sufficient to meet State standards, whichever is greater, shall be provided.

D. HOURS OF OUTDOOR ACTIVITIES

Outdoor activities shall be limited to between 8:00 a.m. and 8:00 p.m.

E. OPERATING HOURS

Operating hours shall be limited to between 6:00 a.m. and 8:00 p.m.

F. PASSENGER LOADING SPACE

At least one designated off-street passenger loading and unloading space, plus adequate turnaround area, shall be provided.

G. CERTIFICATION

Certification by the State is required.

5.2.5 ADULT ESTABLISHMENT

A. LOCATION

No activities permitted under State law shall be conducted in adult establishments in the following locations:

1. **RESIDENTIAL DISTRICTS**
   Adult establishments may not be located within a distance of one thousand (1,000) feet from any RM or RS District;
2. **SCHOOL**
   Adult establishments may not be located within a distance of one thousand (1,000) feet from any public or private school;
3. **CHILD DAY CARE CENTER**
   Adult establishments may not be located within a distance of one thousand (1,000) feet from any child day care center;
4. **OTHER ADULT ESTABLISHMENT**
   Adult establishments may not be located within a distance of one thousand (1,000) feet from any other adult establishment.

B. MEASUREMENTS

All measurements shall be made by drawing straight lines from the nearest point of the lot line where the proposed adult establishment is to be located to the nearest point of the lot line or boundary of the closest RM or RS District; elementary, secondary or private school; or adult establishment.

C. HOURS OF OPERATION

The hours of operation for adult establishments shall be limited to between the hours of 7:00 a.m. and 2:30 a.m.

D. AMORTIZATION OF NONCONFORMING ADULT ESTABLISHMENTS IN THE CB DISTRICT

All nonconforming adult establishments in the CB District shall be discontinued on or before December 31, 2019. (W)

5.2.6 AGRICULTURAL TOURISM (F)

A. LOCATION

1. Agricultural tourism uses shall be operated by the property owner in association with a voluntary agricultural district of a minimum of twenty (20) contiguous acres of land in single ownership in GMA 5.

2. When the farm loses its voluntary agricultural district status the agricultural tourism use shall be discontinued.

B. SETBACKS

1. Any activity, structure, building, parking, or storage area(s) associated with a restaurant (without drive-through service) or retail store use shall observe a minimum one hundred fifty (150) foot setback from all adjacent property lines and street rights-of-way.

2. All other agricultural tourism uses shall observe a minimum seventy-five (75) foot setback from all adjacent property lines and street rights-of-way.

C. RESTAURANT (WITHOUT DRIVE-THROUGH SERVICE)

Any restaurant (without drive-through service) shall have a maximum seating capacity of one hundred fifty (150) persons with County Fire Department approval.

D. RETAIL STORE

Any retail store shall have a maximum gross floor area of one thousand five hundred (1,500) square feet.

E. PARKING

1. The Director of Inspections may allow alternative compliance for **Section 6.1, Off-Street Parking and Loading**, as warranted.

2. The landscape and streetyard requirements of this Ordinance shall not apply.

F. OUTDOOR SPECIAL EVENTS

1. Only one type of outdoor special event shall occur at any one time.

2. Outdoor special events are allowed up to six (6) times per month for three (3) consecutive days each.

3. Outdoor special events shall accommodate a maximum of five hundred (500) people at any one time.

4. Any structure associated with an outdoor special event shall be setback a minimum of one hundred fifty (150) feet from all adjacent property lines and street rights-of-way.

5. Any parking or other activity associated with an outdoor special event shall be setback a minimum of seventy-five (75) feet from all adjacent property lines and street rights-of-way.

G. BUILDING CODE

All applicable building code requirements shall apply to buildings used in conjunction with any agricultural tourism use.

H. AGRITOURISM USES AS DEFINED IN THE NORTH CAROLINA GENERAL STATUTES

Agritourism uses as referenced in Section 106-581.1 of the North Carolina General Statutes and defined in Section 99E-30 of the North Carolina General Statutes shall not be subject to the requirements of **Section 5.2.6, Agricultural Tourism (F)**.

5.2.7 AIRPORT, PRIVATE

A. AS AN ACCESSORY USE

1. In the AG, YR, RS-40, and RS-30 Districts, a private airport is permitted as an accessory use.

2. All dimensional and other requirements of this section must be observed.

B. STANDARDS AND PERMITS

All federal and State standards must be met, and the respective approvals obtained.

C. LANDING STRIP SETBACKS

The landing strip must be set back at least two hundred (200) feet from any adjacent property zoned AG, YR, RS, or RM.

D. DIMENSIONAL REQUIREMENTS

Hangars and other structures must observe the dimensional requirements for principal buildings in the zoning district.

E. REPAIR AND MAINTENANCE FACILITIES

1. Repair and maintenance facilities are limited to those necessary for the aircraft using the private airport.

2. All such facilities, except fuel storage and pumps, must be located within the hangar.

5.2.8 ANIMAL FEEDING OPERATION

A. SIZE

The minimum site size for an animal feeding operation is three (3) acres.

B. SETBACKS

All structures, buildings or enclosed areas used for housing of poultry, hogs, cattle, or other livestock, shall be a minimum of one hundred (100) feet from all property lines.

5.2.9 ASPHALT AND CONCRETE PLANT IN THE GI ZONING DISTRICT (W)

A. *GENERALLY*

1. *Asphalt and concrete plants located within the processing area of an active quarry in GI zoning are exempt from special use permit requirements, but must meet all other conditions of this section.*

2. *For the purposes of this section, "processing area" is the area contained within the inside boundary of the exterior buffer for the quarry in which mining, rock processing, and storage is taking place.*

3. *Also for the purposes of this section, "active quarry" is a quarry which has all necessary state permits and which has maintained its conformity with the continuing operation limitations detailed in* ***Section 9.2.8, Loss of Nonconforming Use Status****.*

B. *SETBACKS*

Setbacks for buildings and related operations which may include: storage and processing areas; loading areas; truck operation; and parking areas.

1. *All buildings and operations must be a minimum of one hundred (100) feet from any adjacent property.*

2. *All buildings and operations must be a minimum of five hundred (500) feet from any school, library, or church zoning lot or from any property zoned RS, RM, AG, YR, IP, or C.*

C. *BUFFERYARD*

1. *There shall be a minimum fifty (50) foot wide undisturbed bufferyard, which shall be augmented if necessary to meet type I bufferyard requirements around the perimeter of the property.*

2. *Within said buffer shall be a six (6) foot security fence.*

3. *Said fence shall not have any barbed wire, razor wire, or electrification.*

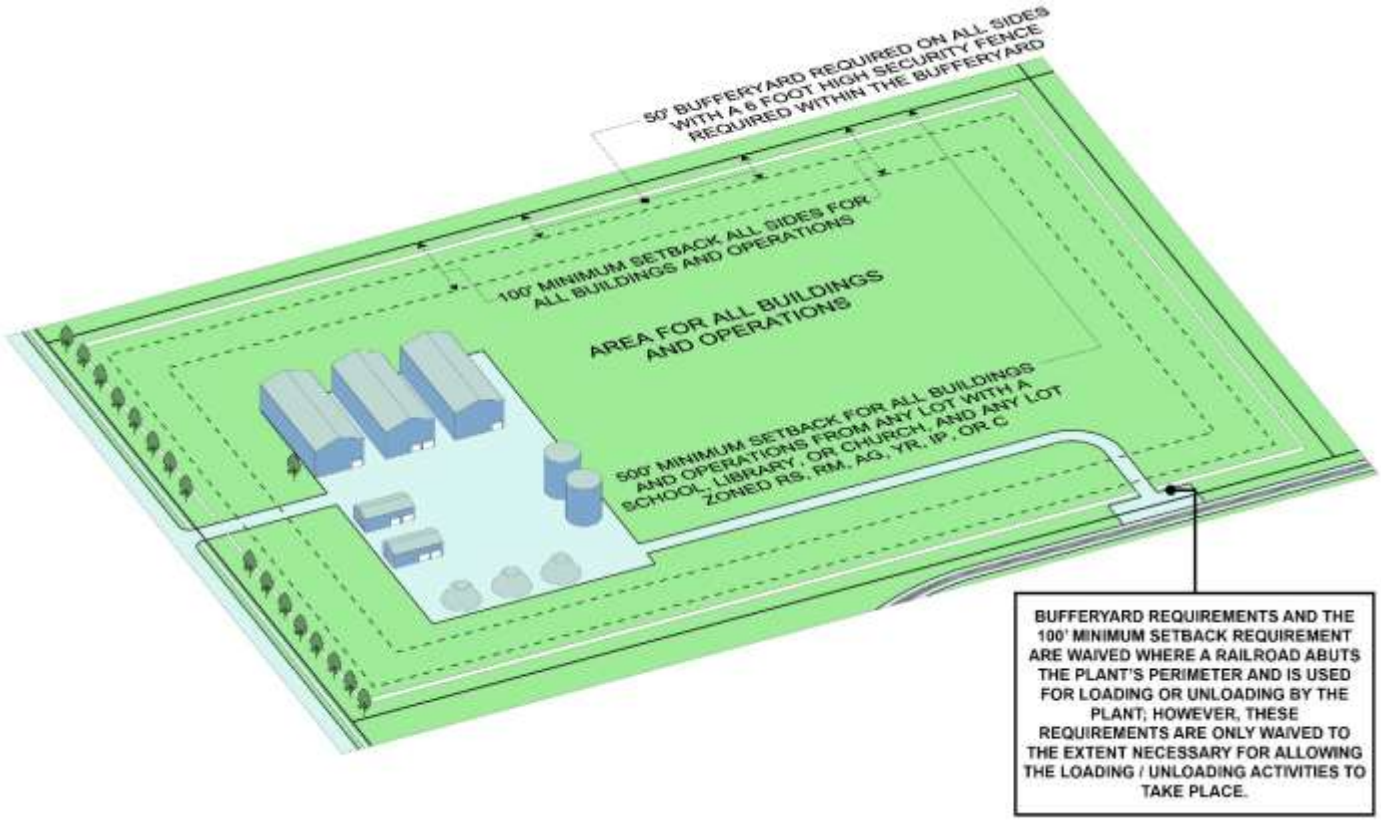
4. *Bufferyard requirements and the building/operations set back referred to in* ***Section 5.2.9B.1*** *shall be waived where a railroad siding used for loading/unloading purposes for an asphalt and concrete plant is located at the perimeter of the property.*

5. *In that instance, the bufferyard and set back waiver shall be no more than necessary to allow the loading/unloading activity to take place.*

D. *ACCESS*

The site shall be accessed by a major or minor thoroughfare or another access route approved by WSDOT or NCDOT.

FIGURE 5.2.9 – CERTAIN REQUIREMENTS FOR ASPHALT AND CONCRETE PLANTS IN THE WINSTON-SALEM ZONING JURISDICTION



E. ACCESS

Any expansions of existing asphalt and concrete plants in the GI zoning district shall be subject to these requirements, including the requirement for a Special Use Permit from the elected body.

5.2.10 BED AND BREAKFAST

The following shall apply to all bed and breakfasts in the RS zones:

A. PARKING TO THE REAR

1. All off-street parking shall be provided to the rear or to the side of the principal structure.

2. The side parking area may be no closer to the street than the principal structure.

B. BUFFER AROUND PARKING AREA

1. REAR PARKING AREAS

All rear parking areas shall be buffered by a type I bufferyard, as defined in **Section 6.3, Bufferyard Standards**, from adjacent residentially zoned property.

2. SIDE PARKING AREAS

a. Type I plantings will be provided in the required streetyard.

b. A type II bufferyard, as defined in **Section 6.3, Bufferyard Standards**, shall be provided if side parking abuts residentially zoned property.

C. OWNER OCCUPANCY (W)

All bed and breakfasts in RS Zoning Districts must be owner occupied.

5.2.11 BOARDING OR ROOMING HOUSE

A. MINIMUM LOT SIZE IN RM DISTRICTS

In RM Districts, the minimum lot area shall be determined based on the minimum lot area required for a two-unit dwelling in the district, as shown in **Table 4.5.18**.

5.2.12 BORROW SITE

A. PROHIBITED IN RS ZONES IN GMA 1, 2, 3

Except as permitted below in subdivisions, borrow sites shall not be permitted in RS Districts in GMAs 1, 2, and 3.

B. WITHIN MAJOR SUBDIVISIONS

Borrow sites operated by a developer or builder in conjunction with active development of section(s) of a major subdivision within five (5) years of final plat approval, including land grading, removal, or filling within the major subdivision where the fill material is placed on sites within said section(s) of a subdivision, are exempt from the use conditions of this section and the special use permit requirements specified in **Table 5.1.1, Principal Use Table**.

C. EASEMENTS

No excavation shall take place within easements for underground transmission lines for oil, natural gas, or other potentially hazardous material.

D. FENCING

1. Any excavation to a depth greater than five (5) feet shall be fenced.

2. However, no fencing shall be required on any property where such fencing would be impracticable, as determined by the Director of Inspections.

E. HOURS OF OPERATION

Except in cases of emergency involving safety on the site, borrow sites shall not be operated on Sunday and may not be operated earlier than 7:00 a.m. or later than 6:00 p.m. on any other day.

F. ACCESS

The borrow site shall have direct access onto a major or minor thoroughfare unless the site is located in GMAs 4 or 5.

G. GRADING PERMIT

A grading permit must be issued for any borrow site ten thousand (10,000) square feet or more.

H. OPERATIONAL STATEMENT

The petitioner will file an operational statement with the Inspections Division which shall include the following:

1. The approximate date to begin operation and its expected duration;

2. Estimated type and volume of extraction;

3. Description of method of operation, including the disposition of topsoil overburden, and by-products;

4. Description of equipment to be used in the extraction process; and

5. Any phasing of the operation and the relationship of the various phases.

I. TEMPORARY OR PERMANENT DISCONTINUANCE OF OPERATIONS

1. Notice of intent to discontinue temporarily a borrow site shall be filed with the Director of Inspections in advance of such temporary discontinuance.

2. Notice of intent to discontinue permanently a borrow site shall be filed with the Director of Inspections.

J. MAINTENANCE

During any period that a borrow site is discontinued temporarily, the site, along with all structures, machinery, and fencing, shall be properly maintained in a safe and orderly condition.

K. REUSE OR REHABILITATION OF SITE

Notice of permanent discontinuance of a borrow site shall include a plan for reuse or rehabilitation of the site. Except where redevelopment for another permitted use is in progress on the site of a discontinued borrow site, the last operator shall perform the following within one year, except that ground vegetation and revegetation of slopes shall comply with the deadlines contained in **Section 8.4.6D.1, Deadlines for Establishing Ground Cover**.

1. BUILDING AND EQUIPMENT
All buildings and equipment shall be removed.

2. MATERIALS
All nonregulated waste piles, overburden, and other materials shall be graded so that the material assumes its natural angle of repose. These materials shall be planted with vegetation so as to prevent erosion.

3. WATER COLLECTION AND DRAINAGE
Any excavation shall be so graded as to provide for natural drainage; if the collection of water in an excavation is unavoidable, the area shall be fenced.

L. OTHER REQUIREMENTS

1. The operator of any borrow site shall file with the Director of Inspections, in addition to any exhibits required elsewhere in this Ordinance, evidence of ownership or control of property, plans for rehabilitation, and notices of intent, as required herein.

2. The Director of Inspections shall inspect the premises annually to determine that all specific conditions are being met.

3. Violation of the requirements herein shall make the operator liable to the penalties set forth in this Ordinance.

5.2.13 CAMPGROUND (F)

A. MINIMUM SIZE

The minimum size for a campground shall be ten (10) contiguous acres.

B. BUFFERYARDS

The deciduous trees and primary evergreen plants required for a type II bufferyard shall be installed along any property line that abuts residential zoning.

C. SETBACKS

All buildings, athletic fields/facilities, and activity areas shall be setback a minimum of fifty (50) feet from the property line.

D. LIGHTING

Lighting for athletic fields/activity areas shall be prohibited.

E. GROWTH MANAGEMENT AREA

The use campground (F) shall only be allowed within Growth Management Areas 4 Future Growth Area and 5 Rural Area.

5.2.14 CAR WASH

A. The following conditions shall apply to car wash facilities with manually-operated equipment or automatic machinery (hand wash only facilities with no automated machinery do not have to meet these use conditions):

1. VACUUM FACILITIES
Vacuum facilities shall meet setbacks of the applicable zoning district.

2. VEHICLE STACKING
The facility shall provide for off-street stacking space for five (5) times the number of vehicles which can be accommodated at one time in the facility.

3. TRAFFIC FLOW

a. The facility shall be designed to allow adequate traffic flow for cars to enter and exit the facility safely.

b. No portion of an exit or an entrance shall be less than fifty (50) feet from the right-of-way of an intersection.

4. DRY DOWN AREA

a. SINGLE BAY OR SELF-SERVICE FACILITIES

Single bay facilities with automated brushes and multiple bay self-service facilities shall provide space for the parking of one car per bay to be used as a dry down area.

b. CONVEYORS OR CHAIN DRAG SYSTEMS

Facilities utilizing a conveyor or chain drag system for moving motor vehicles through the washing area shall provide adequate space at the building exit to allow for a dry down area of three (3) times the number of vehicles which can be accommodated at one time within the structure.

B. The use car wash shall be subject to the following restrictions in the PB district:

1. Maximum of two (2) bays;

2. No automated washing or drying equipment shall be permitted; and

3. All activities other than hand drying of vehicles shall be conducted inside the building.

5.2.15 CEMETERY

A. PROHIBITED DISTRICTS

Except as otherwise permitted herein, cemeteries shall not be permitted as a principal or accessory use in RS Districts in GMAs 1, 2 and 3.

B. REQUIREMENTS

Licensed cemeteries shall meet all licensing requirements of State law.

C. BUILDING SETBACKS (F)

Any building, except a gate house, shall be set back not less than one hundred (100) feet from any exterior property line.

D. GRAVE OR BURIAL PLOT SETBACKS (F)

Any grave or burial plot shall be set back not less than fifty (50) feet from any exterior property line, except that any grave or burial plot shall be set back not less than three (3) feet from any property line of an adjacent licensed or unlicensed cemetery.

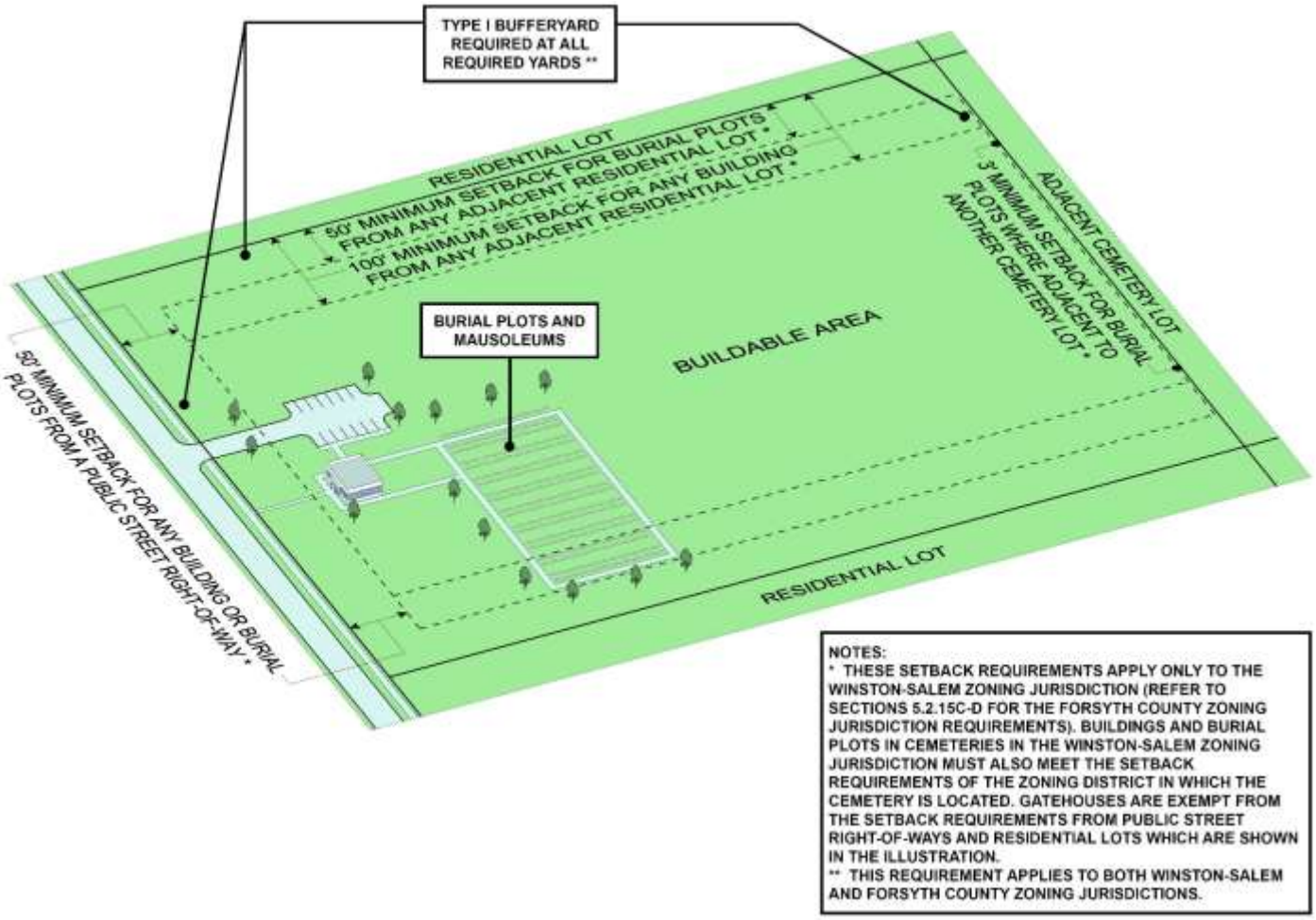
E. *SETBACKS (W)*

Buildings and burial plots shall meet the setbacks of the district except:

1. *Any building except a gate house shall be set back a minimum of fifty (50) feet from any public street right-of-way and a minimum of one hundred (100) feet from the property line of any adjacent residentially zoned property.*

2. *Any burial plot or mausoleum shall be set back a minimum of fifty (50) feet from any public street right-of-way and from any residentially zoned property, except that any grave or burial plot shall be set back not less than three (3) feet from any property line of an adjacent licensed or unlicensed cemetery.*

FIGURE 5.2.15.E – SETBACK REQUIREMENTS FOR CEMETARIES IN THE WINSTON-SALEM ZONING JURISDICTION



F. REQUIRED YARDS

All required yards shall be landscaped with a type I bufferyard and adequately maintained.

G. ACCESS

1. Licensed cemeteries shall have direct access to a major or minor thoroughfare.

2. Municipal and animal cemeteries containing more than five (5) acres shall have direct access to a major or minor thoroughfare.

H. SUBDIVISION

1. Cemeteries shall meet the platting and other requirements of the subdivision regulations.

2. Unlicensed cemeteries existing at the time of adoption of this Ordinance which have not been platted shall be recorded prior to the issuance of any permit for the property, except cemeteries accessory to and located on the main campus of churches.

I. ENTRANCE AND INTERNAL ROADS

The entrance to and access within the cemetery shall be maintained by the property owner.

J. RELIGIOUS INSTITUTIONS

Cemeteries are permitted as an accessory use to religious institutions in all districts where religious institutions are permitted.

K. PROHIBITIONS

Cemeteries are not permitted as accessory uses to residential uses, or on lots less than one acre in size.

5.2.16 CHILD CARE (DROP-IN)

A. AS A PRINCIPAL OR ACCESSORY USE

The use is permitted as a principal use in the zoning districts indicated in **Table 5.1.1, Principal Use Table**, and as an accessory use to a religious institution or school on the same zoning lot as the religious institution or school.

B. INDOOR SPACE

1. At least twenty-five (25) square feet of inside space shall be provided for each child (based on permitted capacity) if outdoor space is provided as indicated in **Section 5.2.16C, Outdoor Space**.

2. If less or no outdoor space is provided, at least thirty-five (35) square feet of inside space shall be provided for each child (based on permitted capacity).

C. OUTDOOR SPACE

1. If outdoor play area is provided, it shall be enclosed by a minimum four (4) foot tall fence.

2. A minimum of one hundred (100) square feet for each child (based on permitted capacity) must be provided to reduce the indoor space requirements in **Section 5.2.16B, Indoor Space**.

5.2.17 CHILD CARE INSTITUTION

A. SITE SIZE

The following minimum site sizes shall apply:

1. Five (5) acres for twenty-five (25) to seventy-five (75) children;

2. Ten (10) acres for seventy-six (76) to one hundred twenty-five (125) children;

3. Fifteen (15) acres for one hundred twenty-six (126) to one hundred seventy-five (175) children; and

4. Twenty (20) acres for one hundred seventy-six (176) or more children.

B. SETBACK

No building, dumpster, or recreation area shall be less than one hundred (100) feet from any property line adjacent to property zoned residential.

C. LICENSING

Licensing by the State is required.

D. REGULATIONS

Facilities must conform to all State and local building, fire, and health codes which apply to such facilities.

5.2.18 CHILD CARE (SICK CHILDREN)

A. AS PRINCIPAL OR ACCESSORY USE

The use is permitted as a principal use in the zoning districts indicated in **Table 5.1.1, Principal Use Table**, and as an accessory use for internal service (care provided by an employer to its employees).

B. INTERIOR FLOOR AREA

Adequate interior floor area shall be provided to meet any applicable State, county, and local requirements for licensing and operation.

C. MEDICAL CARE

Sufficient medical and nursing coverage with due regard to communicable disease control shall be provided and approved by the State.

D. LICENSING

Licensing by the State is required.

5.2.19 CHILD DAY CARE CENTER

A. AS AN ACCESSORY USE

A child day care center is permitted as an accessory use as follows:

1. CHURCH OR RELIGIOUS INSTITUTIONS

a. In all zoning districts permitting churches or religious institutions (except for the GI district) when operated on the same zoning lot as the church or religious institution.

b. A special use permit from the Board of Adjustment shall be required when this accessory use is located in a zoning district that does not permit child day care centers as a principal use by right.

c. In other zoning districts that permit child day care centers as a principal use, this accessory use shall follow the same approval process that is required for such principal use.

2. PUBLIC OR PRIVATE SCHOOLS WITH AN ENROLLMENT OF THREE HUNDRED (300) OR MORE STUDENTS

In all zoning districts permitting public or private schools when operated by the school on the same zoning lot as the public or private school, this accessory use shall follow the same approval process that is required for such principal use.

3. PUBLIC OR PRIVATE SCHOOLS WITH AN ENROLLMENT OF LESS THAN THREE HUNDRED (300) STUDENTS

a. In all zoning districts permitting public or private schools when operated by the school on the same zoning lot as the public or private school.

b. A special use permit from the Zoning Board of Adjustment shall be required when this accessory use is located in a zoning district that does not permit child day care centers as a principal use by right.

c. In other zoning districts that permit child day care centers as a principal use, this accessory use shall follow the same approval process that is required for such principal use.

4. IN CI AND GI DISTRICTS

In the CI and GI Districts when operated solely for the benefit of the employees of the principal use on the same zoning lot.

B. CONDITIONS

Child day care centers must meet the following conditions in all districts when operated as a principal or an accessory use:

1. INTERIOR FLOOR AREA

Adequate interior floor area shall be provided to meet any applicable State, county, and local requirements for licensing and operation.

2. OUTDOOR PLAY AREA

a. Adequate outdoor play area shall be provided to meet any applicable State, county, and local requirements for licensing and operation.

b. Such outdoor play area shall be enclosed by a minimum four (4) foot tall fence.

c. Outdoor activities are limited to the fenced area between 8:00 a.m. and 10:00 p.m.

3. PASSENGER LOADING SPACE

a. At least one designated off-street passenger loading/unloading space shall be provided for each twenty (20) children enrolled, plus adequate turnaround area.

b. Such designated loading/unloading spaces(s) and turnaround areas are required in all districts, including the CB and CI Districts.

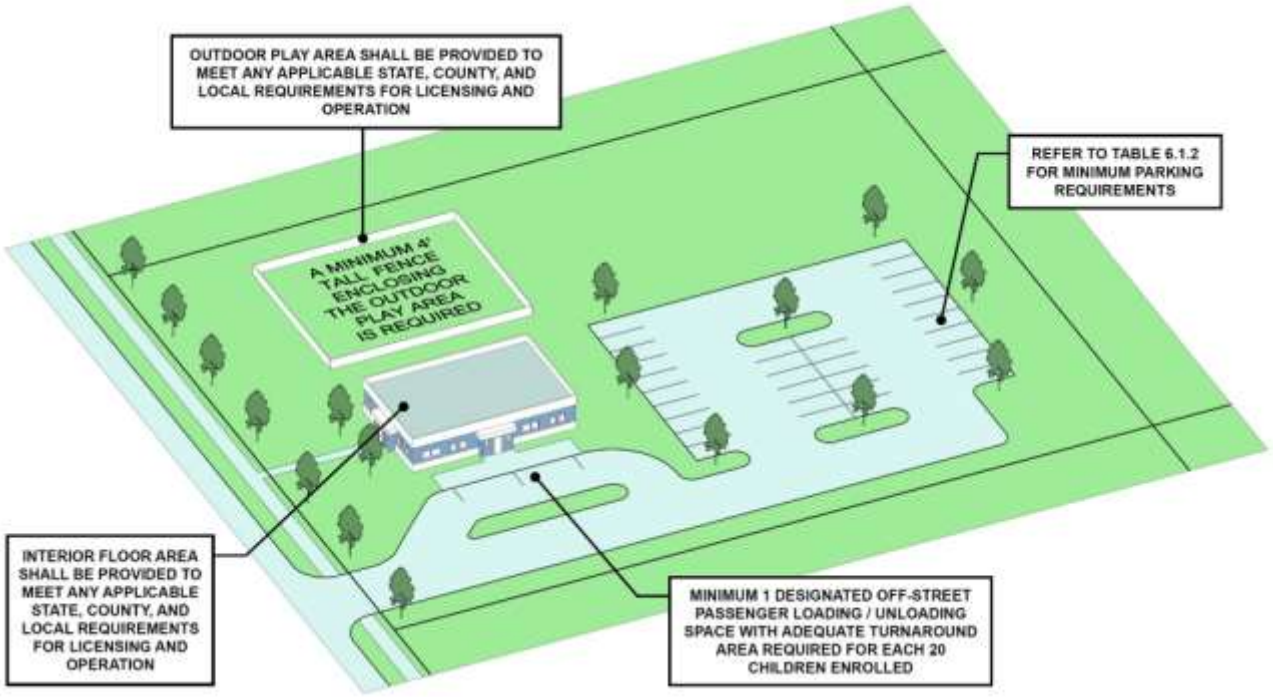
4. SAFETY

The review and approval of site plans by the staff and approving authorities should give special consideration to internal traffic circulation and safety of the children on the site.

5. LICENSING

Licensing by the State is required.

FIGURE 5.2.19.B – CERTAIN ADDITIONAL CONDITIONS FOR CHILD DAY CARE CENTERS



5.2.20 CHILD DAY CARE HOME

A. AS AN ACCESSORY USE

This use is permitted only in a private residence occupied by the licensed operator, or as an accessory use to a church or religious institution if it is on the same zoning lot as the church or religious institution. This accessory use to a church or religious institution shall be permitted in all zoning districts, except for the GI district.

B. NUMBER OF CHILDREN RECEIVING CARE

See the definition of Child Day Care Home in **Table 11.2.2, Definitions**, for the limits on the number of children permitted to receive care.

C. INTERIOR FLOOR AREA

Adequate interior floor area shall be provided to meet any applicable State, county, and local requirements for licensing and operation.

D. PLAY AREA

1. Adequate interior floor area shall be provided to meet any applicable State, county, and local requirements for licensing and operation.

2. Such outdoor play area shall be enclosed by a minimum four (4) foot tall fence.

3. Such outdoor play area shall not be located in front of the front façade of the principal structure.

4. Outdoor activities shall be limited to the fenced area between 8:00 a.m. and 8:00 p.m.

E. PASSENGER LOADING SPACE

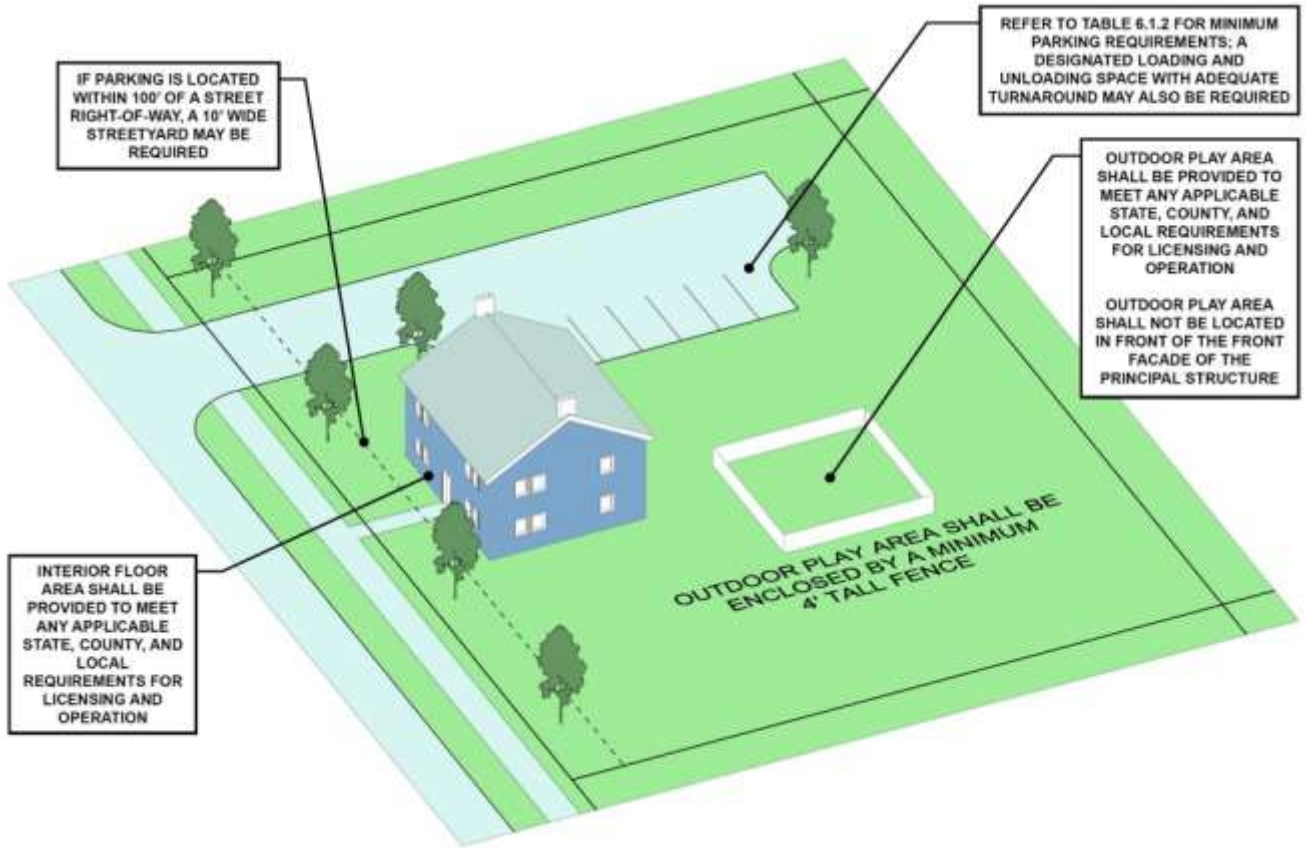
1. If care is being provided for eleven (11) or more children or if care is being provided for seven (7) or more children who are from birth to 5 years of age, then at least one designated off-street passenger loading or unloading space shall be provided, plus adequate turnaround area.

2. Such designated loading/unloading space and turnaround area are required in all districts, including the CB District.

F. LICENSING

Licensing by the State is required.

FIGURE 5.2.20 – CERTAIN REQUIREMENTS FOR CHILD DAY CARE HOME USES



5.2.21 RESERVED

5.2.22 CHURCH OR RELIGIOUS INSTITUTION, COMMUNITY SCALE

A. ACCESS

The site shall have direct access to a major or minor thoroughfare or a collector street.

B. IMPERVIOUS SURFACE COVER

1. In RS Districts, impervious surface cover for all church or religious institution property within the block of the principal building shall not exceed sixty percent (60%), however impervious surface cover in the RS and IP Districts may be increased to seventy-five percent (75%) with staff approval of a landscaping plan which demonstrates greater tree canopy coverage of parking area by doubling the planting ratio of **Section 6.2.1D.3.d, Ratio**, and reducing by at least one-half the spacing requirements of **Section 6.2.1D.3.e, Distance of Parking Spaces to Trees**.

2. In other districts, churches are subject to the impervious surface cover requirements of the underlying zone.

C. BUFFERYARD

All buildings and parking areas on site shall be buffered by a type I bufferyard, as described in **Section 6.3, Bufferyard Standards**, from adjacent residentially zoned property.

D. PARKING

1. Off-site parking may be used to meet up to fifty percent (50%) of on-site parking requirements upon recommendation of the City Department of Transportation regarding the safety of potential on-street parking.

2. A special use permit from the Board of Adjustment is required.

5.2.23 CHURCH OR RELIGIOUS INSTITUTION, NEIGHBORHOOD SCALE

A. IMPERVIOUS SURFACE COVER

1. In RS Districts, impervious surface cover for all church or religious institution property within the block of the principal building shall not exceed sixty percent (60%), however impervious surface cover in the RS and IP Districts may be increased to seventy-five percent (75%) with staff approval of a landscaping plan which demonstrates greater tree canopy coverage of parking areas by doubling the planting ratio of **Section 6.2.1D.3.d, Ratio**, and reducing by at least one-half the spacing requirements of **Section 6.2.1D.3.e, Distance of Parking Spaces to Trees**.

2. In other districts, churches are subject to the impervious surface cover requirements of the underlying zone.

B. BUFFERING OF PARKING AREAS

All parking areas on site shall be buffered by a type I bufferyard, as described in **Section 6.3, Bufferyard Standards**, from adjacent residentially zoned property.

C. PARKING

1. Off-site parking may be used to meet up to fifty percent (50%) of on-site parking requirements, upon recommendation of the City Department of Transportation regarding the safety of potential on-street parking.

2. A special use permit from the Board of Adjustment is required.

5.2.24 CLUB OR LODGE

The following conditions apply in the IP District:

A. MINIMUM SIZE

The minimum site size shall be one acre.

B. ACCESS

The site shall have direct access to a collector street, or major or minor thoroughfare.

C. SETBACKS

No structure or outdoor recreation area shall be located less than forty (40) feet from any property line adjacent to residentially zoned property.

D. PUBLIC ADDRESS SYSTEMS

Public address systems shall not be permitted except within a building.

5.2.25 COMBINED USE

A. DWELLING UNIT LOCATION

No dwelling unit(s) shall be located at ground level fronting the street.

B. NO AND NB DISTRICTS

In the NO and NB Districts a maximum of two (2) residential dwelling units per building are permitted.

5.2.26 CORRECTIONAL INSTITUTION

In CB and CI Districts, additional setbacks may be required to preserve important view corridors and/or create open space, at the discretion of the Director of Planning.

5.2.26.1 COTTAGE COURT

A. PURPOSE

1. Cottage Court developments are comprised of several small attached or detached housing units around a central courtyard with no intervening street.
2. The purpose of the Cottage Court provision is to encourage the development of diverse housing types and quality residential infill.
3. The smaller size of cottage homes allows for more options for populations diverse in age, income, and household size.
4. In return for development flexibility, additional site plan information may be required of the developer to assist in evaluating the suitability of proposed Cottage Courts.

B. SKETCH PLAN REVIEW

1. Prior to the formal submission of a proposed Cottage Court, the petitioner or representative shall attend a Sketch Plan Review coordinated by Planning Staff concerning the proposed development of the site.
2. The petitioner shall be required to produce a scaled sketch site plan showing the existing and proposed features of the site for review by Planning and other interdepartmental review staff.
3. The official plan of development shall be submitted to the Planning Board only after the completion of the Sketch Plan Review.

C. PERMITTED PRINCIPAL USES

Cottage Courts may include the uses Residential Building, Single-Family; Residential Building, Duplex; and Residential Building, Twin Home. Said permitted uses shall only be allowed in districts where the underlying zoning allows these uses.

D. RELATIONSHIP TO OTHER APPLICABLE REGULATIONS

Cottage Court developments shall be subject to all applicable standards, procedures, and regulations of these Ordinances and the zoning district in which they are located unless otherwise set forth in this section.

E. DEVELOPMENT STANDARDS

Cottage Courts shall be allowed in GMAs 1, 2, and 3, and meet the following standards:

1. **PERMITTED NUMBER OF UNITS**
   - **a.** Any Cottage Court shall have a minimum of four (4) and a maximum of fourteen (14) units.
2. **ORIENTATION OF DWELLING UNITS**

a. Each dwelling unit that abuts the Courtyard Open Space shall have a primary entrance oriented toward the Courtyard Open Space.

i. If a dwelling unit also abuts a public right-of-way, that unit may have a secondary entrance oriented toward the Courtyard Open Space provided the primary entrance is oriented toward the right-of-way.

b. Each dwelling unit that abuts a public right-of-way shall have a primary or secondary entrance oriented toward the public right-of-way.

3. MINIMUM SIZE

a. For nonresidential zoning districts, a Cottage Court development shall be located on a site containing at least twenty thousand square feet (20,000 sf).

4. HEIGHT

a. Building height of all structures may not exceed 30 feet.

5. MAXIMUM DENSITY

a. Maximum residential density of Cottage Courts shall be 25% more than the density of the underlying zoning district in which the Cottage Court lies. However, Cottage Courts shall not include more than fourteen (14) units, except as allowed by the alternative compliance provisions of subsection F below.

b. Additional density may be allowed by utilizing **Section 4.1.6, Density Bonus for Affordable Housing**.

6. REQUIRED PARKING

a. Off-Street Parking

i. Off-street parking shall be provided in compliance with **Section 6.1, Off-Street Parking and Loading**, except that the parking requirements may be met through group parking located on commonly owned land.

ii. In no instances shall off-street parking spaces extend into public rights-of-way or private access easements.

iii. Should lighting be included in the parking area, it shall adhere to the lighting standards outlined in **Section 6.6 Exterior Lighting**.

b. On-Street Parking

Some on-street parking may be permitted to satisfy off-street parking requirements in accordance with **Section 6.1.5M, On-Street Parking Supplements for Pedestrian Oriented Developments**.

c. Special Vehicle Accommodations

i. Special accommodations for recreational vehicles, including boats, may be provided in group parking areas.

ii. Such special parking areas shall be designated and screened from adjacent residential uses per the **Bufferyard Standards in 5.2.26.1.8a**.

7. LOT DIMENSIONAL REQUIREMENTS AND SPACING OF STRUCTURES

a. The lot and setback dimensional requirements of the zoning district for individual lots within a Cottage Court are waived except for a minimum ten (10) foot building setback from adjacent property lines, public rights-of-way and private access easements.

b. Minimum distances between Cottage Court structures shall adhere to minimum building code and minimum fire code.

c. In Cottage Court developments in GMA 2, no building shall be located closer to the street than the average setback of the street-facing façades of structures on lots to either side of the development. If no structures exist on the adjacent lots, the setbacks outlined in **Section 5.2.26.1.E.7.a** shall be used.

8. BUFFERYARD AND SCREENING STANDARDS

a. Rear and side parking areas shall be buffered by a type II bufferyard, as defined in **Section 6.3, Bufferyard Standards**, if adjacent to residentially zoned property.

b. The use of dumpsters shall be prohibited in association with Cottage Court development.

9. COURTYARD OPEN SPACE

a. Area

Courtyard Open Space for Cottage Courts shall meet the following standards:

i. A minimum of fifteen (15) percent of the total lot area is required to be Courtyard Open Space.

ii. Courtyard Open Space shall consist of a central space or a series of interconnected spaces.

iii. Parking areas and driveways do not count toward Courtyard Open Space calculations.

iv. Wetlands, steep slopes, and bufferyards do not count toward Courtyard Open Space calculations.

b. Character

i. Courtyard Open Space shall include walkways consisting of an all-weather surface to each individual building within the Cottage Court and to the common parking area.

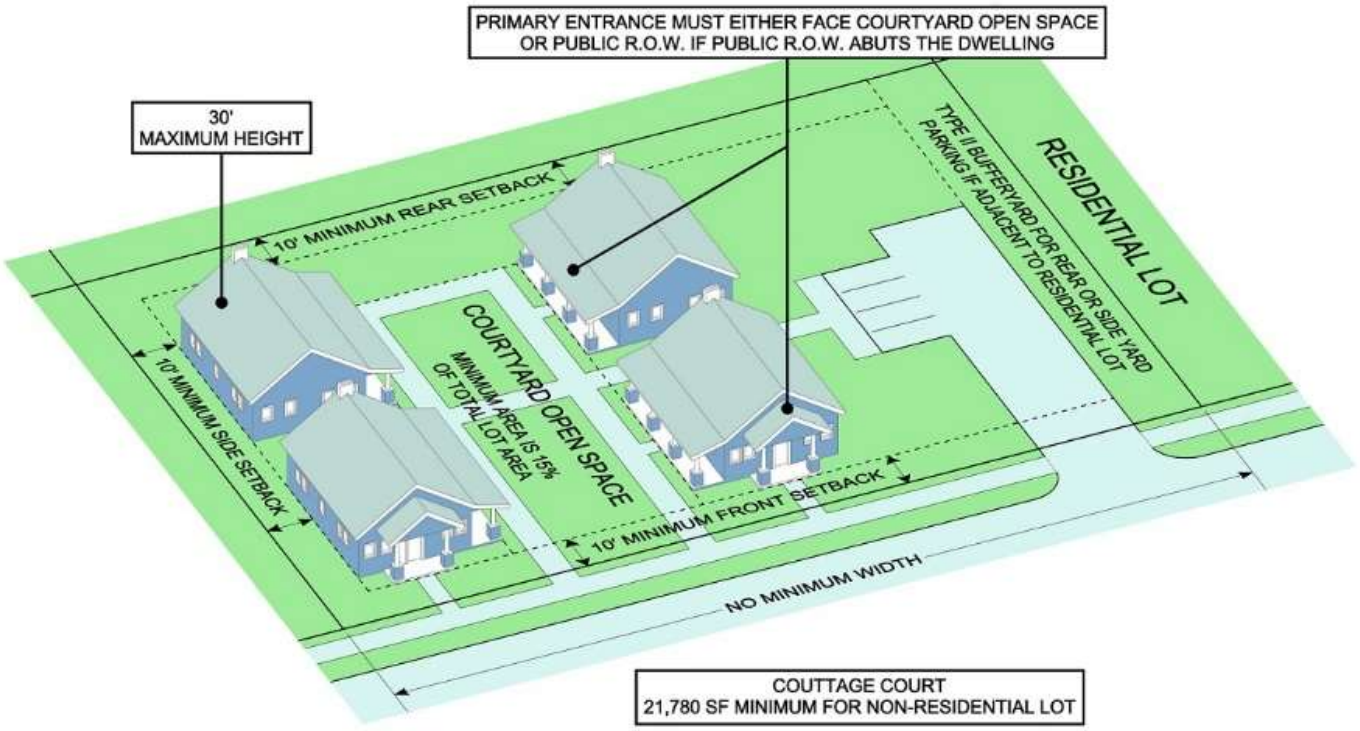
ii. If sidewalks along the street are available or required, walkway connections to these sidewalks are required as part of the Courtyard Open Space.

iii. Courtyard Open Space areas shall be attractively landscaped utilizing trees complimented by shrubs or groundcover.

iv. Courtyard Open Space may include common amenities such as gazebos or benches.

v. Enclosures for trash and recycling carts are prohibited in the Courtyard Open Space.

FIGURE 5.2.26.1.E: COTTAGE COURT DEVELOPMENT STANDARDS



F. ALTERNATIVE COMPLIANCE

1. A Cottage Court development which does not meet the requirements of **Section 5.2.26.1.E, Development Standards**, shall be proposed through a special use district rezoning.

2. Additional site plan review items demonstrating the character of the proposed development, including building elevations and cross sections, may be required by Planning staff, the Planning Board, or Elected Body.

G. OWNERSHIP AND RESPONSIBILITY FOR COURTYARD OPEN SPACE AND COMMON PARKING

1. Courtyard open space and common parking areas must be owned and maintained by the homeowners association of the development.

2. Such covenants shall be recorded in the office of the Register of Deeds and such contractual rights and obligations shall be established prior to the issuance of a building permit.

3. For Cottage Courts where all dwelling units and common areas are under single ownership, a homeowners association may not be required.

H. PLATTING REQUIREMENTS

1. All Cottage Court developments shall meet the requirements of the subdivision regulations.

2. In addition, prior to a permit being issued for the construction of any building, there shall have been recorded in the office of the Register of Deeds, a plat of the property or section thereof, showing: easement and right-of-way widths, street widths, the actual or approximate location of single family lots, commonly owned tracts, and lots and buildings to be occupied by other uses.

3. Residential lots shown on plats or subdivision plans for Cottage Court developments may be as small as the footprint of the residential structure itself and shall not be subject to the minimum lot size requirement of the underlying zoning district.

I. MULTIPLE DWELLING UNITS PER ZONING LOT

1. Multiple single family dwelling units on a zoning lot are permitted for Cottage Courts.

2. Multiple single family dwelling units on a zoning lot shall be clearly indicated on the preliminary subdivision plan presented to the Planning Board for approval and clearly indicated on the face of any plat recorded for the Cottage Court.

3. If at any point in the future the owner intends to transfer individual lots into separate ownership, a plat meeting all requirements of the UDO shall be submitted to Planning staff for review and approval.

5.2.27 DIRT STORAGE

A. PROHIBITED IN RS ZONES IN GMA 1, 2, 3

Dirt storage shall not be permitted in RS Districts in GMAs 1, 2, and 3.

B. WITHIN MAJOR SUBDIVISIONS

Dirt storage areas operated by a developer or builder in conjunction with active development of section(s) of a major subdivision within five (5) years of final plat approval, including land grading, removal, filling, or storage within the major subdivision where the fill material is placed on sites within said section(s) of a subdivision, are exempt from the use conditions of this section and the special use permit requirements specified in **Table 5.1.1, Principal Use Table**.

C. ACCESS

Access to the dirt storage area shall be controlled with security fencing or other barrier to vehicular access.

D. FENCING

1. Dirt storage sites which are residentially zoned and lie within one hundred (100) feet of an adjacent property shall be completely enclosed with security fencing of a minimum six (6) feet in height.

2. Any existing natural or constructed barrier approved by the Director of Inspections may be used in place of

part of the fencing.

E. BUFFERYARD AND LANDSCAPING

1. No bufferyard landscaping according to **Section 6.3, Bufferyard Standards** is required if a permit for dirt storage is granted for less than six (6) months, and the site remains at least one hundred (100) feet off the property line and the intervening area is left undisturbed.

2. Where a bufferyard is required, a dirt storage site is considered a high intensity use.

3. Streetyard landscaping meeting the standards of **Section 6.2.2, Landscaping Standards – Forsyth County** and ***Section 6.2.1, Landscaping and Tree Preservation Standards – Winston-Salem*,** shall be installed on the outside of the security fencing along any adjacent public street right-of-way.

F. PERMIT DURATION AND RENEWALS

The Board of Adjustment shall issue permit approvals for dirt storage sites which shall be valid for a maximum of three (3) years, after which time renewals may be granted for up to three (3) years at a time.

G. REHABILITATION/REUSE PLAN

A rehabilitation/reuse plan shall accompany the permit or site plan application, and shall be implemented by the owner of the site within the deadlines for establishing ground cover and slope revegetation contained in **Section 8.4.6D.1, Deadlines for Establishing Ground Cover**.

H. TEMPORARY DISCONTINUANCE

1. Notice of intent to discontinue temporarily a dirt storage site shall be filed with the Director of Inspections in advance of such temporary discontinuance.

2. Notice of intent to discontinue permanently a dirt storage operation shall be filed with the Director of Inspections.

I. MAINTENANCE

During any period that a dirt storage operation is temporarily discontinued, the site, along with all structures, machinery, and fencing, shall be properly maintained in a safe and orderly condition.

5.2.28 ENTERTAINMENT FACILITY, LARGE (W)

No entertainment facility, large shall be established within two hundred fifty (250) feet of any RS (including RSQ) or RM zoned property, measured in a straight line from the closest points of the property lines for each site.

5.2.29 ELECTRONIC SWEEPSTAKES OPERATION (W)

Electronic sweepstakes operations shall not be permitted as a principal or accessory use in any zoning district within the City of Winston-Salem.

5.2.30 FAMILY GROUP HOME A, FAMILY GROUP HOME B

A. RESERVED

B. MINIMUM LOT AREA

In RM Districts, the minimum lot area of a Family Group Home B shall be determined based on the minimum lot area required for a two unit dwelling in the district, as shown in **Table 4.5.18**.

C. *SPACING REQUIREMENT (W)*

1. *A Family Group Home A may not be located within a distance of one thousand two hundred (1,200) feet from another Family Group Home A; provided, that this restriction shall be waived by the Director of Inspections when the homes would be separated by a limited access thoroughfare or a natural barrier such as an unbridged stream which serves an equivalent function of avoiding concentration of these uses in close proximity within a contiguous area otherwise restricted to low-density residential use.*

2. *All measurements of the one thousand two hundred (1,200) foot distance shall be made by drawing a straight*

line form the nearest point of the lot line where the proposed Family Group Home A is located to the nearest point of the lot line of another Family Group Home A.

5.2.31 FAMILY GROUP HOME C

A. RESERVED

B. MINIMUM LOT AREA

1. In RM-12, RM-18, and RM-U Districts, the minimum lot area shall be based on **Table 4.5.18** with four (4) residents equal to one dwelling unit.

2. In the IP District, the minimum lot area shall be calculated in the same manner based on the requirements of the RM-8 District.

C. HEATED BUILDING AREA

One hundred (100) square feet of heated building shall be provided per resident.

D. SPACING REQUIREMENT

1. A Family Group Home C may not be located within a distance of two thousand five hundred (2,500) feet from any other Family Group Home C.

2. All measurements shall be made by drawing straight lines from the nearest point of the lot line where the proposed Family Group Home is to be located to the nearest point of the lot line of another Family Group Home.

5.2.32 FISHING, FEE CHARGED

In the AG, RS-40, RS-30, RS-20, RS-15, and YR Districts, the following conditions shall apply:

A. SETBACKS

No building or fishing area shall be located less than one hundred (100) feet from any property line.

B. PARKING AREAS

Parking areas shall be located not less than one hundred (100) feet from the right-of-way of any public street or other property line.

5.2.33 FRATERNITY OR SORORITY

The following conditions apply in the RM Districts:

A. MINIMUM SITE SIZE

The minimum site size shall be one-half acre.

B. SETBACKS

No structure, or outdoor gathering, or recreation area shall be located less than forty (40) feet from any property line adjacent to property zoned for residential use.

C. PUBLIC ADDRESS SYSTEMS

Public address systems shall not be permitted, except within buildings.

5.2.34 GOLF COURSE

A. SETBACKS

No building shall be nearer to any property line than one hundred (100) feet.

B. HOURS OF OPERATION

In RS and RM Districts, hours of operation shall be limited to between the hours of 6:00 a.m. and 10:00 p.m.

C. LIGHTING

In RS and RM Districts, no lighting is permitted for nighttime outdoor operations, including accessory golf driving ranges.

D. YR DISTRICT

In the YR District, best management practices for the protection of water quality shall be utilized in golf course design and operation.

5.2.35 GROUP CARE FACILITY A, GROUP CARE FACILITY B

A. MANAGEMENT

If not State licensed, the group care facility A or B shall have written operating procedures or manuals, established goals and objectives for persons receiving therapy or treatment, a structured system of management with a board of directors, on-premises management/supervisory personnel, and admission standards that allow only residents that have a commitment and desire to adjust to society and are not dangerous to others as defined in State law.

B. MINIMUM LOT AREA

In RM-12, RM-18, and RM-U Districts, the minimum lot area shall be based on **Table 4.5.18** with four (4) residents equal to one dwelling unit.

C. HEATED BUILDING AREA

One hundred (100) square feet of heated building shall be provided per resident.

D. LIMITS ON ACCESSORY PRODUCTION ACTIVITIES

1. Accessory production of goods shall occur only within the principal structure.

2. The area used for production activities shall not exceed twenty-five percent (25%) of the gross floor area of the principal structure.

E. SPACING REQUIREMENT

1. A group care facility may not be located within a distance of two thousand five hundred (2,500) feet from any other group care facility.

2. All measurements shall be made by drawing straight lines from the nearest point of the lot line where the proposed group care facility is to be located to the nearest point of the lot line of another group care facility.

F. DISPLAY OF GOODS

No outside or inside display of any goods or products is allowed on the property.

G. PROHIBITION ON RETAIL SALES

No retail sales shall take place in the facility.

H. SIGNAGE

Only one sign with a maximum of one square foot of copy area may be erected on the property.

5.2.36 GROUP CARE FACILITY C

A. MANAGEMENT

The group care facility C shall be licensed by the State of North Carolina and operated by a nonprofit corporation chartered pursuant to Chapter 55A, North Carolina General Statutes.

B. HEATED BUILDING AREA

One hundred (100) square feet of heated building shall be provided per resident.

C. LIMITS ON ACCESSORY PRODUCTION ACTIVITIES

Accessory production of goods for production activities shall not exceed twenty-five percent (25%) of the gross floor area.

D. SPACING REQUIREMENT

1. A group care facility C may not be located within a distance of two thousand five hundred (2,500) feet from any other group care facility.

2. All measurements shall be made by drawing straight lines from the nearest point of the lot line where the proposed group care facility is to be located to the nearest point of the lot line of another group care facility.

E. DISPLAY OF GOODS

No outside or inside display of any goods or products is allowed on the property.

F. PROHIBITION ON RETAIL SALES

No retail sales shall take place in the facility or onsite.

G. SIGNAGE

Only one freestanding sign with a maximum of thirty-six (36) square feet of copy area and a maximum height of 6' from the ground per frontage may be erected on the property.

H. SPECIAL USES ZONING REQUIRED

This use is only allowed in a special use zoning district.

I. STORAGE

All materials and/or equipment associated with this use and any accessory uses must be stored inside except for licensed motor vehicles.

5.2.37 HABILITATION FACILITY A

A. AS AN ACCESSORY USE

This use is permitted as an accessory use operated by a church or religious institution on the same zoning lot and within buildings also used for religious activities in all zoning districts.

B. INSIDE SPACE

At least one hundred (100) square feet of heated space shall be provided for each person enrolled.

C. OUTDOOR PLAY AREA

1. Outdoor play area of one hundred (100) square feet for each person enrolled, with a four thousand (4,000) square foot minimum shall be provided.

2. Such outdoor play area shall be enclosed by a minimum five (5) foot high security fence if the facility provides services for children under the age of eighteen (18) years old.

3. Fencing of said play area is optional if the facility does not provide services for children under the age of eighteen (18) years old.

4. Outdoor activities shall be limited to the fenced area between 8:00 a.m. and 8:00 p.m.

D. PASSENGER LOADING SPACE

At least one off-street passenger loading or unloading space separate from the parking area shall be provided, plus adequate turn around.

E. LICENSING

Licensing by the State is required.

5.2.38 HABILITATION FACILITY B OR C

A. PERMITTED AS AN ACCESSORY USE

This use is permitted as an accessory use operated by a church or religious institution on the same zoning lot and within buildings also used for religious activities in all zoning districts.

B. INSIDE SPACE

At least one hundred (100) square feet of heated space shall be provided for each person enrolled.

C. OUTDOOR PLAY AREA

1. Outdoor play area of one hundred (100) square feet for each person enrolled with a four thousand (4,000) square foot minimum shall be provided.

2. Such outdoor play area shall be enclosed by a minimum five (5) foot high security fence if the facility provides services for children under the age of eighteen (18) years old.

3. Fencing of said play area is optional if the facility does not provide services for children under the age of eighteen (18) years old.

D. PASSENGER LOADING SPACE

1. At least one off-street passenger loading or unloading space separate from parking shall be provided for each twenty (20) persons enrolled, plus adequate turn around.

2. The loading/unloading spaces and turnarounds are required in all districts, including the CB District.

E. LICENSING

Licensing by the State is required.

5.2.39 HAZARDOUS WASTE MANAGEMENT FACILITY

Approval of a special use permit by the Elected Body shall be subject to the following:

A. COMPLIANCE WITH APPLICABLE LAWS

The establishment and operation of any hazardous waste management facility must comply with all applicable federal and State laws.

B. SIZE

The minimum site size shall be ten (10) acres.

C. SETBACKS

All facilities, including internal roads, shall be located at least two hundred (200) feet from any exterior property line and at least one thousand three hundred twenty (1,320) feet from any residential or institutional district.

D. FLOODPLAINS OR WETLANDS

All storage and handling of hazardous waste shall occur at least five hundred (500) feet from a designated floodplain or wetland area.

E. STORAGE OF HAZARDOUS WASTE

Storage of hazardous waste shall be above ground and in a manner consistent with applicable State or federal regulations covering each specific stored waste.

F. SURFACE WATER AND GROUNDWATER

All surface water and groundwater on the property will be protected so as to minimize to the greatest possible extent, using the best technology available, the probability of contamination by hazardous waste.

G. WATER SUPPLY WATERSHEDS

No hazardous waste management facility shall be located within a public surface water supply watershed as designated by the North Carolina Department of Environmental Quality (DEQ) and the Public Health Department.

H. PUBLIC SEWER AND STORMWATER SYSTEMS

All public sewer and stormwater management systems on the property will be protected so as to minimize to the greatest possible extent using the best available technology, the probability of contamination by hazardous waste.

I. FENCES

A chain link security fence, minimum six (6) feet in height, shall enclose all facilities for the storage and handling of hazardous waste.

J. LANDSCAPING

Streetyard landscaping meeting the standards of **Section 6.2.2, Landscaping Standards – Forsyth County** and ***Section 6.2.1, Landscaping and Tree Preservation Standards – Winston-Salem*,** shall be installed outside the required fencing along any adjacent public street right-of-way.

K. ACCESS

Vehicular access to the facility will be provided on a major or minor thoroughfare or on a road improved to necessary industrial capacity as determined by the Director of Public Works for the City of Winston-Salem or the North Carolina Department of Transportation for Forsyth County.

L. GOVERNMENTAL CERTIFICATION

A certification from the appropriate local, State, and/or federal agencies that the use for the proposed site is in compliance with the appropriate local, State, and/or federal regulations governing air quality, water quality, and wastewater discharge shall be required.

5.2.40 HELISTOP OR HELIPORT

A. STANDARDS AND REQUIREMENTS

All heliports and helistops will meet the standards and requirements imposed by the Federal Aviation Administration and all other federal, State, or local agencies having jurisdiction.

B. SITE SIZE

The minimum site size of helicopter terminal facilities shall be:

1. HELISTOPS

One hundred (100) feet in width by one hundred (100) feet in length for a rectangular area, or one hundred twenty (120) feet in diameter for a circular area.

2. HELIPORTS

Two hundred (200) feet in width by four hundred (400) feet in length for a rectangular area, or three hundred twenty-five (325) feet in diameter for a circular area.

C. HOURS OF OPERATION

1. Nonemergency use of heliports and helistops between the hours of 10:00 p.m. and 6:00 a.m. is prohibited.

2. Emergencies excepted are for public safety or medical purposes.

D. SETBACKS

Landing pads for on-grade helistops and heliports shall be set back a minimum of one hundred (100) feet from any property line and four hundred (400) feet from any building used for residential purposes, public or private schools, hospitals, or public parks.

E. LOCATION

Heliports shall be located a minimum one thousand (1,000) feet from other heliports or on-ground helistops and fifty (50) feet from the easements for high voltage transmission lines.

F. ACCESS

1. An on-ground helistop or heliport shall be surrounded by a fence or other barrier which prohibits access except at a controlled access point.

2. Adequate access for fire and other emergency vehicles shall be provided to on-ground sites.

G. DESIGN STANDARDS

1. Federal Aviation Administration standards for design of helicopter landing pads, taxiways, parking positions, and pavement grades shall be met.

2. The helistop or heliport landing area shall be constructed of a material free of dust and loose particles which may be blown about by the down blast of the helicopter rotor.

3. Adequate drainage shall be provided for the site and approved by the local jurisdiction.

H. LIGHTING

Lighting for helistops or heliports is to be provided according to Federal Aviation Administration requirements and is to be oriented as much as possible away from adjacent uses.

I. APPROACH SURFACES

1. Approach surfaces and transitional surfaces for landings and take-offs must be sufficiently clear of obstructions to meet Federal Aviation Administration slope standards.

2. If necessary, a curved approach may be used. The landing area shall be aligned to give maximum into-the-wind operation.

J. LOCATION ON STRUCTURES

Heliports may not be located on structures. Helistops located on structures require certification of the structure's integrity by an engineer.

K. SETBACK ADJUSTMENTS

All setback and distance requirements for elevated helistops may be reduced one foot for each one foot of the elevation above ground level.

L. OPERATION AT AN AIRPORT

A heliport or helistop may be operated at an airport facility with the approval of the Federal Aviation Administration and airport administration.

5.2.41 KENNELS, INDOOR

A. LOCATION AND SETBACKS

1. Indoor kennel services may be permitted in attached buildings or in freestanding buildings; however, any portion of a building or any freestanding building containing such a use must be set back at least twenty (20) feet from any side lot line and forty (40) feet from any rear lot line.

2. Any portion of a building or any freestanding building containing such a use abutting a residential district shall be set back not less than forty (40) feet from any residential boundary.

3. These setbacks may be reduced by the Elected Body through the issuance of a special use permit (**Section 3.2.13E, Special Use Permits Authorized By The Elected Body**).

B. ENCLOSURE OF FACILITIES

1. The kennel, indoor use shall be fully enclosed.

2. There shall be no outside runs or exercise areas for animals or pets.

3. Any outside use of the property for the animals or pets must be supervised and on leashes.

C. OUTDOOR ENCLOSURES

The Elected Body may approve a special use permit for an outdoor enclosure connected to a kennel, indoor use upon the following conditions:

1. ENCLOSURE

a. Kennel, indoor services may have one outdoor enclosure.

b. Individual outdoor enclosures, such as cages, crates, or runs for individual animals, are prohibited.

2. FENCING

An outdoor enclosure must be enclosed with an opaque fence at least five (5) feet high.

3. HOURS OF USE

a. Any use of the outdoor enclosure for animals or pets is restricted to the hours of 8:00 a.m. through 6:00 p.m.

b. Any use of the outdoor enclosure for animals or pets during this time must be supervised by a person or persons present within the outdoor enclosure, with animal waste being managed daily as per applicable sanitation codes and ordinances.

c. Any use of the outdoor enclosure for animals or pets other than during the hours of 8:00 a.m. through 6:00 p.m. must be supervised and pets must be on leashes.

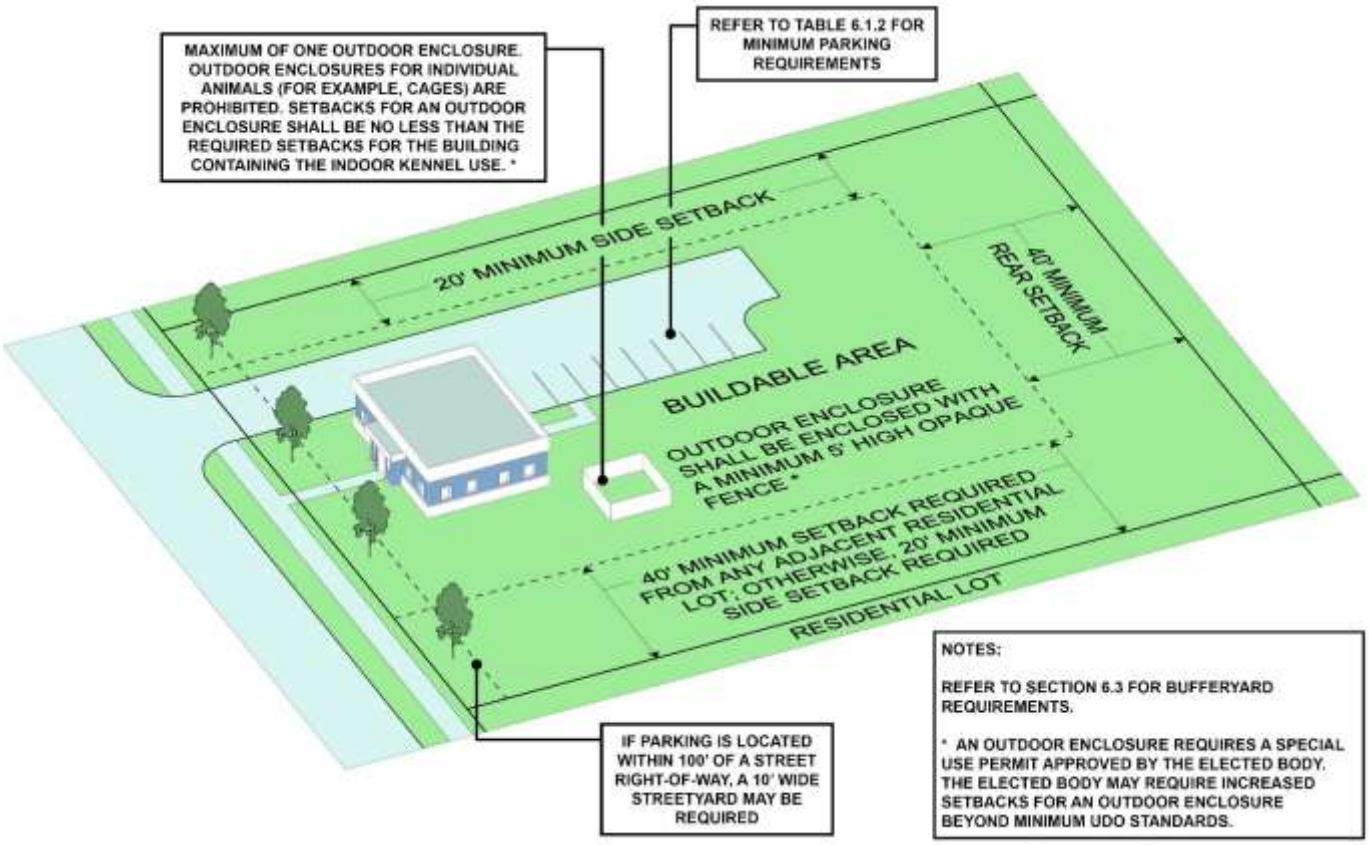
4. SETBACKS

a. An outdoor enclosure shall be set back from any property line no less than the required setback for the building containing the accompanying kennel, indoor use.

b. The Elected Body may require increased setbacks of a kennel outdoor enclosure beyond minimum UDO standards.

c. These setbacks shall be applied on a case-by-case basis where such setbacks will facilitate better integration of the proposed use and existing development.

FIGURE 5.2.41 – CERTAIN REQUIREMENTS FOR INDOOR KENNEL USES



5.2.42 KENNEL, OUTDOOR (F)

A. LOT SIZE

Any kennel shall occupy a zoning lot of not less than five (5) acres.

B. SETBACKS AND BUFFERYARDS

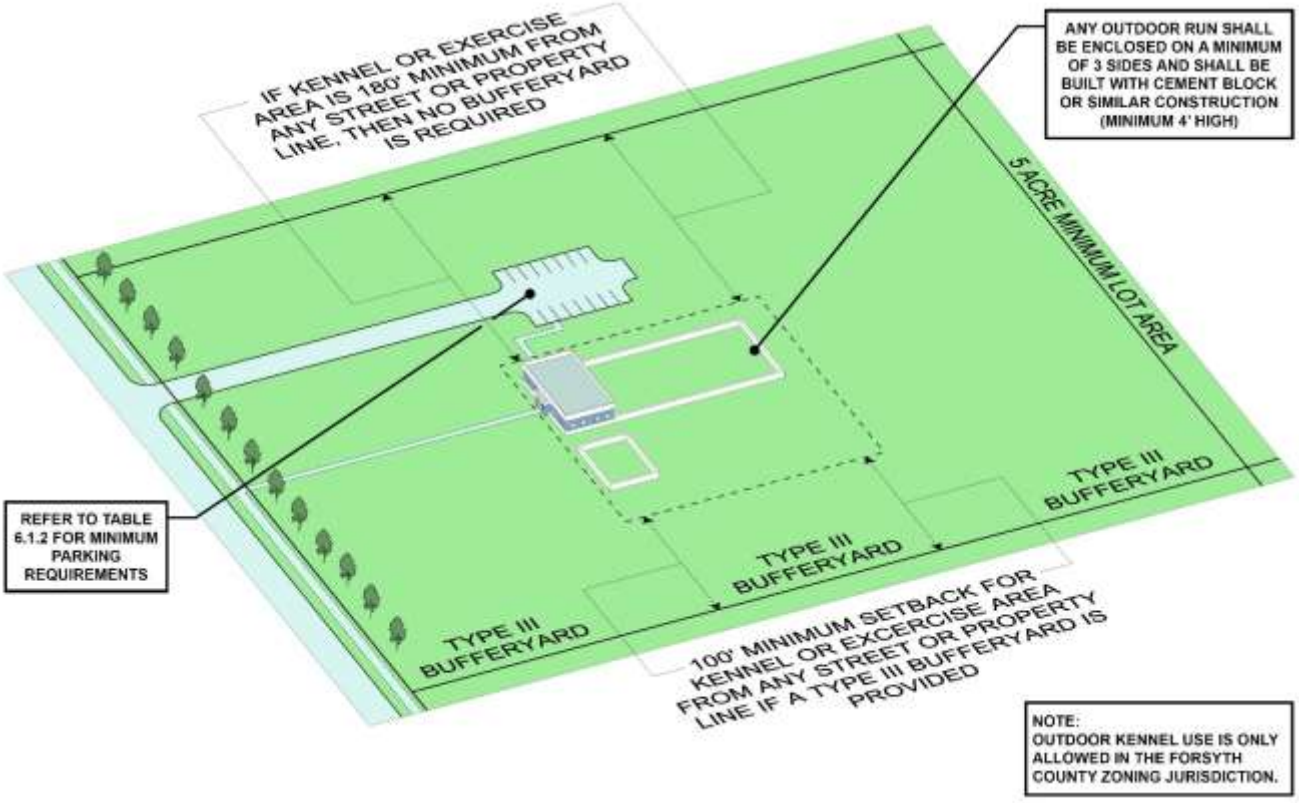
1. Kennel or exercise area may be located within one hundred (100) feet of any street or property line with the installation of a type III bufferyard as required in **Section 6.3.2A, Procedure**.

2. No bufferyard will be required if the kennel or exercise area is setback at least one hundred eighty (180) feet from any street or property line.

C. OUTSIDE RUNS

Any outside run for animals or pets shall be enclosed on a minimum of three (3) sides with a wall of cement block or similar construction not less than four (4) feet in height.

FIGURE 5.2.42 – REQUIREMENTS FOR OUTDOOR KENNEL USES IN THE FORSYTH COUNTY ZONING JURISDICTION



5.2.43 LANDFILL, CONSTRUCTION AND DEMOLITION

A. PROHIBITED DISTRICTS

Construction and demolition landfills shall not be permitted as a principal or accessory use in RS Districts in GMAs 1, 2 and 3.

B. COMPLIANCE WITH STATE AND FEDERAL LAWS

The establishment and operation of any landfill must comply with all applicable federal and State laws.

C. WATERSHEDS, FLOODPLAINS, AND WETLANDS

No landfill disposal areas shall be located in a designated water supply watershed, floodplain, or wetland area, or block a natural drainage way so that water is impounded.

D. BUFFERYARD

1. A minimum one hundred (100) foot bufferyard area is required along all property lines and public rights-of-way.

2. No landfill activities, including parking, access roads, buildings, or disposal shall occur in the bufferyard area.

3. Roads for access to the site may cross the one hundred (100) foot area and monitoring wells may be located within the one hundred (100) foot area.

4. All existing trees within the bufferyard area shall be preserved, except to allow for construction of necessary road crossings and monitoring wells.

E. LANDSCAPE PLANTINGS

1. Landscape plantings meeting the standards of the type III bufferyard, defined in **Section 6.3, Bufferyard Standards**, are required in the bufferyard area along all property lines and public rights-of-way regardless of the adjacent zoning.

2. Existing plant material may be included in the computation of the required plantings with approval of the Director of Planning and Development Services or a designee.

F. FENCING

1. A chain link security fence, minimum six (6) feet in height, shall enclose the entire site.

2. The fence may be placed inside the one hundred (100) foot bufferyard area with approval of the Director of Inspections.

G. ACCESS

Vehicular access to the landfill site shall be provided on a major or minor thoroughfare or on a road improved to necessary industrial capacity as determined by the Director of Public Works for the City of Winston-Salem or the North Carolina Department of Transportation for Forsyth County.

H. RECLAMATION PLAN

1. Developer shall file in the office of the Register of Deeds, prior to issuance of a certificate of occupancy, a reclamation plan for the reuse of the site.

2. Such plan shall indicate that the developer, or other entity approved by the Elected Body, shall remain the owner and be liable for the site forever or until the Elected Body approval is given to release this requirement.

I. *BURIAL OF ORGANIC MATERIAL (W)*

The burial of trees, brush, stumps, limbs, or other organic material must comply with Chapter 10 of the Code of the City of Winston-Salem.

5.2.44 LANDFILL, LAND CLEARING AND INERT DEBRIS (LCID)

A. STATE LAW

Land clearing and inert debris landfills (LCID) shall comply with State law.

B. EXEMPTION

1. BENEFICIAL FILL

Land clearing and inert debris landfills which affect areas ten thousand (10,000) square feet or less and in which the fill material consists only of inert debris strictly limited to concrete, brick, concrete block, uncontaminated soil, rock, gravel, and asphalt, shall be exempt from the use conditions of this section and either the Planning Board Review or Board of Adjustment special use permit requirements specified in **Table 5.1.1, Principal Use Table**.

2. WITHIN MAJOR SUBDIVISIONS

a. Land clearing and inert debris landfills operated by a developer or builder in conjunction with active development of section(s) of a major subdivision within five (5) years of final plat approval, including land grading, removal or filling within the major subdivision where the fill material is obtained from within the subdivision and is placed on sites within said section(s) of a subdivision, are exempt from the use conditions of this section and the Special Use Permit requirements specified in **Table 5.1.1, Principal Use Table**.

b. The area(s) of the site used for fill material shall be recorded by instrument with an attached survey map in the Office of the Register of Deeds.

C. ACCESS

Access to the land clearing and inert debris landfill area shall be controlled with security fencing or other barrier to vehicular access.

D. SETBACKS

1. All land clearing and inert debris landfills shall be setback at least one hundred (100) feet from any interior property line or from any adjoining public or private street right-of-way.

2. If located between one hundred (100) feet to two hundred (200) feet from any interior property line or from any adjoining public or private street right-of-way, the intervening area shall be left undisturbed except for access or erosion control devices for the LCID.

3. If the LCID is located at least two hundred (200) feet of the property line or from any adjoining public street or private right-of-way, the intervening land may be disturbed.

E. PERMIT DURATION AND RENEWALS

1. Any land clearing and inert debris landfills which received approval from the State of North Carolina Department of Environmental Quality (DEQ) and were established prior to December 31, 1994, and for which a valid State permit has been continuously maintained shall not be required to obtain a special use permit from the Board of Adjustment.

2. All other land clearing and inert debris landfills must obtain either a special use permit from the Board of Adjustment or the Elected Body, or a Planning Board Review, whichever is required in the zoning district in which the LCID is located.

3. Said permit shall be valid until the operator of the facility files a notice of intent to permanently discontinue the LCID with Planning and Development Services.

F. STATE PERMIT APPROVAL

No permits for land clearing and inert debris landfills shall be approved until all plans, including plans for rehabilitation of sites, have been reviewed and approved by the North Carolina Department of Environmental Quality (DEQ).

G. LANDFILL RECORDING AND REHABILITATION/REUSE PLAN

1. The area(s) of the site used for fill material shall be recorded by instrument with an attached survey map in the Office of the Register of Deeds.

2. Developer shall also file in the office of the Register of Deeds a rehabilitation/reuse plan for the site.

3. Both of these requirements shall be completed prior to the issuance of a zoning or grading permit.

4. Said plan shall be implemented by the owner of the site within six (6) months of discontinuance of the land clearing and inert debris landfill operation or expiration of the permit.

H. TEMPORARY DISCONTINUANCE

1. Notice of intent to discontinue temporarily a land clearing and inert debris landfill shall be filed with the Director of Inspections in advance of such temporary discontinuance.

2. Notice of intent to discontinue permanently a land clearing and inert debris landfill operation shall be filed with the Director of Inspections not less than three (3) months in advance.

I. MAINTENANCE

During any period that a land clearing and inert debris landfill operation is temporarily discontinued, the site, along with all structures, machinery, and fencing shall be properly maintained in a safe and orderly condition.

J. SCHEDULE FOR IMPROVEMENTS

All land clearing and inert debris landfills existing as of the effective date of this Ordinance shall comply with all requirements of this section within two (2) years of the effective date of this Ordinance.

K. SITING CRITERIA

The siting criteria for land clearing and inert debris landfills, found in Solid Waste Management Rules, 15 A NCAC 13B, Section .0564, shall be followed.

L. *BURIAL OF ORGANIC MATERIAL (W)*

The burial of trees, brush, stumps, limbs, or other organic material must comply with Chapter 10 of the Code of the City of Winston-Salem.

M. ACCESSORY USES (F)

1. The Board of Adjustment may issue an accessory use permit for the separation, treatment, recycling, processing, and wholesale/retail sale of materials produced/recovered as part of a land clearing and inert debris (LCID) landfill provided that the total area devoted to separation, treatment, recycling, processing, and wholesale/retail sales:

a. Does not exceed fifty percent (50%) of the area devoted to the land-filling activities;

b. Is not located within fifty (50) feet of any surface water as defined in G.S. 143-212 or any property line;

c. Is not located within one hundred (100) feet of any water supply well;

d. Is located at least one hundred (100) feet from an adjacent zoning lot zoned RS or RM;

e. Is clearly separated from the fill portion of the LCID by a minimum distance of twenty-five feet; and

f. Is located at least two hundred (200) feet from any residential dwellings or commercial/public buildings.

2. Accessory use permits issued by the Board of Adjustment for LCIDs located in residential zoning districts are valid for a maximum period of five (5) years from the approval date.

3. These permits may be renewed by the Board of Adjustment in intervals no greater than five (5) years in accordance with **Section 10.1.3, Board of Adjustment**.

4. No permit shall be required for those land clearing and inert debris (LCID) landfills established prior to December 31, 1994, to which **Section 5.2.44E, Permit Duration and Renewals**, applies.

N. *ACCESSORY USES (W)*

The Board of Adjustment may issue a permit for the separation, processing, storage, or wholesale sale of materials received through lawful operation of the land clearing and inert debris (LCID) landfill on the site as an accessory use on the site of an LCID, provided such activities occur within the original boundaries of the State-approved LCID landfill and are conducted at least one hundred (100) feet from any adjacent zoning lot zoned RS or RM.

O. HOURS OF OPERATION

In RS and RM Districts, the hours of operation shall be limited to between the hours of 7:00 a.m. and 7:00 p.m.

5.2.45 LANDFILL, SANITARY

Approval of a Special Use Permit by the Elected Body shall be subject to the following conditions:

A. PROHIBITED DISTRICTS

Landfills, sanitary, shall not be permitted as a principal or accessory use in RS Districts in GMAs 1, 2 and 3.

B. COMPLIANCE WITH STATE AND FEDERAL LAWS

The establishment and operation of any landfill must comply with all applicable federal and State laws.

C. WATERSHEDS, FLOODPLAINS, AND WETLANDS

1. No landfill disposal areas shall be located in a floodplain or wetland area, nor block a natural drainage way so that water is impounded.

2. No new landfills shall be located in a designated water supply watershed.

3. Expansion of legally existing landfills in water supply watersheds shall be permitted.

4. The expansion is limited to contiguous land area and must be in accordance with North Carolina Solid Waste Rules and other provisions of this Ordinance.

D. BUFFERYARD

1. A minimum one hundred (100) foot bufferyard area is required along all property lines and public rights-of-way.

2. No landfill activities, including parking, access roads, buildings, or disposal shall occur in the bufferyard area.

3. Roads for access to the site may cross the one hundred (100) foot area and monitoring wells may be located within the one hundred (100) foot area.

4. All existing trees within the bufferyard area shall be preserved, except to allow for construction of necessary road crossings and monitoring wells.

E. LANDSCAPE PLANTINGS

1. Landscape plantings meeting the standards of the type III bufferyard, defined in **Section 6.3, Bufferyard Standards**, are required in the bufferyard area along all property lines and public rights-of-way regardless of the adjacent zoning.

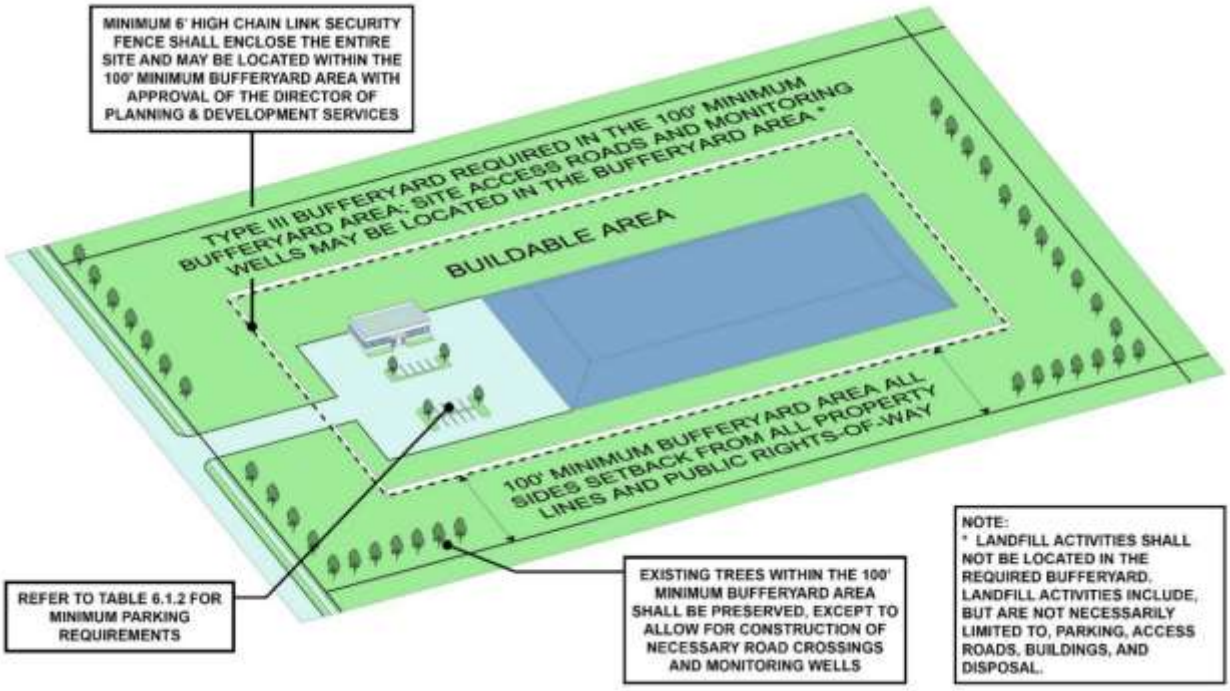
2. Existing plant material may be included in the computation of the required plantings with approval of the Director of Planning and Development Services or designee.

F. FENCING

1. A chain link security fence, minimum six (6) feet in height, shall enclose the entire site.

2. The fence may be placed inside the one hundred (100) foot bufferyard area with approval of the Director of Inspections.

FIGURE 5.2.45 – CERTAIN REQUIREMENTS FOR SANITARY LANDFILL USES



G. ACCESS

Vehicular access to the landfill site shall be provided on a major or minor thoroughfare or on a road improved to necessary industrial capacity as determined by the Director of Public Works for the City of Winston-Salem or the North Carolina Department of Transportation for Forsyth County.

H. RECLAMATION PLAN

1. Developer shall file in the office of the Register of Deeds, prior to issuance of a certificate of occupancy, a reclamation plan for the reuse of the site.

2. Such plan shall indicate that the developer, or other entity approved by the Elected Body, shall remain the owner and be liable for the site forever or until the Elected Body approval is given to release this requirement.

5.2.46 LIBRARY, PUBLIC

The following conditions apply in the RS and RM Districts:

A. ACCESS

The site shall have direct access to a major or minor thoroughfare.

B. BUILDING SIZE

The building square footage shall not exceed ten thousand (10,000) square feet.

C. SITE SIZE

The maximum site size shall be five (5) acres.

5.2.47 LIFE CARE COMMUNITY

Use conditions and approval requirements for a planned residential development shall apply to a Life Care Community.

5.2.48 LIMITED CAMPUS USES

A. CONSISTENT WITH NEIGHBORHOOD

The use shall be conducted within an existing building or a building with a scale and massing consistent with the structures in the neighborhood in which the building is located.

B. DIMENSIONAL REQUIREMENTS

Any structure shall comply with all dimensional requirements of the applicable district. If applicable, the older neighborhood provisions of **Section 6.4.1, Standards for Older Neighborhoods (F)** may apply.

C. STUDENT HOUSING

In buildings used for student housing, a minimum of two hundred fifty (250) square feet of gross floor area shall be provided for each student resident.

D. IMPERVIOUS SURFACE COVER

Impervious surface cover of the lot shall not exceed sixty percent (60%).

E. PROXIMITY TO CAMPUS DISTRICT

The use must be conducted within a structure which is entirely within five hundred (500) feet of the C District.

F. ACCESS

The limited campus use must be located on a land parcel adjacent to the Campus-zoned property, defined as sharing a boundary line or immediately across a street from the Campus-zoned parcel.

G. BUFFERYARDS

A type I bufferyard shall be installed adjacent to residential zoning at the discretion of the Planning Board.

H. OFF-STREET PARKING

All off-street parking shall be to the rear of the structure.

I. LIMITED AND SPECIAL USE ZONING

Limited campus uses shall not be allowed adjacent to Campus districts with limited or special use zoning.

5.2.49 MANUFACTURED HOME, CLASS A

Each Class A manufactured home shall meet the following criteria in all districts in which it is permitted, except the MH District:

A. ORIENTATION

The longest axis shall be oriented parallel or within a ten (10) degree deflection of being parallel to the lot frontage, unless other orientation is permitted by the Board of Adjustment following a public hearing.

B. FOUNDATION

1. The manufactured home shall be set up in accordance with the standards established by the North Carolina Department of Insurance.

2. In addition, a continuous, permanent, masonry foundation or masonry curtain wall constructed in accordance with the standards of the State Residential Building Code, unpierced except for required ventilation and access, shall be installed under the perimeter.

3. No continuous, masonry foundation or masonry curtain wall shall be required if the manufactured home, class A is installed as a detached accessory dwelling on the same lot with a principal dwelling in accordance with **Section 5.3.4C, Dwelling, Accessory (Detached)**.

C. ENTRANCES

1. Stairs, porches, entrance platforms, ramps, and other means of entrance and exit shall be installed or constructed in accordance with the standards set by the State Building Code, attached firmly to the primary structure.

2. Stairs meeting the NC Building Code shall be used in conjunction with a porch or entrance platform with a minimum of twenty-four (24) square feet.

D. OCCUPANCY

1. No manufactured home shall be used as a storage building.

2. No manufactured home in a residential zoning district shall be permitted to remain unoccupied for more than sixty (60) days.

E. *TEMPORARY USE (W)*

*A class A manufactured home is allowed as a temporary use in conformance with **Section 5.4.2H, Manufactured Homes During Construction**.*

5.2.50 MANUFACTURED HOME, CLASS B OR CLASS C (F)

A. SET UP

Each class B or class C manufactured home shall be set up in accordance with the standards established by the North Carolina Department of Insurance.

B. SKIRTING

Each class B or class C manufactured home shall have skirting installed in accordance with the following requirements:

1. MATERIAL

a. Skirting shall be of noncombustible material or material that will not support combustion.

b. Skirting material shall be durable and suitable for exterior exposures.

2. WOOD FRAMING

Any wood framing used to support the skirting shall be of approved moisture resistant treated wood.

3. VENTING

The skirting shall be vented in accordance with State requirements.

4. INSTALLATION

Skirting manufactured specifically for this purpose shall be installed in accordance with the manufacturer's specifications.

5. MAINTENANCE

Skirting shall be properly maintained.

C. PREVIOUSLY APPROVED CLASS B OR C MANUFACTURED HOME

Any class B or C manufactured home permitted through the Board of Adjustment prior to the effective date of this Ordinance, but which is no longer permitted under **Table 5.1.1, Principal Use Table**, may request a renewal of the permit from the Board of Adjustment according to **Section 3.2.13D, Special Use Permit Approval By Board of Adjustment Procedure**.

D. OCCUPANCY

1. No manufactured home shall be used as a storage building.

2. No manufactured home in a residential zoning district shall be permitted to remain unoccupied for more than sixty (60) days.

E. FARM TENANT HOUSING

A class C manufactured home is allowed for use as farm tenant housing on bona fide farms subject to the issuance of a special use permit from the Board of Adjustment.

5.2.51 MANUFACTURED HOME, CLASS B (W)

A. *SET UP*

Each Class B manufactured home shall be set up in accordance with the standards established by the North Carolina Department of Insurance.

B. *SKIRTING*

Each Class B manufactured home shall have skirting installed in accordance with the following requirements:

1. *MATERIAL*

a. *Skirting shall be of noncombustible material or material that will not support combustion.*

b. *Skirting material shall be durable and suitable for exterior exposures.*

2. *WOOD FRAMING*

Any wood framing used to support the skirting shall be of approved moisture resistant treated wood.

3. *VENTING*

The skirting shall be vented in accordance with State requirements.

4. *INSTALLATION*

Skirting manufactured specifically for this purpose shall be installed in accordance with the manufacturer's specifications.

5. *MAINTENANCE*

Skirting shall be properly maintained.

C. *PREVIOUSLY APPROVED CLASS B MANUFACTURED HOME*

1. *Any class B manufactured home permitted through the Board of Adjustment prior to the effective date of this Ordinance, but which is no longer permitted under **Table 5.1.1, Principal Use Table**, may request a renewal of the permit from the Board of Adjustment according to **Section 3.2.13D, Special Use Permit Approval By Board of Adjustment Procedure**.*

2. *Notwithstanding the nonconforming situations provisions of **Chapter 9, Nonconformities**, such manufactured homes shall only be replaced with a class A or class B manufactured homes or another use permitted in the underlying zoning district per **Table 5.1.1, Principal Use Table**.*

D. *OCCUPANCY*

1. *No manufactured home shall be used as a storage building.*

2. *No manufactured home in a residential zoning district shall be permitted to remain unoccupied for more than sixty (60) days.*

E. *TEMPORARY USE*

*A class B manufactured home is allowed as a temporary use in conformance with **Section 5.4.2H, Manufactured Homes During Construction**.*

5.2.52 MANUFACTURED HOME, CLASS C (W)

A. *SET UP*

Each class C manufactured home shall be set up in accordance with the standards established by the North Carolina Department of Insurance.

B. *SKIRTING*

Each class C manufactured home shall have skirting installed in accordance with the following requirements:

1. *MATERIAL*

a. *Skirting shall be of noncombustible material or material that will not support combustion.*

b. *Skirting material shall be durable and suitable for exterior exposures.*

2. *WOOD FRAMING*

Any wood framing used to support the skirting shall be of approved moisture resistant treated wood.

3. *VENTING*

The skirting shall be vented in accordance with State requirements.

4. *INSTALLATION*

Skirting manufactured specifically for this purpose shall be installed in accordance with the manufacturer's specifications.

5. *MAINTENANCE*

Skirting shall be properly maintained.

C. *PREVIOUSLY APPROVED CLASS C MANUFACTURED HOME*

1. *Any class C manufactured home permitted through the Board of Adjustment prior to the effective date of this Ordinance, but which is no longer permitted under **Table 5.1.1, Principal Use Table**, may request a renewal permit from the Board of Adjustment according to **Section 3.2.13D, Special Use Permit Approval By Board of Adjustment Procedure**, to remain.*

2. *Notwithstanding the nonconforming situations provisions of **Chapter 9, Nonconformities**, such manufactured homes, if removed, shall only be replaced with a class A or class B manufactured home or another use permitted in the underlying zoning district per **Table 5.1.1, Principal Use Table**.*

D. *OCCUPANCY*

1. *No manufactured home shall be used as a storage building.*

2. *No manufactured home in a residential zoning district shall be permitted to remain unoccupied for more than sixty (60) days.*

E. *TEMPORARY USE*

*A Class C manufactured home is allowed as a temporary use in conformance with **Section 5.4.2H, Manufactured Homes During Construction**.*

5.2.53 MANUFACTURED HOME, CLASS D

A. TEMPORARY USE

A class D manufactured home is allowed as a temporary use in conformance with **Section 5.4.2H, Manufactured Homes During Construction**.

B. EXISTING MANUFACTURED HOME (F)

Class D manufactured homes lawfully existing at the time of adoption of this Ordinance may remain, but if removed, may only be replaced with a class A, B, or C manufactured home or other use permitted in that zoning district.

C. EXISTING MANUFACTURED HOME (W)

Notwithstanding the nonconforming situations provisions of **Chapter 9, Nonconformities,** class D manufactured homes lawfully existing at the time of adoption of this Ordinance may remain, but if removed, may only be replaced with a class A or class B manufactured home or another use permitted in the underlying zoning district per **Table 5.1.1, Principal Use Table**.

D. OCCUPANCY

1. No manufactured home shall be used as a storage building.

2. No manufactured home in a residential zoning district shall be permitted to remain unoccupied for more than sixty (60) days.

5.2.54 MANUFACTURED HOUSING DEVELOPMENT

A. SITE SIZE AND DIMENSIONAL REQUIREMENTS

1. MINIMUM SIZE

The minimum size of a zoning lot to be used as a manufactured housing development shall be four (4) acres for initial development.

2. MINIMUM WIDTH

a. The minimum width of a zoning lot to be used as a new manufactured housing development shall be two hundred fifty (250) feet.

b. The site width shall be measured at the manufactured home space closest to the front lot line of the development.

3. LOT SIZE

Each manufactured home space shall have a minimum area of four thousand (4,000) square feet with a minimum width of forty (40) feet for singlewide homes and a minimum area of five thousand (5,000) square feet with a minimum width of fifty (50) feet for multi-sectional units.

4. SETBACKS

Each manufactured home space shall meet the following setback requirements:

a. FRONT YARD

The minimum front yard shall be twenty (20) feet;

b. REAR YARD

The minimum rear yard shall be ten (10) feet; and

c. SIDE YARD

The minimum side yard shall be five (5) feet, with a combined width of both side yards of fifteen (15) feet.

B. MINIMUM NUMBER OF SPACES

A manufactured home development shall contain no fewer than ten (10) manufactured home spaces for initial development.

C. DENSITY

The maximum density of a manufactured housing development shall not exceed five (5) spaces per gross acre; with the exception that the maximum density may be increased to five and one-half (5.5) manufactured home spaces per gross acre when at least twelve percent (12%) of the gross site area is in common recreation area.

D. UTILITIES

1. LOCATION

All utilities within a manufactured home development shall be located underground.

2. WATER

Connection to a public water system and installation of fire hydrants meeting the standards of the appropriate jurisdiction are required.

3. SEWER

Connection to a public sewer system or installation of an approved package treatment plant is required.

E. BUFFERYARDS

A type II bufferyard of a minimum width of forty (40) feet shall be established along each exterior property line.

F. ACCESS

1. EXTERNAL ACCESS

No manufactured home space shall have direct vehicular access to a public or private street outside the development.

2. INTERNAL ACCESS

Each manufactured home space shall have direct vehicular access to an internal private access easement and street.

G. COMMON RECREATION AREA

A minimum of four thousand (4,000) square feet or one hundred (100) square feet per manufactured home, whichever is greater, of common recreation area shall be provided in accordance with the standards of **Section 7.6.1, Common Recreation Areas**.

H. MANUFACTURED HOME SPACES

1. CONSTRUCTION

Each manufactured home space shall be constructed in compliance with the North Carolina Manufactured Home Code.

2. PATIO OR DECK AREA

A patio or deck area, constructed of concrete, brick, flagstone, wood, or other hard surface material and being a minimum of one hundred forty-four (144) square feet in area, shall be constructed within each space.

3. WALKWAY

A hard surface walkway, being a minimum of two (2) feet wide, leading from the major entrance of the manufactured home to its parking spaces or to the street shall be constructed.

4. SOLID WASTE

a. Each space shall have a minimum of one solid waste container with a tight fitting cover and a capacity of not less than thirty-two (32) gallons, or dumpsters of adequate capacity may be substituted.

b. If dumpsters are provided, each such container shall be located on a concrete slab and screened on three (3) sides by an opaque fence at least eight (8) feet in height.

I. MANUFACTURED HOMES

1. CLASS D (F)

a. Class D manufactured homes shall not be permitted in new manufactured housing developments or expansions of existing manufactured housing developments.

b. Existing class D manufactured homes located in a manufactured housing development in operation at the time of adoption of this Ordinance are allowed to remain, but if removed, shall be replaced with a class A, B, or C manufactured home.

2. *CLASS C OR D (W)*

a. *Class C or D manufactured homes shall not be permitted in new or existing manufactured housing developments.*

b. *Existing class C or class D manufactured homes located in a manufactured housing development in operation at the time of adoption of this Ordinance are allowed to remain, but if removed, shall be replaced with a class A or B manufactured home.*

3. SETUP

Each manufactured home shall meet the setup requirements of the North Carolina Manufactured Home Code.

4. SKIRTING

Each manufactured home shall have skirting installed in accordance with the following requirements:

a. Skirting shall be of noncombustible material or material that will not support combustion;

b. Skirting material shall be durable and suitable for exterior exposures;

c. Any wood framing used to support the skirting shall be of approved moisture resistant treated wood;

d. The skirting shall be vented in accordance with State requirements;

e. Skirting manufactured specifically for this purpose shall be installed in accordance with the manufacturer's specifications;

f. Skirting shall be installed no later than sixty (60) days after the set-up of the home; and

g. Skirting shall be properly maintained.

5. ADDITIONS

Prefabricated structures built by a manufacturer of manufactured home extensions meeting United States Department of Housing and Urban Development standards and any other additions meeting the State Residential Building Code may be added to any manufactured home provided that setbacks within the space can be met and a building permit is obtained.

6. VACANT MANUFACTURED HOMES

No storage of unoccupied and/or damaged manufactured homes is permitted.

J. ACCESSORY STRUCTURES AND USES

Accessory structures and uses permitted in manufactured housing developments shall meet standards in **Section 5.3, Accessory Uses and Structures; Section 5.3.1E, Accessory Structures Permitted in Required Yards**; and **Section 5.3.1F, Size Limits for Accessory Structure**.

K. SITE PLANS

1. SITE PLAN REVIEW BY PLANNING BOARD

a. Prior to approval of a zoning permit by the Director of Inspections for the construction of a new or expansion of an existing manufactured housing development, a site plan shall be reviewed by the Planning Board.

b. Said site plan shall meet the site plan requirements found in **Section 3.2.11, Site Plan**.

2. CONDITIONS

In approving the site plans for manufactured housing developments, the Planning Board shall determine that adequate provision is made for the following:

a. Vehicular traffic to and from the development, and traffic internal to the development, including adequate access for emergency vehicle and personnel, postal service, delivery service, and other public and private services and individuals who would require access to the premises.

b. Pedestrian traffic to and from the proposed manufactured home sites, common facilities, and parking areas on the premises.

c. Adequate types of common recreation areas, including any needed screening or landscaping.

3. FINAL DEVELOPMENT PLAN

a. Prior to the issuance of a certificate of occupancy, a final development plan indicating each manufactured home space and prepared in conformance with the subdivision regulations shall be approved by the Planning staff and recorded in the office of the Register of Deeds.

b. In addition, the corners of all manufactured home spaces shall be clearly marked on the ground with iron stakes.

L. EXISTING MANUFACTURED HOUSING DEVELOPMENTS

1. SCHEDULE FOR IMPROVEMENTS

Manufactured housing developments lawfully existing as of December 31, 1994, shall be required to meet the following standards of this section by January 1, 2001:

a. BUFFERYARDS

Section 5.2.54E, Bufferyards, with the exceptions:

i. No bufferyards shall be required where existing structures or manufactured homes interfere with installation of the bufferyard to the extent that there is less than a ten (10) foot area to plant a type II bufferyard; or

ii. No bufferyards shall be required where all existing structures or manufactured homes are more than one hundred (100) feet from any public right-of-way or any adjoining property line; or

iii. No bufferyards shall be required where existing utilities or septic fields interfere with installation of the bufferyard.

b. SOLID WASTE

Section 5.2.54H.4, Solid Waste, with the following exceptions regarding the screening of dumpsters:

i. No screening shall be required if the dumpster is located at least two hundred (200) feet off any public right-of-way or is screened from view of any public right-of-way by existing structures or manufactured homes or natural topographic feature; and

ii. No screening shall be required if the dumpster is located at least fifty (50) feet from any adjoining property line or is screened from view of any adjoining property line by existing structures or manufactured homes or natural topographic feature.

c. SKIRTING

Section 5.2.54I.4, Skirting.

d. UTILITIES

Section 5.2.54D, Utilities, with the following exceptions:

i. No undergrounding of utilities shall be required; and

ii. No connection to public water and/or sewer shall be required if public water and/or sewer lines are located more than two hundred (200) feet from the manufactured housing development, or if there is no public health or safety problems with the existing water or sewer systems on the property as determined by the Forsyth County Department of Public Health.

e. STREETS

Streets shall have a minimum of four (4) inches of gravel and be well maintained.

2. EXPANSION OF NONCONFORMING MANUFACTURED HOUSING DEVELOPMENTS

No expansion of a nonconforming manufactured housing development shall be permitted unless all units in the development, both pre-existing and additional, have vertical skirting or a similar structural enclosure around the entire base of the unit between the outer walls and the ground or paved surface, and are anchored to the ground in accordance with the regulations set forth by the State of North Carolina for manufactured and modular housing units.

5.2.55 MANUFACTURING A AND B

A. MANUFACTURING PROCESSES

1. MANUFACTURING A

Manufacturing operations, including storage of materials, processing, fabrication or assembly of products, and loading and unloading of new materials and finished products shall occur completely within an enclosed building.

2. MANUFACTURING B

Manufacturing operations, including processing, fabrication, or assembly of products shall occur completely within an enclosed building. Storage and unloading/loading of materials and finished products may occur outdoors.

B. STORAGE TANK STANDARDS FOR MANUFACTURING A AND MANUFACTURING B USES

1. SIZE OF STORAGE TANKS

External tanks and/or process equipment shall not exceed twenty-five percent (25%) of the building footprint of the building(s) on site.

2. LOCATION AND SCREENING OF STORAGE TANKS

a. External storage tanks physically connected to the principal building and/or process equipment shall be located to the sides or rear of the principal building, or so as not to be visible from public rights-of-way contiguous to the subject property.

b. In situations where this is not practicable, such as multiple primary street frontages or other site limitations, screening shall be required.

c. Screening shall be opaque architectural screening of masonry, stone, or the same material as that of the principal building, adequate to completely screen storage tanks and/or equipment; or a twenty (20) foot wide type III bufferyard shall be installed.

d. Screening shall be installed around the base of storage tanks and/or process equipment to minimize visual impacts on adjacent public rights-of-way.

e. No screening is required for storage tanks and/or process equipment located more than five hundred (500) feet from public rights-of-way.

f. Storage tanks shall be painted colors which are consistent to those of the principal structure.

C. OUTDOOR STORAGE AREA STANDARDS FOR MANUFACTURING B USES

1. LOCATION

Outdoor storage areas shall be located to the sides or rear of the principal building, or so as not to be visible from public rights-of-way contiguous to the subject property.

2. SCREENING REQUIRED FROM PUBLIC RIGHTS OF WAY

a. Outdoor storage areas visible from any contiguous public rights-of-way, including controlled-access highways, shall require screening.

b. Outdoor screening shall consist of:

i. Opaque architectural screening of masonry, stone, or the same materials as that of the principal building, a minimum of six (6) feet in height; or

ii. A twenty (20) foot wide type III bufferyard in accordance with **Table 6.3.2.A.4, Type III Bufferyard**,

c. No screening is required for outdoor storage areas located more than five hundred (500) feet from public rights-of-way.

5.2.55.1 MANUFACTURING C USES (NAICS: 3253 PESTICIDE, FERTILIZER, AND OTHER AGRICULTURAL CHEMICAL MANUFACTURING; 32592 EXPLOSIVES MANUFACTURING; 325998 PYROTECHNICS MANUFACTURING (ONLY); *33591 BATTERY MANUFACTURING)*

A. *APPLICABILITY*

Pesticide, Fertilizer, and Other Agricultural Chemical Manufacturing (NAICS 3253); Explosives Manufacturing (NAICS 32592); Pyrotechnics Manufacturing (classified within NAICS 325998); and Battery Manufacturing (NAICS 33591) uses shall be subject to the provisions listed in this section. The provisions listed in this section shall only apply to new manufacturing uses in the abovementioned classifications permitted after the effective date of this ordinance (12/5/2022).

A. APPLICABILITY

Pesticide, Fertilizer, and Other Agricultural Chemical Manufacturing (NAICS 3253); Explosives Manufacturing (NAICS 32592); and Pyrotechnics Manufacturing (classified within NAICS 325998) uses shall be subject to the provisions listed in this section. The provisions listed in this section shall only apply to new manufacturing uses in the abovementioned classifications permitted after the effective date of this ordinance (3/30/23).

B. APPROVAL PROCESS

All manufacturing uses not exempted per **Section 5.2.55.1.A** shall require approval of a Special Use Zoning District meeting the requirements of **Section 3.2.19.D Special Use District**, including approval of an accompanying site plan.

C. COMPLIANCE WITH LOCAL, STATE AND FEDERAL LAWS

The operation and establishment of these uses must comply with all applicable local, state, and federal laws. A hazardous materials management plan shall be submitted to the City for approval as part of the site plan review process, prior to the issuance of a building permit.

D. WATER SUPPLY WATERSHED PROHIBITION

No pesticide, fertilizer, or other agricultural product manufacturing; explosives manufacturing; pyrotechnics manufacturing; storage battery; or primary battery manufacturing facility shall be located within a public surface water supply watershed as designated by the North Carolina Department of Environmental Quality (DEQ) and the Public Health Department.

E. *MINIMUM SITE SIZE FOR USES REQUIRING SPECIAL USE ZONING DISTRICT APPROVAL*

*Uses requiring a special use district rezoning per Section **5.2.55.1.B** shall have a minimum site size of 25 acres.*

E. MINIMUM SITE SIZE FOR USES REQUIRING SPECIAL USE ZONING DISTRICT APPROVAL

Uses requiring a special use district rezoning per Section **5.2.55.1.B** shall have a minimum site size of fifteen (15) acres.

F. *SETBACKS*

All facilities, including buildings, storage and processing areas, loading areas, and truck operations shall be located a minimum of 400 feet from any exterior property line. Parking areas shall be located a minimum of 100 feet from any exterior property line. Loading and unloading areas for manufacturing materials and supplies by truck, train, or other means shall be subject to the 400-foot setback from any exterior property line.

F. SETBACKS

All facilities, including buildings, storage and processing areas, loading areas, and truck operations shall be located a minimum of 200 feet from any exterior property line. Parking areas shall be located a minimum of 100 feet from any exterior property line. Loading and unloading areas for manufacturing materials and supplies by truck, train, or other means shall be subject to the 200-foot setback from any exterior property line.

G. SECURITY FENCE OR WALL

A security fence or wall, a minimum of six (6) feet in height, shall enclose all facilities associated with these manufacturing uses from adjoining properties.

H. LANDSCAPING

Streetyard landscaping meeting the standards of Section **6.2.1, Landscaping and Tree Preservation Standards – Winston-Salem** and **Section 6.2.2 Landscaping Standards – Forsyth County**, shall be installed outside the fencing along any adjacent public street right-of-way.

5.2.56 MEAT PACKING PLANT

A. SETBACKS

No portion of a building or other enclosure to be used for retention of animals or processing of animal products shall be located less than three hundred (300) feet from property zoned RS, RM, IP, or C.

B. BUILDING DESIGN AND CONSTRUCTION

Building design and construction must comply with all applicable health regulations.

5.2.57 MICRO-BREWERY OR MICRO-DISTILLERY

A. SIZE

A micro-brewery or micro-distillery shall be no larger than twelve thousand (12,000) square feet of gross floor area.

B. TAPROOM OR TASTING ROOM

1. A taproom or tasting room must be included in micro-breweries or micro-distilleries located in the PB, LB, NSB, HB, CB, and MU-S Districts.

2. A taproom or tasting room must account for a minimum of ten percent (10%) of the gross floor area devoted to this use.

5.2.58 MINING, QUARRY, OR EXTRACTIVE INDUSTRY

A. OPERATIONS AFFECTED BY REGULATIONS

Mining operations which affect more than one acre of land, including borrow pits which disturb more than one acre of land at any one time, shall meet the following regulations.

B. DIMENSIONAL REQUIREMENTS

1. The dimensional requirements for mining operations are specified below. **Table 5.2.58** sets out the required minimum distance from any public right-of-way or from property that is adjacent to various mining activities.

TABLE 5.2.58: DIMENSIONAL REQUIREMENTS FOR MINING OPERATIONS

MINING ACTIVITY	GENERAL INDUSTRIAL DISTRICT	ANY ZONING DISTRICT EXCEPT GI
Any extraction area, road, or pit	50 feet	100 feet
Any crushing of rock, processing of stone, gravel, or other material	100 feet	150 feet
Any blasting	200 feet	250 feet

2. Buildings shall meet the setback and other dimensional requirements of the underlying zoning district.

C. EASEMENTS

No excavation shall take place within easements for underground transmission lines for oil, natural gas, or other potentially hazardous material.

D. FENCING

1. Any excavation to a depth greater than five (5) feet shall be fenced.

2. However, no fencing shall be required on any property where such fencing would be impracticable, as determined by the Director of Inspections, by reason of the location of such property in a floodplain.

E. HOURS OF OPERATION

Quarry drilling, blasting, and crushing, except in cases of emergency involving safety on the site, shall not be operated on Sunday and may not be operated earlier than 7:00 a.m. or later than 6:00 p.m. on any other day.

F. ACCESS

1. The site of the mining operation shall have direct access onto a major or minor thoroughfare unless the site is located in GMAs 4 or 5.

2. Any road which the mining operation accesses may be required to be improved to necessary industrial capacity as a condition of approval.

G. SPILLAGE AND EFFLUENT

1. The loading of trucks shall be accomplished in such a way as to prevent spillage on roads.

2. The effluent of extraction or processing going into streams must comply with requirements of State law.

H. FLOODING

1. Whenever a mining operation would in the course of its operation create a flooding hazard, the operator, before commencing any such excavation, and at such other times during the excavation as may be necessary, shall erect such dikes, barriers, or other structures as will afford the same protection as if no excavation were made.

2. No mining operation shall impede the flow of any watercourse.

I. OPERATIONAL STATEMENT

The petitioner will file an operational statement with the Inspections Division which shall include the following:

1. The approximate date to begin operation and its expected duration;

2. Estimated type and volume of extraction;

3. Description of method of operation, including the disposition of topsoil, overburden, and by-products;

4. Description of equipment to be used in the extraction process; and

5. Any phasing of the operation and the relationship of the various phases.

J. TEMPORARY OR PERMANENT DISCONTINUANCE OF OPERATIONS

1. Notice of intent to discontinue temporarily a mining operation shall be filed with the Director of Inspections in advance of such temporary discontinuance.

2. Notice of intent to discontinue permanently a mining operation shall be filed with the Director of Inspections not less than three (3) months in advance.

K. MAINTENANCE

During any period that a mining operation is discontinued temporarily, the site, along with all structures, machinery, and fencing, shall be properly maintained in a safe and orderly condition.

L. REUSE OR REHABILITATION OF SITE

1. Notice of permanent discontinuance of mining operation shall include a plan for reuse or rehabilitation of the site.

2. Except where redevelopment for another permitted use is in progress on the site of a discontinued mining operation, the last operator shall perform the following within one year:

a. BUILDINGS AND EQUIPMENT
All buildings and equipment shall be removed;

b. MATERIALS
All nonregulated waste piles, overburden, and other materials shall be graded so that the material assumes its natural angle of repose. These materials shall be planted with vegetation so as to prevent erosion;

c. WALLS
Any quarry walls shall be cleared of loose materials;

d. WATER COLLECTION AND DRAINAGE
Any excavation shall be so graded as to provide for natural drainage; if the collection of water in an excavation is unavoidable, the area shall be fenced.

M. OTHER REQUIREMENTS

1. The operator of any mining operation shall file with the Director of Inspections, in addition to any exhibits required elsewhere in this Ordinance, evidence of ownership or control of property, plans for rehabilitation, and notices of intent, as required herein.

2. The Director of Inspections shall inspect the premises annually to determine that all specific conditions are being met.

3. Violation of the requirements herein shall make the operator liable to the penalties set forth in this Ordinance.

N. SAND DREDGING OPERATIONS

1. In addition to complying with the applicable provisions of this section, sand dredging operations shall be conducted in a manner which does not result in the erosion of the banks of a stream.

2. The use of drag lines or other devices which remove vegetation and sediment from the banks of a stream are specifically prohibited.

5.2.59 MOTOR VEHICLE DISMANTLING AND WRECKING YARD

A. WITHIN THE GI DISTRICT

All motor vehicle dismantling operations located in the GI District shall comply with the following:

1. FENCING

a. LOCATION

i. An opaque fence or wall shall be erected along any property line which is adjacent to any street, road, or highway; and all business activity, including storage of vehicles or other materials, shall be conducted within the fence.

ii. Fencing requirements shall be one of the following:

1. WITHIN FIFTY (50) FEET OF RIGHT-OF-WAY
An eight (8) foot high opaque fence is required if located within fifty (50) feet of the right-of-way boundary; or

2. MORE THAN FIFTY (50) FEET FROM RIGHT-OF-WAY
A six (6) foot high opaque fence is required if located more than one hundred (100) feet from the right-of-way boundary.

b. CONDITIONS

Such fencing shall meet the following conditions:

i. CONSTRUCTION
The fence and screening shall be constructed of materials manufactured, sold and used exclusively as fencing materials with consistent height, materials, and color;

ii. MAINTENANCE
All fences shall be maintained in sound condition at all times; and

iii. ADVERTISING
Fences shall not contain advertising or other lettering other than lettering or a sign which identifies the operation carried on within the enclosure.

c. PARKING

Customers of the business may park their personal vehicles outside the fence, but not within the right-of-way of the street, provided the vehicles of customers are not parked in such a manner as to impair the view of motorists using the street.

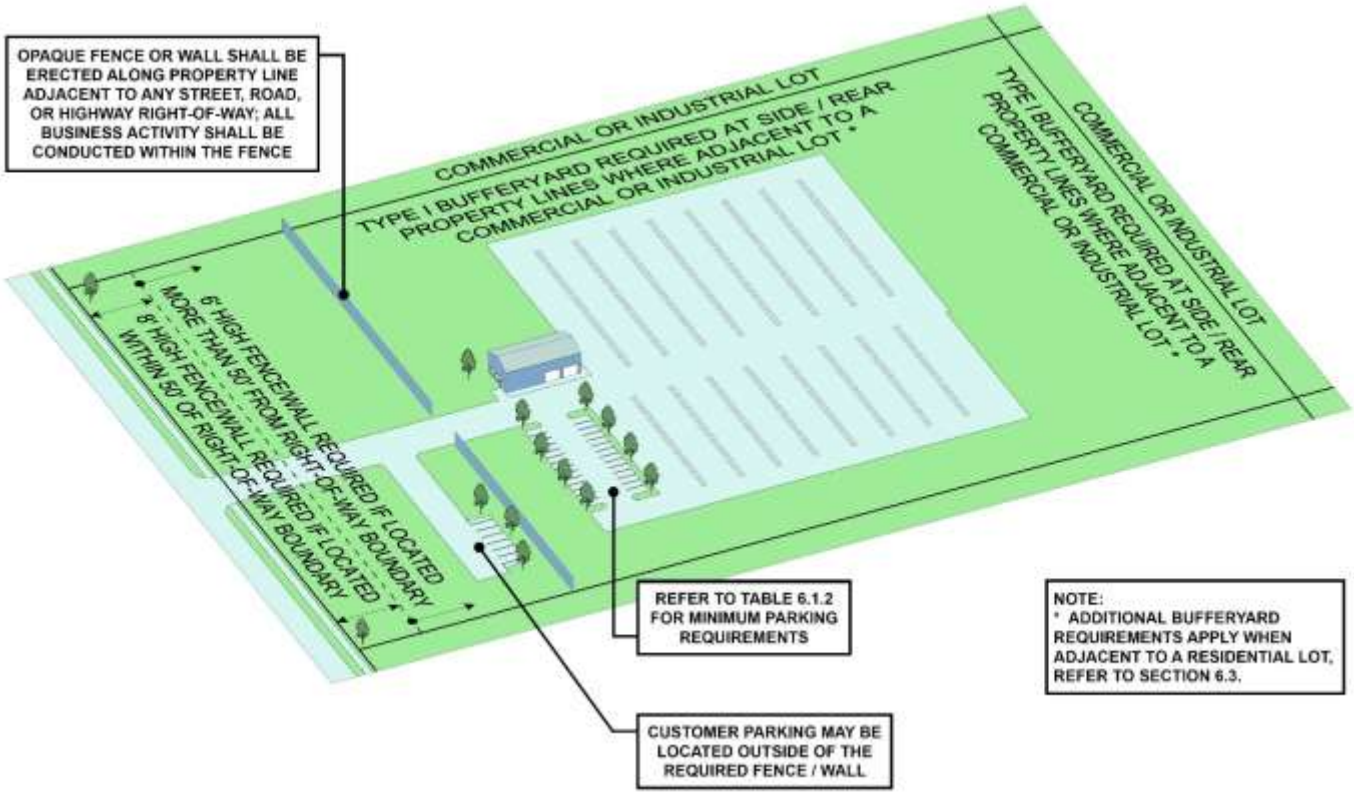
d. BUFFERYARDS

In addition to the bufferyard requirements of **Section 6.3, Bufferyard Standards**, a type I bufferyard shall be provided alongside and rear lot lines adjacent to property zoned for commercial or industrial use.

e. EFFECTIVE DATE

Automobile dismantling operations lawfully existing on the effective date of this Ordinance shall install fencing and buffering, as herein specified, within a period of three (3) years after the effective date of this Ordinance.

FIGURE 5.2.59.A – CERTAIN REQUIREMENTS FOR MOTOR VEHICLE DISMANTLING AND WRECKING YARDS WITHIN THE GI DISTRICT



2. OPEN BURNING

Open burning is prohibited.

3. ABANDONED VEHICLES

In the event that wrecked automobiles or other materials are abandoned or appear to be abandoned upon any property, the real property owner and/or occupant shall, upon notification, remove or cause the removal of such automobiles or other materials, or conduct the operation in full compliance with the requirements of this Ordinance, provided that such use is permitted.

4. HOURS OF OPERATION

No dismantling, disassembling, salvaging, wrecking, or processing operation on the premises shall be carried on between the hours of 9:00 p.m. and 7:00 a.m.

5. HAZARDOUS MATERIALS

Any gasoline, oil, or other materials spilled or collected on the site shall be contained and disposed of in accordance with State and federal laws.

B. OUTSIDE THE GI DISTRICT

1. FENCING

a. LOCATION

An opaque fence or wall shall be erected along any property line which is adjacent to any street, road, or highway; and all business activity, including storage of vehicles or other materials, shall be conducted within the fence. Fencing requirements shall be one of the following:

i. WITHIN FIFTY (50) FEET OF RIGHT-OF-WAY
An eight (8) foot high opaque fence is required if located within fifty (50) feet of the right-of-way boundary;

ii. WITHIN FIFTY (50) TO ONE HUNDRED (100) FEET FROM RIGHT-OF-WAY
A six (6) foot high opaque fence is required if located fifty (50) feet or more from the right-of-way boundary; or

iii. MORE THAN ONE HUNDRED (100) FEET FROM RIGHT-OF-WAY
A five (5) foot high opaque fence is required if located more than one hundred (100) feet from the right-of-way boundary.

b. CONDITIONS

Such fencing shall meet the following conditions:

i. CONSTRUCTION
The fence shall be constructed of materials sold and used as fencing materials with consistent height, materials, and color;

ii. MAINTENANCE
All fences shall be maintained in sound condition at all times; and

iii. ADVERTISING
Fences shall not contain advertising or other lettering other than lettering or a sign which identifies the operation carried on within the enclosure.

c. PARKING

Customers of the business may park their personal vehicles outside the fence but not within the right-of-way of the street; provided the vehicles of customers are not parked in such a manner as to impair the view of motorists using the street.

d. SCREENING REQUIREMENTS

Screening requirements alongside and rear property lines shall be one or both of the following:

i. MATERIAL STORED UP TO PROPERTY LINE

1. A six (6) foot high opaque fence may be installed along the side and rear property lines.
2. Storage of motor vehicles or materials is permitted up to the fence line.
3. Said fence shall have the same requirements as **Section 5.2.59A.1, Fencing**.

ii. MATERIAL STORED TEN (10) FEET OFF PROPERTY LINE

1. A type I bufferyard shall be installed along the side or rear property lines.
2. Storage of motor vehicles or materials is permitted up to the bufferyard line which is ten (10) feet off the property line.

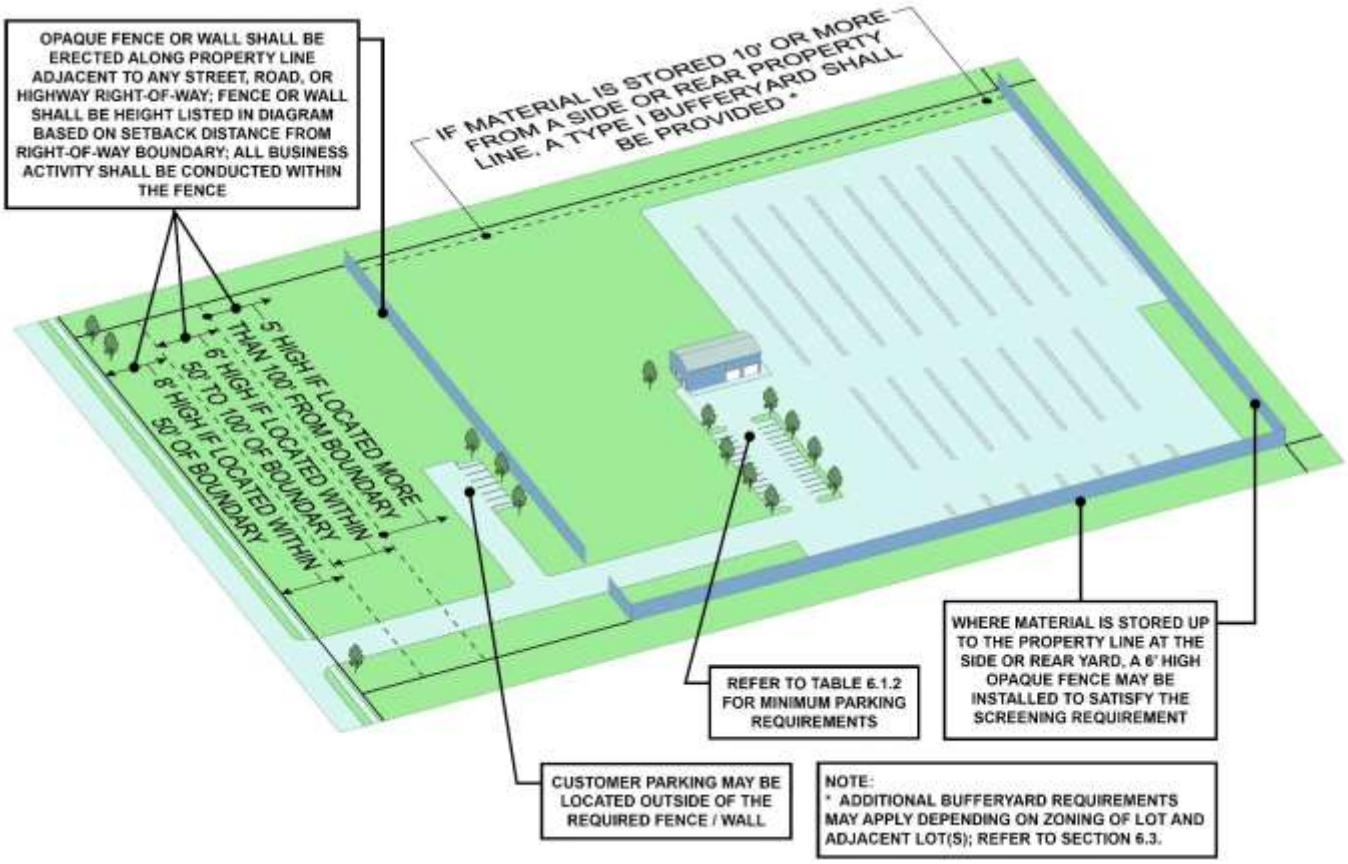
e. NONCONFORMING USE STATUS

All operators of this use must certify to the Director of Inspections' satisfaction that the use is legally nonconforming as specified in **Chapter 9, Nonconformities,** before an application may be accepted by the Planning Board for a site plan review.

f. EFFECTIVE DATE

Any motor vehicle dismantling operation existing as a legal nonconforming use on the effective date of this Ordinance shall install fencing and buffering, as herein specified, within a period of one year after the effective date of this Ordinance.

FIGURE 5.2.59.B – CERTAIN REQUIREMENTS FOR MOTOR VEHICLE DISMANTLING AND WRECKING YARDS OUTSIDE THE GI DISTRICT



2. OPEN BURNING

Open burning is prohibited.

3. ABANDONED VEHICLES

In the event that wrecked motor vehicles or other materials are abandoned or appear to be abandoned upon any property, the real property owner and/or occupant shall, upon notification, remove or cause the removal of such motor vehicles or other materials, or conduct the operation in full compliance with the requirements of this Ordinance, provided that such use is permitted.

4. HOURS OF OPERATION

No dismantling, disassembling, salvaging, wrecking, or processing operation on the premises shall be carried on between the hours of 9:00 p.m. and 7:00 a.m.

5. HAZARDOUS MATERIALS

Any gasoline, oil, or other materials spilled or collected on the site shall be contained and disposed of in accordance with State and federal laws.

5.2.60 MOTOR VEHICLE REPAIR AND MAINTENANCE, AND MOTOR VEHICLE BODY OR PAINT SHOP

A. LB DISTRICT

Motor vehicle repair and maintenance is permitted in the LB District only in GMAs 4 and 5 and limited to a maximum zoning lot size of one acre per **Section 4.6.7C.1, GMA and Lot Area Limitations**.

B. *CB DISTRICT (W)*

1. *Motor vehicle repair and maintenance is not permitted in the Core Area of the CB District.*

2. *The Core Areas is defined as the area between Fifth, Chestnut, Second, and Poplar Streets.*

C. COMPLIANCE WITH MOTOR VEHICLE STORAGE YARD REQUIREMENTS (F)

1. A legally established motor vehicle repair and maintenance facility or motor vehicle body or paint shop which has inoperative motor vehicles on site shall store such vehicles in an enclosed building or in a motor vehicle storage yard which meets the requirements of **Section 5.2.61, Motor Vehicle Storage Yard**; except that the requirements of **Section 5.2.61, Motor Vehicle Storage Yard,** shall not be required for two (2) inoperative vehicles per service bay, up to ten (10) inoperative motor vehicles maximum at motor vehicle repair and maintenance facilities.

2. Excluded from consideration as an inoperative motor vehicle for purposes of this section shall be any vehicle whose sole reason for otherwise being considered inoperative is a North Carolina Vehicle Inspection Certificate less than four (4) months out of compliance at motor vehicle repair and maintenance facilities authorized to do NC Inspection Certificates.

D. *COMPLIANCE WITH MOTOR VEHICLE STORAGE YARD REQUIREMENTS (W)*

1. *A legally established motor vehicle repair and maintenance facility or motor vehicle body or paint shop which has inoperative motor vehicles on site shall store such vehicles in an enclosed building or in a motor vehicle storage yard which meets the requirements of **Section 5.2.61, Motor Vehicle Storage Yard**; except that the requirements of **Section 5.2.61, Motor Vehicle Storage Yard,** shall not be required for two (2) inoperative vehicles per service bay, up to ten (10) inoperative motor vehicles maximum.*

2. *Excluded from consideration as an inoperative motor vehicle for purposes of this section shall be any vehicle whose sole reason for otherwise being considered inoperative is a North Carolina Vehicle Inspection Certificate less than four (4) months out of compliance.*

5.2.61 MOTOR VEHICLE STORAGE YARD

A. MAXIMUM SIZE

1. A motor vehicle storage yard created or expanded after the adoption date of this Ordinance shall have an enclosed storage area which shall not exceed the following area requirements for the zoning district in which the yard is located:

TABLE 5.2.61: MOTOR VEHICLE STORAGE YARD SIZE

DISTRICT	MAXIMUM SIZE (SQUARE FEET)
NB	3,000
NSB	3,000
GB	6,000
HB	11,000
CB	11,000
LI	20,000
GI	no maximum

2. Accessory motor vehicle storage yards in the LB and PB Districts shall have a maximum size of three thousand (3,000) square feet.

B. REPAIR WORK OR SALE OF VEHICLES

1. No repair work shall be done on motor vehicles while stored in the storage yard.

2. No parts or other articles may be removed from the vehicles except for security purposes, nor shall any parts or articles be sold.

3. The sale of whole vehicles shall be permitted only to satisfy a mechanics lien or by order of a law enforcement agency.

C. RIGHT-OF-WAY SCREENING AND ACCESS - NEW OR EXPANDED STORAGE YARDS

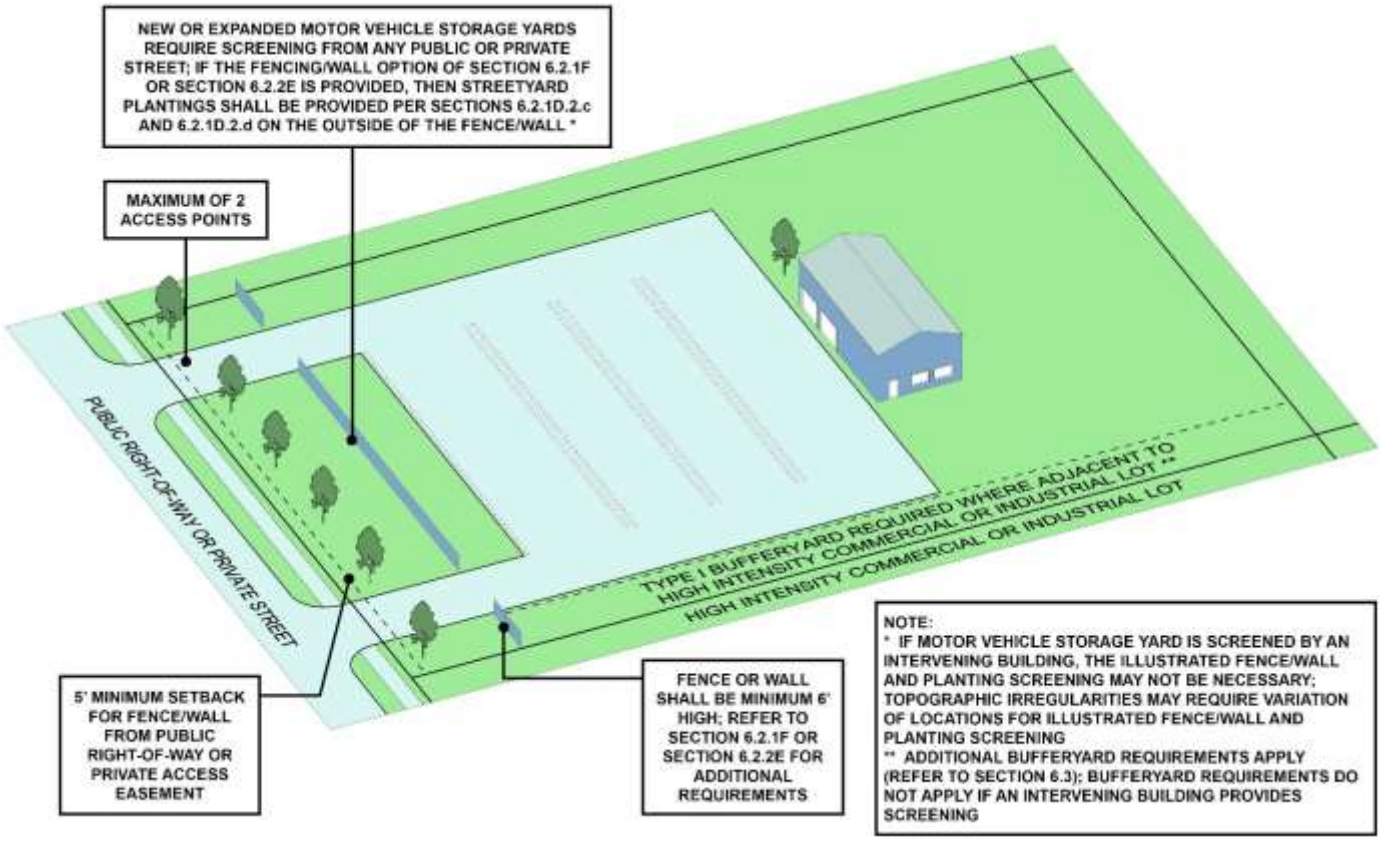
A motor vehicle storage yard or expansion of an existing storage yard created after the effective date of this Ordinance shall meet the following:

1. OUTDOOR STORAGE AREA STANDARDS

A motor vehicle storage yard not screened by an intervening building from any public or private street, whether or not such streets provide access to the site, shall meet the outdoor storage area screening standards of **Section 6.2.1F, Outdoor Storage Area Screening Standards**, or **Section 6.2.2E, Outdoor Storage Area Screening Standards**.

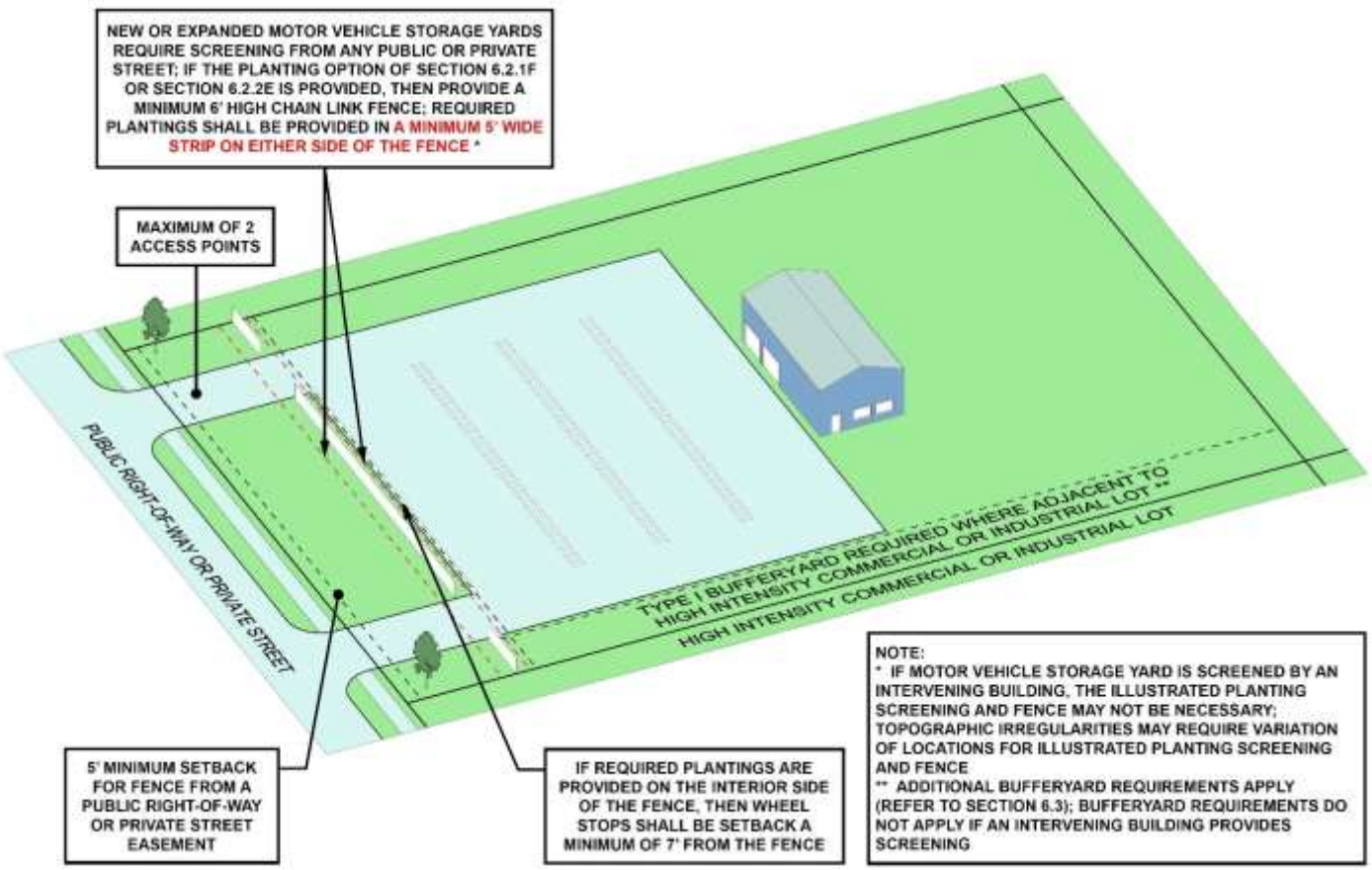
a. If the fencing option of **Section 6.2.1F, Outdoor Storage Area Screening Standards**, or **Section 6.2.2E, Outdoor Storage Area Screening Standards**, as appropriate is selected, streetyard plantings as specified in **Section 6.2.1D.2.c, Number and Spacing of Trees**, and **Section 6.2.1D.2.d, Other Streetyard Components**, are required on the outside of the fence.

FIGURE 5.2.61.C.1.a – CERTAIN REQUIREMENTS FOR MOTOR VEHICLE STORAGE YARDS IF THE FENCE/WALL SCREENING OPTION IS SELECTED



b. If the planting option of **Section 6.2.1F, Outdoor Storage Area Screening Standards**, or **Section 6.2.2E, Outdoor Storage Area Screening Standards**, as appropriate, is selected and chain link fencing is installed in conjunction with the plantings, said fencing shall be a minimum six (6) feet in height and black or dark green in color.

FIGURE 5.2.61.C.1.b – CERTAIN REQUIREMENTS FOR MOTOR VEHICLE STORAGE YARDS IF THE PLANTING SCREENING OPTION IS SELECTED



c. The plantings may be installed within a minimum five (5) foot strip either on the exterior of the fence or on the property owner's side of the fencing, in which case wheel stops shall be placed a minimum seven (7) feet from the fence.

2. VISIBILITY
Fencing and plantings must not obstruct traffic visibility at driveways.

3. MAINTENANCE
Fencing and vegetation shall be maintained in good condition throughout the life of the use.

4. TOPOGRAPHIC IRREGULARITIES
Where topographic irregularities require a different location to meet the intent of this section, the location of the landscaping or fencing may be varied with approval of the Director of Inspections.

5. FENCING SETBACK
Fencing shall be set back a minimum five (5) feet from the public right-of-way or private street easement.

6. ACCESS
The maximum number of access points to a motor vehicle storage yard shall be two (2).

D. RIGHT-OF-WAY SCREENING AND ACCESS - EXISTING STORAGE YARDS

Motor vehicle storage yards existing prior to the adoption date of this Ordinance shall meet the following:

1. OUTDOOR STORAGE AREA STANDARDS

a. *For sites in GMA 2, the requirements of **Section 5.2.61, Motor Vehicle Storage Yard,** shall be met; in all other Growth Management Areas, the requirements of (b) and (c) below may be met instead of the requirements of **Section 5.2.61, Motor Vehicle Storage Yard**. (W)*

b. The requirements of **Section 5.2.61, Motor Vehicle Storage Yard,** shall be met; or chain link fencing with wood, metal, or vinyl slats of a single color shall be installed. (F)

c. No other plastic or fiberglass cloth or other sheeting materials is permitted unless said material is constructed of materials manufactured, sold, and used exclusively as fencing materials with consistent height, materials, and color. (F)

d. Streetyard landscaping area in accordance with **Section 6.2.1D.2, Streetyards**.

2. OTHER REQUIREMENTS

The additional provisions of **Section 5.2.61C, Right-of-Way Screening and Access - New or Expanded Storage Yards**, shall be met.

E. BUFFERYARD REQUIREMENTS - NEW OR EXPANDED STORAGE YARDS

a. BUFFERYARD STANDARDS

i. A motor vehicle storage yard or expansion of an existing storage yard created after the effective date of this Ordinance shall meet the requirements of **Section 6.3, Bufferyard Standards**.

ii. In addition, a type I bufferyard shall be provided adjacent to property designated as High Intensity Commercial (HIC) or Industrial (IND).

b. INTERVENING BUILDING

No bufferyard is required where the motor vehicle storage yard is screened from view of an adjacent zoning lot by an intervening building.

c. BUFFERING INTERNAL TO THE ZONING LOT

No bufferyard is required along an edge of the motor vehicle storage yard internal to the same zoning lot, unless such edge is clearly visible from a street or an adjacent zoning lot.

F. BUFFERYARD REQUIREMENTS - EXISTING STORAGE YARDS

1. BUFFERYARD STANDARDS AND ALTERNATIVES

Motor vehicle storage yards existing prior to the adoption date of this Ordinance shall select one of the following alternative buffer requirements:

a. The bufferyard requirements of **Section 6.3, Bufferyard Standards**. In addition, a type I bufferyard shall be provided adjacent to property designated as High Intensity Commercial (HIC) or Industrial (IND).

b. An opaque fence at least six (6) feet in height.

c. A chain link fence at least six (6) feet in height with wood, metal, or vinyl slats of a single color.

d. No other plastic or fiberglass cloth or other sheeting material is permitted.

2. INTERVENING BUILDING

No bufferyard is required where the motor vehicle storage yard is screened from view of an adjacent zoning lot by an intervening building.

3. BUFFERING INTERNAL TO THE ZONING LOT

No bufferyard is required along an edge of the motor vehicle storage yard internal to the same zoning lot, unless such edge is clearly visible from a street or an adjacent zoning lot.

G. VERTICAL STACKING

Vertical stacking of motor vehicles is prohibited.

H. HAZARDOUS SUBSTANCE

1. CONTAINMENT

Any gasoline, oil, or other materials spilled or collected on site shall be contained and disposed of in accordance with State and federal laws.

2. STORAGE OF VEHICLES CARRYING HAZARDOUS SUBSTANCES

a. Tractor trailers, tankers and/or any vehicle carrying a hazardous material shall be stored only in motor vehicle storage yards located in the HB, LI, or GI Districts.

b. A motor vehicle storage yard which stores a tanker which has contained a hazardous substance shall be enclosed by a minimum six (6) foot high fence which shall be locked during non-operating hours.

c. In addition, a spill containment structure certified by a registered professional engineer as being adequate for spill containment is required.

d. No tanker shall be stored closer than two hundred (200) feet from any residential zoning district.

I. SCHEDULE FOR IMPROVEMENTS

Such uses shall meet all requirements of this section by June 30, 2000.

5.2.62 NURSING CARE INSTITUTION

A. PROHIBITED DISTRICTS

Nursing care institutions shall not be permitted as a principal or accessory use in RS Districts in GMAs 1, 2 and 3.

B. MINIMUM SITE SIZE

1. Minimum site size shall be: two (2) acres in the AG and RS-40 Districts; one acre in RS-20 and RS-30 Districts.

2. In RM-8, RM-12, RM-18, and RM-U, the minimum site size shall be based on **Table 4.5.18** with three (3) beds equal to one dwelling unit.

3. In the IP District, the minimum site size shall be calculated in the same manner based on the requirements of the RM-8 District.

C. ACCESS

In the AG, RS, and IP Districts, the site shall have direct access to a major or minor thoroughfare.

D. PERMITTED DENSITY IN RS DISTRICTS

In the RS Districts, the maximum density shall be eighteen (18) beds per acre.

E. CALCULATION OF DENSITY IN RM DISTRICTS

In the RM Districts, density shall be calculated with three (3) beds equaling one dwelling unit.

5.2.63 OUTDOOR DISPLAY RETAIL

A. LB DISTRICT

In the LB District, outdoor display retail is only permitted in GMAs 4 and 5 and limited to a maximum zoning lot size of one acre, **Section 4.6.7C, Supplementary District Requirements in GMAs 4 and 5.**

B. MOTOR VEHICLE STORAGE YARDS

Any outdoor area meeting the definition of a motor vehicle storage yard shall comply with the requirements of **Section 5.2.61, Motor Vehicle Storage Yard**.

5.2.64 PARK AND SHUTTLE LOT

A. IN RESIDENTIAL DISTRICTS

1. Where any newly constructed park and shuttle lot abuts residentially zoned land or a residential use, said parking shall be set back a minimum of fifteen (15) feet.

2. All parking shall comply with the design standards and requirements in **Section 6.1.3, Design Standards for Parking Areas**.

B. IN BUSINESS, OFFICE, AND INDUSTRIAL DISTRICTS

Park and shuttle lots in business and industrial zoning districts shall comply with the design standards and requirements in **Section 6.1.5C, Park and Shuttle Lots in Business and Industrial Zoning Districts**.

5.2.65 PARKING, OFF-SITE, FOR MULTIFAMILY OR INSTITUTIONAL USES IN RS AND RM DISTRICTS

Off-site parking in RS or RM District for multifamily or institutional uses not permitted in the applicable zoning district must meet the requirements of **Section 6.1.4A, Off-Site Parking Accessory to Multifamily or Institutional Uses**.

5.2.66 PLANNED RESIDENTIAL DEVELOPMENT

A. PURPOSE

1. The purpose of the Planned Residential Development (PRD) is to encourage the development of environments which provide certain development privileges in exchange for preplanning and design considerations.

2. PRDs provide an alternative to conventional subdivision design by promoting the conservation and creation of viable, connected open space and more flexible lot design options while minimizing development costs.

3. The PRD provides flexibility in utilizing new development concepts.

4. Three (3) distinct types of open space shall be required in PRDs: (1) active open space, (2) passive open space, and (3) thoroughfare open space.

5. In return for development flexibility, additional site plan information may be required of the developer to assist in evaluating the suitability of proposed PRDs.

6. PRDs are suitable for Growth Management Areas (GMAs) 2, 3, 4, and 5.

7. The character of a PRD should be appropriate to the GMA in which the PRD is located along the urban to rural continuum.

8. While maximum open space preservation is the primary goal of rural PRDs, open space within urban and suburban PRDs must balance the need for open space preservation with an increased need for integration with surrounding developments through street connectivity and compatibility with adjacent and internal land uses.

B. MINIMUM SIZE

1. A PRD shall be located on a site containing at least five (5) contiguous acres in GMA 5.

2. No minimum size requirement exists for PRDs in GMA 2, GMA 3, and GMA 4.

C. SKETCH PLAN REVIEW

1. Prior to the formal submission of a proposed PRD, the petitioner or their representative shall attend an interdepartmental Sketch Plan Review Meeting. The petitioner shall be required to produce a scaled sketch site plan showing the existing cultural, historic, and physical features of the site for review by the Interdepartmental Review Committee. Staff may ask for additional information, such as the location of prime agricultural soils, historical structures, archeological/cultural elements, the depth of viewshed as seen from existing public rights-of-way, the location of rock walls and other "unique" features on site, and the location and general specifications of any proposed septic systems. The location and design of the proposed open space types shall also be included for review including how the active open space areas are to be activated.

D. PERMITTED PRINCIPAL USES

PRDs may include all uses permitted within the underlying zoning district.

E. RELATIONSHIP TO OTHER APPLICABLE REGULATIONS

A PRD shall be subject to all applicable standards, procedures, and regulations of these Ordinances and the zoning district in which it is located unless otherwise set forth in this section.

F. MAXIMUM DENSITY

Maximum residential density shall be in accordance with the zoning district in which the PRD lies, unless the incentives for density bonuses as set forth in **Section 5.2.66G, Incentives for Density Bonus,** apply.

G. INCENTIVES FOR DENSITY BONUS

1. DENSITY BONUS

a. The permitted density of a PRD may be increased beyond standard allowances if a PRD preserves more than the minimum required amount of open space for the applicable zoning district.

b. To calculate the allowed density bonus, refer to **Table 5.2.66H**.

2. USE OF FLOODPLAIN IN CALCULATING DENSITY BONUS

a. Land within a FEMA-designated 100-year floodplain shall not be used in the calculation of open space for the purposes of the Density Bonus provision.

b. However, land within designated floodplains may be used in calculating minimum required open space.

H. DEVELOPMENT STANDARDS

A PRD shall meet the following standards:

1. PERIMETER LOT SETBACK REQUIREMENTS

a. Any lot which adjoins the outside boundary of the PRD shall be considered a perimeter lot.

b. "Internal street" refers to a street that is within the boundary of the PRD.

c. "Adjoining street" is a street which is not located within the PRD but is adjacent to its outside boundary

d. The following setbacks shall be required for perimeter lots:

i. LOTS WITH ACCESS ON AN INTERNAL STREET
Rear yard setback requirements of the zoning district in which the PRD is located shall apply.

ii. LOTS WITH ACCESS ON AN ADJOINING STREET
Front yard setback requirements of the zoning district in which the PRD is located shall apply.

iii. CORNER LOTS WITH ACCESS EITHER ON AN INTERNAL OR ADJOINING STREET
Front yard setback requirements of the zoning district in which the PRD is located shall apply on the adjoining street, and the front yard setback requirements allowed in the PRD shall apply on the internal street.

iv. ACCESS DRIVES
No loading space, parking space, or access drive to a parking space shall be permitted within any required bufferyard.

2. REQUIRED PARKING

a. OFF-STREET PARKING

i. Off-street parking shall be provided in compliance with **Section 6.1, Off-Street Parking and Loading**, except that the parking requirements may be met by providing group parking located on commonly owned land.

ii. Additionally, any required parking spaces located between the fronts of residential buildings and public rights-of-way or private access easements shall be at least twenty (20) feet in depth and shown on the PRD site plan.

iii. In no instances shall off-street parking spaces extend into public rights-of-way or private access easements.

b. ON-STREET PARKING

Some on-street parking may be permitted to satisfy off-street parking requirements in accordance with **Section 6.1.5M, On-Street Parking Supplements for Pedestrian Oriented Developments.**

c. SPECIAL ACCOMMODATIONS

i. Special accommodations for recreational vehicles, including boats, may be provided in group parking areas.

ii. Such special parking areas shall be designated and screened from adjacent residential uses.

3. PRIVATE STREETS

i. Private streets are permitted in PRDs at the discretion of the Planning Board.

ii. Where permitted, private streets shall be built in accordance with the requirements of **Section 7.4, Streets Standards Governing Vehicle and Pedestrian Circulation**.

iii. However, public streets may be required to ensure adequate street connectivity.

4. PEDESTRIAN ACCESS

Pedestrian and other modes of nonvehicular movement shall be provided in accordance with **Section 7.4, Streets Standards Governing Vehicle and Pedestrian Circulation.**

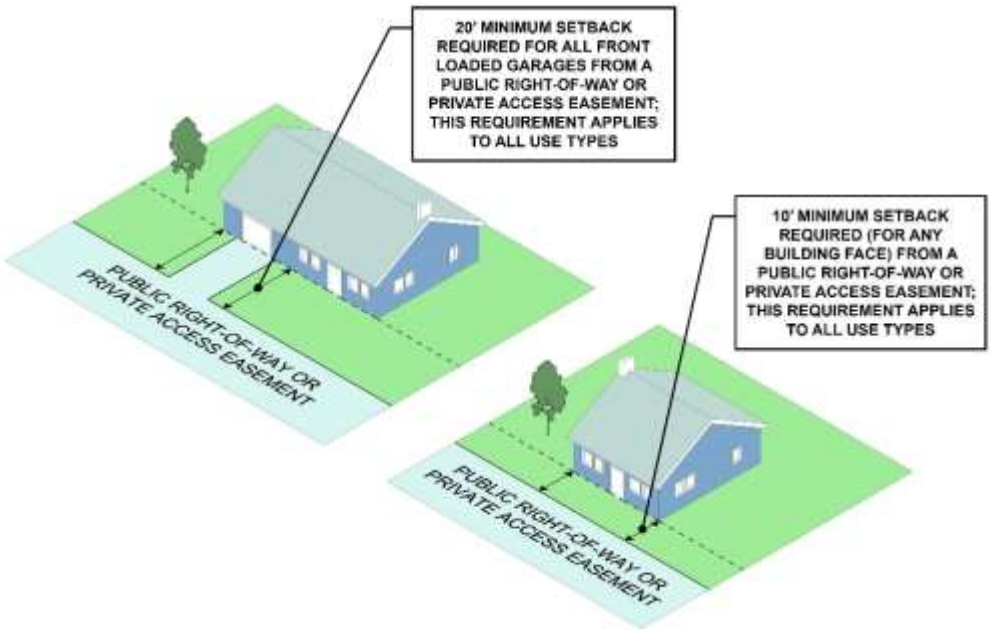
5. IMPERVIOUS SURFACE COVER

Buildings and improvements on single family lots in a PRD which have at least five thousand (5,000) square feet shall not be calculated as impervious surface cover in RM Districts.

6. LOT DIMENSIONAL REQUIREMENTS AND SPACING OF STRUCTURES

a. The lot and setback dimensional requirements of the zoning district for individual lots within the PRD are waived except for a minimum ten (10) foot building setback from public rights-of-way and private access easements.

5.2.66.H.6.a – CERTAIN SETBACK REQUIREMENTS FROM RIGHT-OF-WAYS AND PRIVATE ACCESS EASEMENTS FOR PLANNED RESIDENTIAL DEVELOPMENTS



b. Minimum distances between townhouse and multifamily structures shall be those set forth in **Section 5.2.70B.5, Building Spacing Requirements**, or ***Section 5.2.71B.5, Building Spacing Requirements***, as appropriate.

c. Minimum distances between single family, duplex, and twin home structures shall be as follows:

i. FRONT OR REAR FACING FRONT

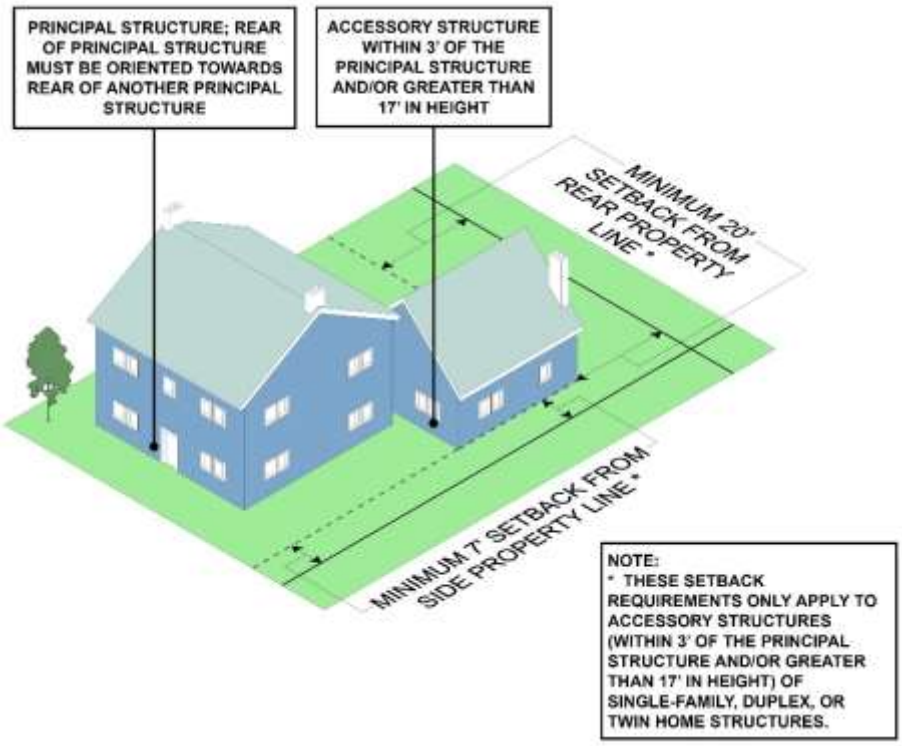
The minimum distance between the front wall of one structure and the rear wall of another structure, or the front walls of structures oriented so as to face each other, shall be not less than thirty (30) feet.

ii. REAR FACING REAR

Dwellings oriented back to back shall be subject to the following provisions:

1. The minimum distance between rear walls of the dwellings shall be no less than thirty (30) feet.
2. Accessory structures shall only be permitted in the intervening space between principal dwellings oriented back to back or to the rear yard of the principal dwelling provided the accessory structures meet the provisions of **Section 5.3.1E, Accessory Structures Permitted in Required Yards**, and **Section 5.3.1F, Size Limits for Accessory Structure**.
3. Any accessory structure meeting the requirements of **Section 5.3.1G, Accessory Structures Prohibited in Required Yards,** shall be located a minimum of seven (7) feet off the side property line and twenty (20) feet off the rear property line.

FIGURE 5.2.66.H.6.c.ii – SETBACK REQUIREMENTS FOR CERTAIN ACCESSORY STRUCTURES IN PLANNED RESIDENTIAL DEVELOPMENTS



iii. FRONT FACING SIDE

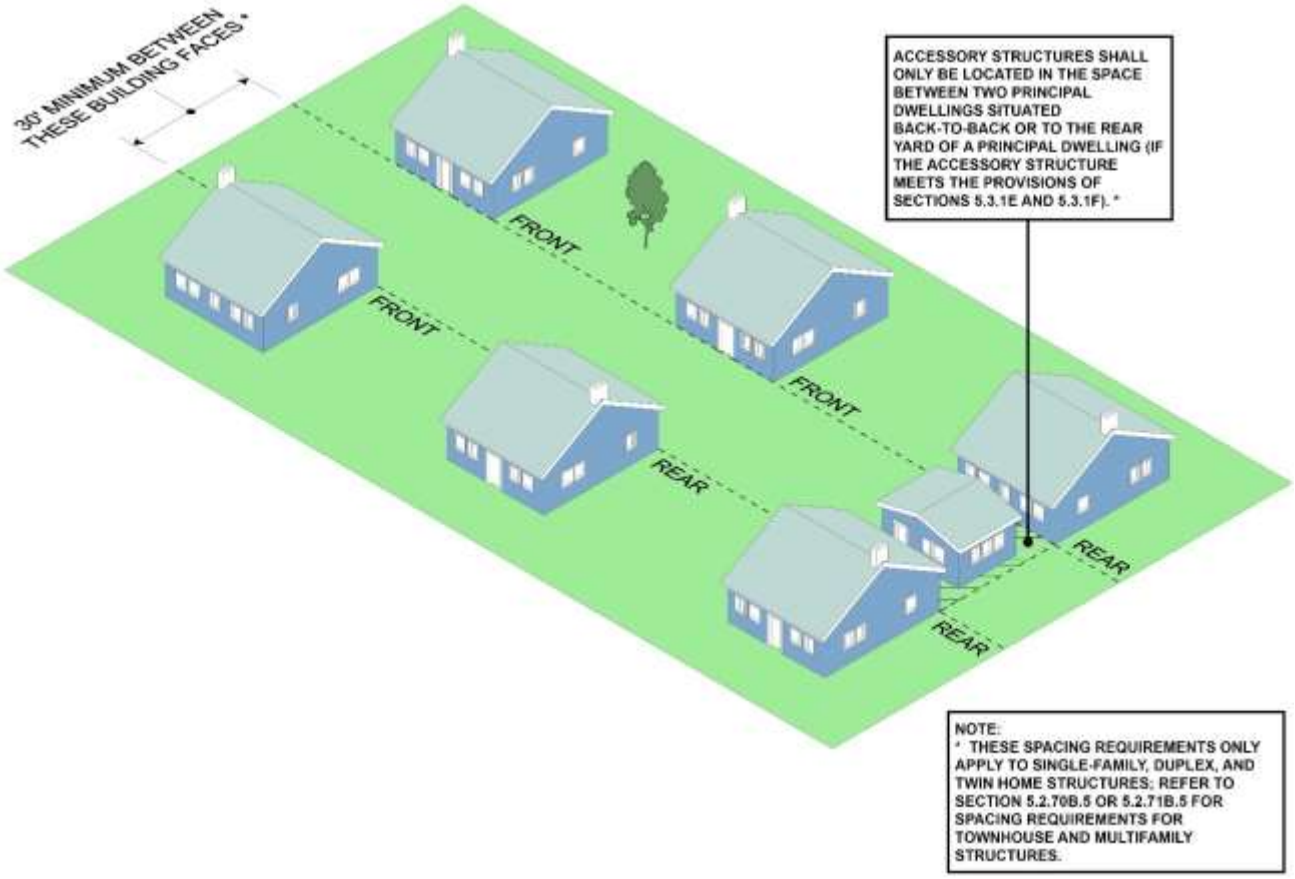
The minimum distance between the front wall of the structure and the side wall of another structure shall not be less than fourteen (14) feet.

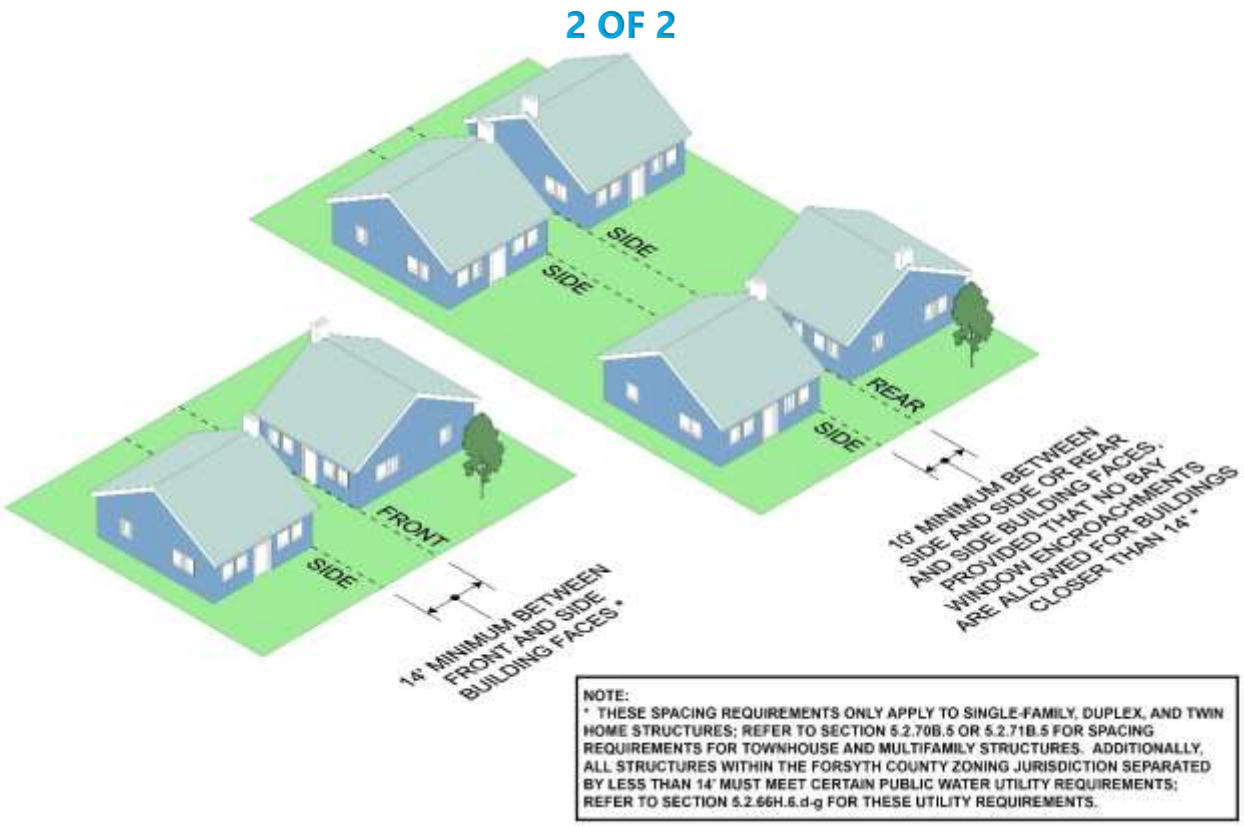
iv. SIDE OR REAR FACING SIDE

The minimum distance between the rear of a structure and side of another structure, or the minimum distance between the side walls of structures, shall not be less than ten (10) feet, provided that no bay window encroachments are allowed for buildings closer than fourteen (14) feet.

– CERTAIN STRUCTURE SPACING REQUIREMENTS FOR PLANNED RESIDENTIAL DEVELOPMENTS

1 OF 2





d. Any PRD with structures separated by less than fourteen (14) feet as allowed above must be provided with a public water system and fire hydrants with a minimum available water flow of one thousand five hundred (1,500) gallons per minute.

e. Fire hydrants shall have a spacing of one per five hundred (500) feet, and hydrant locations must be approved by the County Fire Marshal. (F)

f. Plans submitted for Planning Board approval where the applicant wishes to have structures with spacing of less than fourteen (14) feet shall be so indicated at the time of application.

g. The entire subdivision must be provided with the one thousand five hundred (1,500) gallons per minute fire flow, even if only some structures have spacing of less than fourteen (14) feet. (F)

7. FRONT LOADED GARAGES.

All front loaded garages shall be set back no less than twenty (20) feet from public rights-of-way or private access easements.

8. MINIMUM PERIMETER LOT SIZE

a. When any perimeter lot within a PRD does not meet the minimum dimensional requirements of the underlying zoning district and directly abuts property which is located outside of the PRD, a minimum twenty (20) foot Type I bufferyard shall be required along the entire perimeter of the PRD. This bufferyard shall be located on commonly owned land and shall meet the size requirements of **Section 6.3.3B.1, Size of Plant Material** per one hundred (100) linear feet, as well as the plant spacing requirements of **Section 6.3.3B.2, Spacing of Plant Material**.

b. This requirement shall not apply to perimeter lots adjacent to existing PRDs.

9. COMMON OPEN SPACE

a. AREA

Common open space shall not be less than the percentages of the total land area of the PRD as indicated in the following table.

TABLE 5.2.66.H: COMMON OPEN SPACE REQUIREMENTS IN A PRD

UNDERLYING ZONING DISTRICT	REQUIRED OPEN SPACE [1] [2]	ALLOWED DENSITY MULTIPLIER (DU/AC) 60%+OPEN SPACE
YR	50%	1.2
AG	45%	1.2
RS-40	45%	1.2
RS-30	45%	1.2
RS-20	20%	Not Allowed
RS-15	15%	
RS-12	15%	
RS-9	15%	
RS-7	15%	
RSQ	15%	
RM	15%	

NOTES:
[1] Planned Residential Developments in Growth Management Area 2 may receive a thirty-three percent (33%) reduction in the common open space requirements.
[2] Planned Residential Developments in Growth Management Area (GMA) 3 may receive a twenty-five percent (25%) reduction in the amount of minimum required open space where forty percent (40%) of this open space is active open space as defined in Section 5.2.66H.9.c, Active Open Space.

b. CHARACTER

i. Common open space (as defined in this UDO) shall include both passive and active open space.

ii. Additionally, if developments are contiguous to minor and major thoroughfares as defined by NCDOT or WSDOT, thoroughfare open space shall be required adjacent to such transportation corridors.

c. ACTIVE OPEN SPACE

i. Active open space shall consist of natural (e.g., significant trees or rock outcroppings) and primarily man-made (e.g., well positioned seating areas, play equipment, fitness stations, sidewalks, and other hardscape elements) features which are easily accessible to pedestrians. Active open space may include historic structures which are accessible to neighborhood residents. These areas must be highly visible and convenient amenities of the development and must be designed to facilitate opportunities for social gathering. They shall not be located primarily behind or between individual homes but shall be prominently situated (perhaps at multiple locations within the development) for the enjoyment of residents. Examples include neighborhood greens or squares (when bordered on multiple sides by streets), pocket parks, community recreation areas, and community gardens.

ii. Pedestrian access (sidewalks) to and within this space is required, and at least ninety (90) percent of the lots within the PRD shall be within an eighth-mile (660-foot) radius of active open space areas, utilizing sidewalks.

iii. Depending upon the size of the active open space, these areas may be activated by some element of shade (e.g., large variety trees, picnic shelters and/or gazeboes), along with level open areas to facilitate athletic activities.

iv. Each active open space area shall have no less than fifty (50) feet of continuous street frontage.

v. Active open space shall comprise a minimum of fifteen (15) percent of the total required open space of a PRD in the RM, RSQ, RS-7, RS-9, RS-12, RS-15, and RS-20 zoning districts and a minimum of five (5) percent of the total required open space in the RS-30, RS-40, and AG zoning districts.

d. PASSIVE OPEN SPACE

Passive open space shall consist of natural features such as meadows, woods, agricultural land, riparian buffers, and steep slopes. Passive open space may also include stormwater management devices and perimeter bufferyard areas.

e. THOROUGHFARE OPEN SPACE

i. GENERALLY

1. If PRDs are located in GMA 3, 4, or 5, and are contiguous to major or minor thoroughfares, thoroughfare open space shall be required.

2. The intent of this thoroughfare open space is to preserve or enhance existing viewsheds along major transportation corridors.

ii. GMA 3

A thoroughfare buffer at least fifty (50) feet wide and containing the forty (40) foot type III bufferyard plantings shall be provided in GMA 3.

iii. GMA 4 AND 5

A thoroughfare buffer at least one hundred (100) feet wide and containing a type III bufferyard shall be provided in GMA 4 and 5.

iv. PRESERVATION OF EXISTING LANDSCAPES

1. If thoroughfare buffers contain significant existing natural or historic elements, as identified at the Sketch Plan Review Meeting in **Section 5.2.66C, Sketch Plan Review,** these elements shall be preserved.

2. Where present, these natural elements may take the place of the type III bufferyard planting required above.

v. ALTERNATIVE COMPLIANCE

1. Alternative compliance measures may be proposed which vary from the strict application of the above requirements in order to accommodate the unique character of the site or to utilize innovative design.

2. Alternative compliance may be granted by the Planning Board or Elected Body upon a finding that the proposed alternative fulfills the intent of the Ordinance as well as or better than would strict compliance with the requirements of this Ordinance.

f. OPEN SPACE CONNECTIVITY REQUIREMENTS

i. Where practicable, areas of open space within a PRD shall be connected.

ii. Separate areas of active open space within a PRD shall be connected by a sidewalk or pedestrian path consisting of an all-weather surface.

iii. Open space in PRDs shall adjoin open space in neighboring parcels where practicable.

iv. If public parks or greenways are present on adjacent sites, a pedestrian connection to these resources shall be made from the PRD in accordance with **Section 7.4, Streets Standards Governing Vehicle and Pedestrian Circulation**.

g. ADJACENCY

Where PRDs are comprised of two (2) or more tracts which are divided by an existing street or are otherwise physically separated, each tract shall meet a proportional share of the total open space requirements for the PRD.

I. OWNERSHIP AND RESPONSIBILITY FOR COMMON OPEN SPACE AND AMENITIES

1. Common open space may be owned by the established homeowners association or dedicated to a public entity or other non-profit organization.

2. Land not to be held in private or public ownership shall be owned by a nonprofit corporation in which all owners of property within the development have automatic membership rights and assessment obligations for the maintenance of these areas.

3. These automatic membership rights and assessment obligations shall be covered by covenants running with the land and other contractual provisions as to insure the proper maintenance of all commonly owned areas, and shall include provision for liens against the individual properties and legally enforceable personal obligations on the part of the individual property owners in the development.

4. Such covenants shall be recorded in the office of the Register of Deeds and such contractual rights and obligations shall be established prior to the issuance of a building permit.

5. For PRDs where all units and common areas are under single ownership, a homeowners association may not be required.

J. PLATTING REQUIREMENTS

1. All PRDs shall meet the requirements of the subdivision regulations.

2. In addition, prior to a permit being issued for the construction of any building, there shall have been recorded in the office of the Register of Deeds, a plat of the property or section thereof, showing: easement and right-of-way widths, street widths, the actual or approximate location of single family lots, commonly owned tracts, and lots and buildings to be occupied by other uses.

K. *MULTIPLE DWELLING UNITS PER ZONING LOT (W)*

1. *Multiple single family dwelling units on a zoning lot may be permitted within a PRD.*

2. *If a developer chooses to locate multiple single family dwelling units on a zoning lot, it shall be clearly indicated on the preliminary subdivision plan presented to the Planning Board for approval and clearly indicated on the face of any plat recorded for the PRD.*

3. *If at any point in the future the owner intends to transfer individual lots into separate ownership, a plat meeting all requirements of the UDO shall be submitted to Planning staff for review and approval.*

L. MULTIPLE DWELLING UNITS PER ZONING LOT (F)

1. Multiple single family dwelling units on a zoning lot may be permitted within a PRD.

2. If a developer chooses to locate multiple single family dwelling units on a zoning lot, it shall be clearly indicated on the preliminary subdivision plan presented to the Planning Board for approval and clearly indicated on the face of any plat recorded for the PRD.

3. If at any point in the future the owner intends to transfer individual lots into separate ownership, a plat meeting all requirements of the UDO shall be submitted to Planning staff for review and approval.

4. PRDs where multiple dwelling units are located on the same zoning lot and under the same ownership shall be metered for utilities individually for each dwelling.

5.2.67 POLICE OR FIRE STATION

The site shall have direct access to a major or minor thoroughfare.

5.2.68 RECREATIONAL VEHICLE PARK

A. PROHIBITED DISTRICTS

Recreational vehicle parks shall not be permitted as a principal or accessory use in RS Districts in GMAs 1, 2, and 3.

B. GENERAL USE CONDITIONS

1. BUFFERYARDS

In addition to the bufferyard requirements of **Section 6.3, Bufferyard Standards**, a type I bufferyard is required adjacent to public rights-of-way.

2. SETBACKS

All recreational vehicle spaces shall be located a minimum of one hundred (100) feet from all adjacent property lines and public rights-of-way.

3. ACCESS

a. Recreational vehicle parks shall have direct access to a major or minor thoroughfare.

b. Recreational vehicle spaces shall only have direct access to an internal private street which accesses a public street.

c. No recreational vehicle space shall have direct vehicular access to a public street.

4. FLOODPLAINS

No recreational vehicle sites shall be located in the floodplain.

5. LANDSCAPING

a. Each recreational vehicle space shall have a planting area containing at least one deciduous or evergreen tree with a minimum height of eight (8) feet and a diameter of two (2) inches measured six (6) feet above ground level at the time of installation.

b. Each planting area shall be a minimum of one hundred fifty (150) feet with a minimum radius of seven (7) feet.

c. The use of existing trees when possible to meet these landscaping requirements is encouraged.

6. SANITARY FACILITIES, SEWAGE AND GARBAGE DISPOSAL

Adequate sanitary facilities, sewage and garbage disposal shall be provided and shall conform with all applicable codes.

7. LENGTH OF STAY

a. No recreational vehicle shall be used as a permanent place of residence.

b. Occupancy extending beyond three (3) months in any twelve (12) month period shall be presumed to be permanent occupancy and is prohibited in a recreational vehicle park.

8. ACCESSORY USES

a. Management offices, recreational facilities, toilets, showers, dumping stations, coin-operated laundry facilities, and other uses and structures incidental to the operation of a recreational vehicle park are permitted as accessory uses to the park.

b. In addition, other uses may be permitted as accessory uses in the district where such uses are not allowed as principal uses, subject to the following restrictions:

i. Such establishments and the parking areas related to their operations shall not occupy more than five percent (5%) of the gross area of the park.

ii. Such establishments shall be restricted in their use to the occupants of the park.

iii. Such establishments shall present no visible evidence from any street outside the park of a commercial nature which would attract customers other than occupants of the park.

iv. Such establishments shall not be directly accessible from any public street, but shall be accessible only from a street within the park.

9. MANUFACTURED HOMES

No manufactured home may be parked or stored in a recreational vehicle park, except that one manufactured home may be located within the park for the exclusive use as the principal dwelling unit for the park manager or operator.

C. RECREATIONAL VEHICLE PARKS IN HB DISTRICT

1. PURPOSE

To provide short term recreational vehicle and tent camping in areas serviced by major highways.

2. APPLICATION

In addition to the general use conditions for recreational vehicle parks, the following conditions shall apply to recreational vehicle parks in the HB District.

a. PARK SIZE

The minimum contiguous area of any recreational vehicle park shall be three (3) acres.

b. DENSITY

The maximum density of any recreational park shall be fifteen (15) recreational vehicle spaces per acre.

c. SITE AREA

The minimum area devoted to each recreational vehicle space shall be one thousand five hundred (1,500) square feet.

D. RECREATIONAL VEHICLE PARKS IN AG, RS-40, RS-30, AND YR DISTRICTS

1. PURPOSE

To permit short term recreational vehicle and tent camping on relatively large amounts of land without the necessity or desirability of being immediately adjacent to main highways or built-up areas, while preserving an open character and promoting outdoor recreational activities.

2. APPLICATION

In additional to the general use conditions for recreational vehicle parks, the following conditions shall apply to recreational vehicle parks in AG, RS-30, RS-40, and YR Districts.

a. SITE PLAN REQUIRED

A site plan which meets the site plan requirements of **Section 3.2.11, Site Plan** shall be submitted as part of each application for a special use permit.

b. PARK SIZE

The minimum contiguous area of any recreational vehicle park shall be ten (10) acres.

c. DENSITY

The maximum density of any recreational park shall be ten (10) recreational vehicle spaces per acre.

d. SITE AREA

The minimum area devoted to each recreational vehicle space shall be two thousand five hundred (2,500) square feet.

5.2.69 RECREATION SERVICES, INDOOR OR RECREATION SERVICES, OUTDOOR

A. THE FOLLOWING CONDITIONS SHALL BE MET IN THE IP DISTRICT

1. OPERATION BY A PUBLIC OR NOT-FOR-PROFIT ORGANIZATION
The recreation services facility must be operated by a public or not-for-profit organization.

2. MINIMUM SITE SIZE
The minimum site size shall be two (2) acres.

3. ACCESS
The site shall have direct access to a collector street, a minor thoroughfare, or a major thoroughfare.

4. SETBACKS
No structure, parking area, or outdoor recreation area shall be located less than forty (40) feet from any property line adjacent to residentially zoned property.

5. PUBLIC ADDRESS SYSTEM
Public address systems shall not be permitted except within a building.

B. GOLF DRIVING RANGES

Golf driving ranges shall meet the following conditions:

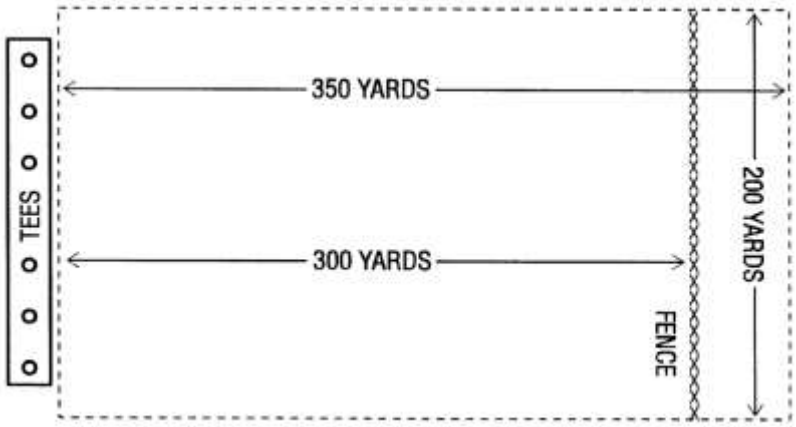
1. DIMENSIONS

a. The depth of a driving range along the driving axis shall be not less than three hundred fifty (350) yards measured from the location of the tees and the breadth not less than two hundred (200) yards at a distance of three hundred fifty (350) yards from the tees.

b. The depth of the driving range may be reduced to three hundred (300) yards if a fence designed to stop rolling balls is installed at the far end of the driving axis.

2. LIGHTING
Any lighting shall be oriented away from adjacent residential properties.

FIGURE 5.2.69.B: GOLF DRIVING RANGE DIMENSIONS



5.2.70 RESIDENTIAL BUILDING, MULTIFAMILY; TOWNHOUSE; OR TWIN HOME (F)

A. SITE PLAN REVIEW BY THE PLANNING BOARD

The Planning Board shall review all multifamily residential building developments with the following exceptions:

1. FRONT ON PUBLIC STREETS
Developments in which all multifamily residential buildings front upon an existing public street; and

2. SIX (6) UNITS OR LESS

Developments which contain six (6) units or less.

B. STANDARDS

With the exception of multifamily development located in the RSQ District, all multifamily residential buildings shall comply with the following:

1. TRAFFIC REQUIREMENTS

In approving the site plan for a multifamily development, the Planning Board shall determine that the streets, driveways, parking areas, and other public and private drives shown on the plan are so located that:

a. EFFECT ON PUBLIC STREET SYSTEM

They do not block, impede, or interfere with the orderly development of the public street system.

b. STANDARDS AND DEDICATION

Those streets on the plan which are likely to be used by the public as through or connector streets, or which for the orderly development of the area should be made public streets, are designed to the standards of public streets and are dedicated or offered for dedication as such on a recorded plat except that public streets in the RM-5 District may be constructed to alternative width and horizontal and vertical curvature standards, as approved by the Traffic Engineer.

c. ACCESS

Adequate provision is made for vehicular traffic to and from the premises and for vehicular traffic and pedestrian traffic to and from the proposed buildings, structures, and parking areas on the premises, including firefighting and police equipment and personnel, ambulance service, garbage collection service, postal service, delivery service, and other public and private services and individuals who would require access to the premises.

2. COMMON RECREATION AREA

a. Common recreation areas and facilities, such as areas for small children or other recreational areas, shall be provided for multifamily developments containing forty (40) units or more, based on the standards of **Section 7.6.1, Common Recreation Areas**.

b. Multifamily developments which are located in the CB District or which provide elderly housing are exempt from this requirement.

3. OTHER DEVELOPMENT STANDARDS

All multifamily developments shall meet the following standards.

a. AIR AND LIGHT

The project provides adequate air and light to the development and surrounding properties.

b. ARCHITECTURAL FEATURES

Through the use of a variety of fenestration patterns, building facade offsets, roof line treatments, and other architectural features, the perceived bulk, scale, and length and width of the building is compatible with surrounding buildings.

c. AFFECTED AREA

The project will not be injurious to property or improvements in the affected area.

d. ADOPTED PLANS

The project is in accordance with all development criteria established by the Elected Bodies' adopted plans and policies, such as Forward 2045, and development guides.

4. DEVELOPMENTS ON SMALLER LOTS

Developments of residential multifamily buildings subject to the minimum lot size requirements of **Table 4.5.18** shall meet the following requirements:

a. IMPERVIOUS SURFACE COVER

i. For new construction on vacant lots, impervious surface cover is limited to a maximum of sixty percent (60%).

ii. Impervious surface cover is otherwise limited to seventy percent (70%).

b. BUILDING HEIGHT

No building shall exceed a height of forty (40) feet.

c. BUFFERYARD

Bufferyard requirements of **Section 6.3, Bufferyard Standards,** must be met for multifamily developments containing more than four (4) units.

d. OFF-STREET PARKING

i. NUMBER OF SPACES

Off-street parking for multifamily uses shall meet the standards for efficiency units, if applicable, or urban residential building in **Table 6.1.2A., Motor Vehicle and Bicycle Parking Space Requirements**.

ii. PARKING IN REAR

All off-street parking shall be provided to the rear of the principal building(s) unless the Planning Board determines that, due to lot size, shape or topographic features, some or all parking cannot be placed to the rear.

iii. REDUCTION IN BUFFERYARD

A side or rear bufferyard which may be reduced to allow a driveway to the rear of the property which accesses the off-street parking if the provisions of **Section 6.3.4C, Reduction for Driveway to Rear Parking Areas,** are met.

iv. LANDSCAPED SEPARATION FROM BUILDING

A minimum three and one-half (3.5) foot wide landscaped area shall be provided between any parking area and building wall providing access into the unit(s).

e. VEHICULAR USE LANDSCAPING REQUIREMENTS

Vehicular use landscaping requirements of **Section 6.2.2, Landscaping Standards – Forsyth County,** must be met for multifamily developments containing more than four (4) units or nonresidential uses.

f. ROOFS

Pitched roofs are required on all buildings.

5. BUILDING SPACING REQUIREMENTS

If a zoning lot is developed for multifamily, townhouse or twin home residential buildings, the following method shall be used to determine the minimum spacing of buildings. The spacing of buildings shall be shown on a site plan prepared according to the provisions of **Section 3.2.11, Site Plan**.

a. CALCULATION OF TRIANGLE

i. For yards exclusive of those on the project perimeter, each wall of every dwelling shall have a minimum yard space in the shape of an imaginary isosceles triangle.

ii. The base of said triangle shall be a line connecting the extreme ends of the wall of the building and whose altitude shall be the length of the base line multiplied by a factor related to the height of the dwelling as provided in **Table 5.2.70B** and illustrated in the accompanying figure.

iii. There shall be a minimum distance of fifteen (15) feet between any walls of one-story buildings and twenty (20) feet between two-story buildings.

iv. Any wall over ten (10) feet long shall be treated as a separate wall.

TABLE 5.2.70.B: ALTITUDE FACTORS USED TO DETERMINE BUILDING HEIGHT	
NUMBER OF STORIES [1]	FACTORS TO MULTIPLY BASE OF TRIANGLE TO OBTAIN ALTITUDE
1	0.5
2	0.6
3	0.7
4	0.8
5	0.9
6	1.0
NOTES: [1] Each additional story shall increase factor one-tenth(0.1)	

b. OVERLAPPING TRIANGLES PROHIBITED

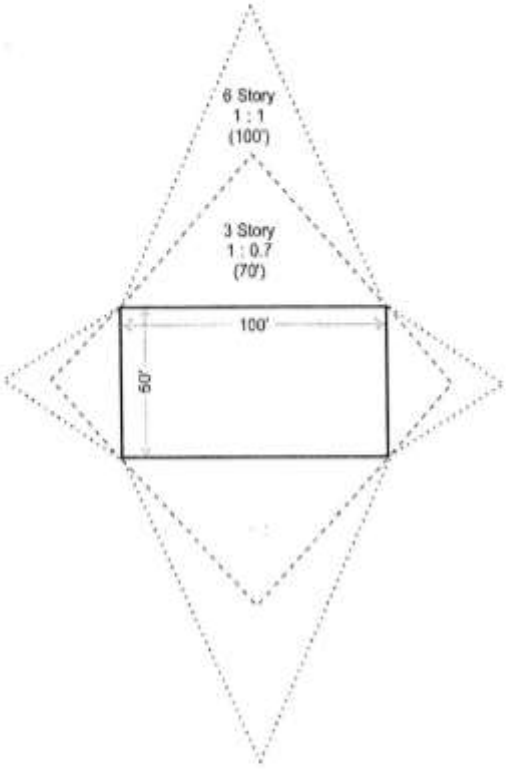
The yard spaces thus established by the isosceles triangles shall not overlap the yard space for any other wall of the same or any other dwelling.

c. OTHER SPACING REQUIREMENTS

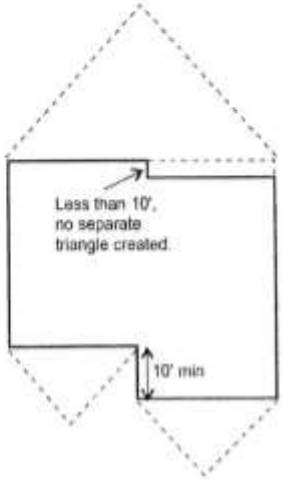
Building spacing for twin home and three (3) and four (4) unit townhouse buildings may be reduced to a minimum of twenty (20) feet.

FIGURE 5.2.70.B: SPACING BUILDINGS USING TRIANGLES

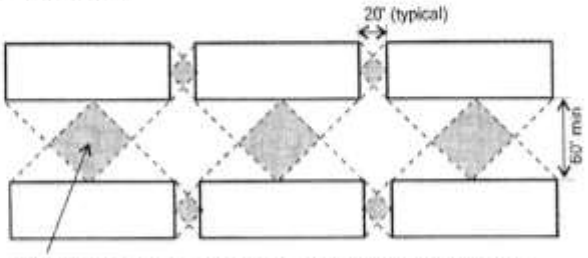
How To Calculate Triangles:
An imaginary isosceles triangle defined by connecting the extreme ends of the wall or portion of the wall as the base of the triangle, and calculating the altitude by multiplying the base by a factor related to height as provided in Table 3.5.



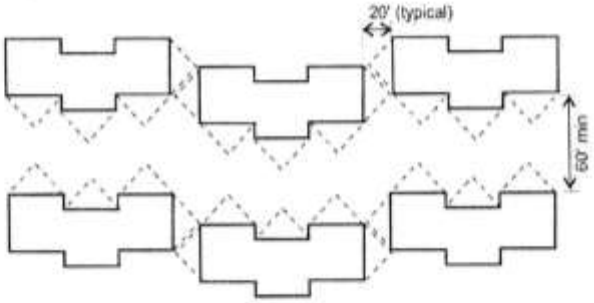
Any wall must be offset by another wall at least ten (10) feet in length to be considered as a separate wall.



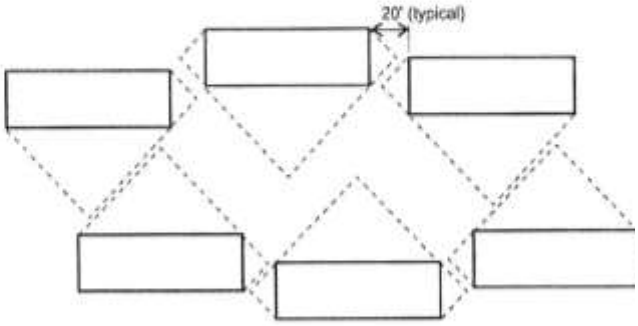
Examples:



UNACCEPTABLE: No portion of the prescribed imaginary triangle shall overlap any other within the same multifamily development.



ACCEPTABLE: Modified building architecture with minimum 10' offsets.



ACCEPTABLE: Modified building location.

d. ALTERNATIVE COMPLIANCE

i. A developer may propose spacing for buildings that varies from the strict application of the provisions of the section in order to accommodate the unique character of the site or to utilize innovative design.

ii. Application for alternative compliance shall include a site plan following the requirements of **Section 3.2.11, Site Plan** and any additional architectural plans, elevations, or perspective drawings to illustrate the proposed building design and/or placement alternative.

iii. Alternative compliance shall be approved by the Planning Board only upon a finding that the building architecture and site plan fulfills the following criteria as well or better than would strict conformance with the requirements of this Ordinance:

1. The project provides adequate air and light to the development and surrounding properties;
2. Through the use of a variety of fenestration patterns, building facade offsets, roof line treatments, and other architectural features, the perceived bulk, scale, and length and width of the building is congruous with surrounding buildings;
3. The development provides for orderly and easy movement of traffic and pedestrians;
4. The project will not be injurious to property or improvements in the affected area; and
5. The project is in accordance with all development criteria established by the Elected Bodies' adopted plans and policies including Forward 2045, area plans, and development guides.

6. PARKING RM-5 DISTRICTS

The following shall apply to all residential development in the RM-5 District, except single family detached residences:

a. All off-street parking shall be provided to the side or rear of the principal building(s) unless the Planning staff determines that, due to lot size, shape or topographic features, some or all parking cannot be placed to the side or rear;

b. All parking shall be set back at least five (5) feet off the property line;

c. The intervening five (5) feet shall be landscaped to meet the type I bufferyard standards of **Section 6.3, Bufferyard Standards**;

d. Vehicular use landscaping requirements of **Section 6.2.2C, Motor Vehicle Surface Area Landscaping Standards** must be met for multifamily or townhouse developments (triplexes or quadraplexes) where parking is provided at the front of the principal building; and

e. A minimum three (3) foot wide landscaped area shall be provided between any parking area and building wall providing access into the unit(s).

C. LO DISTRICT

Multifamily development is permitted in the LO District at a maximum density of twelve (12) units per acre.

D. RESERVED

E. DIMENSIONAL REQUIREMENTS FOR TOWNHOUSE AND TWIN HOME UNITS AND BUILDINGS

1. TOWNHOUSE AND TWIN HOME UNITS

a. Townhouse and twin home units developed in the RSQ and RM-5 Districts shall adhere to the dimensional requirements of their respective Zoning Districts.

b. Townhouse and twin home units in other permitted zoning districts may be constructed and sold with no setback, lot area, or lot width requirements.

2. TOWNHOUSE OR TWIN HOME BUILDINGS

Development projects with townhouse and twin home buildings shall comply with the general dimensional and building spacing requirements of the applicable zoning district for the project as one zoning lot.

F. NB DISTRICT

Multifamily development is permitted in the NB District only in combined use buildings at a maximum density of four (4) units not located on the ground floor. Higher density may be permitted with special use zoning.

5.2.71 RESIDENTIAL BUILDING, MULTIFAMILY; TOWNHOUSE; OR TWIN HOME (W)

A. *SITE PLAN REVIEW BY THE PLANNING BOARD*

The Planning Board shall review all multifamily residential building developments with the following exceptions:

1. *FRONT ON PUBLIC STREETS*

Developments in which all multifamily residential buildings front upon an existing public street.

2. *SIX (6) UNITS OR LESS*

Developments which contain six (6) units or less.

B. *STANDARDS*

With the exception of multifamily development located in the RSQ District, all multifamily residential buildings shall comply with the following:

1. *TRAFFIC REQUIREMENTS*

In approving the site plan for a multifamily development, the Planning Board shall determine that the streets, driveways, parking areas, and other public and private drives shown on the plan are so located that:

a. *EFFECT ON PUBLIC STREET SYSTEM*

They do not block, impede, or interfere with the orderly development of the public street system.

b. *STANDARDS AND DEDICATION*

Those streets on the plan which are likely to be used by the public as through or connector streets, or which for the orderly development of the area should be made public streets, are designed to the standards of public streets and are dedicated or offered for dedication as such on a recorded plat except that public streets in the RM-5 District may be constructed to alternative width and horizontal and vertical curvature standards, as approved by the Director of Transportation.

c. *ACCESS*

Adequate provision is made for vehicular traffic to and from the premises and for vehicular traffic and pedestrian traffic to and from the proposed buildings, structures, and parking areas on the premises, including firefighting and police equipment and personnel, ambulance service, garbage collection service, postal service, delivery service, and other public and private services and individuals who would require access to the premises.

2. *COMMON RECREATION AREA*

a. *Common recreation areas and facilities, such as areas for small children or other recreational areas, shall be provided for multifamily developments containing forty (40) units or more, based on the standards of* ***Section 7.6.1, Common Recreation Areas****.*

b. *Multifamily developments which are located in GMA 1 or which provide elderly housing are exempt from this requirement.*

3. *ARCHITECTURAL STANDARDS*

Through the use of a variety of fenestration patterns, building facade offsets, roof line treatments, and other architectural features, the perceived bulk, scale, and length and width of the building is compatible with surrounding buildings.

4. *DEVELOPMENTS ON SMALLER LOTS*

Developments of residential multifamily buildings subject to the minimum lot size requirements of ***Table 4.5.18*** *shall meet the following requirements:*

a. *IMPERVIOUS SURFACE COVER*

For new construction on vacant lots, impervious surface cover is limited to a maximum of sixty percent (60%). Impervious surface cover is otherwise limited to seventy percent (70%).

b. *BUILDING HEIGHT*

No building shall exceed a height of forty (40) feet.

c. *BUFFERYARD*

*Bufferyard requirements of **Section 6.3, Bufferyard Standards** must be met for multifamily developments greater than one (1) acre in size.*

d. *OFF-STREET PARKING*

i. *NUMBER OF SPACES*

*Off-street parking for multifamily uses shall meet the standards for efficiency units, if applicable, or urban residential building in **Table 6.1.2A., Motor Vehicle and Bicycle Parking Space Requirements**.*

ii. *PARKING IN REAR*

All off-street parking shall be provided to the rear of the principal building(s) unless the Planning Board determines that, due to lot size, shape or topographic features, some or all parking cannot be placed to the rear.

iii. *REDUCTION IN BUFFERYARD*

*A side or rear bufferyard which may be reduced to allow a driveway to the rear of the property which accesses the off-street parking if the provisions of **Section 6.3.4C, Reduction for Driveway to Rear Parking Areas**, are met.*

iv. *LANDSCAPED SEPARATION FROM BUILDING*

A minimum three and one-half (3.5) foot wide landscaped area shall be provided between any parking area and building wall providing access into the unit(s).

e. *VEHICULAR USE LANDSCAPING REQUIREMENTS*

*Vehicular use landscaping requirements of **Section 6.2.1, Landscaping and Tree Preservation Standards – Winston-Salem,** must be met for multifamily developments containing more than four (4) units or nonresidential uses.*

f. *ROOFS*

Pitched roofs are required on all buildings.

5. *BUILDING SPACING REQUIREMENTS*

*If a zoning lot is developed for multifamily, townhouse or twin home residential buildings, the following method shall be used to determine the minimum spacing of buildings. The spacing of buildings shall be shown on a site plan prepared according to the provisions of **Section 3.2.11, Site Plan**.*

a. *CALCULATION OF TRIANGLE*

i. *For yards exclusive of those on the project perimeter, each wall of every dwelling shall have a minimum yard space in the shape of an imaginary isosceles triangle.*

ii. *The base of said triangle shall be a line connecting the extreme ends of the wall of the building and whose altitude shall be the length of the base line multiplied by a factor related to the height of the dwelling as provided in **Table 5.2.71B** and illustrated in the accompanying figure.*

iii. *There shall be a minimum distance of fifteen (15) feet between any walls of one-story buildings and twenty (20) feet between two-story buildings.*

iv. *Any wall over ten (10) feet long shall be treated as a separate wall.*

TABLE 5.2.71.B: ALTITUDE FACTORS USED TO DETERMINE BUILDING HEIGHT	
NUMBER OF STORIES [1]	***FACTORS TO MULTIPLY BASE OF TRIANGLE TO OBTAIN ALTITUDE***
1	*0.5*
2	*0.6*
3	*0.7*
4	*0.8*
5	*0.9*
6	*1.0*
NOTES: *[1] Each additional story shall increase factor one-tenth(0.1)*	

b. *OVERLAPPING TRIANGLES PROHIBITED*

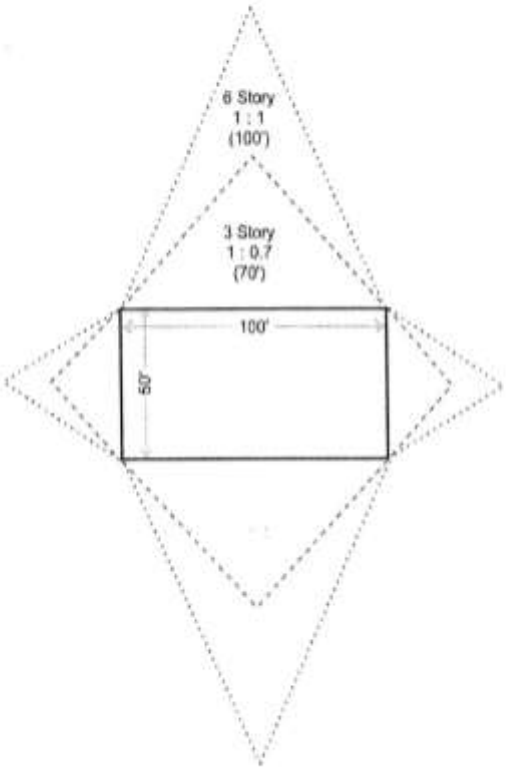
The yard spaces thus established by the isosceles triangles shall not overlap the yard space for any other wall of the same or any other dwelling.

c. *OTHER SPACING REQUIREMENTS*

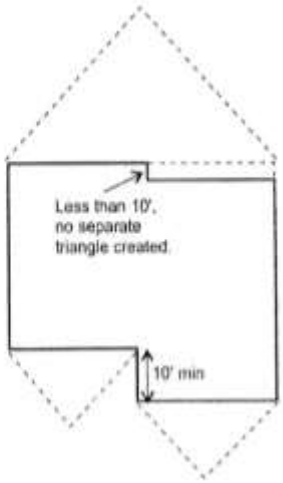
Building spacing for twin home and three (3) and four (4) unit townhouse buildings may be reduced to a minimum of twenty (20) feet.

FIGURE 5.2.71.B: SPACING BUILDINGS USING TRIANGLES

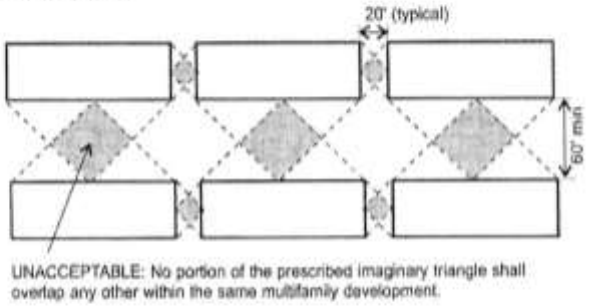
How To Calculate Triangles:
An imaginary isosceles triangle defined by connecting the extreme ends of the wall or portion of the wall as the base of the triangle, and calculating the altitude by multiplying the base by a factor related to height as provided in Table 3.5.



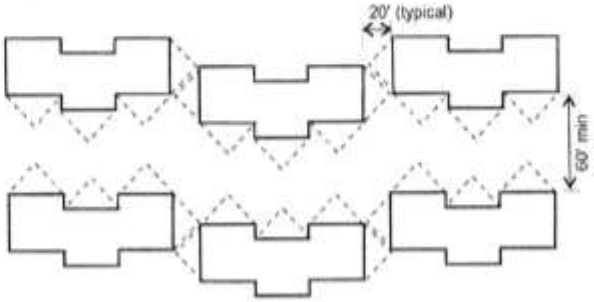
Any wall must be offset by another wall at least ten (10) feet in length to be considered as a separate wall.



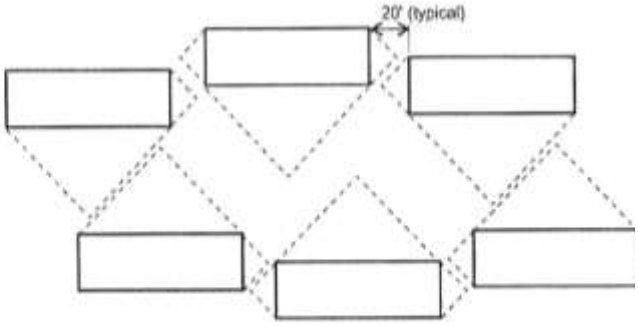
Examples:



UNACCEPTABLE: No portion of the prescribed imaginary triangle shall overlap any other within the same multifamily development.



ACCEPTABLE: Modified building architecture with minimum 10' offsets.



ACCEPTABLE: Modified building location.

d. ***ALTERNATIVE COMPLIANCE***

i. *A developer may propose spacing for buildings that varies from the strict application of the provisions of the section in order to accommodate the unique character of the site or to utilize innovative design.*

ii. *Application for alternative compliance shall include a site plan following the requirements of* ***Section 3.2.11, Site Plan*** *and any additional architectural plans, elevations, or perspective drawings to illustrate the proposed building design and/or placement alternative.*

iii. *Alternative compliance shall be approved by the Planning Board only upon a finding that the building architecture and site plan fulfills the following criteria as well or better than would strict conformance with the requirements of this Ordinance:*

1. *The project provides adequate air and light to the development and surrounding properties;*
2. *Through the use of a variety of fenestration patterns, building facade offsets, roof line treatments, and other architectural features, the perceived bulk, scale, and length and width of the building is congruous with surrounding buildings;*
3. *The development provides for orderly and easy movement of traffic and pedestrians;*
4. *The project will not be injurious to property or improvements in the affected area; and*
5. *The project is in accordance with all development criteria established by the Elected Bodies' adopted plans and policies including Forward 2045, area plans, and development guides.*

6. *PARKING IN RM-5 DISTRICTS*

The following shall apply to all residential development in the RM-5 District, except single family detached residences:

a. *All off-street parking shall be provided to the side or rear of the principal building(s) unless the Planning staff determines that, due to lot size, shape or topographic features, some or all parking cannot be placed to the side or rear;*

b. *All parking shall be set back at least five (5) feet off the property line;*

c. *The intervening five (5) feet shall be landscaped to meet the type I bufferyard standards of* ***Section 6.3, Bufferyard Standards****;*

d. *Vehicular use landscaping requirements of* ***Section 6.2.1D, Motor Vehicle Surface Area Landscaping Standards****, must be met for multifamily or townhouse developments (triplexes or quadraplexes) where parking is provided at the front of the principal building; and*

e. *A minimum three (3) foot wide landscaped area shall be provided between any parking area and building wall providing access into the unit(s).*

7. *MULTIFAMILY BUILDINGS IN GMA 2*

The following requirements shall apply to all multifamily buildings in Growth Management Area 2 except for expansions to existing multifamily developments in the same ownership as the development being expanded:

a. *ORIENTATION*

Buildings adjacent to all existing streets except major thoroughfares shall have their primary entrance oriented towards the existing street.

b. *FRONT SETBACKS*

i. *Front setbacks of less than ten (10) feet shall be accompanied by a finished floor elevation of at least two and one-half (2.5) feet above the average street grade in front of the building or unit.*

ii. *This requirement shall not apply to multifamily buildings where nonresidential uses occupy the street level of the building.*

c. *PARKING*

Parking shall be located to the side and/or rear of the primary building entrance, except where buildings are adjacent to major thoroughfares.

d. *DEVELOPMENTS LARGER THAN THREE (3) ACRES*

Developments larger than three acres in size which do not meet these requirements but which meet the intent of the Ordinance may be approved through a special-use district rezoning.

C. *LO DISTRICT*

Multifamily development is permitted in the LO District at a maximum density of twelve (12) units per acre.

D. *RESERVED*

E. *DIMENSIONAL REQUIREMENTS FOR TOWNHOUSE AND TWIN HOME UNITS AND BUILDINGS*

1. *TOWNHOUSE AND TWIN HOME UNITS*

a. *Townhouse and twin home units developed in the RSQ and RM-5 Districts shall adhere to the dimensional requirements of their respective zoning districts.*

b. *Townhouse and twin home units in other permitted zoning districts may be constructed and sold with no setback, lot area, or lot width requirements.*

2. *TOWNHOUSE OR TWIN HOME BUILDINGS*

Development projects with townhouse and twin home buildings shall comply with the general dimensional and building spacing requirements of the applicable zoning district for the project as one zoning lot.

F. *NB DISTRICT*

1. *Multifamily development is permitted in the NB District only in combined use buildings at a maximum density of four (4) units not located on the ground floor.*

2. *Higher density may be permitted with special use zoning.*

G. *GO DISTRICT*

Multifamily development is permitted in the GO District at a maximum density of eighteen (18) units per acre.

5.2.72 RESIDENTIAL BUILDING, SINGLE FAMILY (W)

A. *Within the CB District, single unit residential shall be allowed for adaptive reuse of existing structures only.*

B. *No double key or other locking mechanism which has the purpose of preventing access while the room is uninhabited shall be installed on any interior bedroom door within the dwelling unit, except for a single bedroom if used as lodging for a resident guest under home occupation provisions.*

5.2.73 RETAIL STORE

A. OUTDOOR DISPLAY OF MERCHANDISE

1. LOCATION

Outdoor display areas may not be located in parking areas, required landscape areas or on sidewalks. All outdoor display areas must be shown on the approved site plan.

2. SIZE

Outdoor display areas may not exceed ten percent (10%) of the gross square footage of the building/tenant space or ten thousand (10,000) square feet, whichever is less.

3. SETBACKS

Outdoor display areas must meet the required setbacks for the underlying zoning district.

4. SCREENING

For any outdoor display area located between the front wall of the building, extended to the side property lines, a ten (10) foot wide streetyard must be installed between the street and outdoor display area.

5. PARKING

Parking for the outdoor display area is calculated using the parking standard for the retail store use.

B. BUILDING MATERIALS

Building materials for the use retail store shall comply with the following standards:

1. **ALLOWED SIDING MATERIALS**
   Only the following building siding materials shall be allowed:
   - **a.** Brick and brick veneer;
   - **b.** Stone, stone veneer, and cultured stone;
   - **c.** Precast concrete panels provided they are textured and contain architectural detailing;
   - **d.** Concrete Masonry Units (CMU) provided they are split face and textured;
   - **e.** Fiber Cement Siding (Hardie Board);
   - **f.** Glass;
   - **g.** Stucco with architectural detailing; and
   - **h.** Wood.
2. **ALTERNATIVE COMPLIANCE**
   - **a.** A retail store which does not meet the requirements of **Section 5.2.73B, Building Materials**, shall require approval through special use zoning.
   - **b.** Additional site plan review items demonstrating the character of the proposed development, including building elevations shall be required.
   - **c.** Alternative compliance requests shall demonstrate innovative design along with a creative use/mixture of siding materials.

5.2.74 RIDING STABLE, INCLUDING VETERINARIAN SERVICES FOR EQUINE SPECIES AND CATTLE

A. PROHIBITED DISTRICTS (W)

Riding stables shall not be permitted as a principal or accessory use in RS Districts in GMAs 1 and 2.

B. SIZE

Any riding stable shall occupy a zoning lot containing not less than five (5) acres.

C. SETBACKS

Such riding stables, including any structures housing permitted veterinarian services for equine species or cattle, shall be set back not less than one hundred fifty (150) feet from any adjoining zoning lot and one hundred (100) feet from any street right-of-way.

5.2.75 SCHOOL, PRIVATE

A. MINIMUM SITE AREA

With the exception of elementary and secondary schools located within the geographic area bounded by 10th Street on the north, Salem Creek on the south, US 52 on the east, and Broad Street on the west, the minimum site area for each type of private school shall be not less than the following square footage per pupil:

1. **ELEMENTARY SCHOOL (GRADES KINDERGARTEN THROUGH FIVE (5))**
   Four hundred (400) square feet;
2. **MIDDLE SCHOOL (GRADES SIX (6) THROUGH EIGHT (8))**
   Six hundred (600) square feet;
3. **HIGH SCHOOL (GRADES NINE (9) THROUGH TWELVE (12))**
   Eight hundred (800) square feet; and
4. **COMBINATION OF GRADES AND SCHOOL TYPES**
   When a private school provides a combination of above grades and schools, the minimum site area is calculated by prorating the number of pupils for each grade.

B. MOBILE SCHOOL UNIT (F)

1. Any new schools shall identify any area(s) on which a mobile school unit is to be placed.

2. Mobile School Unit shall be allowed through the issuance of a zoning permit for all school, private sites provided that the mobile school unit meets the requirements of **Section 5.2.75E.6**, and complies with the temporary use provisions of **Section 5.4, Temporary Uses and Structures**.

3. If unable to meet the requirements of **Section 5.2.75E.6**, for exemption, the mobile school unit must be approved by the Planning Board where the Planning Board may adjust or waive the specified requirements based on site circumstances.

C. *MOBILE SCHOOL UNIT (W)*

1. *Any new schools shall identify any area(s) on which a mobile school unit is to be placed.*

2. *A mobile school unit shall be allowed through the issuance of a zoning permit for all School, Private sites provided that the mobile school unit meets the requirements of **Section 5.2.75E.7**, and complies with the temporary use provisions of **Section 5.4, Temporary Uses and Structures**.*

3. *If unable to meet the requirements of **Section 5.2.75E.7,** for exemption, the mobile school unit must be approved by a special use permit issued by the Board of Adjustment.*

4. *The Board of Adjustment may adjust or waive the specified requirements based on site circumstances, such as:*

a. *Existing buildings and development of the school campus or on adjoining property;*

b. *Existing utilities; or*

c. *Natural features, like topography or wooded areas.*

D. OTHER REQUIREMENTS IN THE CB DISTRICT

1. INTERIOR FLOOR SPACE

a. The minimum interior floor space for each school shall not be less than one hundred (100) square feet per pupil. (F)

b. *The minimum interior floor space for each elementary school shall not be less than one hundred (100) square feet per pupil. (W)*

2. PLAY AREA

The minimum outdoor or indoor play area shall be five thousand (5,000) square feet.

3. OFF-STREET LOADING

There shall be a minimum of one off-street loading or unloading space per fifty (50) pupils enrolled, appropriately located to the entrance(s) to the school building.

E. EXEMPTIONS

Exempted from Planning Board or Board of Adjustment review are the following improvements or buildings on school campuses, provided the Director of Inspections consults with the Director of Planning prior to the issuance of any permits for these improvements or buildings:

1. RECREATION IMPROVEMENTS

Concession stands, playground equipment, or bleachers with a seating capacity for less than one thousand (1,000) spectators.

2. ACCESSORY BUILDINGS

Maintenance, storage, or accessory buildings of less than four thousand (4,000) square feet (building footprint).

3. MODIFICATION TO PARKING LOTS

Modifications to existing parking lots and driveways (NOTE: Any changes to driveways must receive driveway permits from either the City of Winston-Salem or the North Carolina Department of Transportation, whichever is applicable).

4. NEW PARKING

New parking or pavement areas of less than twenty thousand (20,000) square feet.

5. UTILITIES

a. Installation of new utilities or maintenance of existing utilities.

b. Any utility relocations or installations must be approved by the Utilities Commission.

6. MOBILE SCHOOL UNITS (F)

a. A mobile school unit is exempt from a Planning Board Review provided that the mobile school unit meets the following design considerations or the location has previously been approved by the Planning Board.

b. If unable to meet these provisions, the mobile school unit must be approved by the Planning Board where the Planning Board may adjust or waive the specified requirements based on site circumstances.

c. The requirements are as follows:

i. SETBACKS

A mobile school unit shall be setback no less than forty (40) feet from all property lines and shall be located no closer to the surrounding public street(s) than the principal school structure.

ii. BUFFERING

Either the bufferyard specified in **Section 6.3.2, Determination of Bufferyard** shall be installed or the provision of **Section 6.3.2D, Alternative Compliance for Schools**, met through the approval of a landscaping plan for the school, private site.

iii. ACCESSIBILITY AND SAFETY

1. A hard-surfaced, accessible route with a minimum width of five (5) feet shall be provided between the principal school structure and the mobile school unit(s).

2. Further, a striped pedestrian crosswalk shall be provided where this accessible route crosses parking and drive aisles.

iv. OTHER

All other standards of this Ordinance shall be met.

7. *MOBILE SCHOOL UNITS (W)*

a. *A mobile school unit is exempt from a Planning Board or Board of Adjustment Review provided that the mobile school unit meets the following design considerations or the location has previously been approved by the Planning Board.*

b. *If unable to meet these provisions, the mobile school unit must be approved by a special use permit issued by the Board of Adjustment.*

c. *The Board of Adjustment may adjust or waive the specified requirements based on site circumstances, such as:*

i. *Existing buildings and development of the school campus or on adjoining property;*

ii. *Existing utilities; or*

iii. *Natural features, like topography or wooded areas.*

d. *The requirements are as follows:*

i. *SETBACKS*

A mobile school unit shall be setback no less than forty (40) feet from all property lines and shall be located no closer to the surrounding public street(s) than the principal school structure.

ii. *BUFFERING*

*Either the bufferyard specified in **Section 6.3.2, Determination of Bufferyard** shall be installed or the provision of **Section 6.3.2D, Alternative Compliance for Schools**, met through the approval of a landscaping plan for the school, private site.*

iii. *LANDSCAPING*

1. *At a minimum, there shall be one large variety tree planted on the campus for each mobile school unit approved.*
2. *The tree(s) shall be located within one hundred fifty (150) feet of the mobile school unit(s) or the principal school structure and be planted with a minimum on-center spacing of thirty (30) feet and a maximum on-center spacing of fifty (50) feet.*

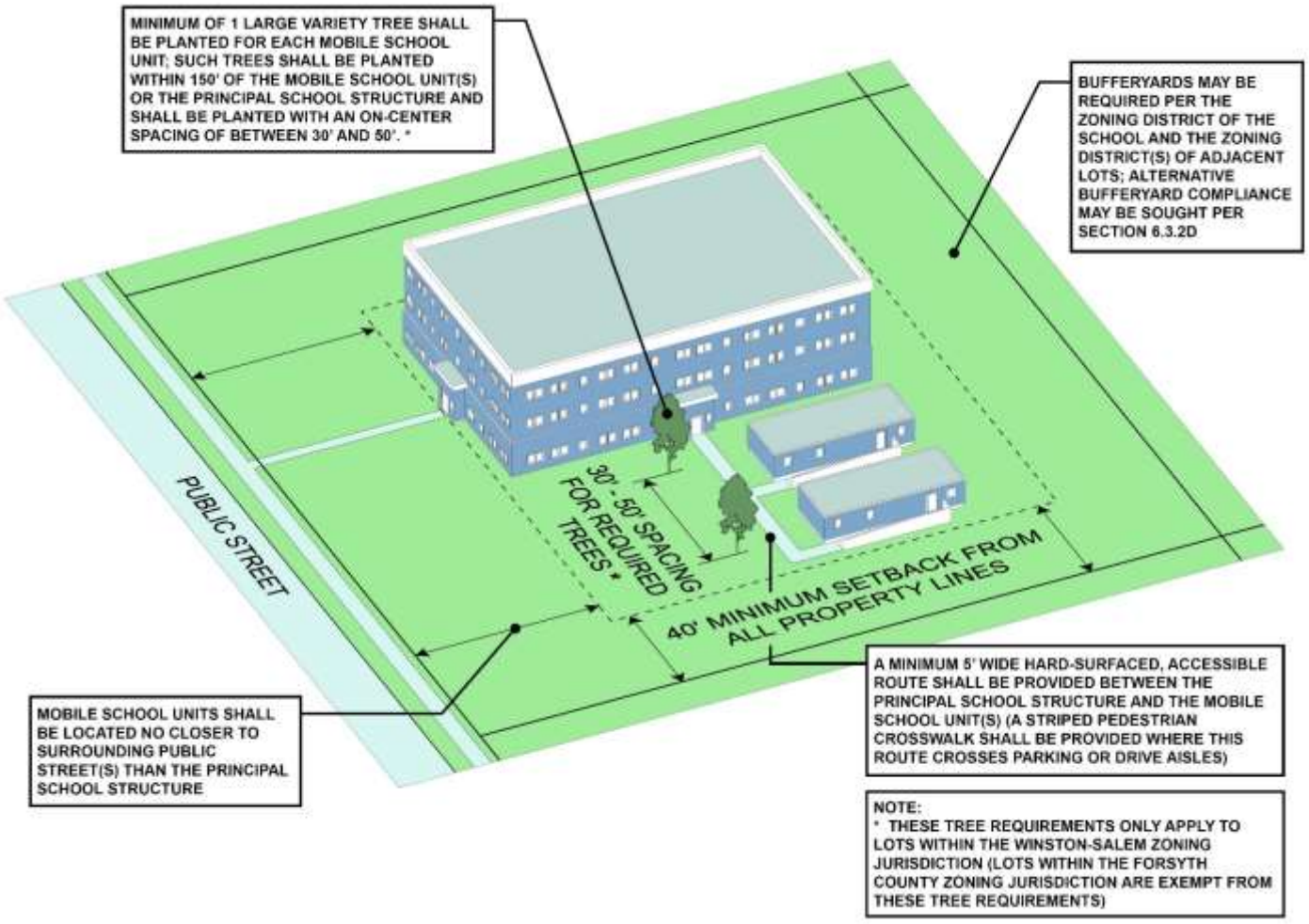
iv. *ACCESSIBILITY AND SAFETY*

1. *A hard-surfaced, accessible route with a minimum width of five (5) feet shall be provided between the principal school structure and the mobile school unit(s).*
2. *Further, a striped pedestrian crosswalk shall be provided where this accessible route crosses parking and drive aisles.*

v. *OTHER*

All other standards of this Ordinance shall be met.

2.75.E – CERTAIN REQUIREMENTS FOR MOBILE SCHOOL UNITS FOR PRIVATE AND PUBLIC SCHOOLS



F. CHARTER SCHOOLS

Charter schools are permitted in all zoning districts in which private schools are permitted, and are also permitted within a geographic area defined by Salem Creek on the south, US 52 on the east, Tenth (10th) Street on the north, and Broad Street on the west.

G. *LANDSCAPE PLAN (W)*

*A tree preservation and planting plan prepared per the requirements of **Section 6.2.1C, Tree Preservation and Planting**, shall be prepared and installed for any new school or improvements to schools approved or constructed after the date of adoption of this Ordinance.*

H. LANDSCAPE PLAN (F)

A landscape plan prepared per the requirements of **Section 6.2.2H, Public or Private Schools,** shall be prepared and installed for any new school or improvements to schools approved or constructed after the date of adoption of this Ordinance.

5.2.76 SCHOOL, PUBLIC

The following conditions apply to public schools in all zoning districts where permitted:

A. SCHOOL STADIUMS

1. STADIUMS

A school stadium may be located on the same zoning lot as any public secondary school.

2. STADIUM AND PLAYGROUND AREA SETBACKS

School stadiums, including the parking areas, or other playground areas, shall be set back not less than fifty (50) feet from the property lines of any adjacent residentially-zoned property.

3. BUFFERYARDS

A fence option bufferyard of type II, as specified in **Section 6.3, Bufferyard Standards**, shall be provided along the side and rear property lines between any school stadium and any property zoned for residential use.

4. PARKING FOR STADIUMS IN GMA 1 AND 2. (W)

A special use permit from the Elected Body in accordance with **Section 3.2.13E, Special Use Permits Authorized By The Elected Body,** must be granted for new stadiums and stadium expansions with more than a total of one thousand five hundred (1,500) seats in GMA 1 and 2 unless there is adequate off-street parking on the zoning lot of the proposed school stadium to meet a one (1) space per four (4) seat parking requirement.

B. MOBILE SCHOOL UNITS (F)

1. Any new schools shall identify any areas on which a mobile school unit is to be placed.

2. A mobile school unit shall be allowed through the issuance of a zoning permit for all school, public sites provided that the mobile school unit meets the requirements of **Section 5.2.76E.6, Mobile School Unit (F)**, and complies with the temporary use provision of **Section 5.4, Temporary Uses and Structures**.

3. If unable to meet the requirements of **Section 5.2.76E.6, Mobile School Unit (F)** for exemption, the mobile school unit must be approved by the Planning Board where the Planning Board may adjust or waive the specified requirements based on site circumstances.

C. *MOBILE SCHOOL UNITS (W)*

1. *Any new schools shall identify any areas on which a mobile school unit is to be placed.*

2. *A mobile school unit shall be allowed through the issuance of a zoning permit for all school, public sites provided that the mobile school unit meets the requirements of **Section 5.2.76E.7, Mobile School Unit (W)**, and complies with the temporary use provision of **Section 5.4, Temporary Uses and Structures**.*

3. *If unable to meet the requirements of **Section 5.2.76E.7, Mobile School Unit (W),** for exemption, the mobile school unit must be approved by a special use permit issued by the Board of Adjustment.*

4. *The Board of Adjustment may adjust or waive the specified requirements based on site circumstances, such as:*

a. *Existing buildings and development of the school campus or on adjoining property;*

b. *Existing utilities; or*

c. *Natural features, like topography or wooded areas.*

D. OTHER REQUIREMENTS IN GMA 1 AND THE CB DISTRICT

1. INTERIOR FLOOR SPACE
The minimum interior floor space for each school shall not be less than one hundred (100) square feet per pupil.

2. PLAY AREA
The minimum outdoor or indoor play area shall be five thousand (5,000) square feet.

3. OFF-STREET LOADING
There shall be a minimum of one off-street loading or unloading space per fifty (50) pupils enrolled, appropriately located to the entrance(s) to the school building.

4. STATE APPROVAL
The facility plan must be approved by the North Carolina Department of Public Instruction, Division of School Planning and/or the North Carolina Department of Insurance.

E. EXEMPTIONS

Exempted from Planning Board or Board of Adjustment review are the following improvements or buildings on Winston-Salem/Forsyth County School campuses, provided the Director of Inspections consult with the Director of Planning prior to the issuance of any permits for these improvements or buildings:

1. RECREATION IMPROVEMENTS
Concession stands, playground equipment, or bleachers with a seating capacity for less than one thousand (1,000) spectators;

2. BUILDING EXPANSIONS OR ACCESSORY BUILDINGS
Expansions of less than four thousand (4,000) square feet (building footprint) of existing principal building; or maintenance, storage, or accessory buildings of less than four thousand (4,000) square feet (building footprint);

3. MODIFICATION TO PARKING LOTS
Modifications to existing parking lots and driveways (NOTE: Any changes to driveways must receive driveway permits from either the City of Winston-Salem or the North Carolina Department of Transportation, whichever is applicable);

4. NEW PARKING
New parking or pavement areas of less than twenty thousand (20,000) square feet;

5. UTILITIES
Installation of new utilities or maintenance of existing utilities (NOTE: Any utility relocations or installations must be approved by the Utilities Commission).

6. <u>MOBILE SCHOOL UNIT (F)</u>

a. <u>A mobile school unit is exempt from a Planning Board Review provided that the mobile school unit meets the following design considerations or the location has previously been approved by the Planning Board.</u>

b. <u>If unable to meet these provisions, the mobile school unit must be approved by the Planning Board where the Planning Board may adjust or waive the specified requirements based on site circumstances.</u>

c. <u>The requirements are as follows:</u>

i. <u>SETBACKS</u>
<u>A mobile school unit shall be setback no less than forty (40) feet from all property lines and shall be located no closer to the surrounding public street(s) than the principal school structure.</u>

ii. BUFFERING

Either the bufferyard specified in **Section 6.3.2, Determination of Bufferyard** shall be installed or the provision of **Section 6.3.2D, Alternative Compliance for Schools,** met through the approval of a landscaping plan for the school, public site.

iii. ACCESSIBILITY AND SAFETY

1. A hard-surfaced, accessible route with a minimum width of five (5) feet shall be provided between the principal school structure and the mobile school unit(s).

2. Further, a striped pedestrian crosswalk shall be provided where this accessible route crosses parking and drive aisles.

iv. OTHER

All other standards of this Ordinance shall be met.

7. *MOBILE SCHOOL UNIT (W)*

a. *A mobile school unit is exempt from a Planning Board or Board of Adjustment Review provided that the mobile school unit meets the following design considerations or the location has previously been approved by the Planning Board.*

b. *If unable to meet these provisions, the mobile school unit must be approved by a special use permit issued by the Board of Adjustment.*

c. *The Board of Adjustment may adjust or waive the specified requirements based on site circumstances, such as:*

i. *Existing buildings and development of the school campus or on adjoining property;*

ii. *Existing utilities; or*

iii. *Natural features, like topography or wooded areas. The requirements are as follows:*

d. *The requirements are as follows:*

i. *SETBACKS*

A mobile school unit shall be setback no less than forty (40) feet from all property lines and shall be located no closer to the surrounding public street(s) than the principal school structure.

ii. *BUFFERING*

*Either the bufferyard specified in **Section 6.3.2, Determination of Bufferyard** shall be installed or the provision of **Section 6.3.2E, Conflicting Bufferyard Requirements**, met through the approval of a landscaping plan for the school, public site.*

iii. *LANDSCAPING*

At a minimum, there shall be one large variety tree planted on the campus for each mobile school unit approved. The tree(s) shall be located within one hundred fifty (150) feet of the mobile school unit(s) or the principal school structure and be planted with a minimum on-center spacing of thirty (30) feet and a maximum on-center spacing of fifty (50) feet.

iv. *ACCESSIBILITY AND SAFETY*

1. *A hard-surfaced, accessible route with a minimum width of five (5) feet shall be provided between the principal school structure and the mobile school unit(s).*

2. *Further, a striped pedestrian crosswalk shall be provided where this accessible route crosses parking and drive aisles.*

v. *OTHER*

All other standards of this Ordinance shall be met.

F. *LANDSCAPE PLAN (W)*

*A tree preservation and planting plan prepared per the requirements of **Section 6.2.1C, Tree Preservation and Planting,** shall be prepared and installed for any new school or improvements to schools approved or constructed after the date of adoption of this Ordinance.*

G. LANDSCAPE PLAN (F)

1. A landscape plan prepared per the requirements of **Section 6.2.2H, Public or Private Schools,** shall be prepared and installed for any new school or improvements to schools approved or constructed after the date of adoption of this Ordinance.

2. Schools currently under construction at the time of adoption of this Ordinance may elect to provide landscaping in compliance with **Section 6.2.2H, Public or Private Schools,** and **Section 6.3.2D, Alternative Compliance for Schools.**

5.2.77 SERVICES B (W)

A. *CB DISTRICT*

Only the following SIC groups are permitted in the CB District: 721 Laundry, Cleaning, and Garment Services, except those listed under Services A; 734 Services to Dwellings and other buildings.

5.2.78 SHELTER FOR THE HOMELESS

A. HEATED BUILDING SQUARE FOOTAGE

A minimum of fifty (50) square feet of heated building space shall be provided per resident.

B. SPACING REQUIREMENT

1. A new shelter for the homeless may not be located within a distance of two thousand five hundred (2,500) feet from any other shelter for the homeless use, or from any use which, though not classified as a shelter for the homeless under this Ordinance, would, if it were reclassified, be classified as a shelter for the homeless.

2. All measurements shall be made by drawing straight lines from the nearest point of the lot line where the proposed shelter for the homeless is to be located to the nearest point of the lot line of another shelter for the homeless.

3. All shelters for the homeless, or facilities that would be classified as a shelter for the homeless if it were reclassified today, existing as of the effective date of this Ordinance shall be exempt from this two thousand five hundred (2,500) foot spacing requirement for the purposes of expansion or intensification of the use.

4. These existing shelters for the homeless must comply with all of the provisions of **Section 5.2.78, Shelter for the Homeless**, and obtain a special use permit from the Elected Body for such expansion or intensification of the use, including, where permitted in the underlying zoning, the expansion of retail sales.

C. OPERATION

1. The shelter for the homeless facility shall be contained within a building owned and/or operated by a government agency or nonprofit organization.

2. The shelter for the homeless facility operator(s) shall provide continuous, on-site supervision by an employee and/or volunteer during all hours of operation.

D. MAXIMUM OCCUPANCY

1. A shelter for the homeless may house no more than one hundred (100) residents.

2. In the event that housing is provided for more than fifty (50) residents, additional conditions may be imposed to prevent adverse impacts on nearby properties and uses.

5.2.79 SHOOTING RANGE, OUTDOOR (F)

A. SKEET OR TRAPSHOOTING RANGE SIZE

Skeet or trapshooting ranges shall be located on a site of not less than fifteen (15) acres, and such ranges shall be so designed and constructed that the distance to any adjacent property measured from the firing point or points in the direction of fire shall be not less than three hundred (300) yards.

B. RIFLE OR PISTOL RANGE SIZE

A rifle or pistol range must be located on a site of not less than twenty (20) acres.

C. RIFLE OR PISTOL RANGE BACKSTOP

A rifle or pistol range must have a backstop along the entire length of the target line meeting the following specifications:

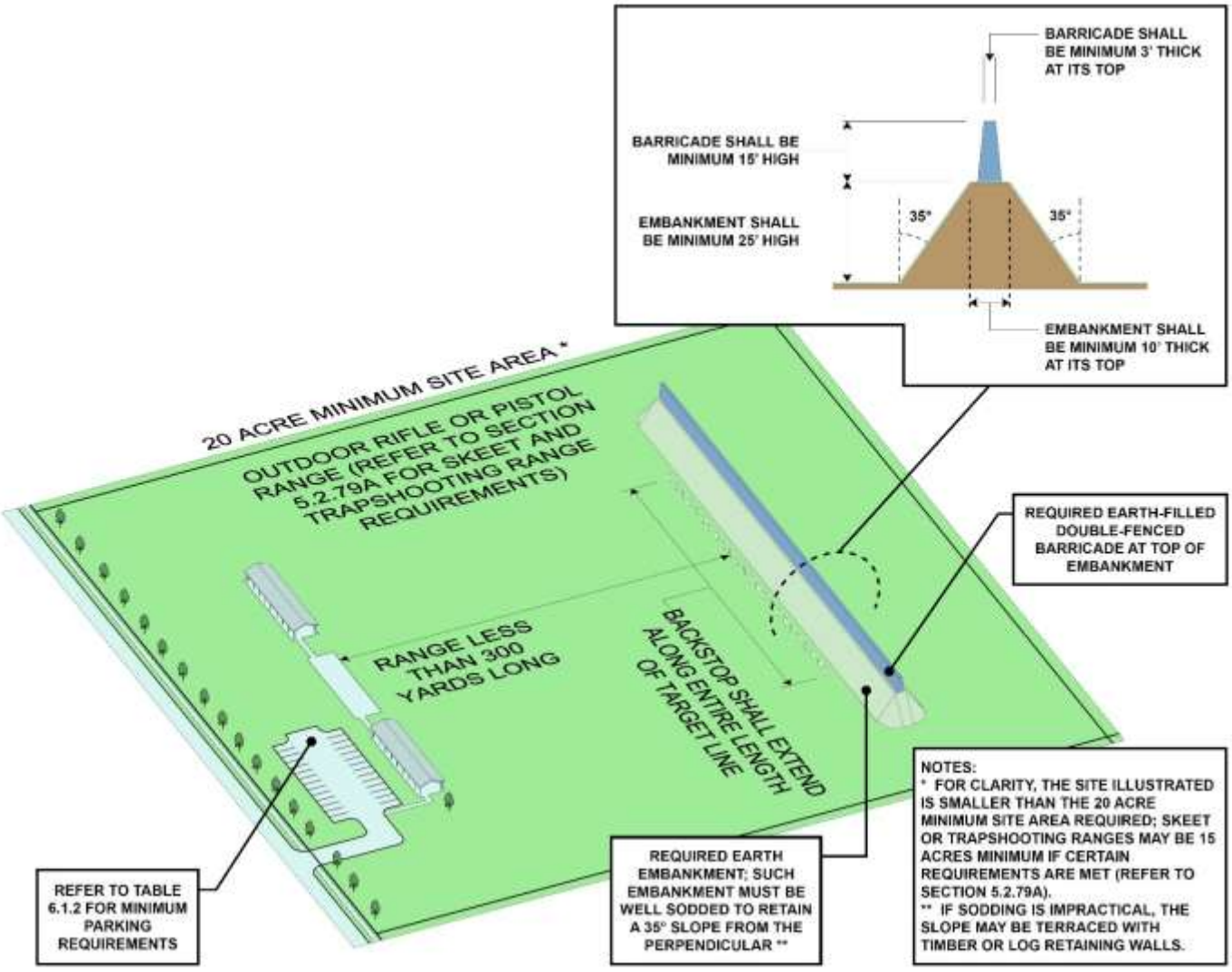
1. RANGES LESS THAN THREE HUNDRED (300) YARDS IN LENGTH

a. For ranges less than three hundred (300) yards in length: an earth embankment not less than twenty-five (25) feet in height and not less than ten (10) feet in thickness at the top.

b. Such earth embankment shall be well sodded to retain a slope of thirty-five (35) degrees from the perpendicular, or, if sodding is impractical, the slope may be terraced with timber or log retaining walls.

c. Such embankment shall be topped with an earth filled, double-fenced barricade no less than fifteen (15) feet in height and not less than three (3) feet in thickness at the top.

79.C.1 – CERTAIN REQUIREMENTS FOR OUTDOOR RIFLE OR PISTOL RANGES SHORTER THAN 300 YARDS IN THE FORSYTH COUNTY ZONING JURISDICTION



2. RANGES GREATER THAN THREE HUNDRED (300) YARDS IN LENGTH

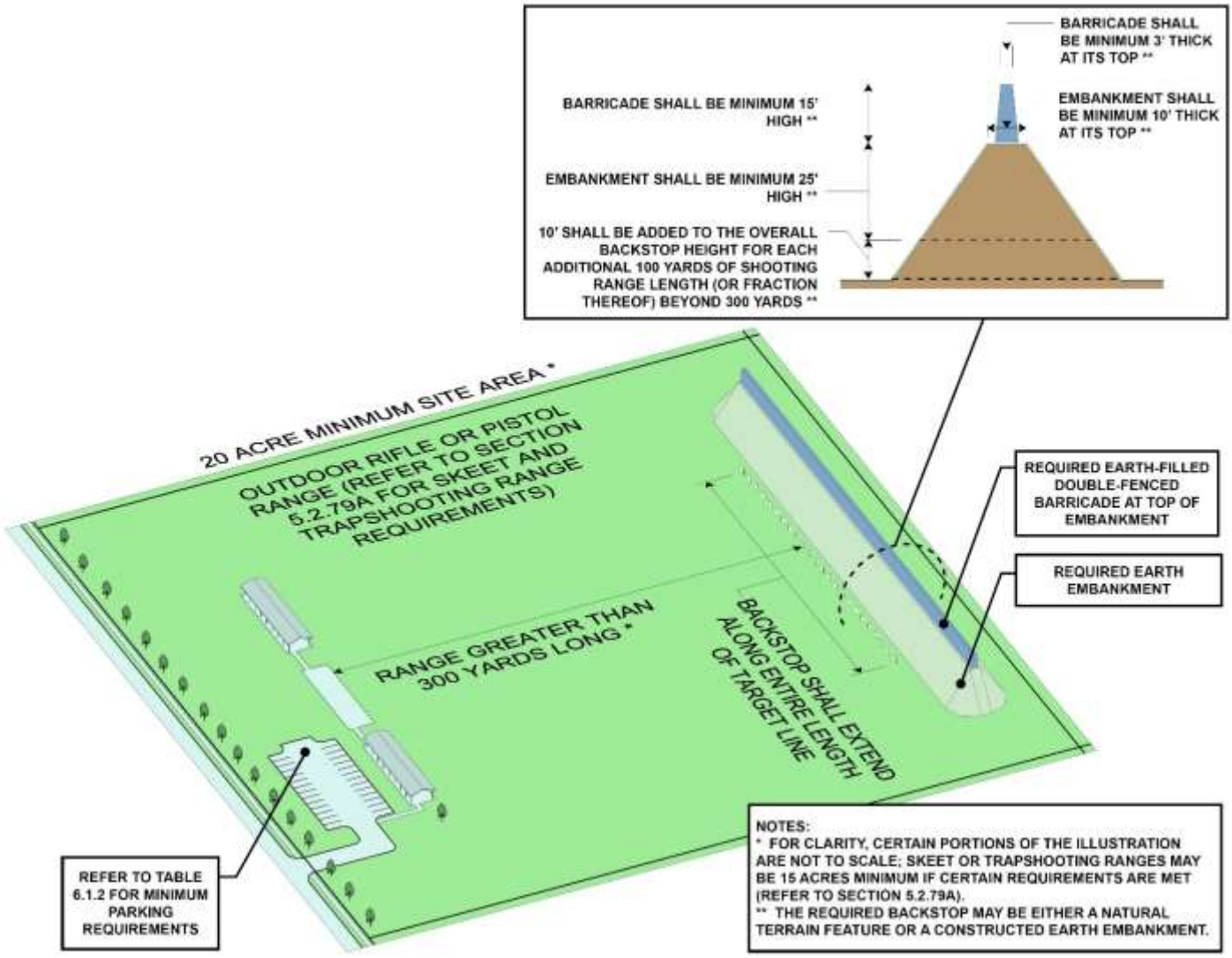
a. For ranges greater than three hundred (300) yards in length: ten (10) feet in overall height shall be added to the backstop for each additional one hundred (100) yards or fraction thereof in additional range.

b. In no case shall the earth embankment be less than ten (10) feet in thickness at the top, nor shall the double fenced barricade be less than three (3) feet in thickness at its top.

c. The required backstop may be either a natural terrain feature or a constructed earth embankment.

d. In the case of a natural terrain feature, a topographic map at a scale of not less than one inch represents two hundred (200) feet (1" to 200') and two (2) foot contour intervals showing the terrain feature shall be submitted with the request for a special use permit.

FIGURE 5.2.79.C.2 – CERTAIN REQUIREMENTS FOR OUTDOOR RIFLE OR PISTOL RANGES GREATER THAN 300 YARDS IN THE FORSYTH COUNTY ZONING JURISDICTION



D. HOURS OF OPERATION

The use of firearms shall be limited to between the hours of 7:00 a.m. and 9:30 p.m.

5.2.80 SHOPPING CENTER (W)

Uses permitted in shopping centers shall be all those uses permitted in the applicable zoning district.

5.2.81 SHOPPING CENTER (F)

Uses permitted in shopping centers shall be all those uses permitted in the applicable zoning district.

5.2.82 SHOPPING CENTER, SMALL (W)

A. *PERMITTED USES*

Uses permitted in shopping center, small shall be all those uses permitted in the applicable zoning district.

B. *RESTAURANT USE LIMITATION*

1. *To qualify for the shared parking requirement, no more than fifty percent (50%) of the building area can be used for restaurant use.*

2. *Parking may be calculated for each individual use at the owner's request and may use the storage space exemptions for parking calculations per* ***Section 6.1.2B.5, Square feet of Gross Floor Area (SF GFA)***.

5.2.83 SHOPPING CENTER, SMALL (F)

A. PERMITTED USES

Uses permitted in shopping center, small shall be all those uses permitted in the applicable zoning district.

B. RESTAURANT USE LIMITATION

1. To qualify for the shared parking requirement, no more than fifty percent (50%) of the building area can be used for restaurant use.

2. Parking may be calculated for each individual use at the owner's request and may use the storage space exemptions for parking calculations per **Section 6.1.2B.5, Square feet of Gross Floor Area (SF GFA)**.

5.2.84 SIGNS, OFF-PREMISES

All signs must comply with the provisions of **Section 6.5, Signage**.

5.2.85 SOLID WASTE TRANSFER STATION

A. TYPE OF WASTE HANDLED (F)

1. The transfer station shall only accept those wastes it is permitted to receive.

2. This limitation shall not preclude use of the transfer station for collection, processing, storage, and transfer of recyclable materials or for other waste reduction activities.

B. *TYPE OF WASTE HANDLED (W)*

1. *The transfer station shall only handle waste that can be legally handled or disposed of.*

2. *This limitation shall not preclude use of the transfer station for collection, processing, storage, and transfer of recyclable materials or for other waste reduction activities.*

C. VEHICULAR ACCESS

Vehicular access to the transfer station site shall be provided on a major or minor thoroughfare or on a road improved to necessary industrial capacity as determined by the Director of Public Works for the City of Winston-Salem or the North Carolina Department of Transportation for Forsyth County.

D. SETBACK AND BUFFERING

1. Setback and buffering requirements for the underlying district shall be met.

2. Where the facility is adjacent to residentially zoned land under separate ownership, setback and buffering for structural and vehicular use areas are specified in the table below:

TABLE 5.2.85: SETBACK AND BUFFERING FOR SOLID WASTE TRANSFER STATIONS

FACILITY	RESIDENTIALLY ZONED LAND UNDER SEPARATE OWNERSHIP		OTHER STANDARDS
	MINIMUM DISTANCE FROM	BUFFERING ADJACENT TO	
Solid Waste Transfer with Sanitary/ Putrescible Material	300′	Type III	Open side of building oriented away from nearest residentially zoned property; no driveways located between building and said residential land.
	250′	Type III Double Plantings	1. Open side of building oriented away from nearest residentially zoned property; no driveways located between building and said residential land. 2. Minimum eight (8) foot high berm or opaque (wood or masonry) fence or wall constructed at edge of vehicular use surface area in direction of said residential property.
Solid Waste Transfer with Recycling or Non-Putrescible Material	200′	Type III Triple Plantings	1. Open side of building oriented away from nearest residentially zoned property; no driveways located between building and said residential land. 2. Minimum eight (8) foot high berm or opaque (wood or masonry) fence or wall constructed at edge of vehicular use surface area in direction of said residential property.

E. WITHIN ENCLOSED BUILDING

1. The unloading and loading of solid waste shall take place within a building enclosed on at least three (3) sides.

2. The open side or bay openings for truck access shall be oriented away or screened from adjacent residentially zoned properties in separate ownership, historic districts, or public rights-of-way for those roads subject to requirements of **Section 4.9.3B.3, Applicable Roads and Boundaries**.

F. COMPLY WITH STATE AND FEDERAL LAW (F)

1. The establishment and operation of a transfer Station shall comply with all federal and State laws for such facilities.

2. However, where this Ordinance is more restrictive, this Ordinance shall control.

G. *COMPLY WITH STATE AND FEDERAL LAW (W)*

The establishment and operation of a transfer Station shall comply with all federal and State laws for such facilities.

H. *ACCESSORY USE (W)*

*A solid waste transfer station constructed as accessory to a landfill prior to adoption of this Ordinance must, upon termination of the landfill use, comply with all requirements of the UDO, including **Table 5.1.1, Principal Use Table**.*

I. *SPECIAL USE PERMIT - OTHER (W)*

*If a proposed solid waste transfer station is not able to meet the requirements of **Section 5.2.85, Solid Waste Transfer Station**, the elected body may consider and issue a special use permit for the transfer station according to the provisions of **Section 3.2.13E, Special Use Permits Authorized By The Elected Body**.*

5.2.86 SPECIAL EVENTS CENTER

A. SIZE

A special events center shall be no larger than twenty thousand (20,000) square feet of gross floor area.

B. STANDARDS

Special events center uses in the YR, AG, RS-40, RS-30, RS-20, PB, LB, NSB, HB, GB, LI, C, and MU-S districts shall be subject to the following requirements:

1. ACCESS

a. A special events center shall have direct vehicular access to a major or minor thoroughfare or collector street as defined in the Transportation Plan.

b. For facilities created by converting existing structures, the maximum distance from a thoroughfare or collector street shall not exceed one thousand five hundred (1,500) feet.

c. All measurements shall be made by drawing a straight line from the nearest point of the lot line where the special events center is to be located to the accessed major or minor thoroughfare or collector street.

2. SETBACK

No activity areas associated with this use, including, but not limited to, the special events center structure, outdoor event space or parking shall be located less than forty (40) feet from neighboring residentially-zoned property.

3. BUFFER

All sites containing special events centers shall be buffered from adjacent residentially zoned property by a type III bufferyard.

5.2.87 STADIUM, COLISEUM, OR EXHIBITION BUILDING

A. SIZE

A stadium, coliseum, or exhibition building shall be larger than twenty thousand (20,000) square feet of gross floor area.

B. STANDARDS

Stadium, coliseum, or exhibition building uses in the PB, HB, GB, C, and MU-S districts shall be subject to the following requirements:

1. ACCESS

a. A stadium, coliseum, or exhibition building shall have direct vehicular access to a major or minor thoroughfare or collector street as defined in the Transportation Plan.

b. For facilities created by converting existing structures, the maximum distance from a thoroughfare or collector street shall not exceed one thousand five hundred (1,500) feet. All measurements shall be made by drawing a straight line from the nearest point of the lot line where the stadium, coliseum, or exhibition building is to be located to the accessed major or minor thoroughfare or collector street.

2. SETBACK

No activity areas associated with this use, including, but not limited to, the stadium, coliseum, or exhibition building structure, outdoor event space or parking shall be located less than forty (40) feet from neighboring residentially-zoned property.

3. BUFFER

All sites containing a stadium, coliseum, or exhibition building shall be buffered from adjacent residentially zoned property by a type III bufferyard.

5.2.88 STORAGE AND SALVAGE YARD

A. FENCING

1. LOCATION

An opaque fence or wall shall be erected on any property line which is adjacent to any street, road, or highway; and all business activity, including storage of articles, shall be conducted within said fence. Fencing requirements shall be one of the following:

a. WITHIN FIFTY (50) FEET OF RIGHT-OF-WAY

An eight (8) foot high opaque fence is required if located within fifty (50) feet of the right-of-way boundary; or

b. BEYOND FIFTY (50) FEET OF RIGHT-OF-WAY

A six (6) foot high opaque fence is required if located fifty (50) feet or more from the right-of-way boundary.

2. CONDITIONS

Such fencing shall meet the following conditions:

a. CONSTRUCTION

The fence and screening shall be constructed of materials manufactured, sold and used exclusively as fencing materials with consistent height, materials, and color;

b. MAINTENANCE

All fences shall be maintained in sound condition at all times; and

c. ADVERTISING

Fences shall not contain advertising or other lettering or signs other than lettering which identifies the operation carried on within the enclosure.

B. BUFFERYARDS

1. INDUSTRIAL ZONING TYPE

A storage and salvage yard is considered an industrial zoning type for purposes of bufferyard requirements of **Section 6.3, Bufferyard Standards**.

2. TYPE OF BUFFERYARD REQUIRED

In addition to the requirements of **Section 6.3, Bufferyard Standards**, a type I bufferyard shall be provided alongside and rear lot lines adjacent to property zoned for commercial or industrial use.

C. EFFECTIVE DATE

Such uses existing on the effective date of this Ordinance shall meet all requirements of this section within one year of the effective date of this Ordinance.

5.2.89 STORAGE SERVICES, RETAIL

The following conditions apply to storage services, retail:

A. STORAGE SERVICES, RETAIL – EXTERNAL ACCESS:

1. No activity other than storage shall take place within any storage unit.

2. Storage of hazardous, toxic, or explosive substances is prohibited.

3. Outdoor storage of boats, RVs, and other similar vehicles is permitted.

a. In HB and GB zoning districts, outdoor storage must comply with Outdoor Storage Area Screening Standards outlined in **Section 6.2.1.F** for properties in Winston-Salem and/or **Section 6.2.2.E** for properties in Forsyth County.

B. STORAGE SERVICES, RETAIL – INTERNAL ACCESS:

1. Outdoor storage is prohibited.

2. Only the following building siding materials shall be allowed: Brick and brick veneer; Stone, stone veneer, and cultured stone; Precast concrete panels provided they are textured and contain architectural detailing; Concrete Masonry Units (CMU) provided they are split face and textured; Fiber Cement Siding (Hardie Board); Glass; Stucco with architectural detailing; and Wood.

3. Facades greater than seventy-five (75) feet in linear length shall be articulated with recesses or projections of no less than five (5) feet in linear length, which total at least twenty-five percent (25%) of that façade's length. No uninterrupted length of any facade shall exceed seventy-five (75) horizontal feet.

4. For any facade facing a street or public right-of-way, glass display windows must cover at least twenty-five percent (25%) of that facade. Faux windows may be substituted for display windows provided they mimic the look of true windows.

5. Roof mounted HVAC and other mechanical equipment shall be completely screened from view.

6. *In the PB and LB Districts (W):*

a. *Storage Services, Retail in the PB and LB Districts require a Special Use Permit from the Elected Body.*

b. *The street level of Storage Services, Retail buildings which front a public right-of-way must incorporate additional non-storage related, nonresidential use(s) allowed in the district adjacent to said right-of-way. The nonresidential use(s) must occupy at least fifty percent (50%) of the interior space adjacent to the street.*

C.

In zoning districts where both external access and internal access storage services are allowed, standards for both uses would apply. In these instances, placement of the external access storage is required to the rear or side of the internal access storage building. Additionally, any external access buildings are required to incorporate design elements and building materials which are complementary to the internal access buildings on-site.

D. ALTERNATIVE COMPLIANCE:

A Storage Services, Retail building which does not meet the requirements of **Section 5.2.89** shall require approval through special use zoning. Additional site plan review items demonstrating the compatibility of the proposed development with its surrounding context, including building elevations, shall be required.

5.2.90 SWIMMING POOL, PRIVATE

Private swimming pools are permitted as principal uses in all districts as indicated in **Table 5.1.1, Principal Use Table**, or as accessory uses, provided they meet the following requirements:

A. REAR YARD SETBACKS

Pools located in the rear yard of the property shall be no less than five (5) feet from the rear property line but must meet principal building setbacks for the side yard.

B. FRONT AND SIDE YARD SETBACKS

Pools located to the front and side of the principal building shall meet the front and side yard requirements of the district in which they are located.

C. BUILDING PERMITS

Prior to construction, all pools shall be reviewed and receive building permits by the Director of Inspections.

D. FENCING

Fencing meeting the requirements of the NC Building Code shall be installed and maintained on site.

E. BUSINESS

No private swimming pool shall be operated as a business.

5.2.91 THEATER, DRIVE-IN

A. STACKING AREA

Off-street stacking area for motor vehicles shall be provided, in the amount of five percent (5%) of the motor vehicle capacity of the theater.

B. EXIT POINTS

One or more exits, at locations other than the point of entry, shall be provided.

C. STREETYARD

1. A streetyard as described in **Section 6.2.2, Landscaping Standards – Forsyth County** and ***Section 6.2.1, Landscaping and Tree Preservation Standards – Winston-Salem*****,** shall be installed in the area between the street property line and the setback line.

2. However, a roadway may be constructed across such area.

D. BUFFERYARD

A type I bufferyard shall be provided adjacent to commercially zoned property.

E. FENCING

1. A solid fence or wall not less than eight (8) feet in height shall be erected to entirely enclose the theater except at driveways.

2. Said fence shall be installed along street frontage on the setback line required for principal structures.

3. Said wall or fence shall be installed along other property lines to allow planting area for the required bufferyard.

4. Said fence shall be painted, and no such fence shall contain advertising other than lettering which identifies the operation carried on within the enclosure.

F. SCREEN ORIENTATION

The theater screen shall be so oriented as not to attract the attention of motorists on streets.

G. SOUND

Any mechanically produced sound shall be delivered to each motor vehicle by an individual speaker.

5.2.92 TRANSMISSION TOWER (W)

A. *APPLICABILITY*

Transmission towers which are principal or accessory uses shall meet the following requirements.

1. *HIERARCHY OF TRANSMISSION TOWERS AND ANTENNAE*

a. *The following types of transmission towers and antennae shall only require approval from the zoning officer:*

i. *Antennae collocation on existing towers.*

ii. *Distributed antennae systems on private property (DAS in rights-of-way would not require approval from the zoning officer).*

iii. *Antennae and towers completely concealed within other structures (such as church steeples and bell towers).*

iv. *Antennae collocated on utility infrastructure (such as electric transmission line support structures and utility poles).*

b. *New freestanding telecommunications towers shall be approved through the processes identified in* ***Section 5.2.92A.2, Types of New Telecommunications Towers*** *below.*

2. *TYPES OF NEW TELECOMMUNICATIONS TOWERS*

a. *TOWERS WITH CONCEALED ANTENNAE (STEALTH TOWERS)*

Towers with concealed antennae (stealth towers) shall be designed to complement the physical landscape in which they are intended to be located. Examples of stealth towers include but are not limited to faux pine trees, unipoles/slick sticks (unipoles shall not have any appurtenances), bell towers, etc. New stealth towers shall be configured and located in a manner that minimizes adverse effects, including visual impacts on the landscape and adjacent properties.

i. *Towers with concealed antennae with a height up to one hundred eighty (180) feet in the IP district, and up to one hundred ninety-nine (199) feet for all lots in other nonresidential districts shall receive approval from the Zoning Officer.*

ii. *Towers with concealed antennae with a height of up to one hundred fifty (150) feet located in residential zoning districts shall be approved through the Elected Body special use permit process.*

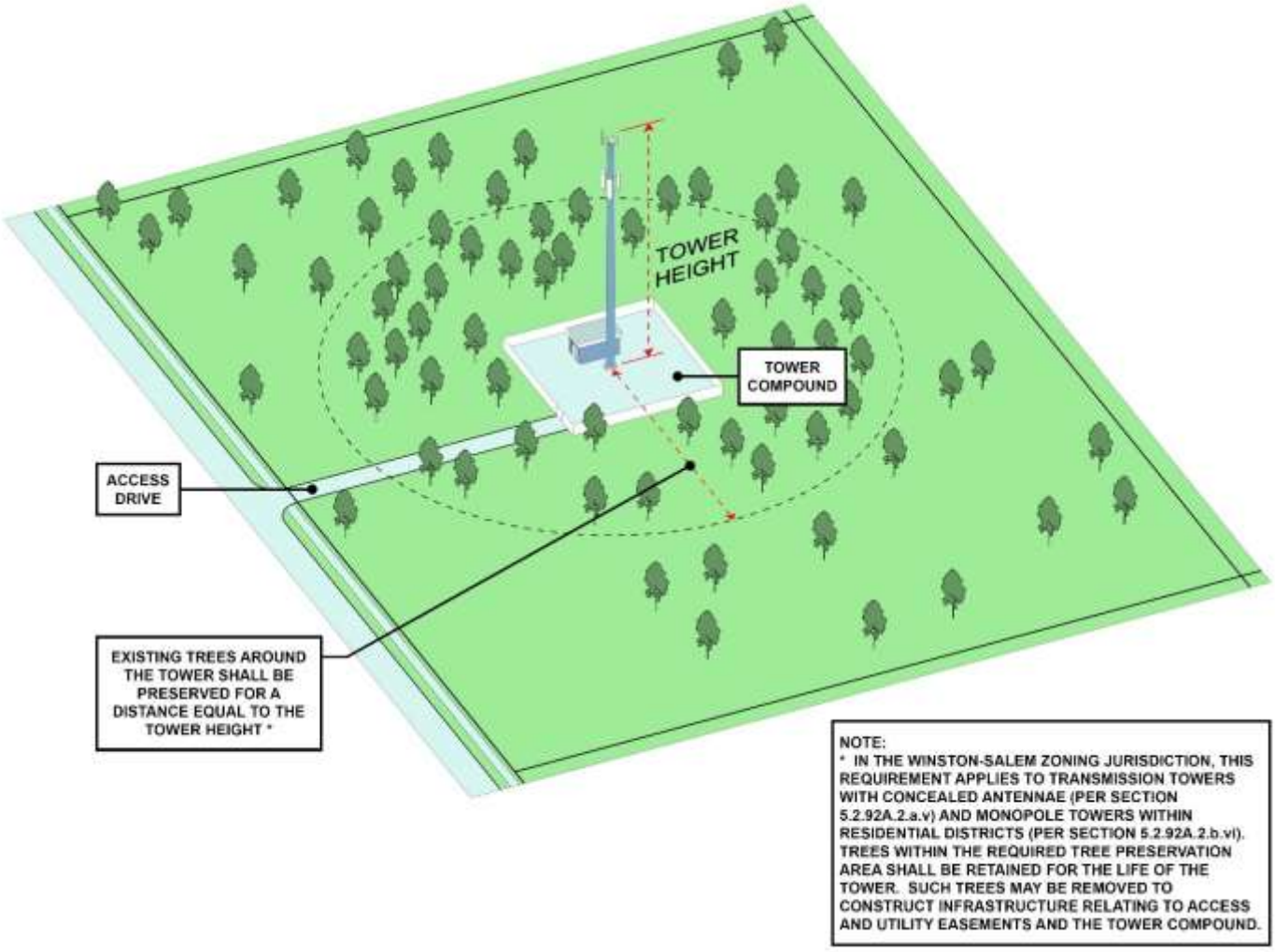
iii. *Additionally, such towers may be located on vacant lots in residential districts or lots in residential districts containing a residential structure in GMAs 3, 4, and 5, but not in GMAs 1 or 2.*

1. *Where proposed towers with concealed antennae are not located within an existing stand of trees, monopine towers shall be prohibited.*
2. *Where proposed towers with concealed antennae will be located within an existing stand of trees comprised of fifty (50) percent or greater evergreen trees, unipole, or monopine towers may by allowed.*
3. *Unipole towers are preferred in such locations, and monopine towers may only be approved where petitioners demonstrate such towers will be compatible with the surrounding area.*
4. *Where proposed towers with concealed antennae will be located within an existing stand of trees comprised of greater than fifty (50) percent deciduous trees, unipole, or monopole towers may be allowed.*
5. *Unipole towers are preferred in such locations, and monopole towers may only be approved where petitioners demonstrate such towers will be compatible with the surrounding area.*

iv. *Monopine towers or any tower designed with the appearance of a tree shall only be located within existing stands of trees comprised of fifty (50) percent or greater evergreen trees.*

v. *Where existing trees exist within a distance equal to tower height from any towers with concealed antennae, regardless of whether such towers are monopines or unipoles, such trees shall be retained for the life of the tower save and except trees necessary to be removed to construct any access and utility easements and tower compound.*

FIGURE 5.2.92.A.2 – REQUIRED TREE PRESERVATION AREA FOR CERTAIN TRANSMISSION TOWERS IN THE WINSTON-SALEM ZONING JURISDICTION



vi. *Photo simulations depicting a proposed concealed tower within its surrounding context will be required where concealed towers over one hundred twenty (120) feet requiring Elected Body special use permit review are proposed.*

b. ***MONOPOLE TOWERS WITH EXPOSED ANTENNAE***

New monopole towers with exposed antennae shall be configured and located in a manner that minimizes adverse effects, including visual impacts on the landscape and adjacent properties.

i. *Monopole towers with exposed antennae with a height up to one hundred eighty (180) feet in the IP district shall be approved through the Board of Adjustment special use permit process.*

ii. *Monopole towers with exposed antennae with a height up to one hundred ninety-nine (199) feet in nonresidential districts shall receive approval from the Zoning Officer.*

iii. *Monopole towers with exposed antennae with a height up to one hundred fifty (150) feet in residential districts shall be approved through the Elected Body special use permit process.*

iv. *Monopole towers may only be allowed in residential districts where such towers will be located within an existing stand of trees comprised of greater than fifty (50) percent deciduous trees, and only where petitioners demonstrate said towers will be compatible with the surrounding area.*

v. *Photo simulations for such towers shall be required and shall depict the proposed tower within its surrounding context. This photo simulation shall depict the monopole with the maximum number of antennae it is designed to hold.*

vi. *Where existing trees exist within a distance equal to tower height from any monopole towers within residential districts, such trees shall be retained for the life of the tower save and except trees necessary to be removed to construct any access and utility easements and tower compound.*

c. *FREESTANDING LATTICE TOWERS*

*Lattice towers and other freestanding telecommunications facilities not described in sections **a, b** above shall be configured and located in a manner that minimizes adverse effects including visual impacts on the landscape and adjacent properties.*

i. *Lattice towers, up to three hundred (300) feet in height, shall receive approval from the Zoning Officer in general use nonresidential districts, except for LO, CPO, PB, LB, and NSB.*

ii. *Such towers in the aforementioned districts shall be approved through the Board of Adjustment Special Use Permit Process.*

iii. *New lattice towers shall not be permitted in IP or residential districts.*

B. *PROHIBITED DISTRICTS*

1. *No transmission towers or antennae are allowed in the CB and CI districts unless they are attached to buildings.*

2. *No freestanding transmission towers are allowed in the CB or CI districts.*

3. *No transmission towers or antennae are allowed in the H or HO districts.*

C. *FENCING*

Security fencing at least six (6) feet in height shall be installed around the tower and any ground equipment or buildings.

D. *SETBACK*

1. *GENERALLY*

a. *All towers, except concealed towers on vacant lots in residential districts, shall be set back a minimum one hundred (100) feet from any adjacent zoning lot zoned RS, RM, YR, AG, HO, or H; and a minimum forty (40) feet from any other adjacent zoning lot.*

b. *All towers, including concealed towers on vacant lots in residential districts, shall be setback a minimum distance equal to tower height from a public street.*

c. *Concealed (stealth) towers on vacant lots in residential districts shall be set back the height of the proposed tower but in no event less than one hundred (100) feet from any adjacent zoning lot zoned RS, RM, YR, AG, HO or H; and a minimum of forty (40) feet from any other adjacent zoning lot.*

d. *Buildings must meet the setback requirements for principal structures of the underlying district.*

e. *Towers in any district must be setback at least the height of the tower plus twenty (20) feet from any occupied single family residential structure.*

2. *VACANT AND RESIDENTIAL LOTS*

Towers on vacant lots or on lots with residential uses in residential zoning districts may only be located on lots that are a minimum of four (4) acres.

3. *ALTERNATIVE COMPLIANCE*

a. *A developer may propose a setback that varies from the strict application of the provisions of this section in order to accommodate the unique character of the site and the surrounding area.*

b. *Application for alternative compliance shall be made in an application to the Elected Body.*

c. *When evaluating alternative compliance, the Elected Body may consider the following factors and should only approve the request upon a finding that the proposed setback fulfills the intent and purposes of this section as well or better than would strict conformance with the requirements of this section:*

i. *Topography;*

ii. *Surrounding development plans;*

iii. *Existing or proposed development on the property;*

iv. *Existing and proposed screening and buffering;*

v. *Distance to existing residential structures;*

vi. *Vegetation and tree canopy;*

vii. *Visibility of the tower from the proposed location from public rights-of-way; or*

viii. *Other site development issues.*

E. *SIGNAGE*

No business signs, billboards, or other advertising shall be installed on the tower.

F. *BUFFERYARD*

1. *TRANSMISSION TOWERS ADJACENT TO RESIDENTIAL ZONING*

Where the transmission tower is located adjacent to a residential zoning lot or street and there is no intervening structure to block the view of the tower base and improvements, a type III bufferyard as described in ***Section 6.3, Bufferyard Standards,*** *shall be installed around the outside of all improvements on the site, including the tower, any ground buildings or equipment, and security fencing, so as to provide spatial separation and create a visual block from adjacent properties and streets.*

2. *TRANSMISSION TOWERS ADJACENT TO NONRESIDENTIAL ZONING*

Where the transmission tower is located within two hundred (200) feet of an adjacent nonresidential zoning lot or street and there is no intervening structure to block the view of the tower base and improvements, the security fencing required by ***Section 5.2.92C, Fencing,*** *shall be opaque, and no vegetative screening shall be required.*

G. *CONTROL OF LAND*

All land necessary for improvements, including the transmission tower, buildings, fencing, landscaping, and required stands of trees shall be in ownership of, under lease by, or on an easement under the control of the tower operator.

H. *EXEMPTIONS*

1. *ATTACHED OR INCORPORATED IN A STRUCTURE*

a. *Transmission towers located on nonresidential structures or incorporated into other structures, which structures are devoted to a use not related to the transmission tower, are exempt from the security fencing, setback, bufferyard, and control of land requirements of this section provided they are located in a nonresidential zoning district that permits a transmission tower as a principal use.*

b. *All ground equipment or buildings shall be placed underground or screened from view. These towers are also exempt from any requirements for a special use permit or Planning Board Review as an accessory use.*

2. *UTILITIES RIGHTS-OF-WAY*

Transmission towers located within electrical utility company right-of-way are exempt from the setback and bufferyard requirements of this section.

3. *TELECOMMUNICATIONS ANTENNAE COMPLETELY WITHIN BUILDINGS OR STRUCTURES*

Telecommunications antennae completely enclosed within buildings or structures (such as church steeples) are exempt from the requirements of ***Section 5.2.92, Transmission Tower (W)****, except all exterior ground equipment or buildings shall be placed underground or screened from view.*

I. *COLLOCATION*

1. *OTHER STRUCTURES*

a. *Collocation of antennas of more than one service provider on individual transmission towers is encouraged, subject to the verified structural and mechanical capabilities of the tower.*

b. *If no other towers, buildings, or other structures exist within the applicant's tower site search area that are structurally capable of supporting the intended antenna or configuration of antennas or meeting the applicant's necessary height criteria or provide a location free from interference of any nature, then satisfactory evidence to that effect shall be submitted by a qualified expert at the time of application for the earliest required approval.*

2. *OTHER USERS*

a. *All transmission towers installed after the effective date of this Ordinance shall be structurally and mechanically capable of accommodating the antenna or array of antennas of more than one user/transmitter, unless the tower is incapable of supporting more than one user/transmitter due to the design of the tower which is incorporated into another structure in compliance with* ***Section 5.2.92H, Exemptions****.*

b. *Monopoles shall accommodate a minimum of two (2) total users, lattice or other types of towers shall accommodate a minimum of three (3) total users.*

c. *These users shall be in addition to the local jurisdiction which may place devices per* ***Section 5.2.92K, Easement for Public Facilities****.*

d. *Certification as to the tower's structural and mechanical capability to accommodate collocation shall be provided by a professional engineer or other qualified professional.*

3. *ACCESS*

Access to available technically feasible space on any towers shall not be denied to any competitive users or service provider.

4. *NONCONFORMING USES*

Requirements for collocation on transmission towers which are nonconforming are contained in ***Section 9.2.3E, Collocation of Transmission Towers****.*

5. *COLLOCATION*

Collocation shall be defined in conformance with federal and state law, including the standards defined in Section 160D-930-938 of the North Carolina General Statutes.

6. *COLLOCATION OF SMALL WIRELESS FACILITIES*

Collocation of small wireless facilities shall be defined in conformance with federal and state law, including the standards defined in Section 160D 935 of the North Carolina General Statutes.

J. *ABANDONMENT OF USE*

1. *An owner of a tower shall immediately notify the City of its abandonment of the use of the tower for communication purposes.*

2. *The owner of the tower shall remove said tower within one hundred twenty (120) days of its abandonment.*

K. *EASEMENT FOR PUBLIC FACILITIES*

At the request of the local jurisdiction, an easement shall be granted to the jurisdiction to place cameras, monitors, two-way mobile radio equipment, or other desired telecommunications devices; however, such devices may be restricted so as not to affect the functioning of the antenna or array of antennas of the tower operator or service provider.

L. *PLACEMENT ON OR WITHIN LARGE PUBLIC STRUCTURES*

Notwithstanding the provisions of ***Table 5.1.1, Principal Use Table****, non-freestanding transmission towers meeting the provisions of* ***Section 5.2.92H, Exemptions****, or located on large, non-habitable public or utilities structures, including but not limited to water towers and trestles of major electrical distribution lines, are permitted under the following conditions:*

1. ***ZONING PERMIT***
A zoning permit from the Director of Inspections or his/her designee is required.

2. ***COMPLIANCE WITH USE CONDITIONS***
Use conditions regarding signage must be complied with.

M. ***STATE PLANE COORDINATES***

1. *All site plans submitted in conjunction with requests for transmission towers shall include the location of the proposed tower by State Plane Coordinates and above ground level and sea level elevations, based on 1983 North America datum.*

2. *All towers operated by the applicant in Forsyth County and within one quarter (¼) mile of its borders shall also be similarly located and submitted with the site plan.*

N. ***COLOR, FINISH, LIGHTING***

1. *Unless otherwise required by the Federal Aviation Administration (FAA), the finish of the transmission tower shall be non-shiny or glossy; any painted color shall be muted or neutral; and no lights or strobe lights shall be placed on the tower.*

2. *If lights are required by the FAA, the least obtrusive lighting option available under FAA guidelines shall be installed; white strobe lights are discouraged from use.*

O. ***INTERDEPARTMENTAL PLAN REVIEW REQUIREMENT***

Transmission towers requiring a special use permit per ***Table 5.1.1, Principal Use Table,*** *and further refined in* ***Section 5.2.92A, Applicability****, shall complete an interdepartmental plan review prior to applying for a special use permit from the Board of Adjustment or the Elected Body.*

P. ***COMMUNITY MEETING REQUIRED***

1. *Applicants for transmission towers requiring a special use permit per* ***Table 5.1.1, Principal Use Table,*** *shall hold a community meeting prior to the date of the meeting of the Board of Adjustment or Elected Body.*

2. *Notice of the location, date, and time of the community meeting shall be mailed to the owners of any property located within five hundred (500) feet of the subject parcel of land as well as to the neighborhood association representing any property located within five hundred (500) feet of the subject parcel as identified by the Planning Department.*

Q. ***DECISION TIMEFRAME***

Decisions to approve or deny proposals for new telecommunications towers shall be rendered by the approving authority within one hundred fifty (150) days from application submittal.

5.2.93 TRANSMISSION TOWER (F)

A. APPLICABILITY

Transmission towers which are principal or accessory uses shall meet the following requirements.

1. TOWERS WITH CONCEALED ANTENNAE (STEALTH TOWERS)

a. Towers with concealed antennae (stealth towers) shall be designed to complement the physical landscape in which they are intended to be located.

b. Examples of stealth towers include but are not limited to faux pine trees, unipoles/slick sticks (unipoles shall not have any appurtenances), bell towers, etc.

c. New stealth towers shall be configured and located in a manner that minimizes adverse effects including visual impacts on the landscape and adjacent properties.

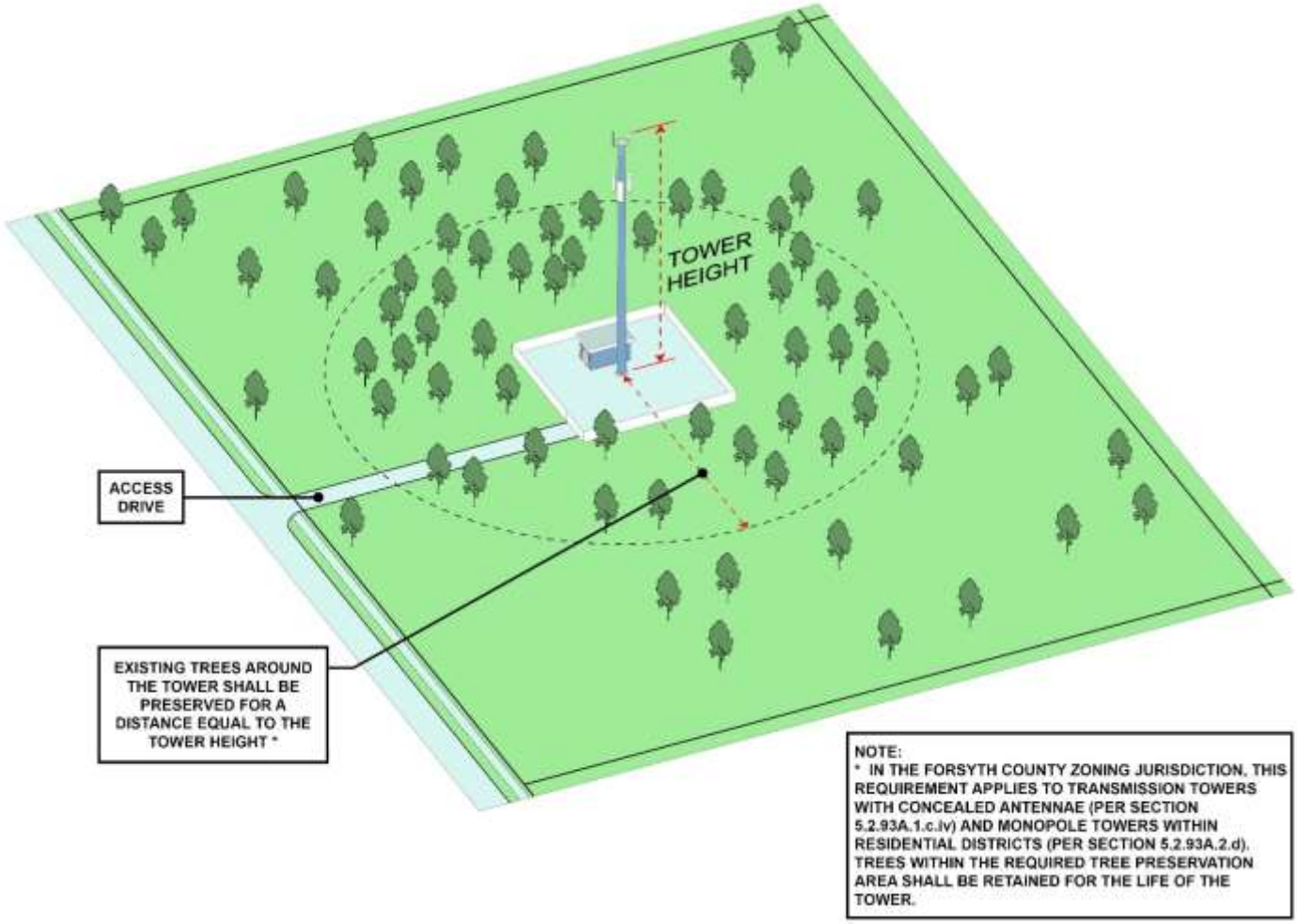
i. Towers with concealed antennae with a height up to one hundred fifty (150) feet located on lots containing nonresidential uses including but not limited to churches and schools in residential districts, up to one hundred eighty (180) feet in the IP district, and up to one hundred ninety-nine (199) feet for all lots in other nonresidential districts shall receive approval from the Zoning Officer.

ii. Towers with concealed antennae with a height of between one hundred fifty (150) and one hundred eighty (180) feet located in residential zoning districts on lots containing nonresidential uses, including but not limited to churches and schools, shall be approved through the Board of Adjustment special use permit process.

iii. Towers with concealed antennae with a height up to one hundred eighty (180) feet on vacant lots in residential districts or lots in residential districts containing a residential structure shall be approved through the Board of Adjustment special use permit process. In addition, such towers may be located in GMAs 3, 4, and 5, but not in GMAs 1 or 2.

iv. Monopine towers or any tower designed with the appearance of a tree shall only be located within existing stands of trees. Where existing trees exist within a distance equal to tower height from any towers with concealed antennae, regardless of whether such towers are monopines or unipoles, such trees shall be retained for the life of the tower.

FIGURE 5.2.93.A – REQUIRED TREE PRESERVATION AREA FOR CERTAIN TRANSMISSION TOWERS IN THE FORSYTH COUNTY ZONING JURISDICTION



2. MONOPOLE TOWERS WITH EXPOSED ANTENNAE

a. New monopole towers with exposed antennae shall be configured and located in a manner that minimizes adverse effects, including visual impacts on the landscape and adjacent properties.

b. Monopole towers with exposed antennae with a height up to one hundred eighty (180) feet in the IP district or residential districts shall be approved through the Board of Adjustment special use permit process. Such towers shall only be allowed in residential districts on lots containing nonresidential uses such as schools, churches, and similar facilities.

c. Monopole towers with exposed antennae with a height up to one hundred ninety-nine (199) feet in nonresidential districts shall receive approval from the Zoning Officer.

d. Where existing trees exist within a distance equal to tower height from any monopole towers within residential districts, such trees shall be retained for the life of the tower.

3. FREESTANDING LATTICE TOWERS

a. Lattice towers and other freestanding telecommunications facilities not described in sections **a** or **b** above shall be configured and located in a manner that minimizes adverse effects including visual impacts on the landscape and adjacent properties.

b. Lattice towers, up to three hundred (300) feet in height, shall receive approval from the Zoning Officer in general use nonresidential districts, except for LO, CPO, PB, LB, NSB, and IP.

c. Such towers in the aforementioned districts shall be approved through the Board of Adjustment special use permit process.

d. New lattice towers shall not be permitted in residential districts.

B. PROHIBITED DISTRICTS

1. No transmission towers or antennae are allowed in the CB and CI Districts unless they are attached to buildings.

2. No freestanding transmission towers are allowed in the CB or CI Districts.

3. No transmission towers or antennae are allowed in the H or HO Districts.

C. FENCING

Security fencing at least six (6) feet in height shall be installed around the tower and any ground equipment or buildings.

D. SETBACK

1. GENERALLY

a. All towers, except concealed towers on vacant lots in residential districts, shall be set back a minimum one hundred (100) feet from any adjacent zoning lot zoned RS, RM, YR, AG, HO, or H; and a minimum forty (40) feet from any other adjacent zoning lot or public street.

b. Concealed (stealth) towers on vacant lots in residential districts shall be set back the height of the proposed tower but in no event less than one hundred (100) feet from any adjacent zoning lot zoned RS, RM, YR, AG, HO, or H; and a minimum of forty (40) feet from any other adjacent zoning lot or public street.

c. Buildings must meet the setback requirements for principal structures of the underlying district.

d. Towers in any district must be setback at least the height of the tower plus twenty (20) feet from any occupied single family residential structure.

2. VACANT AND RESIDENTIAL LOTS

Towers on vacant lots or on lots with residential uses in residential zoning districts may only be located on lots that are a minimum of four (4) acres.

3. ALTERNATIVE COMPLIANCE

a. A developer may propose a setback that varies from the strict application of the provisions of this section in order to accommodate the unique character of the site and the surrounding area.

b. Application for alternative compliance shall be made in an application to the Board of Adjustment.

c. When evaluating alternative compliance, the Board of Adjustment may consider the following factors and should only approve the request upon a finding that the proposed setback fulfills the intent and purposes of this section as well or better than would strict conformance with the requirements of this section:

i. Topography;

ii. Surrounding development plans;

iii. Existing or proposed development on the property;

iv. Existing and proposed screening and buffering;

v. Distance to existing residential structures;

vi. Vegetation and tree canopy;

vii. Visibility of the tower from the proposed location from public rights-of-way; or

viii. Other site development issues.

E. SIGNAGE

No business signs, billboards, or other advertising shall be installed on the tower.

F. BUFFERYARD

1. TRANSMISSION TOWERS ADJACENT TO RESIDENTIAL ZONING

Where the transmission tower is located adjacent to a residential zoning lot or street and there is no intervening structure to block the view of the tower base and improvements, a type III bufferyard as described in **Section 6.3, Bufferyard Standards,** shall be installed around the outside of all improvements on the site, including the tower, any ground buildings or equipment, and security fencing, so as to provide spatial separation and create a visual block from adjacent properties and streets.

2. TRANSMISSION TOWERS ADJACENT TO NONRESIDENTIAL ZONING

Where the transmission tower is located within two hundred (200) feet of an adjacent nonresidential zoning lot or street and there is no intervening structure to block the view of the tower base and improvements, the security fencing required by **Section 5.2.93C, Fencing**, shall be opaque, and no vegetative screening shall be required.

G. CONTROL OF LAND

All land necessary for improvements, including the transmission tower, buildings, fencing, landscaping, and required stands of trees shall be in ownership of, under lease by, or on an easement under the control of the tower operator.

H. EXEMPTIONS

1. ATTACHED OR INCORPORATED IN A STRUCTURE

a. Transmission towers located on nonresidential structures or incorporated into other structures, which structures are devoted to a use not related to the transmission tower, are exempt from the security fencing, setback, bufferyard, and control of land requirements of this section provided they are located in a nonresidential zoning district that permits a transmission tower as a principal use.

b. All ground equipment or buildings shall be placed underground or screened from view.

c. These towers are also exempt from any requirements for a special use permit or Planning Board review as an accessory use.

2. UTILITIES RIGHTS-OF-WAY

Transmission towers located within electrical utility company right-of-way are exempt from the setback and bufferyard requirements of this section.

3. TELECOMMUNICATIONS ANTENNAE COMPLETELY WITHIN BUILDINGS OR STRUCTURES

Telecommunications antennae completely enclosed within buildings or structures (such as church steeples) are exempt from the requirements of **Section 5.2.93, Transmission Tower (F)**, except all exterior ground equipment or buildings shall be placed underground or screened from view.

I. COLLOCATION

1. OTHER STRUCTURES

a. Collocation of antennas of more than one service provider on individual transmission towers is encouraged, subject to the verified structural and mechanical capabilities of the tower.

b. If no other towers, buildings, or other structures exist within the applicant's tower site search area that are structurally capable of supporting the intended antenna or configuration of antennas or meeting the applicant's necessary height criteria or provide a location free from interference of any nature, then satisfactory evidence to that effect shall be submitted by a qualified expert at the time of application for the earliest required approval.

2. OTHER USERS

a. All transmission towers installed after the effective date of this Ordinance shall be structurally and mechanically capable of accommodating the antenna or array of antennas of more than one user/transmitter, unless the tower is incapable of supporting more than one user/transmitter due to the design of the tower which is incorporated into another structure in compliance with **Section 5.2.93H, Exemptions**.

b. Monopoles shall accommodate a minimum of two total users, lattice or other types of towers shall accommodate a minimum of three total users.

c. These users shall be in addition to the local jurisdiction which may place devices per **Section 5.2.93K, Easement for Public Facilities**.

d. Certification as to the tower's structural and mechanical capability to accommodate collocation shall be provided by a professional engineer or other qualified professional.

3. ACCESS

Access to available technically feasible space on any towers shall not be denied to any competitive users or service provider, unless the additional use would cause objectionable interference or present a danger to the structural safety or stability of the tower.

4. NONCONFORMING USES

Requirements for collocation on transmission towers which are nonconforming are contained in **Section 9.2.3E, Collocation of Transmission Towers**.

5. COLLOCATION

Collocation shall be defined in conformance with state and federal law.

6. COLLOCATION OF SMALL WIRELESS FACILITIES

Collocation of small wireless facilities shall be defined in conformance with federal and state law, including the standards defined in Section 160D 930-938 of the North Carolina General Statutes.

J. TERMINATION OF USE

A tower that is no longer used for communication purposes must be removed within one hundred twenty (120) days of the date it is taken out of service.

K. EASEMENT FOR PUBLIC FACILITIES

At the request of the local jurisdiction, an easement shall be granted to the jurisdiction to place cameras, monitors, two-way mobile radio equipment, or other desired telecommunications devices; however such devices may be restricted so as not to affect the functioning of the antenna or array of antennas of the tower operator or service provider.

L. PLACEMENT ON OR WITHIN LARGE PUBLIC STRUCTURES

Notwithstanding the provisions of **Table 5.1.1, Principal Use Table**, non-freestanding transmission towers meeting the provisions of **Section 5.2.93H, Exemptions**, or located on large, non-habitable public or utilities structures, including but not limited to water towers and trestles of major electrical distribution lines, are permitted under the following conditions:

1. ZONING PERMIT
A zoning permit from the Director of Inspections or a designee is required.

2. COMPLIANCE WITH USE CONDITIONS
Use conditions regarding signage must be complied with.

M. STATE PLANE COORDINATES

1. All site plans submitted in conjunction with requests for transmission towers shall include the location of the proposed tower by state plane coordinates and above ground level and sea level elevations, based on 1983 North America datum.

2. All towers operated by the applicant in Forsyth County and within one quarter (¼) mile of its borders shall also be similarly located and submitted with the site plan.

N. COLOR, FINISH, LIGHTING

1. Unless otherwise required by the Federal Aviation Administration (FAA), the finish of the transmission tower shall be non-shiny or glossy; any painted color shall be muted or neutral; and no lights or strobe lights shall be placed on the tower.

2. If lights are required by the FAA, the least obtrusive lighting option available under FAA guidelines shall be installed; white strobe lights are discouraged from use.

O. INTERDEPARTMENTAL PLAN REVIEW REQUIREMENT

Transmission towers requiring a special use permit per **Table 5.1.1, Principal Use Table,** and further refined in **Section 5.2.93A, Applicability**, shall complete an interdepartmental plan review prior to applying for a special use permit from the Board of Adjustment.

P. COMMUNITY MEETING REQUIRED

1. Applicants for transmission towers requiring a special use permit per **Table 5.1.1, Principal Use Table**, shall hold a community meeting prior to the date of the meeting of the Board of Adjustment.

2. Applicants for transmission towers in a residential zoning district in GMA 1, 2. or 3 requiring a permit from the Zoning Officer shall hold an informational community meeting prior to the issuance of a permit from the Zoning Officer.

3. Notice of the location, date, and time of the community meeting shall be mailed to the owners of any property located within three hundred (300) feet of the subject parcel of land as well as to the neighborhood association representing any property located within three hundred (300) feet of the subject parcel as identified by the Planning Department.

Q. DECISION TIMEFRAME

Decisions to approve or deny proposals for new telecommunications towers shall be rendered by the approving authority within one hundred fifty (150) days from application submittal.

5.2.94 UTILITIES

A. SETBACKS

Any structure erected or use instituted shall be set back not less than forty (40) feet from property lines of any adjacent residentially zoned property.

B. SOLAR FARMS

The following additional conditions apply to solar farms:

1. SCREENING

Adjacent to residentially zoned property and public rights-of-way, natural evergreen plant materials shall be required along the property line (suggested plant materials are listed in ***Section 6.2.1J, Suggested Plant Materials List***, or **Section 6.2.2J, Suggested Plant Materials List**, as appropriate.

a. MINIMUM HEIGHT

The minimum height of the plant material shall be six (6) feet at installation; and

b. SPACING

The spacing of the planting shall be in a double row configuration, staggered, with five (5) foot spacing between the centers of the main trunks.

2. ALTERNATIVE COMPLIANCE

One of the following can serve as an alternative to the evergreen screening requirement described in subsections **a** and **b** above:

a. If an undisturbed area of mature trees with overlapping drip lines exists that is at least forty (40) feet wide between the property line and the ground mounted components and subsystems, that area, if retained in its undisturbed condition, may be used to meet the above screening requirement.

b. Any gaps in the overlapping drip line within the forty (40) foot wide area shall meet the requirements of subsections **a** and **b** above.

c. A buffer area of at least forty (40) feet in width may be sequentially planted with seedlings in a recognized forestry management plan as defined in Section 160D-921 of the North Carolina General Statutes, in two (2) managed timber segments, each having a width of at least twenty (20) feet, allowing for the second and subsequent planting(s)/harvest(s) to occur after the previous planting reaches a minimum height of twelve (12) feet.

d. Any gaps in the overlapping drip line within the forty (40) foot wide area shall meet the requirements of subsections **a** and **b** above.

3. TERMINATION OF USE

The components and subsystems of a solar farm that are no longer used to convert solar energy into electric energy must be removed within twelve (12) months of the date it is taken out of service.

C. RESIDENTIAL DISTRICTS

The following conditions apply in residential districts:

1. HEALTH OR SAFETY HAZARDS

a. All uses which may produce health or safety hazards shall be enclosed by a fence a minimum of six (6) feet in height.

b. Any required buffers or screening shall be installed between the fence and the property line.

2. BUFFERYARD

a. All uses which may be potential nuisances by creating glare, dirt, noise or other adverse impacts shall be screened, except for driveways, with a type I bufferyard as specified in **Section 6.3, Bufferyard Standards**.

b. Solar farms require screening described in **Section 5.2.94B.1, Screening,** above.

3. EXEMPTIONS

a. GENERAL

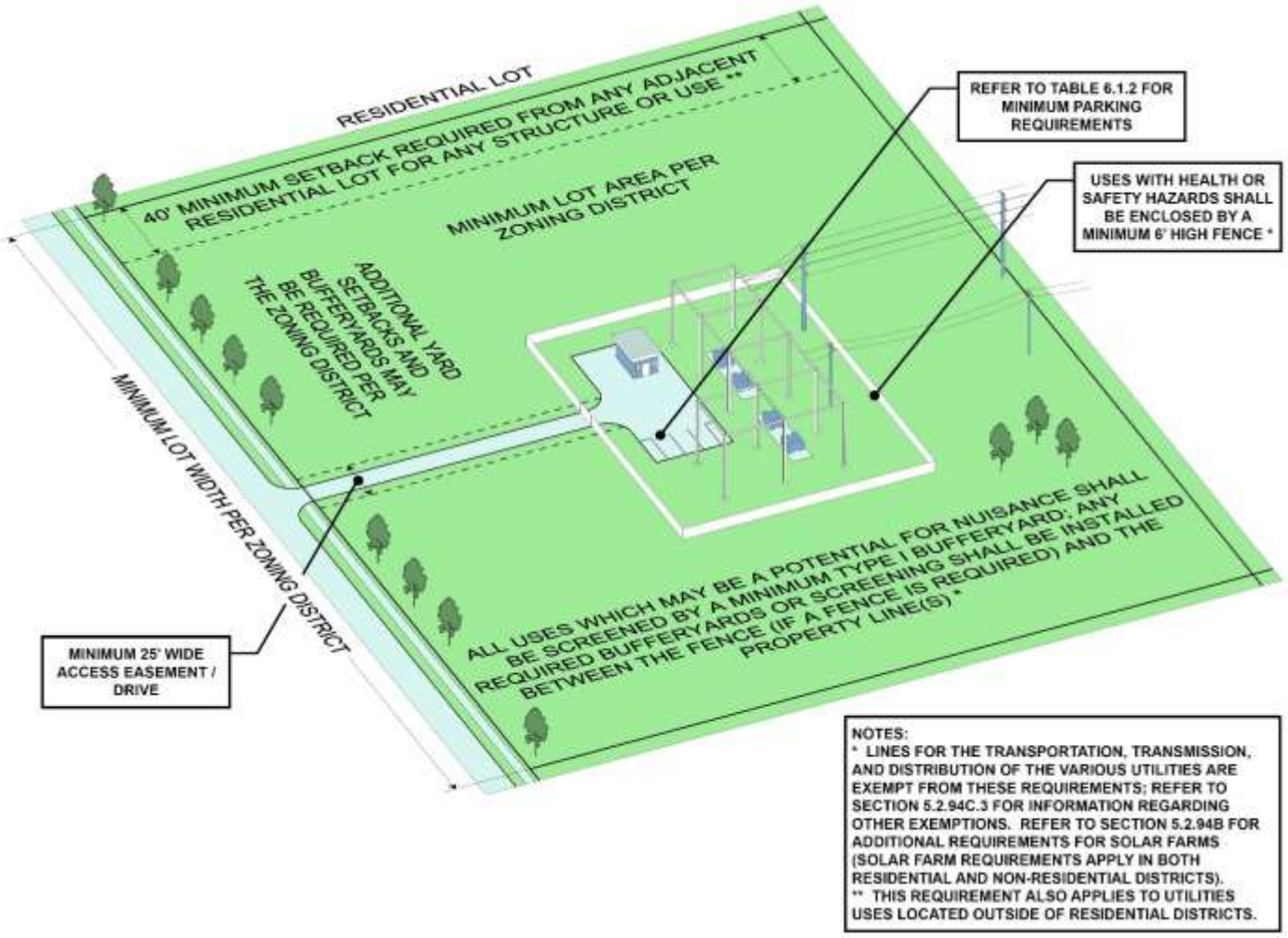
i. Exempt from the provisions of this section are lines for the transportation, transmission, and distribution of the various utilities.

ii. This category includes but is not limited to electricity, telegraph, and telephone services and their supporting structures, other than buildings; the lines related to sewerage, water, oil, steam and gas; and rail tracks.

b. FENCING AND SCREENING

Exempt from the above fencing and screening requirements are reservoirs, water treatment plants, and wastewater treatment plants.

FIGURE 5.2.94.C – CERTAIN REQUIREMENTS FOR UTILITIES USES IN RESIDENTIAL DISTRICTS



5.2.95 VETERINARY SERVICES AND ANIMAL SHELTER, PUBLIC

The following conditions apply to veterinary services in the PB District:

A. LOCATION AND SETBACKS

The use veterinary services must comply with all setback requirements of the underlying zoning district where said use is located, including a minimum forty (40) foot setback from residentially-zoned property.

B. ENCLOSURE OF FACILITIES

1. The veterinary services use shall be fully enclosed.
2. There shall be no outside runs or exercise areas for animals or pets.
3. Any outside use of the property for the animals or pets must be supervised and on leashes.

5.3 ACCESSORY USES AND STRUCTURES

5.3.1 GENERAL REQUIREMENTS

A. ACCESSORY USES PERMITTED

Unless the principal use is expressly stated, a use accessory to a principal use is permitted if, in the opinion of the Director of Planning and Development Services, the accessory use is customarily incidental to the principal use.

A use accessory to a principal use is permitted if, in the opinion of the Director of Planning and Development Services, the accessory use is customarily incidental to the principal use.

B. SAME ZONING LOT

An accessory use must be located on the same zoning lot as the principal use to which it is accessory, except for off-site parking or other use provided for by this Ordinance.

C. SUBORDINATE TO THE PRINCIPAL USE

An accessory use must be clearly subordinate in area, extent of activity, or purpose to the principal use to which it is accessory.

D. COMPLIANCE WITH ORDINANCE REQUIREMENTS

An accessory use must comply with all applicable dimensional and other requirements of this Ordinance.

E. ACCESSORY STRUCTURES PERMITTED IN REQUIRED YARDS

1. INTERIOR LOTS

An accessory structure seventeen (17) feet or less in height and structurally detached from the principal structure on the zoning lot may be erected on any interior lot in either the required side or rear yards, if no part of said structure is less than seventy-five (75) feet from the front lot line nor less than three (3) feet from a side or rear lot line.

2. CORNER LOT

An accessory structure less than seventeen (17) feet in height and structurally detached from the principal structure on the zoning lot may be erected on a corner lot, provided that:

a. Said structure shall be erected in the required side yard not abutting the street, and no part of said structure is less than seventy-five (75) feet from the front line nor less than three (3) feet from a side or rear lot line; or

b. Said structure shall be erected in the required rear yard and shall not project beyond, or nearer to, the street than the front setback line of the district, as extended, of the adjacent lot whose front yard abuts the corner lot in question.

3. HEIGHT

For purposes of this section, the height shall be measured from the average grade of the midpoint of the front wall to the ridge of the roof of the accessory building.

F. SIZE LIMITS FOR ACCESSORY STRUCTURE

1. MAXIMUM AREA

a. Accessory structure may not exceed five percent (5%) of the actual size of the zoning lot or the minimum permitted lot size of the zoning district, whichever is larger.

b. However, an accessory structure up to five hundred seventy-six (576) square feet in area shall be permitted in all districts.

2. BOARD OF ADJUSTMENT

Requests for structures containing greater area than prescribed in **Section 5.3.1F.1, Maximum Area**, may be considered under the special use permit process through the Board of Adjustment.

3. REQUIRED YARD

Accessory structures may not occupy more than twenty-five percent (25%) of the area of the required yard.

G. ACCESSORY STRUCTURES PROHIBITED IN REQUIRED YARDS

An accessory structure, any part of which is within three (3) feet of the principal building or which is more than seventeen (17) feet in height, shall comply with all the zoning regulations applicable to the principal building.

5.3.2 USES ACCESSORY TO CERTAIN PRINCIPAL USES

A. Uses not otherwise permitted in the zoning district are permitted as accessory to the following principal uses as indicated in the table below.

B. This section does not limit the Director of Inspections in permitting other accessory uses under **Section 5.3.1A, Accessory Uses Permitted**.

TABLE 5.3.2: USES ACCESSORY TO CERTAIN PRINCIPAL USES

PRINCIPAL USE	USES ACCESSORY TO THE PRINCIPAL USE
Residential Building, Multifamily	Management office for the premises, gate houses, self-service laundries, club house and recreation facilities, and storage facilities for use by residents of the multifamily complex.
Manufactured Housing Development	Management offices for the premises, gate houses, self-service laundries, club house and recreation facilities, and storage facilities for use by residents of the manufactured housing development.
Manufacturing A; Manufacturing B; Manufacturing C	Administrative offices; gate houses; a guard or caretaker dwelling; meeting halls, dining areas, clinics, libraries, adult and child day care centers, and recreation facilities operated solely for employees; and contract and financial postal facilities. The total area of all such uses shall not exceed twenty-five percent (25%) of the total gross floor area of the zoning lot.
Offices - Government- Medical or Dental - Miscellaneous - Professional	Services and retail sales such as barber and beauty shops, valet shops, dining facilities, self-service canteens, news and tobacco sales stands, clinics, libraries, adult and child day care centers, and similar services which are designed and operated primarily to serve occupants of the office building in which they are located. The total area of all such uses shall not exceed five percent (5%) of the total floor area of the office building in which they are located. These accessory uses shall not have any exterior display window, advertisement or means of access for patrons except from an interior area of the office building.
Recreational Vehicle Park	Management offices, recreational facilities, toilets, showers, dumping stations, coin-operated laundry facilities, and other uses and structures designed for visitors to the park.
Schools, Public Secondary	School stadiums
Industrial Uses in LI and GI	Retail uses, including but not limited to show rooms and employees services. The total area of all such retail uses shall not exceed twenty-five percent (25%) of the principal industrial building. All such retail use shall be conducted within the principal industrial building.
Restaurant	Manufacture and preparation of food, a portion of which is sold and consumed on site at the restaurant. The manufacturing must take place in the same building as the restaurant, and the total area of such manufacturing uses shall not exceed sixty percent (60%) of the floor area.
Manufacturing B (preparation of food)	Restaurant, (without drive-through service) if otherwise not permitted as a permitted use, where food purchased and consumed is prepared on site. The restaurant must be located in the same building as the manufacturing (food preparation), and the total area of the restaurant shall not exceed forty percent (40%) of the floor area.
Major Subdivision (Residential) approved under Section 3.2.9, Preliminary Plat	Riding stable, incorporated in the initial design and preliminary approval of the major subdivision

TABLE 5.3.2: USES ACCESSORY TO CERTAIN PRINCIPAL USES	
PRINCIPAL USE	**USES ACCESSORY TO THE PRINCIPAL USE**
Landfill, Sanitary	Solid Waste Transfer Station
Solid Waste Transfer Station	Recycling Center; Recycling Plant
Motor Vehicle, Repair and Maintenance and Motor Vehicle, Body or Paint Shop Uses in LI and GI	Outdoor Display, Retail. The number of for-sale vehicles shall be limited to one fewer than the number of service bays used for the principal use with a maximum number of three (3). In the event there is only one service bay, then one for-sale vehicle is allowed. For-sale vehicles may not be displayed in any required parking spaces based on the parking requirements of the principal use. Motor vehicle display area landscaping standards must be met.
Retail Store; Shopping Center; Church or Religious Institution - Community & Neighborhood scale; Institutional Vocational Training Facility; Manufacturing A, B & C; Convenience Store; Food/Drug Store; Health Services - Miscellaneous; Warehousing; Hospital or Health Center; and Banking and Financial Services	Donation Containers

5.3.3 ACCESSORY USES SUBJECT TO OTHER REQUIREMENTS

A. SELECTED ACCESSORY USES

The following uses are permitted as accessory to other principal uses, subject to other requirements of other sections, as indicated in the table below.

TABLE 5.3.3: ACCESSORY USES SUBJECT TO OTHER REQUIREMENTS	
ACCESSORY USE	**OTHER REQUIREMENTS**
Adult Day Care Center Adult Day Care Home	Section 5.2.3 Section 5.2.4
Airport, Private	Section 5.2.7
Cemetery	Section 5.2.15
Child - Care, Drop In - Care, Sick Children - Day Care Center - Day Care Home	 Section 5.2.16 Section 5.2.18 Section 5.2.19 Section 5.2.20
Combined Use	Section 5.2.25
Habilitation Facility - A - B,C	 Section 5.2.37 Section 5.2.38
Motor Vehicle Storage Yard	Section 5.2.61
Riding Stable	Section 5.2.74
Signs	Section 6.5
Solid Waste Transfer Station	Section 5.2.85
Swimming Pool, Private	Section 5.2.90
Donation Container	Section 5.3.3E

B. MOTOR VEHICLE STORAGE YARDS

Motor vehicle storage yards are permitted in the NB and NSB Districts as an accessory use only, subject to the provisions of **Section 4.6.5C, Supplementary District Requirements**, and **Section Supplementary District Requirements4.6.8C, Supplementary District Requirements**, respectively.

C. BANKING AND FINANCIAL SERVICES

1. C DISTRICT

Banking and financial services, including automatic teller machines (ATM's), are permitted in the C District as an accessory use only.

2. NB DISTRICT

ATM's are permitted in the NB District as an accessory use if not constructed as a drive-through facility.

3. SHOPPING CENTERS

ATM's located in parking areas of shopping centers or on internally oriented out lots are not required to provide stacking spaces otherwise required in **Section 6.1.3F, Drive-Through Facility Stacking Lanes**.

D. TRANSMISSION TOWERS

Transmission towers which are accessory uses shall meet the requirements of **Section 5.2.92 and 5.2.93**, as appropriate.

E. DONATION CONTAINERS

1. NUMBER

Only one donation container shall be allowed on a zoning lot.

2. INSPECTION

a. Donation containers shall be inspected on a sufficiently regular and frequent basis by the container's owner to ensure that all donations are placed inside the container.

b. Donations found outside the container constitute evidence of violation of this provision.

3. EVIDENCE OF PROPERTY OWNER AUTHORIZATION

The sponsoring organization responsible for the donation container must submit written evidence on demand that the property owner has authorized said location for a donation container site.

4. MAINTENANCE

Donated items shall be placed inside the donation container and shall not be allowed to accumulate outside the same.

5. IDENTIFICATION

a. The name and telephone number of the party responsible for its maintenance shall be clearly posted on the container.

b. The donation container shall also contain information that states the sponsoring organization and charities receiving benefit (including telephone number and address) if different from the party responsible for maintenance.

6. RESPONSIBILITY/VIOLATIONS

a. Both the sponsoring organization responsible for the donation container and the owner of the property where it is located shall be subject to the enforcement provisions contained in **Section 10.2, Enforcement**, of the UDO.

b. Additionally, with respect to any site upon which the standards and regulations of this section have been violated twice, but less than six (6) times, within a twelve (12) month time period, a donation container shall not thereafter be a permitted accessory use thereon, but shall, for purposes of this subsection only, and notwithstanding **Section 11.2, Definitions**, be considered nonconforming, and any donation container shall be immediately removed from the site where the violations occurred.

c. At the expiration of two (2) years from the removal of the donation container, it may be re-established at the site from which it had been removed.

d. Additionally, should the sponsoring organization responsible for any donation container violate the standards or regulations of this section at least six (6) times within a twelve (12) month period at any one or more sites within the City's/County's zoning jurisdiction, then such sponsoring organization may not place a donation container within the City's/County's zoning jurisdiction for a period of two (2) years following the date of the sixth

violation, and all such donation containers shall be immediately removed from the City's/County's zoning jurisdiction.

F. KEEPING OF HORSES, MULES, DONKEYS, GOATS, SHEEP, OR CATTLE (W)

Any shelter, housing, or fences for horses, mules, donkeys, goats, sheep, or cattle shall be located a minimum of fifty (50) feet from the property line of any adjoining lot or parcels of land, unless a special use permit has been obtained from the Board of Adjustment in accordance with **Section 10.1.3, Board of Adjustment**.

5.3.4 USES WHICH MAY ONLY BE ACCESSORY TO PRINCIPAL USES

The following uses may only exist or be developed as accessory uses to a principal use, as provided below.

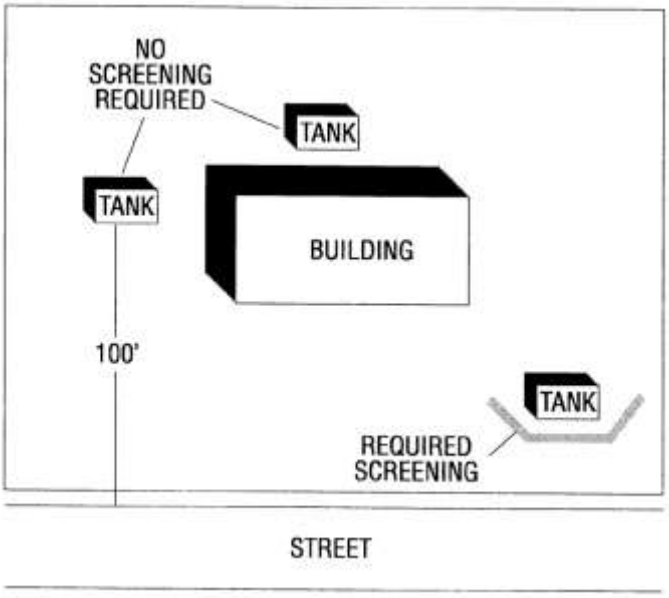
A. ABOVE GROUND STORAGE TANKS

1. SETBACKS

a. Above ground storage tanks shall meet all building setback requirements of the zoning district, except storage tanks located on existing sites of institutional or utility uses where existing below ground storage tanks are being replaced by above ground storage tanks or above ground storage tanks with a storage capacity of five hundred (500) gallons or less located in residential zoning districts.

b. Regardless of zoning setbacks, additional setbacks may be required by Fire Codes.

FIGURE 5.3.4: STORAGE TANK SETBACKS



2. DEVELOPMENT STANDARDS

Above ground storage tanks which are accessory to offices, businesses, industries, or on sites of institution or utility uses and which are located within one hundred (100) feet of any public right-of-way and not screened by a building from the street or not located within ten (10) feet of a principal building, shall meet the following standards:

a. The tank shall be partially or totally screened from view from the public right-of-way.

b. Said screening may consist of landscaping, planted earthen berms, natural topographic features, or a combination thereof.

c. Landscaping shall consist of any shrubs identified in the streetyard and interior shrubs suggested plant materials plant list in ***Section 6.2.1J***, or **Section 6.2.2J**, as appropriate.

d. Said shrubs shall be spaced no more than eighteen (18) inches, edge to edge.

e. No more than thirty percent (30%) of shrubs shall be deciduous.

f. Said screening shall be planted a minimum of five (5) feet from the tank and be installed along the entire length of the tank.

g. Said screening shall be maintained as long as the tank is present.

h. For tanks storing flammable, combustible, hazardous, or toxic materials, screening shall not interfere with Fire Department operations, and NFPA. 704 I.D. placards shall be installed as required by the Fire Official.

3. SIGNAGE
No signs or advertising shall be permitted on the tank or screening, except identification signs or labels as required by State law.

4. HAZARDOUS MATERIAL
Above ground storage tanks containing hazardous or toxic materials are not permitted in RS and RM Districts.

5. TANKS WITH CAPACITY GREATER THAN ONE THOUSAND (1,000) GALLONS
Tanks with individual storage capacity greater than one thousand (1,000) gallons are permitted only in office, business, industrial or Campus zoning districts, or on sites of institution or utility uses.

6. STORAGE OF MOTOR VEHICLE FUEL, CLASS 1 IN RESIDENTIAL DISTRICTS
The storage of more than twenty-five (25) gallons of motor vehicles fuel, class 1, as an accessory use on any zoning lot in a residential district shall not be permitted, except on a bona fide farm.

7. STORAGE TANKS IN RESIDENTIAL ZONING DISTRICTS
No above ground storage tanks with a capacity of more than five hundred (500) gallons shall be located in a residential zoning district except for institutional or utility uses.

B. DWELLING, ACCESSORY (ATTACHED)

1. In Forsyth County, the Zoning Officer shall issue a zoning permit for an attached accessory dwelling if the following requirements are met (F):

a. STRUCTURE
The principal building shall not be altered in any way so as to appear from a public street to be multiple family housing.

i. PROHIBITED ALTERATIONS
Prohibited alterations include, but are not limited to:

1. Multiple entranceways;

2. Multiple mailboxes; or

3. Multiple nameplates.

ii. ACCESS
Wherever feasible and consistent with the State Residential Building Code, access to the accessory dwelling unit shall be by means of existing doors.

iii. STAIRWAYS
No new stairways to upper floors are permitted on any side of a building which faces a public street.

iv. UTILITIES
Electric and/or gas utilities shall be supplied to both units through a single meter.

b. SIZE OF UNIT

i. An attached accessory dwelling unit shall occupy no more than fifty percent (50%) of the heated floor area of the principal building, but in no case shall be greater than one thousand (1,000) square feet.

ii. The sum of all accessory uses, including home occupations, in a principal residential building shall not exceed fifty percent (50%) of the total floor area of the building.

c. PARKING

Parking for the attached accessory dwelling shall be served by the same driveway as the principal dwelling.

d. NUMBER OF ACCESSORY DWELLINGS

No more than one accessory dwelling, whether attached or detached, shall be located on a lot.

2. *Within the City of Winston-Salem, the Zoning Officer shall issue a zoning permit for an attached accessory dwelling if the following requirements are met (W):*

a. *PRINCIPAL USE*

An accessory dwelling unit shall be subordinate in nature to the principal use residential building, single-family.

b. *RESERVED*

c. *SIZE OF UNIT*

i. *An attached accessory dwelling unit shall occupy no more than fifty percent (50%) of the heated floor area of the principal building, but in no case shall be greater than one thousand (1,000) square feet.*

ii. *The sum of all accessory uses, including home occupations, in a principal residential building shall not exceed fifty percent (50%) of the total floor area of the building.*

d. *PARKING*

No additional parking is required for an attached dwelling unit.

e. *NUMBER OF ACCESSORY DWELLINGS*

No more than one accessory dwelling, whether attached or detached, shall be located on a lot.

f. *HEIGHT*

The height of an attached accessory dwelling shall not exceed that of the principal structure.

C. DWELLING, ACCESSORY (DETACHED)

1. In Forsyth County, a Board of Adjustment special use permit shall be issued if the following conditions are met (F):

a. DIMENSIONAL REQUIREMENTS

Any detached accessory dwelling shall comply with all dimensional requirements applicable to accessory structures in **Section 5.3.1E, Accessory Structures Permitted in Required Yards,** and **Section 5.3.1F, Size Limits for Accessory Structure**.

b. BUILDING REQUIREMENTS

Any detached accessory dwelling shall comply with all building, plumbing, electrical, and other applicable codes, other than a manufactured housing unit.

c. MANUFACTURED HOME

i. A class A or B manufactured home may be used as a detached accessory dwelling; and

ii. A class C manufactured home may be used as a detached accessory dwelling in those zoning districts where a class C manufactured home is permitted as a principal use according to **Table 5.1.1, Principal Use Table**.

d. NUMBER OF ACCESSORY DWELLINGS

No more than one accessory dwelling, whether attached or detached, shall be permitted on the same lot.

2. *In the City of Winston-Salem, the Zoning Officer shall issue a zoning permit for an detached accessory dwelling, where the following requirements are met (W):*

a. *PRINCIPAL USE*

An accessory dwelling unit shall be subordinate in nature to the principal use residential building, single-family or manufactured home, class A.

b. *DIMENSIONAL REQUIREMENTS*

i. *SETBACKS*

1. *A detached accessory dwelling created through new construction shall have a minimum setback of five (5) feet from the side and rear property lines.*

2. *A detached accessory dwelling created through conversion of an existing legally established accessory structure shall meet the requirements of the North Carolina Building Code regarding setbacks.*

3. *In no instance shall a detached accessory dwelling unit be located in front of the front façade of the principal structure.*

ii. *The maximum size of a detached accessory dwelling shall not exceed seventy percent (70%) of the total floor area of the principal structure, but in no case shall be greater than one thousand (1,000) square feet. Regardless of the floor area of the principal structure, a detached accessory dwelling of five hundred seventy-six (576) square feet shall be allowed.*

iii. *The maximum height of a detached accessory dwelling shall not exceed twenty-five (25) feet.*

c. *PARKING*

No additional parking shall be required for a detached accessory dwelling unit.

d. *BUILDING REQUIREMENTS*

Any detached accessory dwelling shall comply with all building, plumbing, electrical, and other applicable codes, other than a manufactured housing unit.

e. *RESERVED*

f. *NUMBER OF ACCESSORY DWELLINGS*

No more than one accessory dwelling, whether attached or detached, shall be permitted on the same lot.

g. *EXISTING ACCESSORY DWELLINGS APPROVED BY THE BOARD OF ADJUSTMENT WITH AN EXPIRING TERM*

i. *Existing detached accessory dwellings approved by the Board of Adjustment, through the special use permit process, with an expiring term shall continue to be reviewed and decided upon by the Board of Adjustment.*

ii. *When renewing the special use permit for said accessory units, the Board must grant an expiring approval term, not to exceed ten years, with permit renewal required at the end of said term.*

iii. *Detached accessory dwelling units with a special use permit that has a term that:*

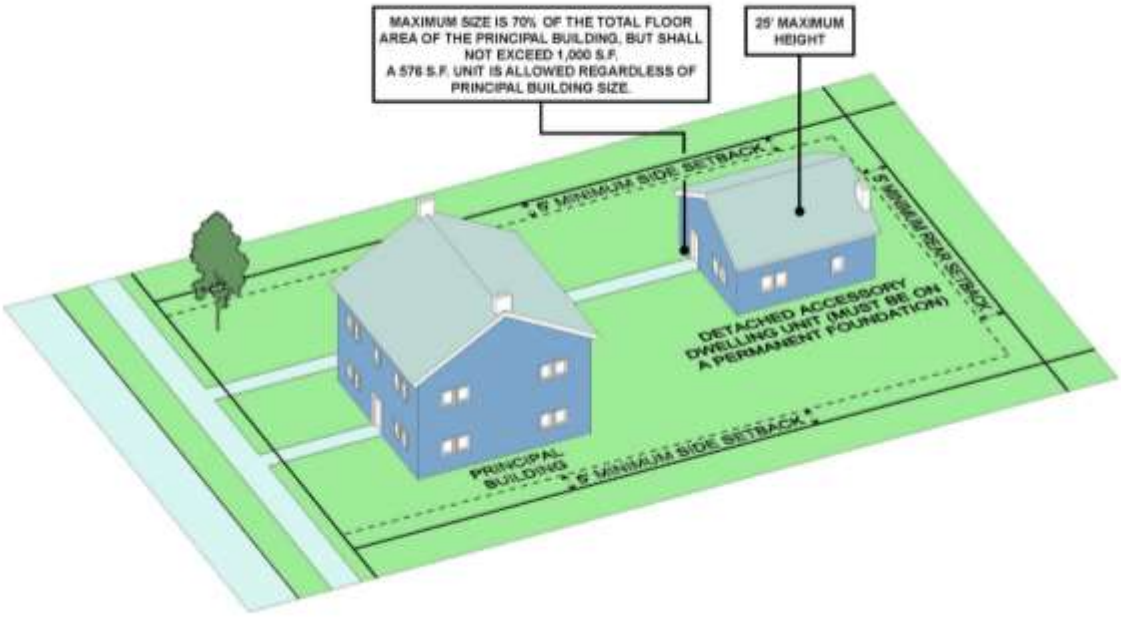
1. *Expired before September 5, 2017; or*

2. *Is not renewed before the expiration date shall be reviewed and decided upon through the special use district rezoning process described in* ***Section 3.2.19D, Special Use Districts****.*

h. *PERMANENCE*

A detached accessory dwelling unit shall be constructed on a permanent foundation. The use of campers, recreational vehicles (RV), or trailers as an accessory dwelling unit is prohibited.

Figure 5.3.4.C.2: Dwelling, Accessory, Detached Provisions (W)



D. HOME OCCUPATION

1. PURPOSE

a. The intent of this section is to permit certain home occupations under reasonable safeguards, but not to encourage their development or expansion in violation of the regulations governing the residential districts.

b. This section sets forth the special conditions home occupations must meet to insure compatibility with existing residential uses.

2. PERMITS

a. The Director of Inspections, in the issuance of a zoning permit for a home occupation, shall determine that all prescribed conditions are met.

b. Such permit shall be revoked upon a finding that any home occupation established under this Ordinance fails at any time to meet the requirements prescribed herein.

i. ZONING PERMITS

Zoning permits may be issued by the Director of Inspections for the following service occupations:

1. The office or studio of an accountant, planner, architect, surveyor, artist, attorney, author, ceramist, clergyman, engineer, interior designer, landscape architect, musician, photographer, dentist, physician or other licensed medical practitioner, teacher of not more than three (3) pupils on the premises at any time, or practitioners in similar fields of service.

2. Other services such as dressmaking, home handicrafts, tailoring, millinery, nameplate making, home cooking, baking or preserving, and telephone or mail services.

3. Lodging, or boarding and lodging, of not more than three (3) residents, where the owner is an occupant of the property. All lodging or boarding of residents under the home occupation provisions must be registered with the Director of Inspections when established.

ii. SPECIAL USE PERMITS

1. Special use permits may be issued by the Board of Adjustment in rural areas (GMAs 4 and 5) for construction contracting and motor vehicle repair provided such home occupations meet the characteristics of and the prescribed use conditions for home occupations.

2. A special use permit for such use shall be issued for a period of up to three (3) years in order to provide for automatic review by the Board of Adjustment.

3. CONDITIONS

The following conditions apply to home occupations.

a. INCIDENTAL AND SECONDARY USE

A home occupation shall be a clearly incidental and secondary use to the principal use as a residence by the person conducting the occupation.

b. NUMBER

i. Only one home occupation shall be permitted per principal dwelling unit.

ii. The home occupation may be operated only in the principal dwelling unit or in an accessory building, as permitted herein.

c. IMPACT

A home occupation shall not increase significantly traffic, noise, electrical interference, glare, dust, smoke, or odors.

d. EXTERIOR

No exterior evidence of the presence of a home occupation shall be permitted except as hereinafter provided, nor shall the exterior character of the dwelling unit be changed.

e. PARKING

i. Off-street parking shall be provided in compliance with **Section 6.1, Off-Street Parking and Loading**.

ii. Any parking area in addition to what is provided on the site at the time of application for the home occupation which is required to meet the standards of **Section 6.1, Off-Street Parking and Loading** shall be located to the rear or side of the principal dwelling unit.

f. DISPLAYS

There shall be no salesroom or display window.

g. SIGNS

i. No sign announcing the presence of a home occupation shall be permitted other than one occupancy sign not more than one hundred forty-four (144) square inches in area.

ii. Additionally, the use of neon or illuminated signs which are visible from the exterior of buildings containing home occupations, including signs inside buildings, shall be prohibited.

h. EMPLOYEES

Only members of the family residing in the principal dwelling unit and not more than one other employee may be employed in the operation of a home occupation.

i. FLOOR AREA

The floor area of the principal dwelling unit used for the home occupation shall not exceed twenty-five percent (25%) of the gross floor area of the dwelling unit, except where lodging is provided for resident guests.

j. BOARDING AND/OR LODGING

Boarding and/or lodging of not more than three (3) resident guests shall be permitted only within the principal dwelling unit.

k. OUTDOOR STORAGE - URBAN AREAS

i. Home occupations in urban areas (GMAs 1, 2 and 3) shall be conducted entirely within the principal dwelling unit.

ii. No outside storage is permitted for home occupations in urban areas.

l. OUTDOOR STORAGE - RURAL AREAS

i. Outdoor storage for home occupations occurring within the principal dwelling unit in rural areas (GMAs 4 and 5) must be located on a zoning lot of three (3) acres or greater and is limited to one thousand (1,000) square feet.

ii. Said outdoor storage shall be located behind the principal dwelling unit and shall be screened by an opaque fence or wall and gate at least six (6) feet in height.

m. ADDITIONAL REQUIREMENTS

i. Home occupations in rural areas (GMAs 4 and 5) shall be conducted either within the principal dwelling unit or within an accessory building located on the same zoning lot as the principal dwelling unit.

ii. Where an accessory building is used for a home occupation, the home occupation shall meet the following additional requirements:

1. LOT SIZE
Be located on a zoning lot of three (3) acres or greater;

2. SETBACKS
Be set back from adjacent property lines, private roads, and public rights-of-way one hundred (100) feet;

3. LOCATION
Be located behind the principal dwelling or two hundred (200) feet from any private road, public right-of-way, or property line;

4. BUFFERYARD
Have a type II bufferyard around the use;

5. PARKING AND STORAGE

5.01. Have no more than one thousand (1,000) square feet devoted to parking and outdoor storage including storage of motor vehicles awaiting repair at a motor vehicle repair home occupation.

5.02. Said outdoor parking and outdoor storage of materials shall be located behind the principal dwelling unit or accessory building and shall be screened by an opaque fence or wall and gate at least six (6) feet in height.

6. BUILDING AREA
Have no more than one thousand (1,000) square feet of building area devoted to the home occupation.

7. OTHER REQUIREMENTS
Meet all other dimensional and height requirements for the zoning district in which the home occupation is located.

E. POSTAL FACILITY, CONTRACT AND FINANCE

Contract and finance postal facilities are allowed as an accessory use to any principal use in multifamily residential (RM), business, office, institutional, or industrial districts.

5.3.5 OTHER ACCESSORY USES

A. FALLOUT SHELTER

Structures designed to provide protection against nuclear fallout are permitted as principal or accessory uses in any district and are not subject to setback, yard or lot coverage restrictions, provided such structures extend not more than four (4) feet above grade.

B. *SALE OF AGRICULTURAL PRODUCTS GROWN ON THE PREMISES (W)*

The sale of agricultural products grown on the premises is a permitted accessory use.

C. SALE OF AGRICULTURAL PRODUCTS GROWN ON THE PREMISES (F)

1. The sale of agricultural products grown on the premises is a permitted accessory use.

2. For regulations concerning the temporary use "Sale of Agricultural Products Grown Off-Premises", refer to **Section 5.4.2M, Sale of Agricultural Products Grown Off-Premises (F)**.

D. FARM TENANT HOUSING

Housing for farmworkers on bona fide farms is a permitted accessory use.

E. SOCIAL SERVICES ON CHURCH CAMPUSES

Temporary or emergency shelters, soup kitchens, and other social services conducted by a church or religious institution on its primary campus are permitted as accessory uses.

F. DWELLING IN NONRESIDENTIAL DISTRICTS

In zoning districts not otherwise permitting residential buildings, a watchman or caretaker may occupy a house or other quarters on the same premises where he or she is employed.

5.4 TEMPORARY USES AND STRUCTURES

5.4.1 PURPOSE

A. The intent of this section is to permit the temporary uses customarily accompanying the erection of permitted structures, or the establishment of permitted uses, or the accomplishment of permitted operations, as necessary to such work not substantially injurious to the public health, safety, or welfare.

B. It is also the intent to permit customary uses of open land and of existing buildings and surrounding land which are temporary in nature.

5.4.2 TEMPORARY USES PERMITTED

If requirements of this Ordinance, the Public Health Department, and other applicable laws are met, customary temporary uses shall be permitted, including but not limited to the following:

A. CONSTRUCTION

Temporary structures or manufactured homes used for construction offices and storage areas on construction sites, for which the duration of such permits is limited to the actual time required for construction, plus the thirty (30) day period following the issuance of a certificate of occupancy.

B. GRADING

Temporary structures or sites of grading operations, for which the duration of such permits is limited to the actual time required for grading operations, plus the thirty (30) day period following the issuance of a certificate of occupancy.

C. PROPRIETARY OR GOVERNMENTAL OPERATIONS

Temporary structures, manufactured homes, or storage areas of public agencies in the conduct of proprietary or governmental operations.

D. USE OF OPEN LAND

The use of open land for meetings, circuses or carnivals, or the sale of Christmas trees, baked goods or collected clothing and the like, if no structure is erected or placed other than tents or recreational vehicles, for which the duration of such permits is limited to no longer than forty-five (45) consecutive days.

E. TURKEY SHOOT

The use of open land for a turkey shoot in the AG, RS-40, LI, and GI Districts outside the corporate limits of Winston-Salem subject to the following restrictions:

a. SIZE

A turkey shoot shall be on a site of not less than five (5) acres;

b. DISTANCE TO ADJACENT PROPERTY

The site shall be so designed that the distance to any adjacent property measured from the firing point or points in the direction of fire shall be not less than three hundred (300) yards; or an earthen backstop not less than twenty (20) feet in height shall be provided beyond the target line but within two hundred (200) feet thereof;

c. TARGETS AND FIRING POINTS

Neither targets nor firing points shall be located closer than three hundred (300) feet to a side property line;

d. FIREARMS

Shotguns only shall be fired;

e. HOURS OF OPERATION

The use of firearms shall be prohibited between the hours of 9:30 p.m. and 7:00 a.m.; and

f. DURATION OF PERMIT

Permits shall be issued for not more than ninety (90) days per year with no renewal within three hundred sixty-five (365) days from the effective date of the permit.

F. NONPROFIT ORGANIZATIONS

The use of a residence or other building and surrounding land by any nonprofit charitable, religious, or educational organization for the purpose of exhibiting and purveying, indoors or outdoors, art or craft products, jewelry, clothing, foods, beverages, horticultural specimens, home furnishings and decorations, and similar or related items, and for presenting musical, film, or theatrical programs, indoors, for which the duration of such permits is limited to no longer than thirty (30) consecutive days.

G. HELICOPTER SITES

1. Temporary helicopter landing and takeoff in conjunction with a special event, such as an athletic contest, a holiday celebration, parade, or similar activity.

2. All permits issued for a temporary helicopter landing facility shall be approved by the Police Department or Sheriff's Department and the Fire Official to ensure safety of operation.

3. The duration of any zoning permit issued by the Director of Inspections for such temporary uses shall not exceed ten (10) consecutive days as specified in the permit.

4. A temporary use permit is not required if landing or takeoff is necessary for law enforcement or other public safety purposes, or for aircraft or medical emergencies.

H. MANUFACTURED HOMES DURING CONSTRUCTION

1. A manufactured home in the AG, YR, and all RS Districts, occupied as a residence during construction of a single family home on the same zoning lot.

2. Such temporary use permit shall be issued for a period not to exceed six (6) months, and may be extended for an additional six (6) months at the discretion of the Director of Inspections if the applicant can demonstrate substantial progress toward completion of construction.

I. INERT DEBRIS FILL

1. Fill of material on sites where the fill material consists only of inert debris strictly limited to concrete, brick, concrete block, uncontaminated soil, rock, gravel, and asphalt.

2. Said permits may be issued for up to ninety (90) days and may not be renewed for at least one year after the previous permit has expired.

J. REMOVAL AND DEPOSITION OF SOILS

The removal of inert debris strictly limited to concrete, brick, concrete block, uncontaminated soil, rock, gravel, and asphalt from one site and the deposition of said inert debris at one other site, provided:

1. FREQUENCY

The sites so used for removal and deposition shall be permitted in tandem and only once.

2. SITE SIZE

The area of disturbance of the zoning lot from which the inert debris is taken shall be no greater than five (5) acres.

3. HOURS OF OPERATION

Except in cases of emergency involving safety, the sites shall not be operated on Sunday and may not be operated earlier than 7:00 a.m. or later than 6:00 p.m. on any other day.

4. DURATION

Notwithstanding the provisions of **Section 5.4.3, Permit**, the temporary use permit shall only run concurrently with the related grading permit issued for operation of the two (2) sites.

K. CHILD CARE (TEMPORARY CARE)

1. A temporary child care arrangement established as an accessory use to and on the same zoning lot of any institutional or public use which provides either drop-in care or a seasonal or other part-time basis.

2. Such temporary care arrangements must be approved by the State.

3. A permit for such activity shall not exceed ninety (90) days, and may not be renewed within the same calendar year.

L. SHELTER, TEMPORARY

The use of permanent structures to provide temporary housing during life threatening weather conditions, for which the duration of any zoning permit issued by the Director of Inspections for such temporary use shall not exceed the period specified in the North Carolina Building Code for such use.

M. SALE OF AGRICULTURAL PRODUCTS GROWN OFF-PREMISES (F)

Agricultural products grown in Forsyth County on property zoned YR, AG, or RS-40 may be sold on any property zoned YR, AG, RS-40, NB, PB, LB, NSB, HB, GB, CB, or MRB-S during the time period from May 1 through October 31. This temporary use shall meet the following requirements:

1. ALLOWABLE STRUCTURES

a. Structures, as defined in this Ordinance, may not be utilized in the sale of agricultural products grown off-premises.

b. Temporary structures, such as tents, may be used in the sale of agricultural products.

2. SITE DIAGRAM REQUIRED

a. A site diagram shall be submitted for the property where the sale of agricultural products will take place.

b. Inspections staff shall approve such site diagram if it does not negatively impact the health, safety, and welfare of the surrounding area.

c. The location of all property lines, existing buildings, driveways, parking, signs, and the location where the sale of agricultural products will take place shall be shown on the site diagram.

3. DETAIL OF ORIGIN

A letter detailing what agricultural products will be sold and the zoning and location of the property where it will be grown shall also be submitted.

4. ALLOWABLE DURATION

Temporary use zoning permits issued for the sale of agricultural products are only valid from May 1 through October 31.

5. SIGNAGE

a. Each temporary use zoning permit location for a sale of agricultural products grown off-premises lot is permitted one sign—the sign shall have a maximum height of six (6) feet and shall be no larger than thirty-six (36) square feet in commercial zoning districts and eighteen (18) square feet in residential zoning districts.

b. This sign must be located outside of the right-of-way and further must be located so as not to interfere with the sight distance of vehicles entering and exiting the premises.

c. The sign may only be erected for the duration of the temporary use zoning permit.

N. TEMPORARY HEALTH CARE STRUCTURES

1. THE FOLLOWING DEFINITIONS APPLY IN THIS SECTION:

a. ACTIVITIES OF DAILY LIVING

Bathing, dressing, personal hygiene, ambulation or locomotion, transferring, toileting, and eating.

b. CAREGIVER

An individual 18 years of age or older who (i) provides care for a mentally or physically impaired person and (ii) is a first- or second-degree relative of the mentally or physically impaired person for whom the individual is caring.

c. FIRST- OR SECOND-DEGREE RELATIVE

A spouse, lineal ascendant, lineal descendant, sibling, uncle, aunt, nephew, or niece and includes half,

step, and in-law relationships.

d. MENTALLY OR PHYSICALLY IMPAIRED PERSON

A person who is a resident of this State and who requires assistance with two or more activities of daily living as certified in writing by a physician licensed to practice in this State.

e. TEMPORARY HEALTH CARE STRUCTURE

A transportable residential structure providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that

- **i.** is primarily assembled at a location other than its site of installation;
- **ii.** is limited to one occupant who shall be the mentally or physically impaired person;
- **iii.** has no more than 300 gross square feet; and
- **iv.** complies with applicable provisions of the State Building Code and G.S. 143-139.1(b).

2. Temporary health care structures occupied by a caregiver on property owned or occupied by a mentally or physically impaired person or a temporary health care structure occupied by a mentally or physically impaired person on property owned or occupied by the caregiver are permitted as a temporary use.

3. Only one (1) temporary health care structure shall be allowed on a zoning lot.

4. The temporary health care structures must be removed within sixty (60) days following the time the mentally or physically impaired person is no longer receiving or in need of assistance provided for in this subsection.

5. Placing the temporary health care structure on a permanent foundation shall not be required or permitted.

5.4.3 PERMIT

A. Any temporary use shall be established only after issuance of a zoning permit by the Director of Inspections for such use.

B. Duration of the temporary use shall be specified on such permit.

C. Such permit may be renewed not more than twice, and such renewals may not exceed the period of time approved in the original permit.

D. Unless otherwise specified, no single permit or single renewal shall be issued for a temporary use to exceed one year.

6 DEVELOPMENT STANDARDS

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6.1 OFF-STREET PARKING AND LOADING

6.1.1 GENERAL REQUIREMENTS

A. PARKING, STACKING, AND LOADING AREAS

In all districts except the CB and CI Districts, every use of a building, structure, or piece of land hereafter erected, modified, enlarged, or increased in capacity, shall provide off-street parking, stacking, and loading in compliance with this section, unless otherwise provided in this Ordinance.

B. CHANGE IN SIZE

Only those portions of existing buildings or structures enlarged after the adoption of this Ordinance shall comply with the requirements of this section.

C. CHANGES IN USE

1. If a change in principal use causes an increase in the required number of off-street parking, stacking, or loading spaces, such additional spaces shall be provided in accordance with the requirements of this section.

2. However, if the change in use requires an increase of less than five percent (5%) in the required number of spaces, no additional off-street parking, stacking, or loading spaces shall be required.

3. ***Section 9.4.3E, Parking for Nonresidential Structures Built Prior to March 7, 1988 (W),*** allows parking exceptions for changes of use in older nonresidential structures that are nonconforming as to off-street parking requirements in GMA 1 and GMA 2.

D. USE FOR NO OTHER PURPOSE

Land used to provide required parking, stacking, and loading shall not be used for any other purposes except for temporary events.

E. SEPARATION OF PARKING AND LOADING AREAS

1. No loading area or access drive to serve such loading area shall be considered as required parking area.

2. No parking area or access drive to serve such parking area shall be considered as required loading area.

F. MAINTENANCE AND OPERATION

1. MAINTENANCE

All parking, stacking, and loading areas shall be permanently maintained by the owners or occupants for as long as the principal use exists.

2. OPERATION

a. All required parking areas shall be used exclusively for the parking of vehicles.

b. Parking areas shall not be used for the storage of merchandise, location of dumpsters, or for the storage or repair of vehicles or equipment.

c. Parking areas shall not be used for the sale of merchandise except on a temporary basis for special events.

G. ACCESS

1. The principal access to all parking, stacking, and loading areas shall have vehicular access to a publicly dedicated street, road, or highway maintained by either the North Carolina Department of Transportation or the responsible municipality.

2. Alleyways may be used for secondary access and maneuvering areas.

H. PROHIBITED LOCATIONS

No parking, stacking, or loading area, access drive or driveway shall be located over a sand filter or nitrification field.

6.1.2 OFF-STREET PARKING REQUIREMENTS

A. TABLE OF REQUIREMENTS

1. VEHICULAR SPACES

a. **Table 6.1.2, Motor Vehicle and Bicycle Parking Space Requirements**, contains the minimum parking requirements for motor vehicles and bicycles. Special requirements applicable to new uses constructed after the effective date of this Ordinance are provided in the Motor Vehicle Parking Spaces column where appropriate. (Refer to **Section 5.2, Use-Specific Standards**, for possible additional requirements.)

b. When the number of spaces provided exceeds one hundred seventy-five percent (175%) of the minimum required parking, supplemental landscaping shall be required in accordance with ***Section 6.2.1D.3.e, Distance of Parking Spaces to Trees***, or **Section 6.2.2C.3.e, Distance of Parking Spaces to Trees**, as appropriate.

2. BICYCLE SPACES

a. Bicycle parking requirements are only applicable to Growth Management Areas (GMAs) 1, 2, and 3 and are not applicable to GMAs 4 and 5.

b. Property owners may voluntarily choose to exceed the maximum number of bicycle spaces required by **Table 6.1.2A., Motor Vehicle and Bicycle Parking Space Requirements** (see **Section 6.1.5G.3, Incentives**) for possible motor vehicle space reduction incentives).

c. There are no supplemental landscaping requirements for bicycle spaces.

TABLE 6.1.2: MOTOR VEHICLE AND BICYCLE PARKING SPACE REQUIREMENTS

PRINCIPAL USES	MOTOR VEHICLE PARKING SPACES [1] [2]	BICYCLE PARKING SPACES [3] [4]
RESIDENTIAL USES		
Cottage Court	1 space per dwelling unit. (See Section 5.2, Use-Specific Standards, for possible additional requirements.)	Exempt
Residential, Single Family	2 spaces per dwelling unit. (See Section 5.2, Use-Specific Standards, for possible additional requirements.)	Exempt
Residential, Duplex		
Residential, Twin Home		
Multifamily, Efficiency	1 space per dwelling unit. (All visitor spaces shall be designated "visitor only". Single room occupancy (SRO) facilities are considered efficiencies.)	0.125 spaces per dwelling unit in development; 2 space minimum per building, 20 space maximum per development. When development has 10 or more
Multifamily, 1 Bedroom	1.5 spaces per dwelling unit. (See Section 5.2, Use-Specific Standards, for possible additional requirements.)	
Multifamily, 2 Bedroom	1.75 spaces per dwelling unit. (See Section 5.2, Use-Specific Standards, for possible additional requirements.)	

TABLE 6.1.2: MOTOR VEHICLE AND BICYCLE PARKING SPACE REQUIREMENTS

PRINCIPAL USES	MOTOR VEHICLE PARKING SPACES [1] [2]	BICYCLE PARKING SPACES [3] [4]
Multifamily, 3 Bedroom	2 spaces per dwelling unit. (See Section 5.2, Use-Specific Standards, for possible additional requirements.)	individual buildings, a maximum of 2 spaces may be allowed for each of 10 selected buildings.
Multifamily, 4 Bedrooms or more	3 spaces per dwelling unit. (See Section 5.2, Use-Specific Standards, for possible additional requirements.)	
Multifamily, Elderly	0.75 spaces per dwelling unit. (See Section 5.2, Use-Specific Standards, for possible additional requirements.)	Exempt
Townhouse	See multifamily requirements	Exempt
Manufactured Home, Class A	2 spaces per manufactured home	Exempt
Manufactured Home, Class B		
Manufactured Home, Class C		
Manufactured Home, Class D		
Boarding or Rooming House	1 space per bedroom + 1 space per employee on largest shift	Exempt
Combined Use	Spaces required based on sum of principal uses	Spaces required based on sum of principal uses
Family Group Home A	2 spaces + 1 space per employee on largest shift	Exempt
Family Group Home B	0.33 spaces per resident	Exempt
Family Group Home C	0.25 spaces per resident	Exempt
Fraternity or Sorority	1 space per bedroom + 1 space per employee on largest shift	2 spaces
Group Care Facility	0.25 spaces per resident. (Parking shall not be located within the required front yard setback.)	Exempt
Life Care Community	Spaces required based on sum of principal uses (except 1 space per single family, duplex, twin home, or townhouse dwelling unit)	Spaces required based on sum of principal uses.
Manufactured Housing Development	1.5 spaces per manufactured home. (A minimum of one space shall be located within the applicable manufactured home space. Additional required parking may be located in group parking areas no further than 150 feet from units being served.)	Exempt
Planned Residential Development	Spaces required based on sum of principal use minimums	Spaces required based on sum of

TABLE 6.1.2: MOTOR VEHICLE AND BICYCLE PARKING SPACE REQUIREMENTS		
PRINCIPAL USES	**MOTOR VEHICLE PARKING SPACES [1] [2]**	**BICYCLE PARKING SPACES [3] [4]**
		principal use minimums
Shelter for the Homeless	1 space + 1 space per employee on largest shift + 0.67 spaces per employee/ volunteer on largest shift	Exempt
AGRICULTURAL USES		
Agricultural Production, Crops (F)	None	Exempt
Livestock (F)	None	Exempt
Agricultural Tourism (F)	Specific parking requirements shall be based on the UDO use classification most comparable to each Agricultural Tourism use being requested [Restaurant (without drive-through service), etc.]. (See Section 5.2, Use-Specific Standards, for possible additional requirements.)	Exempt
Animal Feeding Operation	1 space + 1 space per employee on largest shift + 1 space per 300 SF GFA of touring area	Exempt
Fish Hatchery	1 space + 1 space per employee on largest shift + 1 space per 300 SF GFA of touring area	Exempt
Urban Agriculture (W)	*1 space per 20,000 square feet of lot area for sites in nonresidential districts*	*Parking requirements shall be determined on a case-by-case basis for sites in residential districts through the Board of Adjustment Special Use Permit process*
RETAIL AND WHOLESALE TRADE		
Arts and Crafts Studio	1 space per 450 SF GFA	1 space per 20,000 SF GFA, 2 space minimum, 20 space maximum
Building Materials Supply	1 space per 575 SF GFA	Exempt
Bulk Storage of Petroleum Products	1 space per 5,750 SF of land	Exempt

TABLE 6.1.2: MOTOR VEHICLE AND BICYCLE PARKING SPACE REQUIREMENTS

PRINCIPAL USES	MOTOR VEHICLE PARKING SPACES [1] [2]	BICYCLE PARKING SPACES [3] [4]
Convenience Store	1 space per 225 SF GFA; restaurant area including seating area inside or outside of the building— 1 space per 100 SF GFA	1 space per 5,000 SF GFA, 2 space minimum, 20 space maximum
Food or Drug Store	1 space per 225 SF GFA	1 space per 5,000 SF GFA excluding loading and storage areas, 2 space minimum, 20 space maximum
Fuel Dealer	1 space + 1 space per employee on largest shift	Exempt
Furniture and Home Furnishings Store	1 space per 1,150 SF GFA	Exempt
Micro-Brewery or Micro-Distillery	1 space per 100 SF for Taproom/Tasting Room + 1 space per 575 SF of brewing or distillery space	1 space per 5,000 SF GFA, 2 space minimum
Motor Vehicle Dismantling and Wrecking Yard	1 space per 11,500 SF of land. (Customers may park outside the fenced area but not within the right-of-way. See Section 5.2, Use-Specific Standards, for possible additional requirements.)	Exempt
Motorcycle Dealer	1 space per 575 SF GFA	Exempt
Nursery, Lawn and Garden Supply Store, Retail	1 space per 450 SF GFA indoors + 1 space per 650 SF GFA in outdoor display and storage	Exempt
Outdoor Display Retail	1 space per 650 SF GFA (See Section 5.2, Use-Specific Standards, for possible additional requirements.)	Exempt
Restaurant (without drive-through service)	1 space per 100 SF GFA; restaurants with take-out service only (no seating)— 1 space per 225 SF GFA	1 space per 5,000 SF GFA, 2 space minimum, 20 space maximum
Restaurant (with drive-through service)	1 space per 100 SF GFA; restaurants with take-out service only (no seating)— 1 space per 225 SF GFA. (See Section 6.1.3F, Drive-Through Facility Stacking Lanes.)	1 space per 5,000 SF GFA, 2 space minimum, 20 space maximum
Retail Store	1 space per 300 SF GFA	1 space per 5,000 SF GFA, 2 space minimum, 20 space maximum

TABLE 6.1.2: MOTOR VEHICLE AND BICYCLE PARKING SPACE REQUIREMENTS

PRINCIPAL USES	MOTOR VEHICLE PARKING SPACES [1] [2]	BICYCLE PARKING SPACES [3] [4]
Shopping Center, Small Centers between 8,000 SF and 34,999 SF GFA [4]	1 space per 200 SF GFA, or parking can be calculated as the minimum for each individual use	1 space per 5,000 SF GFA, 2 space minimum, 7 space maximum
Shopping Center, Centers between 35,000 SF GFA [4] and 250,000 SF GFA	1 space per 275 SF GFA (excludes walkways or other common or non-commercial areas)	1 space per 10,000 SF GFA, 7 space minimum, 20 space maximum
Shopping Center, Centers 250,000 SF GFA [4] or more	1 space per 300 SF GFA (excludes walkways or other common or non-commercial areas)	1 space per 20,000 SF GFA, 13 space minimum, 20 space maximum
Wholesale Trade A	1 space per employee on largest shift + 1 space per 225 SF GFA of retail space + 1 space per vehicle used in the operation	Exempt
Wholesale Trade B		
BUSINESS AND PERSONAL SERVICES		
Adult Establishment	1 space per 225 SF GFA without live entertainment; 1 space per 100 SF GFA with live entertainment	Exempt
Banking and Financial Services	1 space per 225 SF GFA for depository institutions; 1 space per 350 SF GFA for non-depository institutions. (See Section 6.1.3F, Drive-Through Facility Stacking Lanes.)	1 space per 20,000 SF GFA, 2 space minimum, 20 space maximum
Bed and Breakfast	1 space + 1 space per room + 1 space per employee on largest shift. (See Section 5.2, Use-Specific Standards, for possible additional requirements.)	Exempt
Building Contractors, General	1 space per 875 SF GFA	Exempt
Building Contractors, Heavy	1 space per 875 SF GFA	Exempt
Car Wash, Full Service	3 spaces per vehicle in wash bay + 1 space per employee on largest shift. (See Section 6.1.3F, Drive-Through Facility Stacking Lanes; See Section 5.2, Use-Specific Standards, for possible additional requirements.)	Exempt
Self Service or Accessory	1 space + 1 space per bay. (See Section 6.1.3F, Drive-Through Facility Stacking Lanes; See Section 5.2, Use-Specific Standards, for possible additional requirements.)	Exempt
Entertainment Facility, Large (W)	*1 space per 100 SF GFA. (Any Entertainment Facility, Large that cannot reasonably meet its*	1 space per 50,000 SF GFA, 2 space

TABLE 6.1.2: MOTOR VEHICLE AND BICYCLE PARKING SPACE REQUIREMENTS

PRINCIPAL USES	MOTOR VEHICLE PARKING SPACES [1] [2]	BICYCLE PARKING SPACES [3] [4]
	designated off-street parking requirements shall have the option of submitting a parking study for review and approval by the Assistant City Manager for Public Works, or designee. The parking study shall include the: required number of parking spaces, amount of parking provided on-site, any available on-street parking in close proximity, proximity to publicly accessible parking decks and travel distance to said decks, opportunities for shuttle service/park and ride, and any shared parking arrangements.)	minimum, 20 space maximum
Funeral Home	1 space + 0.25 spaces per seat in main chapel + 1 space per employee on largest shift	Exempt
Hotel or Motel	1 space per room + 0.2 spaces per seat for banquet and convention facilities	Exempt
Kennel, Indoor	1 space per 400 SF GFA	Exempt
Kennel, Outdoor (F)	1 space per 400 SF GFA	Exempt
Motor Vehicle, Body or Paint Shop	3 spaces per service bay + 1 space per 575 SF GFA for parts sales + 1 space per tow truck	Exempt
Rental and Leasing	1 space per 450 SF GFA (Customer parking shall not be used for motor vehicle rental and leasing parking.)	Exempt
Repair and Maintenance	3 spaces per service bay + 1 space per 575 SF GFA for parts sales + 1 space per tow truck	Exempt
Storage Yard	1 space per 5,750 SF of storage area	Exempt
Offices	1 space per 300 SF GFA	1 space per 20,000 SF GFA, 2 space minimum, 20 space maximum
Recreation Facility, Public	1 space per 8,750 SF land area in GMA 1, 2 and 3; 1 space per 5,750 SF land area in GMA 4 and 5 Alternative compliance to these parking requirements may be proposed through a parking study prepared by a qualified licensed professional, such as an engineer or landscape architect, provided that the proposed alternative provides an adequate amount of parking for the use(s) proposed on site	1 space per 5,000 SF GFA, 2 space minimum, 20 space maximum
Recreation Services, Indoor Batting Cages	3 spaces per cage + 1 space per 225 SF GFA for retail sales + 1 space per employee on largest shift	1 space per 50,000 SF GFA, 2 space

TABLE 6.1.2: MOTOR VEHICLE AND BICYCLE PARKING SPACE REQUIREMENTS		
PRINCIPAL USES	**MOTOR VEHICLE PARKING SPACES [1] [2]**	**BICYCLE PARKING SPACES [3] [4]**
		minimum, 20 space maximum
Billiard Parlors	2 spaces per table + 1 space per employee on largest shift	1 space per 50,000 SF GFA, 2 space minimum, 20 space maximum
Bowling Alleys and Centers	3 spaces per alley + 1 space per 100 SF GFA of restaurant area + 1 space per employee on largest shift	1 space per 50,000 SF GFA, 2 space minimum, 20 space maximum
Coin-Operated Amusement Devices	1 space per 225 SF GFA	1 space per 10,000 SF GFA, 2 space minimum, 20 space maximum
Dance Studios, Schools, and Halls	1 spaces per 225 SF GFA	1 space per 20,000 SF GFA, 2 space minimum, 20 space maximum
Membership Sports and Recreation Clubs	1 space per 225 SF GFA	1 space per 10,000 SF GFA, 2 space minimum, 20 space maximum
Miniature Golf, Indoor	1 space per hole + 1 space per employee on largest shift	1 space per 20,000 SF GFA, 2 space minimum, 20 space maximum
Physical Fitness Facilities	1 space per 225 SF GFA	1 space per 10,000 SF GFA, 2 space minimum, 20 space maximum
Shooting Range, Indoor	1 space per firing station + 1 space per employee on largest shift	Exempt
Skating Rinks	1 space per 225 SF GFA	1 space per 20,000 SF GFA, 2 space minimum, 20 space maximum
Swimming Pool, Private	1 space per 125 SF of pool surface area, except for pool serving one single family residence on the same lot	1 space per 5,000 SF of pool activity area, including pool, decking and pool house, 2

TABLE 6.1.2: MOTOR VEHICLE AND BICYCLE PARKING SPACE REQUIREMENTS		
PRINCIPAL USES	**MOTOR VEHICLE PARKING SPACES [1] [2]**	**BICYCLE PARKING SPACES [3] [4]**
		space minimum, 20 space maximum
Recreation Services, Outdoor Amusement Parks	1 space per 225 SF of activity area	2 spaces
Batting Cages	3 spaces per cage + 1 space per 225 SF GFA for retail sales + 1 space per employee on largest shift	2 spaces
Campground (F)	1 space per employee. Any additional parking may be accommodated through grass overflow parking areas	Exempt
Commercial Sports	1 space per 3 seats + 1 space per employee on largest shift	2 spaces
Fishing, Fee Charged	2 spaces per acre of water area + 1 space per employee on largest shift. (Parking shall be located not less than one hundred (100) feet from any right-of-way or property line. See Section 5.2, Use-Specific Standards, for possible additional requirements.)	Exempt
Golf Course	3 spaces per tee + 1 space per 225 SF GFA for retail sales + 1 space per employee on largest shift	Exempt
Golf Driving Range	1 space per tee + 1 space per 225 SF GFA for retail sales + 1 space per employee on largest shift	Exempt
Miniature Golf, Outdoor	1 space per hole + 1 space per employee on largest shift	1 space per 20,000 SF of activity area (including club house), 2 space minimum, 20 space maximum
Recreational Vehicle Park	1 space per recreational vehicle site + 1 space per employee on largest shift	Exempt
Riding Stable	0.5 spaces per stall + 1 space per employee on largest shift	Exempt
Shooting Range, Outdoor	1 space per firing station + 1 space per employee on largest shift	Exempt
Swimming Pool, Private	1 space per 125 SF of pool surface area, except for a pool serving one single family residence on the same lot	1 space per 5,000 SF of pool activity area (including pool, decking and pool house) 2 space minimum,

TABLE 6.1.2: MOTOR VEHICLE AND BICYCLE PARKING SPACE REQUIREMENTS		
PRINCIPAL USES	**MOTOR VEHICLE PARKING SPACES [1] [2]**	**BICYCLE PARKING SPACES [3] [4]**
		20 space maximum
Services A, except for Barber and Beauty Shops	1 space per 450 SF GFA; Computer Data Center— 1 space per 7,000 SF GFA. (Any change of use of a site previously utilized as a Computer Data Center must meet the off-street parking requirements of the new use as specified in this table.)	Exempt
Barber and Beauty Shops	3 spaces per stylist + 1 per other employee	Exempt
Services B	1 space per 575 SF GFA	Exempt
Signs, Off-Premises	None	Exempt
Storage Services, Retail	2 spaces + 1 additional space for each 125 storage units, or fraction thereof, in excess of 500 units. Minimum 21-foot wide aisle width or building spacing shall be provided for parking at units.	Exempt
Testing and Research Laboratory	1 space per 1,150 SF GFA	1 space per 20,000 SF GFA, 2 space minimum, 20 space maximum
Theater, Drive-In	3 spaces + 1 space per vehicle speaker. Stacking spaces shall be provided for five percent (5%) of the total spaces required	Exempt
Theater, Indoor or Outdoor	1 space per 4 seats + 1 space per employee on largest shift	Indoor: 1 space per 50,000 SF GFA, 2 space minimum, 20 space maximum Outdoor: Exempt
Veterinary Services	1 space per 450 SF GFA	Exempt
Warehousing	10 spaces + 1 space per employee on largest shift + 1 space per vehicle used in the operation	Exempt
INSTITUTIONAL AND PUBLIC USES		
Academic Biomedical Research Facility	1 space per 1,150 SF GFA of Laboratory and Office Space	1 space per 20,000 SF GFA, 2 space minimum, 20 space maximum
Academic Medical Center	Provide Parking Study to be approved by the Assistant City Manager for Public Works, or designee	1 space per 20,000 SF GFA, 2 space minimum, 20 space maximum

TABLE 6.1.2: MOTOR VEHICLE AND BICYCLE PARKING SPACE REQUIREMENTS

PRINCIPAL USES	MOTOR VEHICLE PARKING SPACES [1] [2]	BICYCLE PARKING SPACES [3] [4]
Adult Day Care Home	1 space + 1 space per employee on largest shift + 1 designated loading and unloading space with adequate turnaround area	Exempt
Adult Day Care Center	1 space + 1 space per employee on largest shift + 1 space per 10 persons enrolled + 1 designated loading and unloading space with adequate turnaround area per 20 persons enrolled	Exempt
Cemetery	1 space per employee on largest shift + 1 space per 300 SF of sales area	Exempt
Child Care Institution	0.33 spaces per bed + 1 space per employee on largest shift	Exempt
Child Day Care Home	1 space + 1 space per employee on largest shift. A designated loading and unloading space with adequate turnaround area, may also be required (See Section 5.2.20E, Passenger Loading Space, for requirements.)	Exempt
Child Day Care Center	1 space per employee on largest shift + 1 space per 10 children enrolled + 1 designated loading and unloading space per 20 children enrolled with adequate turnaround area	Exempt
Church or Religious Institution, Neighborhood	0.25 spaces per seat 50% reduction permitted with approval of Assistant City Manager for Public Works, or designee (See Section 5.2, Use-Specific Standards, for possible additional requirements.)	1 space per 20,000 SF GFA, 2 space minimum, 20 space maximum
Church or Religious Institution, Community		1 space per 50,000 SF GFA, 2 space minimum, 20 space maximum
Club or Lodge	1 space per 225 SF GFA	1 space per 20,000 SF GFA, 2 space minimum, 20 space maximum
College or University	Provide Parking Study to be approved by Assistant City Manager for Public Works, or designee	Provide Parking Study to be approved by Assistant City Manager for Public Works, or designee
Correctional Institution	0.1 spaces per inmate + 1 space per employee on largest shift	Exempt

TABLE 6.1.2: MOTOR VEHICLE AND BICYCLE PARKING SPACE REQUIREMENTS

PRINCIPAL USES	MOTOR VEHICLE PARKING SPACES [1] [2]	BICYCLE PARKING SPACES [3] [4]
Government Offices	1 space per 375 SF GFA	1 space per 20,000 SF GFA, 2 space minimum, 20 space maximum
Group Care Facility C	0.25 spaces per resident +1 space per employee on largest shift	1 space per 20,000 SF GFA, 2 space minimum, 20 space minimum
Habilitation Facility A Habilitation Facility B Habilitation Facility C	1 space per 2 employees + 1 space per 10 persons enrolled + 1 loading and unloading space with adequate turnaround area, separate from parking area. (See Section 5.2, Use-Specific Standards, for possible additional requirements.)	Exempt
Hospice and Palliative Care	1 space per 575 SF GFA	Exempt
Hospital or Health Center	Provide Parking Study to be approved by Assistant City Manager for Public Works, or designee	Provide Parking Study to be approved by Assistant City Manager for Public Works, or designee
Institutional Vocational Training Facility	1 space per 1,150 SF GFA (except for 1 space per 500 SF GFA of retail sales areas)	1 space per 20,000 SF GFA, 2 space minimum, 20 space maximum
Landfill, Sanitary	1 space + 1 space per employee on largest shift	Exempt
Library	1 space per 350 SF GFA	1 space per 20,000 SF GFA, 2 space minimum, 20 space maximum
Limited Campus Uses, Office	1 space per 475 SF GFA. (All spaces shall be to the rear of the structure. See Section 5.2, Use-Specific Standards, for possible additional requirements.)	1 space per 50,000 SF GFA, 2 space minimum, 20 space maximum
Residential	See Residential Uses. (All spaces shall be to the rear of the structure. See Section 5.2, Use-Specific Standards, for possible additional requirements.)	See Residential Uses
Museum or Art Gallery	1 space per 575 SF GFA	1 space per 20,000 SF GFA public viewing area, 2

TABLE 6.1.2: MOTOR VEHICLE AND BICYCLE PARKING SPACE REQUIREMENTS

PRINCIPAL USES	MOTOR VEHICLE PARKING SPACES [1] [2]	BICYCLE PARKING SPACES [3] [4]
		space minimum, 20 space maximum
Neighborhood Organization	1 space per 375 SF GFA	Exempt
Nursing Care Institution	0.33 spaces per bed + 1 space per employee on largest shift	Exempt
Police or Fire Station	3 spaces + 1 space per employee on largest shift	1 space per 20,000 SF GFA public activity space, 2 space minimum, 20 space maximum
Postal Facility	1 space per 350 SF GFA	1 space per 5,000 SF GFA of retail service space, 2 space minimum, 20 space maximum
Postal Processing Facility	1 space per 1,150 SF GFA	Exempt
Recycling Center	1 space + 1 space per employee on largest shift	Exempt
School, Public or Private, Elementary	1 space per 10 students based on design capacity (See Section 5.2, Use-Specific Standards, for possible additional requirements.)	1 space per 20,000 SF GFA, 2 space minimum, 20 space maximum
Middle		
High	1 space per 5 students based on design capacity + 1 space for each faculty and staff person on largest shift. (See Section 5.2, Use-Specific Standards, for possible additional requirements.)	
School, Vocational or Professional	1 space per 300 SF GFA	1 space per 20,000 SF GFA, 2 space minimum, 20 space maximum
Special Events Center	1 space per 225 SF GFA	1 space per 20,000 SF GFA, 2 space minimum
Stadium or Coliseum	0.33 spaces per seat	1 space per 50,000 SF GFA of seating area, 2 space minimum, 20 space maximum

TABLE 6.1.2: MOTOR VEHICLE AND BICYCLE PARKING SPACE REQUIREMENTS		
PRINCIPAL USES	**MOTOR VEHICLE PARKING SPACES [1] [2]**	**BICYCLE PARKING SPACES [3] [4]**
MANUFACTURING AND MINING		
Manufacturing A Manufacturing B Manufacturing C	0.67 spaces per employee on largest shift + 1 space per vehicle used in the operation	Exempt
Asphalt and Concrete Plant	1 space per employee on largest shift	Exempt
Borrow Site	2 spaces + adequate loading, unloading and maneuvering areas	Exempt
Dirt Storage	2 spaces + adequate loading, unloading and maneuvering area	Exempt
Hazardous Waste Management Facility	1 space + 1 space per employee on largest shift	Exempt
Meat Packing Plant	1 space per 1,150 SF GFA	Exempt
Mining, Quarry, or Extractive Industry	1 space + 1 space per employee on largest shift	Exempt
Recycling Plant	1 space + 1 space per employee on largest shift	Exempt
Storage and Salvage Yard	1 space per 5,750 SF of storage area	Exempt
TRANSPORTATION AND UTILITIES		
Airport, Public	1 space per 225 SF of waiting area + 1 space per employee on largest shift	Exempt
Airport, Private	3 spaces per airplane space + 1 space per employee on largest shift	Exempt
Helistop, Noncommercial	2 spaces + 1 space per employee on largest shift	Exempt
Commercial	5 spaces+ 1 space per employee on largest shift	Exempt
Heliport	1 space per 1,150 SF of site area	Exempt
Park and Shuttle Lot	As needed (See Section 3-3.5 (C), Park and Shuttle Lots in Business and Industrial Zoning Districts, for possible additional requirements.)	1 space per 50,000 SF parking area, 2 space minimum, 20 space maximum
Parking, Commercial	As needed	Exempt
Terminal, Bus or Taxi	3 spaces + 1 space for each vehicle used in operation	Bus: 1 space per 20,000 SF GFA, 2 space minimum, 20 space maximum Taxi: Exempt
Terminal, Freight	1 space per 1,150 SF GFA	Exempt

TABLE 6.1.2: MOTOR VEHICLE AND BICYCLE PARKING SPACE REQUIREMENTS		
PRINCIPAL USES	**MOTOR VEHICLE PARKING SPACES [1] [2]**	**BICYCLE PARKING SPACES [3] [4]**
Transmission Tower	1 space	Exempt
Utilities	1 space + 1 space per employee on largest shift	Exempt
USES WHICH MAY ONLY BE ACCESSORY TO PRINCIPAL USES [5]		
Dwelling, Single Family, Accessory Attached	1 space per dwelling (Must be located on the same zoning lot and share same driveway as the principal dwelling.)	Exempt
Accessory Detached		Exempt
Home Occupation	1 space per dwelling (Must be located on the same zoning lot and share same driveway as the principal dwelling.)	Exempt
NOTES: [1] Supplemental landscaping is required if parking exceeds 175% of the minimum requirements. [2] SF GFA = square feet of gross floor area [3] Bicycle parking requirements applicable to growth management areas (GMAs) 1, 2, and 3 only (not to GMA 4 or 5). [4] Requirements if not exempt: minimum =2 bicycle parking spaces; maximum =20 spaces. No supplemental landscaping is required when providing the maximum number of bicycle parking spaces. [5] Off-street parking for other accessory uses meeting the requirements of Section 5.3, Accessory Uses and Structures, shall be provided at the rate for the principal uses specified in this table.		

B. COMPUTING PARKING REQUIREMENTS

1. MULTIPLE USE

In cases of mixed use or where a combination of uses are developed on a site, the minimum number of off-street parking spaces shall be the cumulative total of each of the uses on the site according to the requirements unless a reduction is granted pursuant to **Section 6.1.5, Alternative Parking and Parking Incentives**.

2. FRACTIONAL SPACE COMPUTATIONS

When the computation of the number of off-street parking spaces required by this section results in a fractional parking space requirement, any fraction less than one-half may be disregarded, and any fraction equaling or exceeding one-half shall be construed as requiring one full parking space.

3. SEATING COMPUTATIONS

Where parking is based on seating which consists of benches or pews, each eighteen (18) inches of a bench or pew shall be considered as one seat.

4. NUMBER OF EMPLOYEES COMPUTATIONS

a. For the purpose of computing parking requirements based on the number of employees, the owners or managers of the establishment shall be considered employees.

b. Where more than one work shift is employed for any operation, the number of employees shall be calculated as the largest number of persons on any single shift.

5. SQUARE FEET OF GROSS FLOOR AREA (SF GFA)

For the purpose of calculating requirements based on square feet of gross floor area (SF GFA), rooms used solely for mechanical equipment and/or rooms in excess of fifty (50) square feet used solely for storage may be subtracted from SF GFA.

6. *OUTDOOR SEATING (W)*

a. *Required parking for outdoor seating associated with the uses "restaurant (without drive-through service)" and "restaurant (with drive-through service)" in GMA 1 and GMA 2 shall be calculated at twenty-five percent (25%) of the rate in **Table 6.1.2A., Motor Vehicle and Bicycle Parking Space Requirements** until outdoor seating area equals twenty percent (20%) of the indoor gross floor area.*

b. *Required parking for outdoor seating beyond this amount shall be calculated at the rate in **Table 6.1.2A., Motor Vehicle and Bicycle Parking Space Requirements**.*

C. UNLISTED USES

The Director of Planning and Development Services, or a designee, shall establish the minimum number of parking spaces required and may establish the maximum number of parking spaces permitted for any use not specifically listed in **Table 6.1.2A., Motor Vehicle and Bicycle Parking Space Requirements**. The Director of Planning and Development Services, or a designee, may consider, but is not limited to, the following in establishing parking requirements for an unlisted use:

1. DOCUMENTATION
Documentation supplied by the applicant regarding actual parking demand for the proposed use;

2. EVIDENCE
Evidence in available planning and technical studies relating to the proposed use;

3. OTHER JURISDICTIONS
Required parking for the proposed use as determined by other comparable jurisdictions; or

4. EXAMINATION OF SIMILAR USES
Examination of the parking requirements for uses most similar to the proposed use.

D. AUTHORITY TO APPROVE PARKING EXCEEDING THE MAXIMUM ALLOWANCE WITHOUT SUPPLEMENTAL LANDSCAPING

Except within the CB and CI Districts, the Assistant City Manager for Public Works, or a designee, may approve the installation of more than the maximum number of parking spaces if the property owner demonstrates each of the following:

1. Such additional parking is necessary to meet the parking demand for a specified use based upon the submission of a parking study and the approval of a parking study by the Assistant City Manager for Public Works, or a designee. The study shall utilize one (1) or more of the following:

a. Collection of data or studies of similar sites and uses;

b. Comparisons to minimum standards in national published data sources such as Institute of Transportation Engineers (ITE), Urban Land Institute (ULI), National Parking Association (NPA), American Planning Association (APA), or other professionally recognized data sources; or

c. Comparisons to minimum requirements of similar municipalities;

2. Cooperative use of parking is not available or adequate to meet demand; and

3. The maximum number of compact size automobile, motorcycle and bicycle spaces has been used.

E. LOCATION OF PARKING AREAS

1. SAME ZONING LOT
All parking areas required in this section shall be located on the same zoning lot as the principal use, except as authorized in the off-site parking provisions in **Section 6.1.4, Off-Site Parking**.

2. UNOCCUPIED RECREATIONAL VEHICLES
In residential districts, an unoccupied recreational vehicle or travel trailer may be stored on a privately owned lot, provided that it is not located within any required front or side yard nor nearer than six (6) feet to a rear

property line, except that it may be stored in an accessory structure, provided that such structure is enclosed and meets the setback requirements for either a principal or accessory structure.

3. PARKING FOR MULTIFAMILY DWELLINGS

A minimum three (3) foot wide landscaped area shall be provided between any parking area and building wall providing access into the unit(s).

6.1.3 DESIGN STANDARDS FOR PARKING AREAS

A. GENERAL REQUIREMENTS

All parking areas shall meet the following design standards:

1. UNOBSTRUCTED MOVEMENT

Parking areas shall be designed to allow unobstructed movement into and out of each parking space without interfering with fixed objects such as lighting fixtures, dumpsters, signage, or vehicles.

2. ACCESS

a. Parking spaces shall be designed to have access from parking aisles and not directly from public streets except as provided for in **Section 6.1.5, Alternative Parking and Parking Incentives**.

b. In multifamily, commercial, or industrial developments that utilize private streets for access to parking areas, parking may be provided along those private streets or private access easements unless otherwise restricted by the Assistant City Manager for Public Works, or designee, or the North Carolina Department of Transportation (NCDOT).

3. MANEUVERING AREA

Except for the following types of development, all maneuvers associated with parking and loading must occur in the off-street parking area or structure:

a. Single family dwellings;

b. Twin homes;

c. Duplexes; and

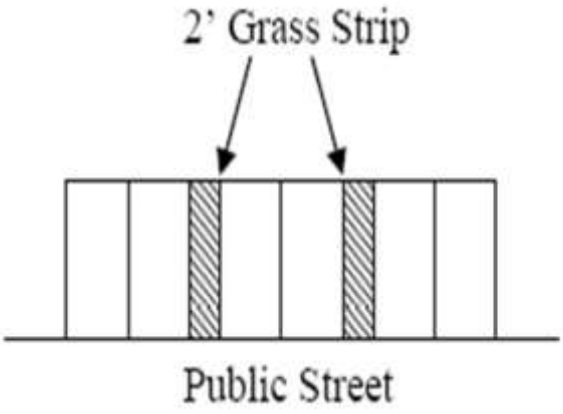
d. Multifamily developments of six (6) units or less located on a street that is not classified by the UDO as a collector, minor thoroughfare, or major thoroughfare.

i. For multifamily developments of six (6) dwelling units or less, there shall be no more than two (2) contiguous parking spaces in a row.

ii. Townhouse or multifamily units with four (4) bedrooms may have no more than three (3) contiguous parking spaces in a row with approval of the Director of Planning and Development Services, or a designee.

iii. Each set of two (2) parking spaces shall be separated by a minimum two (2) foot wide grass strip as shown below.

FIGURE 6.1.3: GRASS STRIP SEPARATING PARKING SPACES



iv. Private alleys may be used to conduct parking maneuvers.

4. INTERNAL CIRCULATION

All parking areas shall be designed to provide for internal circulation such that each parking space is accessible to all other parking spaces without necessitating the use of a public street or alley.

5. PEDESTRIAN WALKWAYS

a. APPLICABILITY

i. The following provisions shall apply to all new development with parking lots (or expansions, replacements or redevelopments of ten thousand (10,000) square feet or greater of building area), in the RSQ, RM-5, RM-8, RM-12, RM-18, RM-U, MH, NO, LO, CPO, GO, NB, PB, LB, NSB, HB, GB, CB, MRB-S, IP, C, or MU-S zoning districts.

ii. These provisions shall not apply in the RSQ, RM-5, RM-8, RM-12, RM-18, RM-U, or MH districts where there are individual driveways or garages adjacent to each unit.

b. PEDESTRIAN WALKWAY

All of these developments, when located with vehicular access onto a street classified as a sidewalk-designated collector, minor thoroughfare or major thoroughfare, shall provide a physically separated and unobstructed paved pedestrian walkway a minimum of five (5) feet in width between a principal building entrance and each sidewalk-designated public street.

c. WAIVERS

i. The pedestrian access requirement may be waived by the Director of Planning and Development Services, or a designee, for one (1) or more of the following conditions:

1. Developments that are expected to create very little or no pedestrian traffic (e.g. transmission towers, utilities);
2. Topographic grades exist where pedestrian walkways would exceed an eight percent (8%) grade between the public sidewalk along the public street and the parking area or finished floor elevation of the development;
3. Parking areas that are not intended for public access, or are for security purposes;
4. There are existing building or utility obstructions on the subject property that block connection of the pedestrian walkway; and
5. Impractical difficulties arise from an unusual building lot configuration or other unique circumstances related to the property.

ii. Appeals of planning staff denials, or staff denial of the occurrence of similar but unlisted circumstances, may be considered for a waiver by the Board of Adjustment.

B. DIMENSIONAL REQUIREMENTS

1. GENERALLY

a. All parking areas shall be designed and constructed to meet minimum parking space dimensions, aisle dimensions, and other standards shown in **Table 6.1.3B, Parking Dimensions**, and **Figure 6.1.3B.1, Parking Dimensions**.

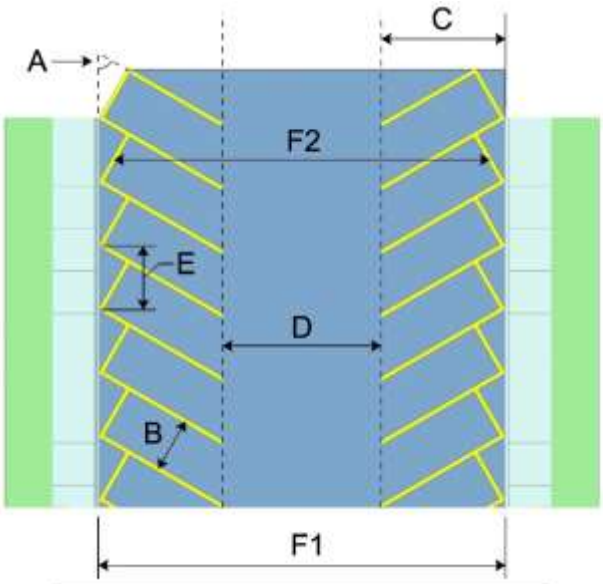
b. Aisle widths for aisles composed of combinations of different angles of parking shall be the widest aisle width required for any angle of parking found on the entire aisle.

TABLE 6.1.3.B: PARKING DIMENSIONS

Aisle Travel Way Width	Dimensional Standards Shown in Figure <>, Parking Dimensions						
	A	B	C	D	E	F1	F2
	Parking Angle (Degrees)	Stall Width (ft) [1] [2]	Stall to Curb (ft)	Aisle Width (ft)	Curb Length (ft)	Center to Center Width of Two Row Bin with Access Aisle Between (ft)	
						Curb to Curb	Overlap C-C
One-Way	0	7.5	7.5	12.0	21.0	27.0	-
		8.5	8.5	12.0	23.0	29.0	-
		9.0	9.0	12.0	23.0	30.0	-
One-Way	30	7.5	14.0	11.0	15.0	39.0	32.0
		8.5	16.0	11.0	17.0	43.0	36.0
		9.0	16.0	11.0	18.0	43.0	36.0
One Way	45	7.5	14.5	13.0	10.6	42.0	38.0
		8.5	16.5	15.0	12.0	48.0	44.0
		9.0	16.5	15.0	12.7	48.0	44.0
One Way	60	7.5	15.5	15.0	8.7	46.0	43.0
		8.5	18.0	18.0	9.8	54.0	51.0
		9.0	18.0	18.0	10.4	54.0	51.0
Two-Way	60	7.5	15.5	21.0	8.7	52.0	50.0
		8.5	18.0	26.0	9.8	62.0	59.0
		9.0	18.0	26.0	10.4	62.0	59.0
One-Way	75	7.5	16.0	17.0	7.8	49.0	47.0
		8.5	18.5	22.0	8.8	59.0	57.0
		9.0	18.5	22.0	9.3	59.0	57.0
Two-Way	75	7.5	16.0	21.0	7.8	53.0	51.0
		8.5	18.5	26.0	8.8	63.0	61.0
		9.0	18.5	26.0	9.3	63.0	61.0
Two-Way	90	7.5	15.0	21.0	7.5	51.0	-
		8.5	17.5	26.0	8.5	61.0	-
		9.0	17.5	26.0	9.0	61.0	-

NOTES:
[1] 7.5 feet = Compact size motor vehicles only
[2] 8.5 and 9.0 feet — Medium or large size motor vehicles

FIGURE 6.1.3.B.1: PARKING DIMENSIONS



A. PARKING ANGLE (DEGREES)
B. STALL WIDTH
C. STALL TO CURB
D. AISLE WIDTH
E. CURB LENGTH
F1. CURB TO CURB
F2. OVERLAP CENTER-TO-CENTER

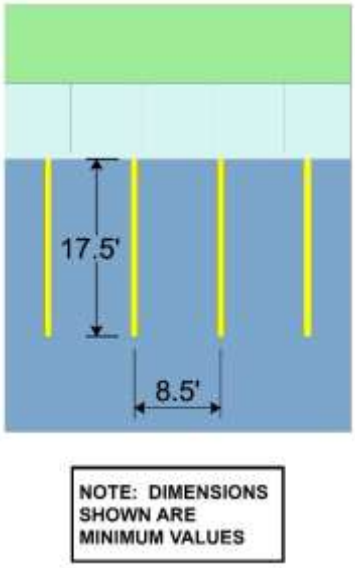
NOTES: REFER TO TABLE 6.1.3.B FOR MINIMUM DIMENSIONS. F1 AND F2 APPLY IN SITUATIONS IN WHICH THERE ARE TWO ROWS OF PARKING WITH AN ACCESS DRIVE AISLE IN BETWEEN THE TWO ROWS.

2. MEDIUM AND LARGE-SIZE MOTOR VEHICLE SPACES

a. Each medium or large-size motor vehicle parking space shall be an unobstructed rectangle of not less than eight and one-half (8.5) feet in width by seventeen and one-half (17.5) feet in length.

b. Medium and large-size motor vehicles are those with an overall length of fifteen (15) feet or greater.

FIGURE 6.1.3.B.2: MEDIUM AND LARGE PARKING SPACES



3. COMPACT-SIZE MOTOR VEHICLE SPACES

a. Each compact parking space shall be an unobstructed rectangle of not less than seven and one-half (7.5) feet in width by fifteen (15) feet in length.

b. Compact-size motor vehicle spaces are those with an overall length of fifteen (15) feet or less.

4. MOTORCYCLE SPACES

A motorcycle parking space shall be a minimum of four and one-half (4.5) feet in width by seven (7) feet in length.

5. BICYCLE SPACES

a. SINGLE RACK

One bicycle rack (accommodating at least two (2) bicycle spaces) shall be designed and located in accordance with the bicycle rack and bicycle locker details maintained by the Transportation Director, or a designee.

b. MULTIPLE RACKS

Multiple bicycle parking racks shall be located in accordance with the Bicycle rack and bicycle locker details maintained by the Transportation Director or a designee.

6. RECREATIONAL VEHICLE SPACES

A recreational vehicle parking space shall be a minimum of ten (10) feet in width by twenty-five (25) feet in length.

7. PARKING STRUCTURES

In parking structures, aisle and stall dimensions may be reduced in accordance with the Recommended Guidelines for Parking Geometrics, published by the National Parking Association (August 1989) or as subsequently amended.

8. DISABLED PARKING

In accordance with Volume 1C of the North Carolina Building Code.

C. PARKING SURFACES

1. PAVING

a. In GMA 1, any required parking, stacking, and loading area, and all access drives and maneuvering areas shall be paved and permanently maintained with asphalt, concrete, or similar material of sufficient thickness and consistency to support anticipated traffic volumes and weights, except as noted in **Section 6.1.3B, Dimensional Requirements**.

b. *In GMA 2, multiple parking surfaces within a single nonresidential development shall be prohibited, except where multiple materials are otherwise required by this Ordinance or the North Carolina State Building Code, or when permeable pavement surfaces are used as part of an approved stormwater plan or a reviewed green parking lot plan. (W)*

c. *Additionally, loading areas and utility areas may be of a different material than the parking surface material, and a different material may be used to define the exterior boundaries of the parking area. This requirement shall apply to new parking areas constructed after adoption of this Ordinance, and to existing parking areas when there is an increase in the current parking on site by fifty percent (50%) or more. (W)*

2. GRAVEL

All other parking areas shall be improved with a minimum of four (4) inches of crushed rock, except as noted in **Section 6.1.3B, Dimensional Requirements**.

3. EXCEPTIONS TO SURFACING REQUIREMENTS

Paving or graveling shall not be required for the following:

a. TEMPORARY PARKING OR PARKING FOR CONSTRUCTION PURPOSES

Parking areas used on an irregular or temporary basis for churches, clubs or lodges, other similar nonprofit organizations, or structures under construction.

b. AGRICULTURAL USES

Parking areas for agricultural uses.

c. PARKING FOR CONSTRUCTION EQUIPMENT

Parking areas for tracked heavy construction equipment, skid-mounted equipment, and similar equipment, are exempt from the paving requirements provided these parking areas are constructed with an all-weather surface.

d. OVERFLOW PARKING

Parking areas identified specifically as overflow parking or parking exceeding the minimum number of spaces required.

e. NEIGHBORHOOD SHOPPING CENTER BUSINESS DISTRICT (NSB)

In the NSB District, up to ten percent (10%) of the required parking spaces may be unpaved and used for open space purposes during off peak hours, under the provisions of **Section 4.6.8C.7, Alternative Parking Allowance**.

D. MARKINGS AND TRAFFIC CONTROL DEVICES

1. DELINEATION

The property owner shall delineate all required parking and loading spaces, specialized spaces, stacking lanes, disabled parking spaces, directional arrows, crosswalks, and maneuvering areas within parking areas using high contrast markings or other methods approved by the Director of Planning and Development Services, or a designee.

2. SIGNAGE

The Director of Planning and Development Services, or a designee, may require a developer to install signage in addition to directional arrows to ensure the safe and efficient flow of vehicles in a parking area or structure.

E. DRIVEWAYS

1. APPROVALS

a. Except for individual single family dwellings, the design and location of all entrance or exit driveways to parking or loading areas of any use from a public street or highway shall be approved by the appropriate jurisdiction as provided herein.

b. *Within the zoning jurisdiction of the City of Winston-Salem the Assistant City Manager for Public Works, or a designee, shall approve all driveways prior to the issuance of a zoning or building permit. (W)*

c. For all driveways outside the zoning jurisdiction of the City of Winston-Salem, the District Engineer for the North Carolina Department of Transportation shall approve all driveway designs and locations prior to the issuance of a zoning or building permit. (F)

2. COMBINED DRIVEWAYS AND CROSS-ACCESS DRIVES

a. APPLICABILITY

i. The following provisions shall apply to all new office or commercial buildings (or expansions, replacements or redevelopments of ten thousand (10,000) square feet or greater of building area) in the LO, GO, GB, PB, LB, HB, or IP zoning districts along designated collector, minor thoroughfare, or major thoroughfare streets.

ii. Residential uses shall be exempt from these provisions.

iii. Residential buildings being converted to office or commercial use in the aforementioned zoning districts shall be subject to these provisions.

iv. For all other districts, the owners of adjoining properties are encouraged to provide combined driveways, cross-access drives, and connections whenever practical.

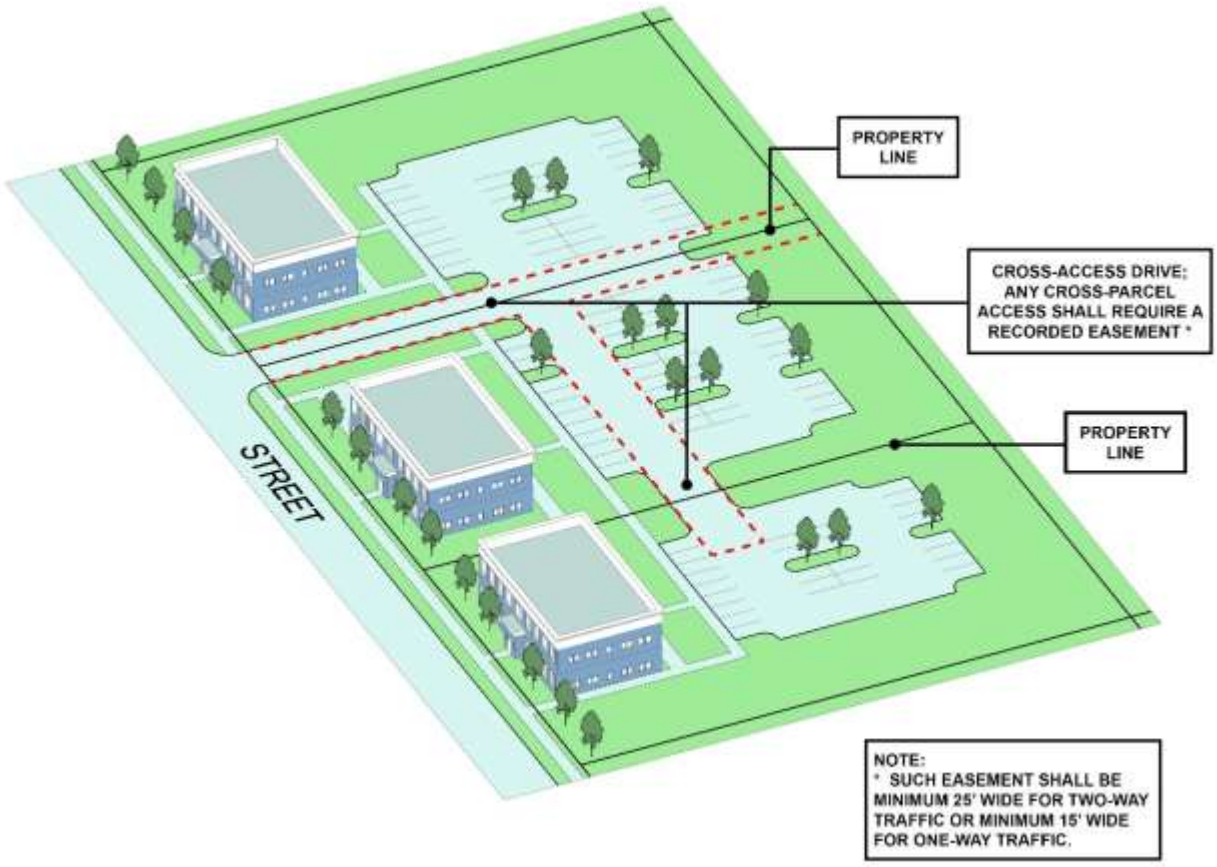
v. See **Section 6.1.5L, Combined Driveways and Access**, for the incentive to provide combined driveways and connections in these instances.

vi. Any cross-parcel access shall be formalized through the recordation of an easement.

b. CROSS-ACCESS DRIVES

Cross-access drives shall be constructed within a designated cross-access easement (minimum twenty-five (25) foot wide for two-way traffic and minimum fifteen (15) foot wide for one-way traffic) and shall be required to connect to no more than two (2) adjoining properties except when the waivers specified in **Section 6.1.3E.2.e, Cross-access Waivers**, below apply.

FIGURE 6.1.3.E.2.B – CERTAIN CROSS ACCESS DRIVE REQUIREMENTS



c. PARKING REQUIREMENT RELIEF

Parking spaces may be reduced accordingly where the approved location of a cross-accessway otherwise eliminates required parking spaces.

d. BUFFERYARD RELIEF

Bufferyard plantings are not required in the area affected by the cross-accessway and cross-access easement.

e. CROSS-ACCESS WAIVERS

i. The cross-access requirement may be waived by the Director of Planning and Development Services, or a designee, upon a finding of one (1) or more of the following conditions with adjoining properties:

1. Existing cross-access drives, service roads, or side streets provide sufficient access to the subject property and adjoining property;

2. There are incompatible land uses on adjoining properties that should not be connected by a cross-access drive (e.g. commercial or industrial uses adjoining areas intended for future residential uses);

3. The subject property does not have an average minimum depth of one hundred twenty-five (125) feet;

4. The adjoining property does not abut the subject property for at least sixty (60) continuous feet;

5. There are existing building or utility obstructions on the subject property, or the adjoining property, that block connection of the cross-access drive;

6. The cross-access drive cannot avoid crossing significant natural or man-made features (e.g. a stream or stormwater management pond);

7. An unimpeded motor vehicle connection cannot be made through the subject property to the adjoining property within the required cross-access drive easement;

8. The cross-access drive cannot connect to existing cross-access drive stubs on adjoining property, or there is not sufficient undeveloped land on the adjoining property to allow room for a future building and accompanying parking area, with a connecting drive to the subject property;

9. Existing topographic grades changes with adjoining properties are greater than ten percent (10%) and drive connections cannot be made to adjoining property without creating unsafe vertical vehicular grades, or impeding necessary traffic circulation on the subject property; and

10. Proposed building(s) on the subject property cannot be reasonably relocated to allow for a cross-access drive connection to adjoining property.

ii. Applicants shall provide supplemental information to determine whether or not the above criteria cannot be met.

iii. Appeals of planning staff denials, or the occurrence of similar but unlisted circumstances, may be considered for a waiver by the Board of Adjustment.

f. MAINTENANCE

When a cross-access easement is created to serve more than one lot, a binding contract or an owner's association agreement is required for maintenance and shall be recorded by separate instrument.

g. EASEMENT RECORDATION

A cross-access easement shall be recorded on a final plat, or recorded by separate instrument when no plat is proposed.

3. DIMENSIONAL REQUIREMENTS FOR ACCESS DRIVES

a. Internal circulation driveways and access drives that do not provide direct access to parking spaces shall be a minimum of twenty (20) feet in width for two-way traffic and twelve (12) feet in width for one-way traffic unless otherwise specified by the Director of Planning and Development Services, or a designee.

b. Residential uses containing six (6) or fewer dwelling units or having parking areas designed and clearly marked for one-way traffic shall have access drives a minimum of twelve (12) feet in width.

4. DRIVEWAYS FOR LARGE PARKING AREAS (ONE HUNDRED (100) OR MORE SPACES)

For each zoning lot containing parking areas with one hundred (100) or more required spaces, a minimum forty (40) foot deep unobstructed driveway shall be provided from the right-of-way line to a traffic aisle or access to a parking space to accommodate the ingress and egress of at least two (2) vehicles without interference to parking maneuvers or access drives, unless:

a. FRONTAGE ROAD ACCESS

Internal access to the parking area is provided by a private frontage road which parallels the public street, provided no parking is provided along the access drive or frontage road and a minimum forty (40) foot distance without left turn movements is provided along the access drive;

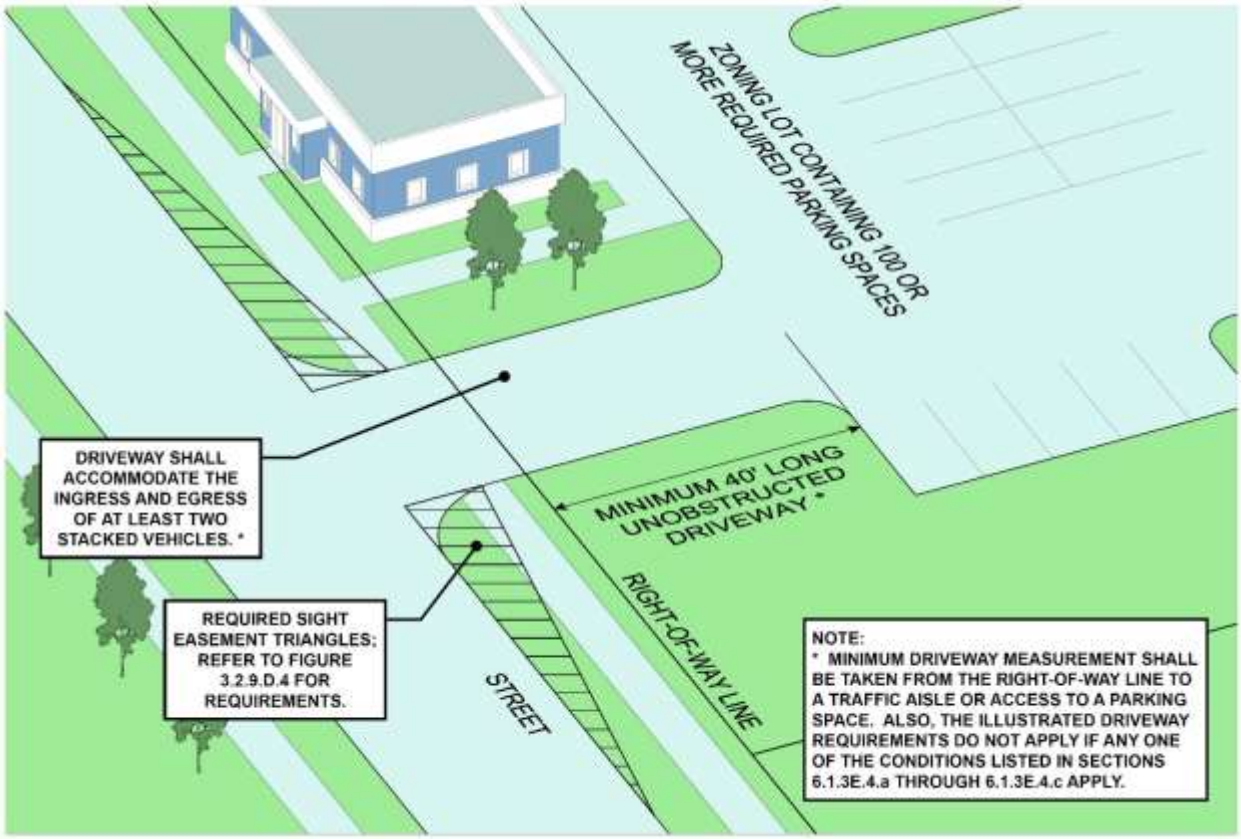
b. SPACES PER DRIVEWAY RATIO

The ratio of parking spaces to driveway access points does not exceed 100:1, where multiple driveways provide access to the zoning lot; or

c. OTHER STACKING AREA

Adequate unobstructed off-street stacking area to accommodate two (2) vehicles is otherwise provided.

FIGURE 6.1.3.E.4 – CERTAIN DRIVEWAY REQUIREMENTS FOR PARKING AREAS WITH 100 OR MORE SPACES



F. DRIVE-THROUGH FACILITY STACKING LANES

1. NUMBER

Drive-through facilities requiring stacking lanes shall be provided as follows in accordance with the following table:

TABLE 6.1.3.F: DRIVE-THROUGH FACILITY STACKING LANES

NUMBER OF LANES	NUMBER OF SPACES PER LANE
1	5
2	5
3	4
4 or more	3

2. WIDTH

Each lane of stacking space shall be a minimum of nine (9) feet in width and must be delineated with pavement markings.

3. LENGTH

Each stacking space shall be a minimum of sixteen (16) feet in length, however, individual spaces within the lane shall not be delineated with pavement markings.

4. NO CONFLICT OF USE
Stacking lanes shall not interfere with access to required parking or ingress or egress from a public street.

5. AUTOMATIC TELLER MACHINES
Automatic teller machines located in parking areas of shopping centers or on internally oriented out lots are not required to provide stacking spaces.

6. RELATIONSHIP TO REQUIRED PARKING
Drive-through stacking lanes shall be counted towards the minimum number of required parking space for all uses.

G. PARKING ADJACENT TO SIDEWALKS

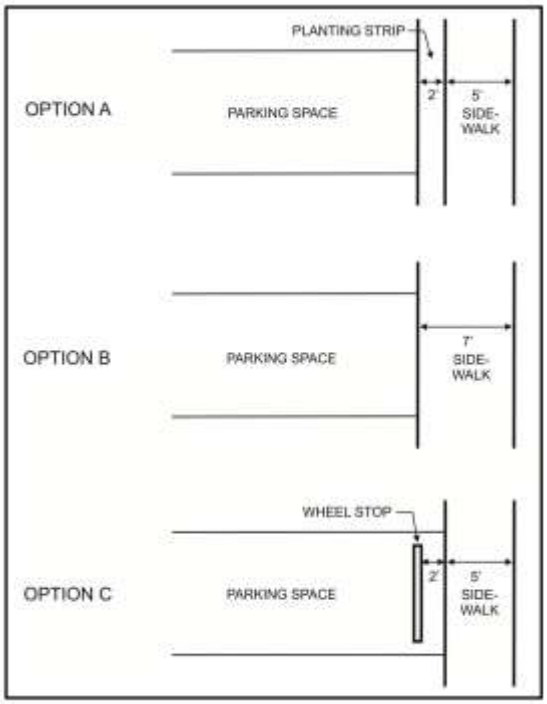
1. Where parking abuts a sidewalk, one (1) of the sidewalk treatment options in **Table 6.1.3G** shall be met (see **Figure 6.1.3G** below).

2. All wheel stops shall be two (2) feet from the front end of the parking space for front-end parking and four (4) feet from the front of the parking space for rear-end parking.

TABLE 6.1.3.G: SIDEWALK TREATMENTS

SIDEWALK TREATMENT	MINIMUM SIDEWALK WIDTH (FT.)
Option A: (Minimum 2 foot wide planting strip)	5
Option B: (Curb or No Wheel Stop)	7
Option C : (Wheel Stop with 2 foot separation from sidewalk)	5

FIGURE 6.1.3.G: SIDEWALK TREATMENTS



H. PARKING IN REQUIRED YARDS

A parking area may be located in a required yard provided that wheel stops are installed and maintained to protect required screening.

I. LANDSCAPING AND SCREENING

All motor vehicle surface areas shall be landscaped as required in **Section 6.2.2, Landscaping Standards – Forsyth County,** and ***Section 6.2.1, Landscaping and Tree Preservation Standards – Winston-Salem*****,** and bufferyards shall be provided as required in **Section 6.3, Bufferyard Standards**.

J. LIGHTING

Any lighting in parking, stacking, and loading areas shall be so shielded as to cast no direct light upon adjacent properties or structures.

K. DRAINAGE

All parking, stacking, and loading areas shall be designed to meet the requirements in **Section 8.4, Erosion Control**.

6.1.4 OFF-SITE PARKING

A. OFF-SITE PARKING ACCESSORY TO MULTIFAMILY OR INSTITUTIONAL USES

Surface parking in an RS or RM District to serve either multifamily residential or institutional uses may be approved by the Elected Body, after all shared use or cooperative use opportunities with adjoining properties have been considered, and meet the following additional requirements:

1. MULTIFAMILY PARKING

Multifamily parking in a residential district shall be allowed only if said lot abuts for a distance of not less than twenty-five (25) feet upon the zoning lot to which such parking would be accessory.

2. INSTITUTIONAL PARKING

Institutional parking in a residential district shall be allowed only if the lot used for institutional parking abuts for a distance not less than twenty-five (25) feet upon the zoning lot to which such parking would be accessory, or if said lot is adjacent for twenty-five (25) feet to, but separated by a public street from, the zoning lot to which such parking would be accessory.

3. INGRESS OR EGRESS

a. MULTIFAMILY PARKING

Ingress or egress for multifamily parking shall be only through the multifamily site.

b. INSTITUTIONAL PARKING

Ingress or egress for institutional parking shall be only through the institutional site or from a public street.

4. SETBACK

Where any such parking area abuts residentially zoned land or a residential use, said parking shall be set back from the property line a distance of not less than fifteen (15) feet.

B. OTHER OFF-SITE PARKING

For all uses except multifamily or institutional uses described in **Section 6.1.4A, Off-Site Parking Accessory to Multifamily or Institutional Uses,** the Director of Inspections may authorize a portion of the required parking for a use to be located on a site other than the principal use under certain circumstances. Off-site parking facilities shall meet the following requirements:

1. OWNERSHIP

The off-site parking shall be located on a separate zoning lot from the principal use where both lots are owned by the same person or the off-site parking shall be leased by the owner of the principal use.

2. ZONING DISTRICT

The off-site parking lot shall be in a zoning district in which the principal use it supports is a permitted use, with the following exception, that an off-site parking lot supporting any twin home, duplex, townhouse, multifamily, or institutional use may be located in any nonresidential zoning district.

3. VISITOR PARKING

Adequate visitor parking shall exist at the principal use location.

4. PEDESTRIAN ACCESS

Adequate pedestrian, van, or shuttle connection between the sites shall exist.

5. CERTAIN RETAIL USES

Off-site parking for retail uses requiring off-street parking at a rate of one space per two hundred (200) square feet gross floor area or greater, per **Table 6.1.2A., Motor Vehicle and Bicycle Parking Space Requirements**, shall not be permitted, except where such parking is located on a contiguous zoning lot within a zoning district which permits the principal use and is located within two hundred fifty (250) feet of the zoning lot containing the principal use.

6. CONTRACT FOR PARKING

a. Where established by lease, the lease shall make the secondary parking lot or lots available for a minimum term of ten (10) years and grant subsequent options for two (2) additional five (5) year lease periods.

b. A copy of the contract, properly executed, shall be filed with the Director of Planning and Development Services, or a designee, prior to the issuance of a zoning permit for the secondary parking lot.

7. OTHER USES

Where parking is established on a secondary lot or lots owned by the owner of the lot on which the principal use is located, the secondary lot or lots may not be used for any purpose other than parking required for the principal use unless there is sufficient room for:

a. Shared parking;

b. Any use which may be placed on the secondary lot or lots; and

c. Any parking required for the use placed on the secondary lot or lots.

8. CONTINUANCE OF USE

a. The continuance of the principal use shall be contingent upon the continuance of the off-site parking or the substitution of other parking consistent with the terms of this Ordinance.

b. A parking covenant shall be drawn to the satisfaction of either the City or County Attorney, executed by all parties concerned, and recorded.

c. The contract shall assure the continued availability of the off-site parking facilities for the life of the use that the parking is intended to serve.

6.1.5 ALTERNATIVE PARKING AND PARKING INCENTIVES

A. PURPOSE

The purpose of this section is to encourage the property owner to reduce the amount of impervious surface cover needed for parking by providing a variety of alternatives and incentives. Any parking alternative proposed or incentive utilized by the property owner must be approved by the Director of Planning and Development Services, or designee, and shall accomplish the following:

1. INTENT
The intent of the parking requirements is preserved;

2. SUFFICIENT PARKING
The parking provided will be sufficient to serve the use for which it is intended; and

3. IMPACT
The modification will not be detrimental to the public health, safety, or welfare.

B. SHARED PARKING

1. REDUCTION OF PARKING REQUIREMENTS

a. The Director of Planning and Development Services, or a designee, may authorize a reduction of the parking requirements or parking spaces for any mixed use project or nearby uses where peak parking demand characteristics or hours of operation are distinctly different in accordance with this section.

b. All reductions of parking requirements authorized by the Director of Planning and Development Services, or a designee, within the corporate limits must also receive approval from the Assistant City Manager for Public Works, or a designee.

2. REQUIREMENTS

a. A request for approval of shared parking shall be accompanied by such information determined by the Director of Planning and Development Services, or a designee, as necessary to evaluate the relevant factors listed in **Section 6.1.5B, Shared Parking**, including, but not limited to:

i. A description of the uses;

ii. A site plan; and

iii. A transportation engineering report.

b. Calculations shall be based on the shared parking standards developed by the Urban Land Institute, as amended.

3. ACCESSIBILITY
All shared parking spaces shall be located in a parking facility providing reasonably equivalent accessibility and usability to all uses which the parking is intended to serve.

4. OWNERSHIP
In cases where the uses for which shared parking is requested are located on lots under different ownership, a contract pursuant to **Section 6.1.4B.6, Contract for Parking**, shall be provided.

5. CONDITIONS
In determining whether to approve a reduction for shared parking, the Director of Planning and Development Services, or a designee, shall consider all relevant factors, including the following:

a. PEAK PARKING DEMAND
The characteristics of each use and the differences in projected peak parking demand, including days or hours of operation;

b. REDUCTION IN VEHICLE MOVEMENTS
Potential reduction in vehicle movements afforded by multi-purpose use of the parking facility by employees, customers, or residents of the uses served; and

c. POTENTIAL IMPROVEMENTS

Potential improvements in parking facility design, circulation, and access afforded by a shared parking facility.

C. PARK AND SHUTTLE LOTS IN BUSINESS AND INDUSTRIAL ZONING DISTRICTS

1. CONDITIONS

The Director of Planning and Development Services, or a designee, may authorize any business use(s), industrial use(s), or zoning lot which has a minimum of one hundred seventy-five (175) contiguous parking spaces to establish a park and shuttle lot provided that:

a. MAXIMUM

Not more than ten percent (10%) of the required parking spaces for the use(s) or for the zoning lot may be designated as a park and shuttle lot.

b. LOCATION

All designated park and shuttle spaces shall be located in outlying areas of the parking lot so as not to interfere with customer or employee parking needs.

2. SHORT-TERM PARKING

All designated park and shuttle areas shall be for short-term (less than twenty-four (24) hours) parking for commuters of any public carpooling, vanpooling, or transit program.

D. PARKING ALTERNATIVES IN SELECTED ZONING DISTRICTS

1. ALTERNATIVE PARKING IN THE NB, NO, PB, E, AND GB DISTRICTS

a. AMOUNT REQUIRED

For any permitted use in the NB, NO, PB, E, and GB District, the required amount of parking may be reduced by thirty percent (30%). This reduction shall not affect the required disabled parking or loading spaces for that use.

b. OFF-STREET PARKING

Off-street parking in the NB, NO, and PB Districts shall meet the following location requirements:

i. SINGLE STREET FRONTAGE

1. A zoning lot which only has frontage on one street shall have a maximum of two (2) surface off-street parking and unloading spaces located between the building wall and the street or an extension of that building wall through the entire street frontage.
2. Any additional surface off-street parking and unloading spaces shall be located to the sides or rear of that building wall as extended through the street frontage.
3. The provisions of this section shall not apply to zoning lots that do not have street frontage provided the zoning lot is located at least one hundred (100) feet from the street.
4. Also exempt from these provisions are "flag" shaped zoning lots with fifty (50) feet or less of street frontage as long as the "pole" of the flag lot from the street is only used for access without parking and the remainder of the zoning lot to be used for building and parking purposes is located at least one hundred (100) feet from the street.

ii. MULTIPLE STREET FRONTAGES

1. A zoning lot which has frontage on two (2) or more streets shall have at least one building wall located not more than fifteen (15) feet from one of those street frontages.
2. There shall be no surface off-street parking or unloading spaces located between that building wall and the street or an extension of that building wall through the entire street frontage.

c. ON-STREET PARKING

On-street parking may be permitted in accordance with **Section 6.1.5M, On-Street Parking Supplements for Pedestrian Oriented Developments.**

2. ALTERNATIVE PARKING COMPLIANCE IN THE C AND MRB-S DISTRICTS

Alternative compliance with parking regulations may be allowed with the submission of a parking study and approval of a parking study by the Assistant City Manager for Public Works, or a designee. The study shall utilize one (1) or more of the following:

a. Collection of data or studies of similar sites and uses;

b. Comparisons to minimum standards in national published data sources such as Institute of Transportation Engineers (ITE), Urban Land Institute (ULI), National Parking Association (NPA), American Planning Association (APA), or other professionally recognized data sources; or

c. Comparisons to minimum requirements of similar municipalities.

3. ALTERNATIVE PARKING COMPLIANCE FOR MULTIFAMILY DEVELOPMENT NEAR TRANSIT

Alternative compliance with parking regulations may be allowed for the uses Residential Building, Duplex; Residential Building, Townhouse; Residential Building, Twin Home; and Residential Building, Multifamily, where such uses are:

a. Located on sites within ¼ mile of a current Winston-Salem Transit Authority (WSTA) route, and

b. Located on sites which are within one-quarter (1/4) mile of a designated *Forward 2045* Growth Corridor, and/or within one-quarter (1/4) mile of an activity center as identified in *Forward 2045* or associated area plans.

If the conditions of both **a.** and **b.** above are met, parking requirements may be reduced to one (1) parking space per dwelling unit regardless of unit size or bedroom count.

E. COMPACT PARKING

1. MAXIMUM AMOUNT

For all uses, the property owner may design and construct up to a maximum of twenty-five percent (25%) of the required parking spaces for compact stalls in accordance with the dimensions provided in **Section 6.1.3B, Dimensional Requirements**.

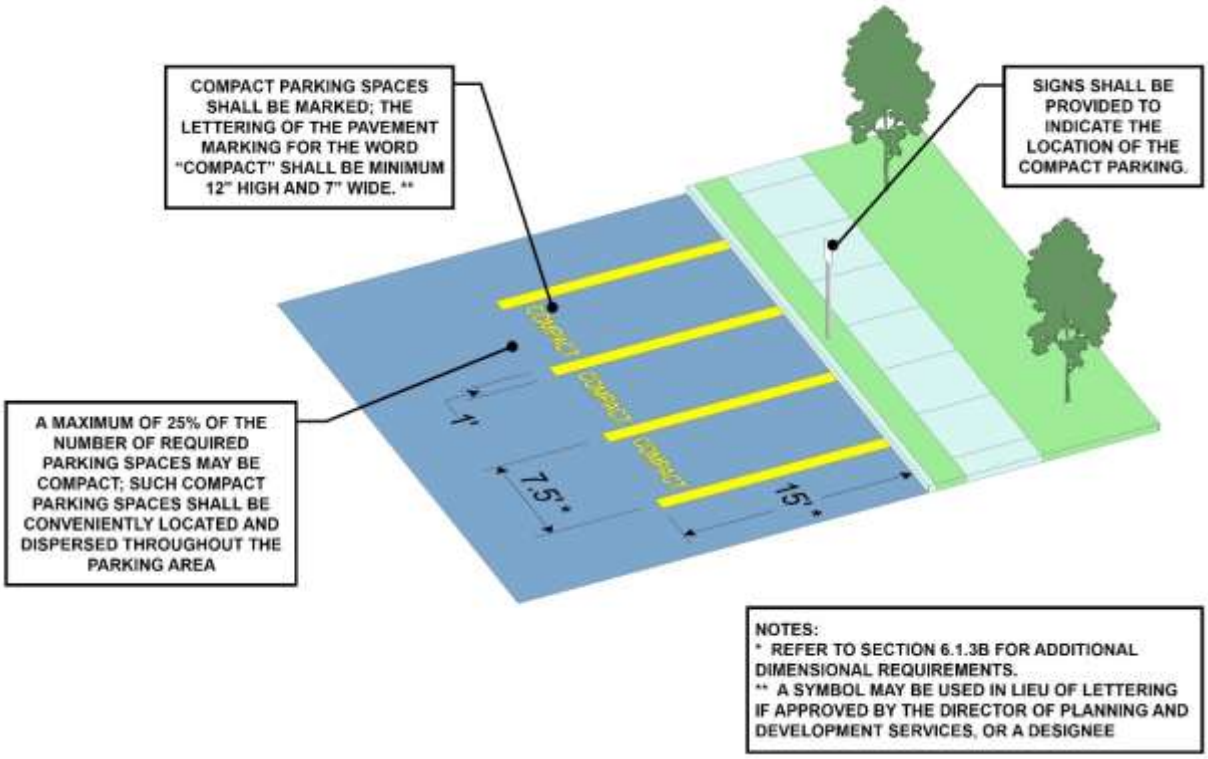
2. IDENTIFICATION

a. MARKINGS

i. The property owner shall identify all compact parking stalls within the parking area with pavement markings.

ii. Each compact parking space shall be individually designated as a compact space in letters not less than twelve (12) inches high and seven (7) inches wide in size, which state: "COMPACT".

FIGURE 6.1.5.E – COMPACT PARKING SPACE REQUIREMENTS



b. SYMBOLS

A symbol may be used in lieu of letters if approved by the Director of Planning and Development Services, or a designee.

c. SIGNS

Signs shall be provided to indicate the location of the compact parking.

3. LOCATION

All compact parking spaces shall be conveniently located and dispersed throughout the required parking area.

F. MOTORCYCLE PARKING

1. MAXIMUM AMOUNT

For all uses, the property owner may design and construct up to a maximum of two percent (2%) of the required number of parking spaces as motorcycle stalls in accordance with the dimensions provided in **Section 6.1.3B, Dimensional Requirements**.

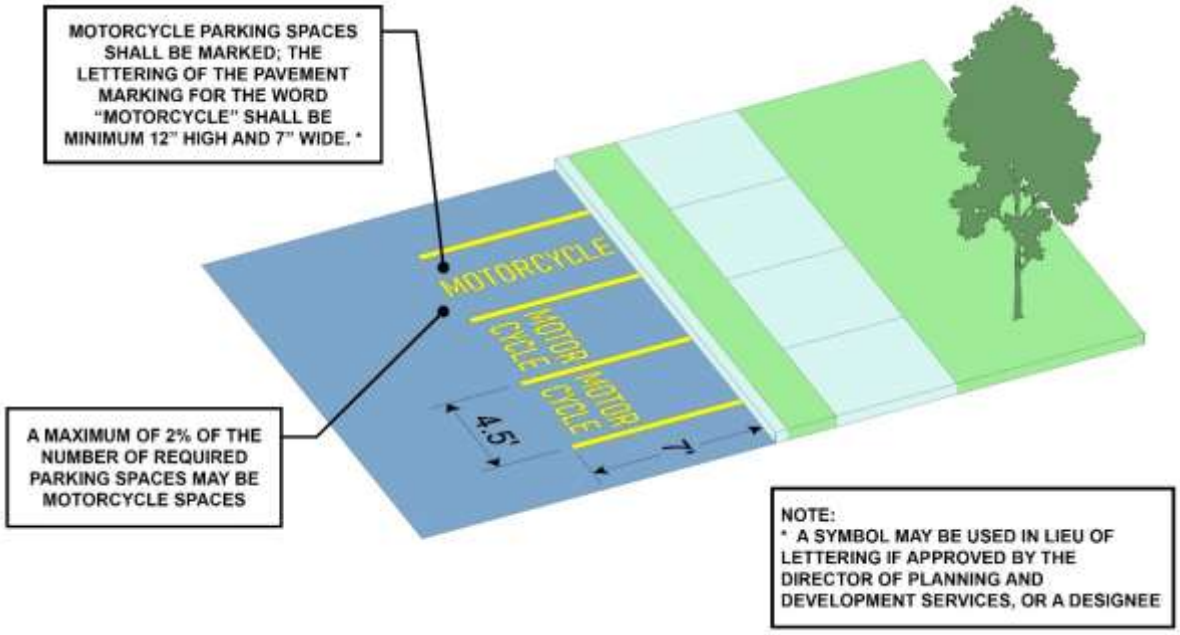
2. IDENTIFICATION

a. MARKINGS

i. The property owner shall identify any motorcycle parking stalls within the parking area with pavement markings.

ii. Each motorcycle parking space shall be individually designated as a motorcycle space in letters not less than twelve (12) inches high and seven (7) inches wide in size, which state: "MOTORCYCLE".

FIGURE 6.1.5.F – MOTORCYCLE PARKING SPACE REQUIREMENTS



b. SYMBOLS

A symbol may be used in lieu of letters if approved by the Director of Planning and Development Services, or a designee.

3. FULFILLING REQUIREMENTS

Motorcycle parking spaces allowed by this section shall count toward fulfilling the total motor vehicle parking requirements.

G. BICYCLE PARKING

1. NUMBER OF SPACES

a. Except within the CB and CI Districts, **Table 6.1.2A., Motor Vehicle and Bicycle Parking Space Requirements,** contains the minimum parking space requirements for bicycles.

b. No more than twenty (20) bicycle spaces shall be required.

2. LOCATION

a. Bicycle parking stalls and racks shall be located to be highly visible from the street or building entrance from where bicyclists approach.

b. Bicycle racks shall be located within fifty (50) feet of any primary entrance of the building for which they are intended.

c. Bicycle racks may be installed on public rights-of-way with prior approval from the Assistant City Manager for Public Works, or a designee.

3. INCENTIVES

a. BICYCLE LOCKERS

i. For all uses, if the property owner provides a long-term bicycle locker for two (2) bicycle spaces in accordance with the bicycle rack and bicycle locker details maintained by the Transportation Director, or a

designee, then the required number of motor vehicle parking spaces may be reduced up to a maximum of five percent (5%).

ii. Other long-term bicycle storage devices may be used if it can be established to the Transportation Director, or a designee, that they are equivalent to any devices on the approved list in the bicycle rack and bicycle locker details in function, quality and construction.

b. DOUBLE THE NUMBER OF REQUIRED BICYCLE SPACES

i. For all uses, if the property owner provides additional bicycle parking spaces in an amount equal to or greater than twice the number of bicycle spaces required by **Section 6.1.5G.1, Number of Spaces**, above, then the required number of motor vehicle parking spaces may be reduced up to a maximum of five percent (5%).

ii. Such bicycle spaces shall be designed in accordance with the dimensions provided in **Section 6.1.3B, Dimensional Requirements.**

c. EXEMPT USES

For all uses in **Table 6.1.2A., Motor Vehicle and Bicycle Parking Space Requirements,** exempted from providing bicycle spaces, if the property owner provides a minimum of four (4) bicycle parking spaces in accordance with the dimensions provided in **Section 6.1.3B, Dimensional Requirements**, then the required number of motor vehicle parking spaces may be reduced up to a maximum of five percent (5%).

4. SEPARATION FROM MOTOR VEHICLE PARKING

Bicycle parking areas shall be separated from motor vehicle parking areas (automobiles, trucks, motorcycles, etc.) by at least a curb barrier which would prevent vehicles from damaging bicycles.

5. BICYCLE RACK SPECIFICATIONS

a. All bicycle parking devices shall be in accordance with the bicycle rack and bicycle locker details maintained by the City of Winston-Salem Department of Transportation.

b. Other bicycle parking devices may be used if it can be established to the Transportation Director, or designee, that they are equivalent to any devices on the approved list in the bicycle rack and bicycle locker details in function, quality and construction.

6. ALTERNATIVE COMPLIANCE FOR BICYCLE PARKING SPACES

a. An applicant may propose a bicycle parking layout plan which varies from the strict application of the provisions of this section in order to accommodate unique characteristics of the site or to utilize innovative design.

b. Application for alternative compliance shall include a site plan following the requirements specified in **Section 3.2.11, Site Plan**, and shall be approved by the Planning Board only upon a finding that the proposed bicycle parking layout plan fulfills the intent and purposes of this section as well as or better than would strict conformance with the requirements of this section.

H. PARKING REDUCTION FOR REQUIRED LANDSCAPING IN MOTOR VEHICLE USE AREAS

1. For all uses, a five percent (5%) reduction of the total number of required parking spaces is permitted where an area which would otherwise be devoted to parking cannot be used in order to preserve an existing tree with a diameter of six (6) inches or greater.

2. Additionally, for each large variety tree planted in accordance with the provisions of ***Section 6.2.1D, Motor Vehicle Surface Area Landscaping Standards***, or **Section 6.2.2C, Motor Vehicle Surface Area Landscaping Standards**, as appropriate, and located completely within a motor vehicle use area the amount of required parking is reduced by four (4) spaces. In no case shall the number of reduced parking spaces exceed ten percent (10%) of the required parking.

I. PARKING REDUCTION ON WINSTON-SALEM TRANSIT AUTHORITY REGULAR-ROUTE TRANSIT LINE OR ADJACENT TO PIEDMONT AUTHORITY FOR REGIONAL TRANSPORTATION (PART) TRANSIT STOP

1. For all uses located within seven hundred fifty (750) feet of a Winston-Salem Transit Authority regular-route transit line, or within seven hundred fifty (750) feet of a PART transit stop, the property owner may reduce the

amount of required parking up to a maximum of five percent (5%).

2. This reduction shall not affect the required disabled parking or loading spaces for that use.

J. PARKING REDUCTION FOR PUBLIC GREENWAYS AND SIDEWALKS

1. For all uses abutting an existing or publicly adopted planned public greenway or sidewalk, the property owner may reduce the amount of required parking up to a maximum of three percent (3%).

2. This reduction shall not affect the required disabled parking or loading spaces for that use.

K. ALTERNATIVE PARKING ALLOWANCE IN NSB DISTRICT

In the NSB District, up to ten percent (10%) of the required parking spaces may be unpaved or unimproved with gravel, and used for open space under the provisions of **Section 4.6.8C.7, Alternative Parking Allowance.**

L. COMBINED DRIVEWAYS AND ACCESS

For all uses providing a combined driveway with or a private access connection to adjoining properties not required by **Section 6.1.3E.2, Combined Driveways and Cross-Access Drives**, the property owner may reduce the amount of required parking up to a maximum of five percent (5%).

M. ON-STREET PARKING SUPPLEMENTS FOR PEDESTRIAN ORIENTED DEVELOPMENTS

The pedestrian nature of a site can be enhanced by permitting on-street parking connected to exterior and interior sidewalks.

1. WHERE AUTHORIZED

On-street parking satisfying the parking requirements of **Table 6.1.2A., Motor Vehicle and Bicycle Parking Space Requirements,** may be permitted for sites in the following zoning districts, provided the requirements of this section are met.

a. The GB, NB, PB, E, and LB special use district zoning districts;

b. The GB, NB, PB, E and LB general use zoning districts with approval by the Assistant City Manager for Public Works, or a designee, or the North Carolina Department of Transportation, whichever is applicable;

c. The MU-S District;

d. All multifamily residential districts; and

e. Planned residential developments.

2. STANDARDS

a. Sites eligible for the credit shall not generally be located on streets classified as collectors or thoroughfares (see Section B.3-3.5(M)(1)(d)). However, the City of Winston-Salem, North Carolina Department of Transportation (NCDOT), or other applicable agency may consider locations on collectors or thoroughfares on a case-by-case basis;

b. Parking shall be located on road frontage contiguous to the site;

c. All parking shall be angled or parallel meeting the requirements of **Table 6.1.3B**, and must be approved by the Assistant City Manager for Public Works, or designee, the NCDOT, or other agency, whichever is applicable;

d. Credit for on-street parking shall not exceed thirty-five percent (35%) of the total off-street parking requirements of the site;

e. Sidewalks meeting the requirements in this section shall be constructed immediately adjacent to, or on the opposite side of a planting strip, on-street parking spaces and connected to a well-defined interior pedestrian system;

f. No off-street parking shall be located between a building and any on-street parking except as approved for temporary parking for an earlier phase of a multi-phase development;

g. The developer shall dedicate public right-of-way or public road maintenance easements necessary to meet the requirements of **Table 6.1.3B,** and must be approved either by the Assistant City Manager for Public Works, or designee, or the North Carolina Department of Transportation, whichever is applicable;

h. Owner shall construct all required improvements within public rights-of-way to applicable public design standards;

i. All buildings shall face the street and provide the principal entrance to the structure from the front or side of the structure; and

j. All buildings shall front on at least one side preferably the entrance side of the building, on a street with no intervening parking area.

N. PARKING REDUCTION FOR VANPOOL, CARPOOL, CAR-SHARE, AND CAR CHARGING STATIONS

1. For all uses, the property owner may reduce the number of required parking spaces by two (2) spaces for each carpool or car-share space and by four (4) spaces for each vanpool space or electric car charging station.

2. In no case shall these reductions exceed ten percent (10%) of the minimum required parking.

O. ALTERNATIVE PARKING COMPLIANCE

1. CONTIGUOUS PARKING LOTS WITH FIVE HUNDRED (500) OR MORE SPACES

For all uses, alternative compliance with parking regulations may be allowed with the submission and approval of a parking study by the Assistant City Manager for Public Works or a designee. The study shall utilize one (1) or more of the following:

a. Collection of data or studies of similar sites and uses;

b. Comparisons to minimum standards in national published data sources such as Institute of Transportation Engineers (ITE), Urban Land Institute (ULI), National Parking Association (NPA), American Planning Association (APA), or other professionally recognized data sources; or

c. Comparisons to minimum requirements of similar municipalities.

6.1.6 OFF-STREET LOADING AND UNLOADING AREAS

A. REQUIREMENTS

1. *In all districts except the CB and CI Districts, any building or land used for retail, office, institutional, or industrial purposes, shall be designed to provide adequate space for off-street parking to accommodate the loading and unloading of goods and materials consistent with the size and proposed use of the building or land. (W)*

2. *Such space, whether inside or outside a building, shall be in addition to the parking requirements in* ***Table 6.1.2A., Motor Vehicle and Bicycle Parking Space Requirements****. Loading requirements may be waived for sites in GMA 2 less than one (1) acre in size with the Transportation Director, or designee, approval. (W)*

3. In all districts except the CB and CI Districts, any building or land used for retail, office, institutional, or industrial purposes, shall be designed to provide adequate space for off-street parking to accommodate the loading and unloading of goods and materials consistent with the size and proposed use of the building or land. (F)

4. Such space, whether inside or outside a building, shall be in addition to the parking requirements in **Table 6.1.2A., Motor Vehicle and Bicycle Parking Space Requirements**. (F)

B. LOCATION

Off-street loading and unloading areas shall be located on the same lot or adjoining lots as the use for which they are provided.

C. DESIGN STANDARDS

1. DIMENSIONAL REQUIREMENTS

Each loading area shall be at least twelve (12) feet wide, sixty-five (65) feet long, and shall have a minimum height clearance of fifteen (15) feet.

2. REDUCTION

a. The Director of Planning and Development Services, or a designee, may reduce the required stall length and maneuvering length if the property owner demonstrates that known delivery vehicles can park and maneuver within the proposed loading and maneuvering spaces such that no part of the vehicle projects into a public right-of-way, access easement, private road, or required landscaping.

b. The reduction shall be based on the nature of the use, or combination of uses, as well as the specific design characteristics of the project.

3. MANEUVERING AREA

Loading areas shall be designed and located such that commercial vehicles shall not back into a public street or alley.

4. ALLEY ACCESS

a. When the lot upon which loading areas are located abuts upon an alley, such loading areas may have access from the alley.

b. Where such loading area is parallel with the alley and the lot is sixty (60) feet or less in width, the loading area shall extend across the full width of the lot.

5. INDUSTRIAL DEVELOPMENTS

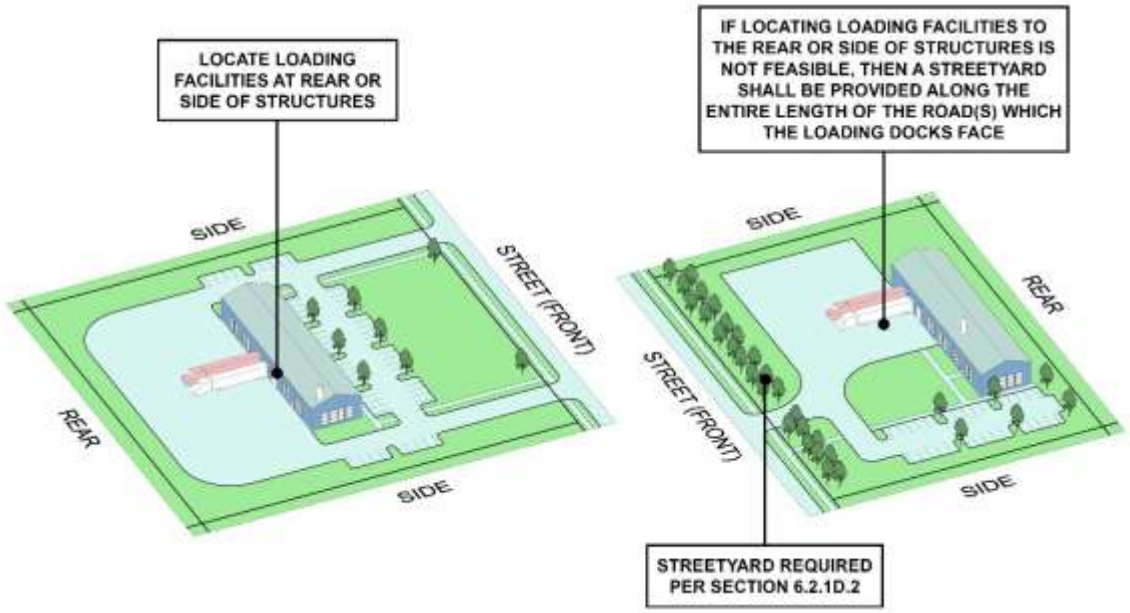
Industrial developments shall be designed with the following loading area design standards:

a. LOCATION

i. Loading facilities shall be located either to the rear or side of the industrial structure(s) to alleviate unsightly appearances often created by loading facilities.

ii. Where such location is not feasible, a streetyard according to the standards of **Section 6.2.1D.2, Streetyards**, shall be installed along the entire length of road which the loading docks face.

FIGURE 6.1.6.C.5.A – LOCATION OF LOADING AREAS IN INDUSTRIAL DISTRICTS



b. MANEUVERING

i. Each industrial site shall be self-contained and capable of handling its own truck maneuvering and docking requirements.

ii. The use of public streets for commercial vehicles staging and/or maneuvering is prohibited.

c. DEPTH

Minimum depth of eighty-five (85) feet is required for commercial vehicle docking and maneuvering.

d. TURNING RADIUS

At least one driveway approach capable of accommodating a forty-eight (48) foot wheel track turning radius and at least one on-site maneuvering area which provides a forty-eight (48) foot wheel track turning radius through the parking area shall be provided for each industrial site.

D. NUMBER OF LOADING SPACES REQUIRED

1. RETAIL BUILDINGS, RESTAURANTS/DINING FACILITIES WITHIN HOTELS/MOTELS, AND OFFICE BUILDINGS

These buildings shall provide loading spaces in accordance with the following table.

TABLE 6.1.6.D.1: RETAIL BUILDINGS, RESTAURANT/DINING FACILITIES WITHIN HOTELS/MOTELS, AND OFFICE BUILDINGS

GROSS FLOOR AREA	MINIMUM NUMBER OF SPACES
0—20,000	0
20,001—40,000	1
40,001—75,000	2
75,001—150,000	3
150,001—250,000	4

2. OFFICE BUILDINGS, INSTITUTIONAL BUILDINGS AND HOTELS/MOTELS

These buildings shall provide loading spaces in accordance with the following table.

TABLE 6.1.6.D.2: OFFICE BUILDINGS, INSTITUTIONAL BUILDINGS AND HOTELS/MOTELS

GROSS FLOOR AREA	MINIMUM NUMBER OF SPACES
0—50,000	0
50,000—100,000	1
For each additional 100,000 sq. ft. or fraction thereof	1

3. INDUSTRIAL BUILDINGS AND WAREHOUSE/DISTRIBUTION BUILDINGS

These buildings and uses shall provide loading spaces in accordance with the following table.

TABLE 6.1.6.D.3: INDUSTRIAL BUILDINGS AND WAREHOUSE/DISTRIBUTION BUILDINGS

GROSS FLOOR AREA	MINIMUM NUMBER OF SPACES
0—10,000	0
10,001—40,000	1
40,001—100,000	2
100,001—160,000	3
160,001—240,000	4
240,001—320,000	5
320,001—400,000	6
For each additional 90,000 sq. ft. or fraction thereof	1

E. SHARED LOADING

1. REDUCTION OF LOADING REQUIREMENTS

a. The Director of Planning and Development Services, or a designee, may authorize a reduction of the loading requirements or loading spaces for any mixed use project or nearby uses where peak loading demand characteristics or hours of operation are distinctly different in accordance with this section.

b. All reductions of loading requirements authorized by the Director of Planning and Development Services, or a designee, within the corporate limits of any municipality must also receive approval from the Assistant City Manager for Public Works, or designee.

2. REQUIREMENTS

A request for approval of shared loading shall be accompanied by such information determined by the Director of Planning and Development Services, or a designee, as necessary to evaluate the relevant factors listed in **Section 6.1.6E, Shared Loading**, including, but not limited to:

a. A description of the uses;

b. A site plan; and

c. A transportation engineering report.

3. ACCESSIBILITY

All shared loading spaces shall be located in a loading facility providing reasonably equivalent accessibility and usability to all uses which the loading is intended to serve.

4. OWNERSHIP

In cases where the uses for which shared loading is requested are located on lots under different ownership, a contract pursuant to **Section 6.1.4B.6, Contract for Parking,** shall be provided.

5. CONDITIONS

In determining whether to approve a reduction for shared loading, the Director of Planning and Development Services, or a designee, shall consider all relevant factors, including the following:

a. PEAK LOADING DEMAND

The characteristics of each use and the differences in projected peak loading demand, including days or hours of operation;

b. REDUCTION IN VEHICLE MOVEMENTS

Potential reduction in vehicle movements afforded by multi-purpose use of the loading facility by employees, customers, or residents of the uses served; and

c. POTENTIAL IMPROVEMENTS

Potential improvements in loading facility design, circulation, and access afforded by a shared loading facility.

6.2 LANDSCAPING AND TREE PRESERVATION

6.2.1 LANDSCAPING AND TREE PRESERVATION STANDARDS – WINSTON-SALEM

A. *GENERAL REQUIREMENTS*

1. *PURPOSE*

It is the intent of this section to enhance the appearance and environmental quality of development sites in Winston-Salem and Forsyth County by requiring the planting of new trees and the preservation and maintenance of high-quality existing trees in order to:

a. ***APPEARANCE OF AREAS NEAR RIGHTS-OF-WAY***

Improve the appearance of motor vehicle use areas within close proximity of vehicular rights-of-way;

b. ***APPEARANCE OF LARGE AREAS***

Break the visual blight created by large expanses of unvegetated areas;

c. ***PROPERTY VALUE AND INVESTMENTS***

Enhance property values and protect public and private investments by emphasizing the importance of trees and vegetation as visual and physical bufferyards to protect property values on adjacent properties;

d. ***WATER AND EROSION CONTROL***

Increase site stormwater infiltration capacity, improve groundwater recharge, and reduce erosion and urban runoff pollution hazards by preserving vegetated areas to slow and absorb stormwater runoff;

e. ***COMFORT***

Improve human comfort and moderate the climate by providing shade and reducing noise levels;

f. ***ENVIRONMENTAL SENSITIVITY***

Encourage environmental sensitivity to natural features in design and construction;

g. ***GLARE***

Filter and reduce reflected sunlight and headlight glare from parked vehicles onto street rights-of-way;

h. ***AIR***

Filter and reduce motor vehicle fumes and dust; and

i. ***PUBLIC PROPERTIES***

Improve the appearance of public properties.

2. *APPLICABILITY*

a. ***LANDSCAPING STANDARDS***

i. *Unless otherwise provided in this section, an occupancy permit shall not be issued until all required planting and landscaping materials are installed.*

ii. *The following areas are required to be landscaped:*

1. *Motor vehicle surface areas;*
2. *Motor vehicle display areas;*
3. *Outdoor storage areas;*
4. *Utility service areas;*
5. *Parking buildings or structures; and*
6. *Public or private schools.*

b. ***TREE PRESERVATION AND PLANTING STANDARDS***

The applicability of the tree preservation and planting standards is referenced in ***Section 6.2.1A.2.b, Tree Preservation and Planting Standards****.*

3. *EXCLUSIONS*

The following uses shall be exempt from the landscaping requirements of ***Section 6.2.1A.2, Applicability****:*

a. *A single family detached dwelling on its own lot;*

b. *An attached dwelling unit which possesses an individually separated driveway and/or garage; and*

c. *Fire hydrants and other utility devices whose visibility is vital to public safety.*

B. *APPLICATION PROCEDURES AND GENERAL REQUIREMENTS*

1. *APPLICATION*

*When an application is made for a building permit or a land disturbing permit, whichever is necessary, on any land where the landscaping and tree preservation requirements of this section are applicable, such building or land disturbing permit application shall be accompanied by the information cited in **6.2.1B.1, Application**, and **Section 6.2.1C, Tree Preservation and Planting**. Additional information to be submitted with the application for a building or land disturbing permit includes:*

a. ***STORAGE, SURFACE, AND SERVICE AREAS***

A site plan indicating the location, dimensions, and square footages of:

i. *Motor vehicle surface areas;*

ii. *Motor vehicle display areas;*

iii. *Outdoor storage areas;*

iv. *Private utility service areas;*

v. *Proposed parking space striping;*

vi. *Overhead utility lines;*

b. ***LANDSCAPING***

A site plan indicating existing and proposed landscaping used to satisfy the requirements of this section, including:

i. *The number, species, location, and heights of trees, shrubs, and groundcover;*

ii. *The location and dimensions of planting areas and streetyards;*

iii. *The location and size of earthen berms;*

iv. *The location, size, and construction material of fences, walls, and wall planters;*

c. ***EXISTING TREES TO BE PRESERVED***

i. *The number, location, species, height, and diameter at breast height (DBH) of existing trees to be preserved for credit as per **Section 6.2.1, Landscaping and Tree Preservation Standards – Winston-Salem,** where individual trees are being preserved;*

ii. *A general description of the character, species mixture, health, and age of trees present in tree stands where tree stands are being preserved for credit; and*

d. ***BARRIERS***

*Refer to **Section 6.2.1C.3.f, Tree Protection During Construction**.*

2. *DELAY OF LANDSCAPING*

If the required landscaping has not been installed at the time of a request for an occupancy permit, and the Director of Inspections determines that the unavailability of plant materials or adverse weather conditions prohibit the timely completion of planting, an occupancy permit may be issued prior to installation of required landscaping, subject to the following:

a. ***COMPLETION SCHEDULE***

The applicant shall sign a contract specifying that the work shall be completed within the six (6) months immediately following the date of application for an occupancy permit; and

b. ***SECURITY***

i. *An improvement security in the form of an escrow account or other instrument shall be required prior to issuance of an occupancy permit.*

ii. *The improvement security shall be in an amount deemed sufficient by the Director of Inspections to cover all costs of required landscaping or screening which has not been installed. Such security shall be valid until the work is completed in accordance with the permit.*

iii. *The security shall be forfeited upon violation of this section and shall be used toward completion of all planned improvements.*

iv. *Any moneys in excess of the cost of installing required landscaping shall be refunded to the applicant.*

v. *The security shall be released when the Director of Inspections certifies that all requirements of this Ordinance have been met.*

3. *COMPLIANCE WITH SIGHT EASEMENT REQUIREMENTS*

Landscaping required by this section shall comply with the minimum State or local sight easement requirements for street intersections and driveways.

4. *OBSTRUCTION OF PEDESTRIAN ROUTES*

Required landscaping shall not obstruct or impede public pedestrian routes including sidewalks and greenway trails.

5. *PROTECTION OF PLANTING AREAS*

Whenever any planting areas required by this section are adjacent to motor vehicle surface areas, motor vehicle display areas, or outdoor storage areas, the planting areas shall be protected from motor vehicle intrusion, and damage from excessive motor vehicle lubricants or fuels.

6. *STABILIZATION OF SOIL SURFACE*

a. *The soil surface of all planting areas required by this section shall be stabilized to prevent erosion.*

b. *In addition to required interior trees and shrubs, the soil surfaces of planting areas shall contain live groundcover, mulch, live shrubs, permeable pedestrian paver blocks, or a combination thereof.*

7. *PLANTING AND MAINTENANCE*

The following planting and maintenance provisions of this Ordinance shall apply to new trees and existing trees planted after June 5, 1988.

a. *GENERAL STANDARDS*

The use of American National Standards Institute (ANSI) A300 standards shall be required for the planting and maintenance of all required landscaping.

b. *TREE TOPPING*

Topping of any tree required by this Ordinance as defined by the ANSI A300 standards shall be prohibited.

c. *MAINTENANCE OF PLANTINGS REQUIRED BY THESE STANDARDS*

i. *The landowner is responsible for maintaining all required plant materials in good health.*

ii. *Any dead or missing plants must be replaced with new planting which meets the minimum installation dimension standards of this section.*

iii. *Plant replacement shall take place within one month of written notification by the Director of Inspections.*

iv. *In the event that plant material is severely damaged due to an unusual weather occurrence or other act of nature, or if replacement plantings are unavailable within one month of written notification, the land owner will have six (6) months from the date of written notification to replace plantings.*

v. *Requirements for the maintenance of existing or newly planted trees required by the tree preservation and planting standards of this Ordinance, and located on individual lots within residential subdivisions, are in* ***Section 6.2.1C.6, Tree Maintenance Requirements****.*

8. *ENFORCEMENT AND PENALTIES*

a. *ENFORCEMENT*

The Director of Inspections or designee shall conduct site inspections to ensure compliance with the provisions of this Ordinance prior to the issuance of grading permits as well as prior to the issuance of a Certificate of Occupancy (CO), except where existing trees in residential subdivisions are preserved in accordance with ***Section 6.2.1C, Tree Preservation and Planting****, compliance shall only be ensured prior to plat approval.*

b. *RESERVED*

9. *COMBINING PLANTING AREA AND BUFFERYARD REQUIREMENTS*

a. *Where motor vehicle surface area plant materials and bufferyard plant materials are required on the same property, trees may be located in such a manner as to simultaneously satisfy both requirements.*

b. *Required planting areas shall not be cumulative; however, the greater of the planting areas specified in* ***Section 6.3, Bufferyard Standards,*** *or this section shall be the required planting area.*

10. *OVERHEAD UTILITY LINES*

The location of overhead utility lines shall be considered during the placement or preservation of required trees. The maximum mature height of required trees shall be determined as follows: (Suggested plant materials are listed in ***Section 6.2.1J, Suggested Plant Materials List****.*

a. *SMALL VARIETIES*

Small variety trees shall be used when located within twenty-five (25) feet, measured horizontally, from the nearest overhead utility lines(s).

b. *SMALL OR MEDIUM VARIETIES*

Small or medium variety trees shall be used when located twenty-five (25) to thirty-five (35) feet, measured horizontally, from the nearest overhead utility line(s).

c. *SMALL, MEDIUM, OR LARGE VARIETIES*

Small, medium, or large variety trees may be used when located more than thirty-five (35) feet, measured horizontally, from the nearest overhead utility line(s).

11. *SAFETY AND SECURITY*

Safety and security concerns should receive prominent consideration during the selection and placement of landscape materials.

12. *FIRE PROTECTION EQUIPMENT*

a. *A minimum five (5) foot radius containing no plant materials or structural elements other than groundcover plants shall be maintained around all fire protection equipment, including:*

i. *Fire hydrants;*

ii. *Post indicator valves; and*

iii. *Siamese connectors.*

b. *Obvious sight lines to the fire protection equipment shall be maintained at all times.*

13. *OFF-STREET PARKING REDUCTION*

A reduction in the amount of required off-street parking is permitted in accordance with the alternatives and incentives provisions of the parking requirements in **Section 6.1.5H, Parking Reduction for Required Landscaping in Motor Vehicle Use Areas,** *for the installation of landscaping required by the landscaping standards of this Ordinance.*

C. *TREE PRESERVATION AND PLANTING*

1. *EXEMPTIONS FROM TREE PRESERVATION AND PLANTING REQUIREMENTS*

The following are exempt from the tree preservation and planting requirements of this Ordinance:

a. *Development sites located in areas zoned CB, CI, sites zoned PB in Growth Management Area (GMA) 1, and all sites in GMA 5.*

b. *Individual residential lots platted prior to the adoption of this Ordinance.*

c. *Farm use activities and structures on bona-fide farms.*

d. *Minor subdivisions.*

e. *Redevelopment of sites zoned PB, GB, MU-S, and C which demonstrate a pedestrian-oriented urban form in accordance with* **Section 4.8.3B.2, District Objectives.** *Redevelopment of sites zoned PB, GB, MU-S, and C shall be exempt from the requirements of* ***Section 6.2.1C, Tree Preservation and Planting.***

f. *Instead, such development shall include one large variety street tree per fifty (50) feet of street frontage. These trees shall be spaced forty (40) to sixty (60) feet apart and shall be located within the street right-of-way.*

g. *Existing development and all development with plans or applications approved or accepted into the review process prior to the effective date of this Ordinance.*

2. *REQUIREMENTS IN TYPE 1 AREAS*

a. *TYPE 1 AREAS DEFINED*

Type 1 Areas include the following locations and types of development:

i. *Proposals where a grading permit is required for development of five (5) acres or less;*

ii. *Land in the PB district;*

iii. *Development entirely within activity centers designated in Forward 2045 or adopted area plans;*

iv. *Redevelopment of already-developed non-residentially zoned sites containing existing nonresidential structures; and*

v. *Qualifying residential development zoned RS or RM-5.*

b. *TREE SAVE AREA DEFINED*

i. *Tree save area(s) (TSA) shall be one or more areas where existing trees, along with their critical root zones (CRZ), shall be preserved and maintained.*

ii. *The purpose of the TSA is to encourage the preservation of individual healthy trees that are six (6) inches or greater in diameter at breast height (DBH)(4.5 feet above ground), and/or healthy stands of trees containing a variety of tree species with trees of various ages, including mature and maturing trees, meeting the requirements of this Ordinance.*

iii. *In determining the extent of a tree stand area, trees four (4) inches or greater DBH may be considered within the tree save area boundaries.*

iv. *Tree save area(s) may also include new trees which satisfy the requirements of* ***Section 6.2.1C.2.e, Tree Planting Requirements for Multifamily and Nonresidential Development.***

c. *CALCULATION OF REQUIRED TREE SAVE AREA*

i. *Calculations for tree save areas (TSA) shall exclude the following:*

1. *Square footage areas for existing and proposed public street rights-of-way;*

2. *Existing utility easements;*

3. *Existing water bodies; and*

4. *New water bodies required to satisfy the stormwater management requirements otherwise required by law or ordinance.*

ii. *The combined square footage of these areas shall be deleted from the total parcel area for new development and from the limits of disturbed areas for additional development to an already developed site before the required percentage of TSA is calculated.*

iii. *Tree save area shall be calculated as follows:*

1. *STANDS OF TREES*

1.01. *The tree save area for a stand of trees shall be calculated as the acreage that stand of trees occupies.*

1.02. *Stands of trees shall be exempt from the species requirements of this Ordinance (**Section 6.2.1J, Suggested Plant Materials List**) as long as a stand of trees is determined to meet the intent of the tree save area requirements of this Ordinance.*

1.03. *However, no stand consisting primarily of species prohibited from ordinance credit in accordance with **Section 6.2.1J.5**, shall be counted towards the tree save area requirements.*

2. *INDIVIDUAL TREES*

The tree save area for an individual existing tree shall be defined as the critical root zone for that individual tree or the sum of the critical root zones of multiple individual trees.

2.01. *Each large variety tree 6"—9" inches in caliper shall equal five hundred (500) square feet of TSA credit;*

2.02. *Each large variety tree 9.01"—12" in caliper shall equal seven hundred fifty (750) square feet of TSA credit;*

2.03. *Each large variety tree 12.01"—24" in caliper shall equal one thousand eight hundred (1,800) square feet of TSA credit;*

2.04. *Each large variety tree 24.01"—36" in caliper shall equal three thousand (3,000) square feet of TSA credit; and*

2.05. *Each large variety tree greater than 36.01" in caliper shall equal four thousand (4,000) square feet of TSA credit.*

iv. *Either method of calculation listed above, or a combination of both methods, may be used to satisfy the tree save area requirements of this Ordinance.*

d. *REQUIRED TYPE 1 TREE SAVE AREA IN LOCATIONS OFF-LIMITS TO DEVELOPMENT*

i. *The minimum tree save area for new residential subdivisions, multifamily development, and nonresidential development which requires a grading permit shall be ten percent (10%) of the development site, except where less than ten percent (10%) of the development site exists in trees all existing trees must be saved.*

ii. *Ten percent (10%) of any existing developed area being redeveloped shall be saved for TSA credit. This tree save area shall be in the form of areas off-limits to development.*

iii. *Development projects are only required to save existing trees for TSA credit in the following areas, which are considered off-limits to development by the governmental authority:*

1. *Floodplains;*

2. *Undisturbed stream buffers; and*

3. *Wetlands.*

iv. *In addition, RS and RM-5 zoned sites greater than five (5) acres shall have a minimum tree save area of twelve percent (12%) of the development site, to be determined as follows:*

1. *Existing trees shall be saved in the areas specified in paragraph **ii** above up to the twelve percent (12%) of site requirement.*

2. *If insufficient trees exist in the areas covered by **1** above to meet the twelve percent (12%) requirement, then existing trees anywhere on the site may be saved to meet the twelve percent (12%) of site requirement; or*

3. *If the site plan otherwise fails to save a minimum of twelve percent (12%) of the site in existing trees, then it shall at a minimum in addition to the trees saved under **1** and **2** above, also save the existing trees in a forty (40) foot deep streetyard across the full length of adjoining major and minor thoroughfares, and the existing trees in a thirty (30) foot deep zone along the remainder of the site perimeter, excluding any perimeter adjoining existing local or connector streets (except where site plan identified public right-of-way or utility easements, development signage and access to the development are located).*

4. *If a minimum of twelve percent (12%) of the site is not saved in existing trees under **1** through **3** above, then the difference shall be met through new tree planting meeting the standards of **Section 6.2.1C.2.e, Tree Planting Requirements for Multifamily and Nonresidential Development**.*

v. *Alternative compliance or removing existing trees for recreational purposes in floodplains: Refer to **Section 6.2.1C.4, Alternative Compliance for Determination of Tree Save Area**.*

e. *TREE PLANTING REQUIREMENTS FOR MULTIFAMILY AND NONRESIDENTIAL DEVELOPMENT*

i. *On multifamily and nonresidential development sites where less than ten percent (10%) of a development site contains trees preserved in accordance with **Section 6.2.1C.2.d, Required Type 1 Tree Save Area in Locations Off-Limits to Development**, supplementary new large variety tree plantings in accordance with **Section 6.2.1J, Suggested Plant Materials List,** and **Section 6.2.1D.2.c, Number and Spacing of Trees**, shall be required until the minimum tree save area requirements of the development site have been met.*

ii. *Each new large variety tree planted shall be equal to seven hundred fifty (750) square feet of required tree save area. Alternatively, trees existing outside of areas defined as off-limits to development in **Section 6.2.1C.2.d, Required Type 1 Tree Save Area in Locations Off-Limits to Development,** may be saved for credit in accordance with **Section 6.2.1C.2.c, Calculation of Required Tree Save Area**.*

f. *TREE PROTECTION DURING CONSTRUCTION*

To receive credit for existing trees proposed for preservation, the TSA must be protected from direct and indirect root damage, and trunk and crown disturbance. The following standards shall apply:

i. *The tree save area (TSA) shall include all area located within the critical root zone.*

ii. *Construction site activities, such as parking, material storage, dirt stockpiling, concrete washout, and other similar activities, shall not be permitted within a tree save area (TSA).*

iii. *Protective barriers shall be installed around the tree save area (TSA) as necessary prior to the issuance of a grading permit.*

3. *REQUIREMENTS IN TYPE 2 AREAS*

a. *TYPE 2 AREAS DEFINED*

Type 2 Areas include the following locations and types of development:

i. *Proposals where a grading permit is required for development greater than five (5) acres;*

ii. *Development which is not zoned PB; and*

iii. *Development which is not located within activity centers as designated in Forward 2045 or adopted area plans.*

b. *TREE SAVE AREA DEFINED*

i. *Tree save area(s) (TSA) shall be one or more areas where existing trees, along with their critical root zones (CRZ), shall be preserved and maintained.*

ii. *The purpose of the TSA is to encourage the preservation of individual healthy trees that are six (6) inches or greater in diameter at breast height (DBH)(4.5 feet above ground), and/or healthy stands of trees containing a variety of tree species with trees of various ages, including mature and maturing trees, meeting the requirements of this Ordinance.*

iii. *In determining the extent of a tree stand area, trees four (4) inches or greater DBH may be considered within the tree save area boundaries.*

iv. *Tree save area(s) may also include new trees which satisfy the requirements of **Section 6.2.1C.3.e, Requirements for Sites Without Adequate Existing Trees**.*

c. *CALCULATION OF REQUIRED TREE SAVE AREA*

i. *Calculations for tree save areas (TSA) shall exclude the following:*

1. *Square footage areas for existing and proposed public street rights-of-way;*

2. *Existing utility easements;*

3. *Existing water bodies; and*

4. *New water bodies required to satisfy the stormwater management requirements otherwise required by law or ordinance.*

ii. *The combined square footage of these areas shall be deleted from the total parcel area for new development and from the limits of disturbed areas for additional development to an already developed site before the required percentage of TSA is calculated.*

iii. *Tree save area shall be calculated as follows:*

1. *STANDS OF TREES*

1.01. *The Tree Save Area for a stand of trees shall be calculated as the acreage that stand of trees occupies.*

1.02. *Stands of trees shall be exempt from the species requirements of this Ordinance (**Section 6.2.1J, Suggested Plant Materials List,**) as long as a stand of trees is determined to meet the intent of the Tree Save Area requirements of this Ordinance.*

1.03. *However, no stand consisting primarily of species prohibited from ordinance credit in accordance with **Section 6.2.1J.5** shall be counted towards the Tree Save Area requirements of the Ordinance.*

1.04. *Where a development exclusively uses the tree stand method of TSA calculation, it shall receive a reduction in the required TSA of one percent (1%) of the development site; alternatively, a residential development may elect to receive a ten percent (10%) bonus in allowed density.*

2. *INDIVIDUAL TREES*

2.01. *The tree save area for an individual existing tree shall be defined as the critical root zone for that individual tree or the sum of the critical root zones of multiple individual trees.*

2.02. *Each large variety tree 6"—9" in caliper shall equal five hundred (500) square feet of TSA credit;*

2.03. *Each large variety tree 9.01"—12" in caliper shall equal seven hundred fifty (750) square feet of TSA credit;*

2.04. *Each large variety tree 12.01"—24" in caliper shall equal one thousand eight hundred (1,800) square feet of TSA credit;*

2.05. *Each large variety tree 24.01"—36" in caliper shall equal three thousand (3,000) square feet of TSA credit; and*

2.06. *Each large variety tree greater than 36.01" in caliper shall equal four thousand (4,000) square feet of TSA credit.*

iv. *Either method of calculation listed above, or a combination of both methods, may be used to satisfy the tree save area requirements of this Ordinance.*

d. *REQUIRED TREE SAVE AREA*

i. *MULTIFAMILY DEVELOPMENT, EXCLUDING RM-5*

1. *The minimum tree save area for new multifamily development, excluding RM-5, shall be twelve percent (12%) of the development site.*

2. *TSA requirements may be fulfilled by trees on commonly owned land or trees on privately owned individual residential lots.*

ii. *NEW NONRESIDENTIAL DEVELOPMENT WHICH REQUIRES A GRADING PERMIT*

The minimum tree save area for nonresidential development requiring a grading permit shall be ten percent (10%) of the development site.

iii. ***NEW DEVELOPMENT ZONED MU-S***

The minimum tree save area for development zoned MU-S shall be determined on an individual basis through the special use district zoning process.

iv. ***ALTERNATIVE COMPLIANCE***

Refer to ***Section 6.2.1C.4, Alternative Compliance for Determination of Tree Save Area****.*

e. ***REQUIREMENTS FOR SITES WITHOUT ADEQUATE EXISTING TREES***

i. *On development sites containing less than the minimum tree coverage required by* ***Section 6.2.1C.2.c, Calculation of Required Tree Save Area****, supplementary new large variety tree plantings in accordance with* ***Section 6.2.1J, Suggested Plant Materials List,*** *shall be required until the minimum tree save area requirements of the development site have been met.*

ii. *Each new large variety tree planted shall be equal to seven hundred fifty (750) square feet of required tree save area.*

f. ***TREE PROTECTION DURING CONSTRUCTION***

To receive credit for existing trees proposed for preservation, the TSA must be protected from direct and indirect root damage, and trunk and crown disturbance. The following standards shall apply:

i. *The tree save area (TSA) shall include all area located within the critical root zone.*

ii. *Construction site activities, such as parking, material storage, dirt stockpiling, concrete washout, and other similar activities, shall not be permitted within a tree save area (TSA).*

iii. *Protective barriers shall be installed around the tree save area (TSA) as necessary prior to the issuance of a grading permit.*

4. ***ALTERNATIVE COMPLIANCE FOR DETERMINATION OF TREE SAVE AREA***

a. ***ALTERNATIVE COMPLIANCE FOR REMOVING EXISTING REQUIRED TREES***

i. *In situations where the preservation of some or all of the required trees on site would prevent the reasonable development of a site, the Inspections Director or designee may waive some or all of the tree preservation requirements of this section. In making his decision, the Inspections Director may consider the following factors:*

1. *Site layout, including whether there are reasonable site layout options available that would further minimize the need to waive or reduce the tree preservation requirements.*
2. *Conformance of the proposed development with the Forward 2045 recommendations of balancing open space preservation with encouraging an urban form of development.*
3. *Conformance of the proposed development with the recommendations of area plans and other adopted documents relating to or affecting the planned uses of land for the site in question.*
4. *Topography.*
5. *Surrounding development patterns.*
6. *The size, health, and species of existing trees proposed to be removed.*
7. *Other site development issues not identified above.*

ii. *Where existing trees are not preserved, the replanting requirements of* ***Section 6.2.1C.3.e, Requirements for Sites Without Adequate Existing Trees,*** *shall be met. Alternatively, qualifying existing trees on contiguous parcels may also be preserved for alternative compliance credit. TSA credit may also be provided through the acquisition, donation, and acceptance of forested parkland by the governmental jurisdiction which holds zoning authority for the jurisdiction in which the development takes place.*

iii. *Appeals of the decision of the Inspections Director may be made to the Elected Body.*

b. ***ALTERNATIVE COMPLIANCE FOR REMOVING TREES IN FLOODPLAINS***

i. *Development proposals for recreational purposes which remove existing trees in floodplains that would otherwise be required to be saved in accordance with* ***Section 6.2.1C.2.d, Required Type 1 Tree Save Area in Locations Off-Limits to Development,*** *may be approved where existing trees meeting the requirements of* ***Section 6.2.1C, Tree Preservation and Planting,*** *are preserved elsewhere on site.*

ii. *Alternatively, development proposals may be approved through special use district zoning.*

5. ***INCENTIVES FOR INCREASED TREE SAVE AREA***

a. ***SETBACK REDUCTION FOR INCREASED TREE SAVE AREA***

Developments which set aside twenty percent (20%) or more of a site as tree save area in common open space shall receive reduced internal and sideyard setbacks of up to thirty-five percent (35%) of requirements.

b. ***RIBBON PAVING FOR INCREASED TREE SAVE AREA***

i. *Developments which set aside thirty percent (30%) or more of a site as tree save area in common open space may utilize ribbon paving and reduced pavement widths for internal streets with the approval of the Assistant City Manager of Public Works.*

ii. *Additionally, such development may use gravel or other improved soft surface as a substitute for paved sidewalks which are internal to the development.*

6. ***TREE MAINTENANCE REQUIREMENTS***

a. ***MAINTENANCE OF TREES SATISFYING THE TREE PRESERVATION REQUIREMENTS***

i. ***RESIDENTIAL SUBDIVISIONS***

1. *The landowner is responsible for maintaining all new trees on individual lots within residential subdivisions which satisfy the requirements of* ***Section 6.2.1C, Tree Preservation and Planting,*** *until a certificate of occupancy (CO) has been issued.*

2. *All existing trees on individual lots and common open space within residential subdivisions shall be maintained until plat approval.*

ii. ***MULTIFAMILY AND NONRESIDENTIAL DEVELOPMENT***

1. *New and existing trees which meet the tree preservation requirements in multifamily developments and nonresidential developments shall be maintained in accordance with the requirements of* ***Section 6.2.1B.7, Planting and Maintenance****.*

2. *Existing or newly planted trees also used to satisfy the requirements of* ***Section 6.2.1A.2, Applicability****, of this Ordinance shall also be maintained according to* ***Section 6.2.1B.7, Planting and Maintenance****.*

D. *MOTOR VEHICLE SURFACE AREA LANDSCAPING STANDARDS*

1. ***GENERAL REQUIREMENTS***

a. ***EXEMPTION***

This section shall not apply to single family residential buildings.

b. ***APPLICABILITY***

This section shall apply to any motor vehicle surface area or portions thereof built after March 7, 1988, except where otherwise specified.

c. ***EXPANSION OF PREEXISTING MOTOR VEHICLE SURFACE AREAS***

When preexisting motor vehicle surface areas are expanded:

i. ***REQUIRED INTERIOR PLANTINGS***

Required interior plantings may be dispersed throughout the entire motor vehicle surface area in accordance with ***Section 6.2.1D.3, Interior Motor Vehicle Surface Area Plantings****.*

ii. ***STREETYARD WIDTH***

Streetyard width may be reduced to a minimum of fifty percent (50%) of the required width, provided the minimum required streetyard area and plant quantities for the expansion are installed; and provided such streetyard trees shall be provided a planting area with a minimum radius of seven (7) feet.

d. ***EXPANSION, REDEVELOPMENT OR REPLACEMENT OF EXISTING BUILDINGS***

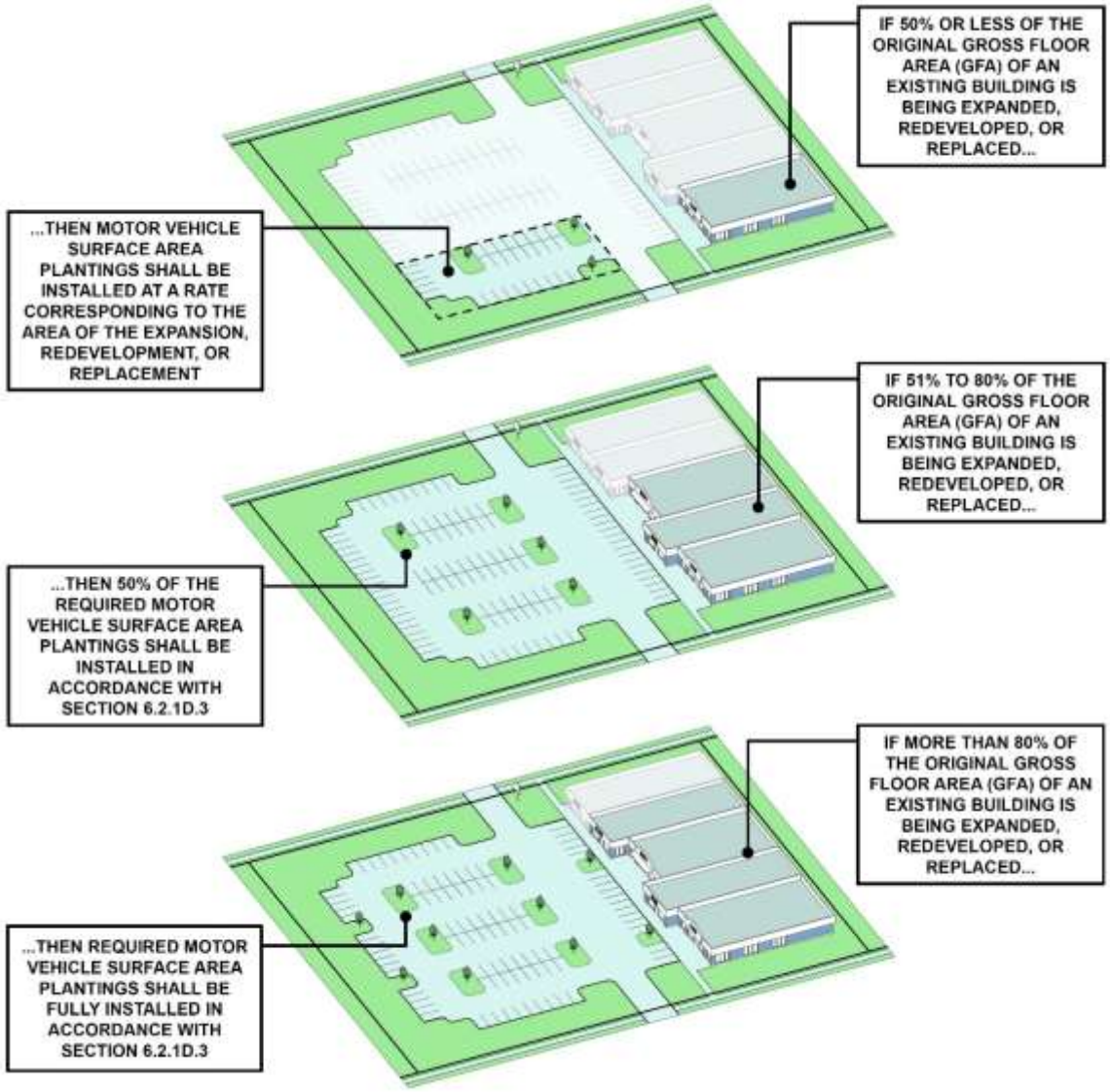
i. *When fifty percent (50%) or less of the original gross floor area of an existing building is expanded, or replaced, the developer shall install motor vehicle surface area plantings at a rate corresponding to the area of the expansion, redevelopment, or replacement.*

ii. *One (1) large variety tree shall be required in all cases.*

iii. *For expansion or redevelopment areas between fifty-one percent (51%) and eighty percent (80%) of the original gross floor area of an existing building, the developer shall install fifty percent (50%) of required motor vehicle surface area plantings in accordance with* ***Section 6.2.1D.3, Interior Motor Vehicle Surface Area Plantings.***

iv. *For expansion or redevelopment areas greater than eighty percent (80%) of the original gross floor area of an existing building, the developer shall fully install required motor vehicle surface area plantings in accordance with* ***Section 6.2.1D.3, Interior Motor Vehicle Surface Area Plantings.***

FIGURE 6.2.1.D.1.D – CERTAIN LANDSCAPING REQUIREMENTS FOR THE EXPANSION, REDEVELOPMENT, OR REPLACEMENT OF EXISTING BUILDINGS



v. *Plantings for the above requirements may be dispersed throughout the entire motor vehicle surface area.*

vi. *The provisions of this section shall preempt the spacing requirement contained in* ***Section 6.2.1D.3.e, Distance of Parking Spaces to Trees****.*

e. *ALTERNATIVE COMPLIANCE*

i. *An applicant may propose a landscaping plan which varies from the strict application of the provisions of this section in order to accommodate unique characteristics of the site or to utilize innovative design.*

ii. *Application for alternative compliance shall include a site plan following the requirements specified in* ***Section 3.2.11, Site Plan****, and shall be approved by the Planning Board only upon a finding that the proposed landscaping plan fulfills the intent and purposes of this section as well as or better than would strict conformance with the requirements of this section.*

2. *STREETYARDS*

A landscaped streetyard shall be required for all motor vehicle surface areas located within one hundred (100) feet of a street right-of-way or vehicular right-of-way, including controlled access highways, whether or not it may provide access to the site, unless separated by an intervening building.

a. *WIDTH*

i. *Minimum streetyard width is ten (10) feet, and shall be measured perpendicular to the street right-of-way.*

ii. *The streetyard shall be positioned between the motor vehicle surface area and street right-of-way.*

iii. *Minimum streetyard width for new motor vehicle surface areas installed in conjunction with the expansion or redevelopment of existing non-residentially zoned sites in GMA 2 smaller than one acre in size shall be five (5) feet.*

iv. *Minimum streetyard width shall also be five (5) feet for new nonresidential development in GMA 2 on sites of any size, regardless of zoning district, that meet the requirements of* ***Section 4.6.6C, Supplementary District Standards.***

b. *IMPERVIOUS SURFACE COVER*

A maximum of fifteen percent (15%) of the required streetyard may be covered with impervious surface cover which may be used for walkways, fountains, walls, wall planters, or utility meters and vaults, but may not be used for motor vehicle surface or display, outdoor storage, private utility service, or service areas.

c. *NUMBER AND SPACING OF TREES*

i. *Each streetyard shall contain a minimum of two (2) deciduous or evergreen large variety trees per one hundred (100) linear feet, excluding points of motor vehicle ingress or egress.*

ii. *In no case shall any streetyard contain less than one tree.*

iii. *Required trees must be a minimum of eight (8) feet in height at installation and shall be at least two (2) inches in diameter measured six (6) inches above ground level.*

iv. *Where two (2) or more streetyard trees are required, all trees shall be planted with the center of the main trunks twenty (20) to seventy-five (75) feet apart.*

v. *Existing deciduous trees located in the abutting street right-of-way may be used to satisfy the distribution requirements in this section.*

vi. *Small or medium variety trees may be used where overhead utility lines exist in accordance with* ***Section 6.2.1B.10, Overhead Utility Lines****.*

d. *OTHER STREETYARD COMPONENTS*

In addition to required trees, the landowner or developer shall use one of the following, or a combination thereof, to satisfy streetyard requirements:

i. ***NATURAL SHRUBS***

1. *Streetyard shrubs must be a minimum of eighteen (18) inches in height at installation, with a minimum height of thirty-six (36) inches within three (3) years after installation.*

2. *Shrubs must be a locally adapted species which retain foliage to within six (6) inches above ground level.*

3. *Shrubs shall be spaced no more than eighteen (18) inches, edge to edge.*

4. *No more than thirty percent (30%) of streetyard shrubs shall be deciduous.*

ii. ***FENCES AND WALLS***

A streetyard fence or wall shall be a minimum of thirty-six (36) inches in height, opaque, and shall be constructed of masonry, stone, or wooden material, or of the same material as that of the principal building.

iii. ***WALL PLANTERS***

1. *A streetyard wall planter shall be constructed of masonry, stone, or other permanent material.*

2. *At installation, the minimum combined height of wall planters and shrubs shall be twenty-four (24) inches.*

3. *Within three (3) years after installation, the combined height of wall planters and shrubs shall be no less than thirty-six (36) inches.*

4. *The effective planting width of a streetyard wall planter shall be no less than thirty-six (36) inches; however, where required streetyard trees are installed in wall planters, the effective planting width of the wall planters shall be no less than seven (7) feet.*

5. *A minimum of one shrub shall be required for every five (5) square feet of wall planter area.*

iv. ***EARTHEN BERMS***

1. *At installation, streetyard berms shall have a minimum height of eighteen (18) inches, a minimum crown width of two (2) feet, and a side slope with a width to height ratio of no greater than two (2) to one (2:1).*

2. *The entire berm shall be planted and covered with live vegetation.*

3. *Berm shrubs shall be a minimum of one foot in height at installation and shall be spaced no greater than eighteen (18) inches, edge to edge.*

4. *Within three (3) years after installation, the combined height of berm and shrubs must be at least thirty-six (36) inches.*

5. *Streetyard berms which are thirty-six (36) inches or greater in height at installation shall not be required to contain shrubs; however, streetyard trees shall still be required as specified in this section.*

e. ***CB AND CI DISTRICTS***

i. *In the CB and CI Districts, a minimum two (2) foot wide strip planted with trees and shrubs in accordance with this section or a three (3) foot high masonry wall shall be provided.*

ii. *Unfinished concrete masonry unit (CMU) walls shall be prohibited. Split face CMU is permitted.*

iii. *In the CI District where the amount of off-street surface parking exceeds twenty-five (25) spaces between the building wall and the street, the minimum streetyard width requirements of* ***Section 6.2.1D.2.a, Width,*** *shall be met.*

f. ***PB DISTRICT***

1. *In the PB District within GMA 1, a minimum two (2) foot wide strip planted with trees and shrubs in accordance with this section shall be provided.*

2. *Any required or provided trees within the streetyard shall be located within a minimum seven (7) foot wide, fifty (50) square foot planting area.*

3. INTERIOR MOTOR VEHICLE SURFACE AREA PLANTINGS

In addition to the required streetyard, all motor vehicle surface areas shall contain landscaped planting areas, as follows:

a. *LOCATION OF PLANTINGS*

*Interior planting areas shall be located adjacent to motor vehicle surface area edges or within the interior as islands or medians, and may contain berms of the minimum dimensions specified in **Section 6.2.1D.2.d.iv, Earthen Berms**.*

b. *SIZE*

i. *Each planting area shall allocate a minimum of one hundred fifty (150) square feet per tree, with a minimum radius of seven (7) feet for small or medium variety trees.*

ii. *A minimum planting area of six hundred (600) square feet shall be required for each large variety tree.*

iii. *Each large variety tree planted shall provide a seven hundred fifty (750) square foot credit towards the requirements of **Section 6.2.1C, Tree Preservation and Planting.***

c. *REQUIRED TREES IN PLANTING AREA*

i. *Each planting area shall contain at least one deciduous or evergreen large variety tree with a minimum height of eight (8) feet at the time of installation, and a minimum diameter of two (2) inches measured six (6) inches above ground level.*

ii. *Small or medium variety trees may be used where overhead utility lines exist in accordance with **Section 6.2.1B.10, Overhead Utility Lines.***

d. *RATIO*

i. *One large variety tree shall be used for every five thousand (5,000) square feet of motor vehicle surface area.*

ii. *One small or medium variety deciduous or evergreen tree shall be required for every two thousand five hundred (2,500) square feet of motor vehicle surface area where overhead utility lines exist in accordance with **Section 6.2.1B.10, Overhead Utility Lines**.*

iii. *The aforementioned ratio requirement shall not apply to the expansion or redevelopment of existing non-residentially zoned sites in GMA 2 which are smaller than one (1) acre in size, or change of use to a high intensity use as identified in **Table 5.1.1, Principal Use Table**.*

iv. *For these sites, a landscaping area(s) totaling at least one hundred (100) square feet shall be required for every ten thousand (10,000) square feet of motor vehicle surface area.*

v. *One small variety tree with a minimum height of eight (8) feet at the time of installation and a minimum diameter of two (2) inches measured six (6) inches above ground level, and four (4) natural shrubs meeting the standards of **Section 6.2.1D.2.d.i, Natural Shrubs**, shall be required for every one hundred (100) square feet of planting area.*

vi. *Planting areas shall be at least five (5) feet wide, unless otherwise approved by the Director of Planning and Development Services, or a designee.*

vii. *Existing parking spaces removed to accommodate this landscaping requirement shall not be required to be replaced elsewhere on site.*

e. *DISTANCE OF PARKING SPACES TO TREES*

i. *No parking space shall be located more than seventy-five (75) feet from the trunk of a required large variety tree, except where overhead utility lines exist in accordance with **Section 6.2.1B.10, Overhead Utility Lines** no parking space shall be located more than fifty (50) feet from the trunk of a required small or medium variety tree, unless otherwise authorized in this Ordinance.*

ii. *When parking spaces exceed the maximum allowance listed in **Table 6.1.2A., Motor Vehicle and Bicycle Parking Space Requirements**, supplemental landscaping shall be provided so that no parking space shall be more than fifty (50) feet from the trunk of a required large variety tree located within a minimum planting area of six hundred (600) square feet.*

iii. *For the redevelopment of existing non-residentially zoned sites in GMA 2 which are smaller than one (1) acre in size, or change of use to a high intensity use as identified in* ***Table 5.1.1, Principal Use Table****, the aforementioned minimum distance requirement shall not apply. Instead, the maximum distance between a parking space and a required landscaping area shall be seventy-five (75) feet.*

f. *LOADING/MANEUVERING AREAS*

For loading docks or other maneuvering areas where placement of trees in the interior of the site is impractical, the required number of trees may be clustered around the edge of such areas, with the approval of the Director of Planning and Development Services, or a designee.

g. *CREDIT FOR STREETYARD OR BUFFERYARD TREES*

Deciduous or broadleaf evergreen trees used as streetyard or bufferyard plantings may be used as credit toward interior planting area requirements, provided that streetyard or bufferyard plantings meet the size requirements of ***Section 6.3.3B, Design Requirements****, and the distance requirements of* ***Section 6.2.1D.3.e, Distance of Parking Spaces to Trees.***

h. *CREDIT FOR BUFFERYARD AREA*

The landscaped bufferyard area provided to meet the requirements of ***Section 6.3, Bufferyard Standards,*** *and located adjacent to a motor vehicle use area may be counted toward the interior planting requirement.*

i. *ALTERNATIVE COMPLIANCE FOR LARGE PARKING LOTS*

i. *An applicant whose contiguous parking area exceeds five hundred (500) spaces may propose a landscaping plan which varies from the strict application of the provisions of this section in order to accommodate unique characteristics of the site or to utilize innovative design.*

ii. *Application for alternative compliance shall include a site plan following the requirements specified in* ***Section 3.2.11, Site Plan,*** *and shall be approved by the Planning Board only upon a finding that the proposed landscaping plan fulfills the intent and purposes of this section as well as or better than would strict conformance with the requirements of this section.*

E. *MOTOR VEHICLE DISPLAY AREA LANDSCAPING STANDARDS*

1. *GENERAL REQUIREMENTS*

a. *APPLICABILITY*

This section shall apply to any motor vehicle display area, or portions thereof, built after March 7, 1988.

b. *EXPANSION OF PREEXISTING MOTOR VEHICLE SURFACE AREAS*

When preexisting motor vehicle display areas are expanded, streetyard width may be reduced to a minimum of five (5) feet, provided the minimum required streetyard area and plant quantities for the expansion are installed, and provided each streetyard tree shall be provided a planting area with a minimum radius of seven (7) feet.

c. *LANDSCAPING REQUIREMENTS*

Motor vehicle display areas shall comply with the general landscaping requirements of ***Section 6.2.1D, Motor Vehicle Surface Area Landscaping Standards****.*

2. STREETYARDS

A landscaped streetyard shall be required as specified in **Section 6.2.1D.2, Streetyards***, except:*

a. *NATURAL SHRUBS*

Any streetyard shrubs, wall planters, earthen berms, or combinations thereof, shall be installed at a minimum height of eighteen (18) inches, and shall reach a minimum height of thirty (30) inches within three (3) years after installation.

b. *FENCES AND WALLS*

Closed fences or walls shall be installed at a minimum height of thirty (30) inches.

F. *OUTDOOR STORAGE AREA SCREENING STANDARDS*

1. APPLICABILITY

a. *Any outdoor storage area not screened from any public or private street by an intervening building built after the adoption of this Ordinance with a linear dimension of fifteen (15) feet or greater, or any dumpster with a linear dimension of five (5) feet or greater and not screened by an intervening building shall be screened from view from any street right-of-way or vehicular right-of-way including controlled access highways, whether or not it may provide access to the site, for its entire length except for necessary access.*

b. *For nonresidential development in GMA 2, outdoor storage area screening shall be required for new development, additions of any size to existing buildings, or a change of use to a high intensity use as identified in* ***Table 5.1.1, Principal Use Table****.*

2. SCREENING

Outdoor storage area screening shall be provided as specified in either of the conditions in ***Section 6.2.1F, Outdoor Storage Area Screening Standards****, or as a combination of the two (2) conditions:*

a. ***FENCING***

i. *A fence or wall may be used to screen an outdoor storage area.*

ii. *The fence or wall shall be at least six (6) feet in height, opaque and of masonry, stone or wooden material, or of the same material as that of the principal building.*

b. ***PLANTINGS***

Natural evergreen plant materials may also be used to screen an outdoor storage area as follows: (Suggested plant materials are listed in ***Section 6.2.1J, Suggested Plant Materials List)***

i. ***MINIMUM HEIGHT***

The minimum height of the plant material shall be six (6) feet at installation; and

ii. ***SPACING***

The spacing of the planting shall be in a double-row configuration, staggered, with five (5) foot spacing between the centers of the main trunks.

G. *UTILITY SERVICE AREA SCREENING STANDARDS*

1. *APPLICABILITY*

Utility service area structures built after the adoption of this Ordinance shall meet the following screening requirements:

a. ***INDIVIDUAL STRUCTURES***

Individual utility service area structures shall be exempt from screening requirements.

b. ***MULTIPLE STRUCTURES/GROUPINGS OF STRUCTURES IN GMA 1***

i. *Two (2) or more utility service area structures located/grouped within ten (10) feet of each other (measured structure-to-structure), located within GMA 1, and located less than one hundred (100) feet from the nearest street right-of-way shall be exempt from the screening requirements of* ***Section 6.2.1G, Utility Service Area Screening Standards****.*

ii. *However, a row of evergreen shrubs which have a minimum installation height of eighteen (18) inches and shall be spaced no more than thirty-six (36) inches, edge to edge shall be planted around the sides of the structure that are not used to access the inside of the structure.*

iii. *Groupings of utility service area structures that adjoin a building shall not be required to provide plantings between said utility service area and the building.*

c. ***MULTIPLE STRUCTURES/GROUPINGS OF STRUCTURES IN GMAS 2, 3, 4 AND 5***

Two (2) or more utility service area structures located grouped within ten (10) feet of each other (measured structure-to-structure), located within GMAs 2, 3, 4, and 5, and located less than one hundred (100) feet from the nearest street right-of-way shall meet the screening requirements of ***Section 6.2.1G, Utility Service Area Screening Standards.***

2. *SCREENING*

Where screening for utility service areas is not provided by an intervening building, said screening may be accomplished by locally adapted evergreen or deciduous plantings or an opaque fence or wall.

a. *INSTALLATION HEIGHT*

Plantings shall have a minimum installation height of eighteen (18) inches, be spaced no more than eighteen (18) inches, edge to edge, and be expected to reach a height and width equal to or greater than the utility service structures that are being screened.

b. *FENCES OR WALLS*

Fences or walls shall be opaque, of masonry, stone, or wooden material, or of the same material as that of the principal building, if applicable, and of a height and width equal to or greater than the utility service structures that are being screened.

3. *RESPONSIBLE PARTY*

a. *Screening for utility service areas in a street right-of-way is to be installed by the utility or party who installed the service; in all other instances the property owners shall install required screening.*

b. *Where screening for public utility service areas is to be provided by private property owners, such screening shall be installed only after consultation with the utility who owns the device to be concealed.*

c. *No screening shall be installed that would impair the safe operations, maintenance, or function of the utility equipment.*

H. *PARKING STRUCTURES OR BUILDINGS*

1. *Any parking structure or building, or expansion thereof, built after the adoption of this Ordinance that exceeds two thousand five hundred (2,500) square feet in gross floor area shall be provided with a landscaped streetyard as specified in* ***Section 6.2.1D.2, Streetyards****.*

2. *This provision shall apply only to structures whose principal use is parking, and shall not apply to vertical expansion of preexisting parking structures.*

I. *VARIANCE*

1. *Applications for variances from the requirements of the landscaping and screening standards may be approved by the Board of Adjustment after such Board of Adjustment holds a duly advertised public hearing in each case.*

2. *Said application for a variance will be governed by the procedures set forth in* ***Section 3.2.16G, BOA Procedure for Variances****.*

J. *SUGGESTED PLANT MATERIALS LIST*

1. *The suggested plant materials list includes common trees and shrubs suitable for use in the Forsyth County area.*

2. *Due to individual site soil, moisture, and microclimate conditions, professional expertise should be sought to determine the appropriate plant materials for any particular development project.*

3. *The use of native plants is recommended where possible.*

4. *Other appropriate plants not included in this list may also be used with the approval of the Director of Inspections or designee.*

5. *The following trees shall not be credited toward the requirements of* ***Section 6.2.1, Landscaping and Tree Preservation Standards – Winston-Salem****:*

a. *Acer saccharinum Silver Maple;*

b. *Ailanthus altissima Tree of Heaven;*

c. *Albizia julibrissin Mimosa;*

d. *Paulownia tomentosa Royal Paulownia;*

e. *Pinus strobus White Pine;*

f. *Pinus virginiana Virginia Pine;*

g. *Populus spp. Hybrid Poplars; or*

h. *Pyrus calleryana cultivars Bradford and Chanticleer Pear and other Cultivars.*

TABLE 6.2.1.J.1: SUGGESTED PLANT MATERIALS LIST					
PLANT NAME	**HEIGHT**	**SPREAD**	**GROWTH RATE**	**LIGHT NEEDS**	**COMMENTS**
S = SLOW; M = MODERATE; R = RAPID; S = SUN; SH = SHADE; PS = PARTIAL SUN; D = DECIDUOUS; E = EVERGREEN					
(A) LARGE VARIETY TREES (MATURE HEIGHT: THIRTY-FIVE (35) FEET OR GREATER)					
(1) Native Evergreen					
Ilex opaca *American Holly*	40—60'	20—30'	S	S-SH	Tolerates a variety of conditions, male and female plants needed for fruit, pyramidal form
Juniperus virginiana *Eastern Red Cedar*	40—50'	15—25'	M	S-PS	Tolerates a variety of conditions, pyramidal form, male and female plants needed for fruit
Magnolia grandiflora *Southern Magnolia*	60—80'	30—40'	R	S-PS	Less shade tolerant with age, attracts wildlife, fragrant spring and summer flowers
Pinus taeda *Loblolly Pine*	90—120'	30—40'	R	S	Tolerates flooding and drought, critical to Brown-headed Nuthatch
Quercus laurifolia or hemisphaerica *Laurel Oak*	60—80'	30—40'	R	S-SH	Shade tolerant, good for moist sites
(2) Native Deciduous					
Acer barbatum or floridanum *Southern Sugar Maple*	50—60'	20—35'	M	S-PS	Heat tolerant, dislikes dry, compact soil
Acer rubrum *Red Maple*	60—90'	30—50'	R-M	S-SH	Tolerates a variety of conditions, including wet soil, fall color
Acer saccharum *Sugar Maple*	90—120'	40—60'	S	S-PS	Extensive root system, fall color, shade tolerant
Betula nigra *River Birch*	60—80'	30—50'	R	S-PS	Lacy texture, tolerates a variety of conditions, including wet soil, tends to drop small limbs, cultivars available
Celtis laevigata *Southern Hackberry or Sugarberry*	70—80'	30—50'	R	S-PS	Tolerates a variety of conditions
Cladrastis kentukea *Yellow-wood*	40—50'	40—45'	M	S	Tolerates a variety of conditions, fragrant white blooms in alternate years
Diospyros virginiana *American Persimmon*	30—60'	20—25'	S-M	S-PS	Tolerates dry soil, good fall color, fruit attracts wildlife. Separate male and female plants.
Fraxinus pennsylvanica *Green Ash*	50—120'	40—50'	R	S-PS	Tolerates a variety of conditions. Separate male and female plants. Many cultivars available.
Gymnocladus diocus *Kentucky Coffee-tree*	60—75'	40—50'		S	Tolerant of air pollution and drought, fall color
Liquidambar styraciflua *Sweet Gum*	80—120'	40—60'	R	S	Fall color, best in natural areas due to fruit drop

TABLE 6.2.1.J.1: SUGGESTED PLANT MATERIALS LIST

PLANT NAME	HEIGHT	SPREAD	GROWTH RATE	LIGHT NEEDS	COMMENTS
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Liquidambar styraciflua 'Rotundiloba' Fruitless Sweet Gum	*60—70'*	*20—30'*	*R*	*S*	*Pyramidal in form, does not set much fruit, tolerates clay soil*
Liriodendron tulipifera Tulip-Tree or Yellow Poplar	*90—120'*	*60—80'*	*R*	*S*	*Tolerates a variety of conditions, drops limbs, best in natural areas, host for N.C. State butterfly*
Nyssa sylvatica Black Gum	*50—80'*	*30—50'*	*M*	*S-PS*	*Fall color, pyramidal when young*
Platanus occidentalis Sycamore	*80—120'*	*40—60'*	*R*	*S-PS*	*Showy bark, tolerates a variety of conditions but needs water, best in natural areas*
Prunus serotina Wild Black Cherry	*60—80'*	*30—50'*	*R*	*S-PS*	*Tolerates a variety of conditions, seeds heavily, best in natural areas*
Quercus alba White Oak	*80—100'*	*40—60'*	*S-M*	*S-PS*	*Sensitive to construction damage, good fall color*
Quercus bicolor Swamp White Oak	*50—60'*	*50—60'*	*M-R*	*S*	*Needs acidic soil, drought resistant, intolerant of salt and air pollution*
Quercus coccinea Scarlet Oak	*50—80'*	*40—50'*	*R*	*S*	*Good fall color, tolerates dry, sandy soil*
Quercus falcata Southern Red Oak	*70—80'*	*30—40'*	*R*	*S-PS*	*Tolerates drought*
Quercus imbricaria Shingle Oak	*50—60'*	*50—60'*	*S-M*	*S*	*Tolerates a variety of conditions*
Quercus lyrata Overcup Oak	*35—45'*	*35—40'*	*M*	*S*	*Tolerates a variety of conditions*
Quercus macrocarpa Bur Oak	*60—80'*	*60—80'*	*S*	*S*	*Tolerant of city conditions*
Quercus nigra Water Oak	*70—90'*	*30—50'*	*R*	*S*	*May retain some leaves through the winter, tolerates a variety of conditions*
Quercus palustris Pin Oak	*60—80'*	*40—50'*	*R*	*S*	*Tolerates a variety of conditions, pyramidal form, good fall color*
Quercus phellos Willow Oak	*80—100'*	*40—50'*	*R*	*S-PS*	*Tolerates a variety of conditions, golden fall color*
Quercus rubra Red Oak	*80—90'*	*30—50'*	*R-M*	*S-PS*	*Needs moist soils, good fall color*
Quercus shumardii Shumard Oak	*90—100'*	*40—50'*	*R-M*	*S*	*Tolerates a variety of conditions*
Quercus texana or nuttallii Nuttall Oak	*60—80'*	*30—40'*	*R*	*S-PS*	*Tolerates poorly drained soils, drought tolerant*
Taxodium distichum Bald-cypress	*100—120'*	*30—40'*	*R*	*S*	*Pyramidal when young, tolerates wet and dry soils, fall color, attractive trunk*
Tilia americana Southern Basswood or American Linden	*50—70'*	*30—45'*	*M*	*S-PS*	*Tolerates drought and clay soil, intolerant of air pollution, consider 'Redmond' cultivar*
(3) Non-Native Evergreen					
Cedrus deodara Deodar Cedar	*40—70'*	*30—40'*	*M*	*S-PS*	*Tolerates drought and hot, dry summers, likes acidic soil*

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Cryptomeria japonica *Japanese Cryptomeria*	50—60'	25—30'	M	S-PS	Tolerates a variety of conditions, pyramidal shape, many cultivars available
Thuja 'Green Giant' *Green Giant Arborvitae*	40—50'	15—20'	R	S-PS	Tolerates a variety of conditions, may need some wind protection, bronzes in winter
(4) Non-Native Deciduous					
Acer × freemanii *Freeman Maple*	Gen. 40—70'	Gen. 15—40'	M	S-PS	A hybrid of red maple and silver maple, cultivars vary in size and characteristics
Cercidiphyllum japonicum *Katsura Tree*	40—60'	20—40'	M-R	S	Intolerant of hot, dry sites, fall color
Ginkgo biloba *Ginkgo*	50—80'	30—40'	S	S	Plant male trees to avoid messy, smelly fruit, tolerates a variety of conditions, bright yellow fall color
Metasequoia glyptostroboides *Dawn Redwood*	70—100'	15—25'	R	S	Tolerates a variety of conditions, tolerates wet soils, attractive trunk
Platanus × acerifolia *London Planetree*	65—80'	75—100'	M	S-PS	Good street tree, light brown exfoliating bark
Quercus robur 'Fastigata' *Upright English Oak*	50—60'	10—20'	S	S	Tolerates drought and air pollution, narrow, upright form
Sophora japonica or Styphnolobium japonicum *Japanese Scholartree or Japanese Pagodatree*	50—70'	50'	M-R	S-PS	Resistant to air pollution and drought, but marginally heat hardy in Piedmont N.C.
Tilia cordata 'Greenspire' *Greenspire Littleleaf Linden*	30—40'	25—35'	S-M	S	Piedmont N.C. is at southern extreme of range, air pollution tolerant, cultivars available
Tilia tomentosa *Silver Linden*	40—70'	25—45'	R	S-PS	Tolerates drought and air pollution and a variety of soil conditions
Ulmus parvifolia *Lacebark or Chinese Elm*	40—50'	40—50'	M-R	S	Tolerates a variety of conditions, attractive bark, a tough and durable tree
Ulmus hybrida *Hybrid Elm*	75—125'	60—120'	M-R	S-PS	Tolerates a variety of conditions; Dutch Elm disease resistant varieties available
Zelkova serrata *Japanese Zelkova*	50—80'	40—50'	M	S-PS	Good street tree; tolerates urban conditions well, cultivars available
(B) MEDIUM VARIETY TREES (MATURE HEIGHT: TWENTY-FIVE (25) TO THIRTY-FIVE (35) FEET)					
(1) Native Evergreen					
Ilex × attenuata 'Fosteri' *Foster's Holly*	20—30'	10—20'	R	S-PS	Red fruits, male plants not needed for fruiting, best berry production in full sun
Magnolia virginiana *Sweet Bay Magnolia*	20—30'	10—15'	M	S-PS	Tolerates some shade, good for wet sites, cultivars provide evergreen and deciduous options
Pinus virginiana 'Wate's Golden' *Wate's Golden Virginia Pine*	15—30'	10—20'	S-M	S	Grows in poor soils, turns golden in winter, seeds eaten by birds, especially Brown-headed Nuthatch
Prunus caroliniana *Carolina Laurel Cherry*	20—40'	15—20'	M-R	S-PS	Tolerates a variety of conditions, colonizes

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(2) Native Deciduous					
Carpinus caroliniana American Hornbeam or Ironwood	*20—30'*	*20—30'*	*S*	*S-PS*	*Does well in moist to wet soil, attractive trunk, interesting fruit*
Cercis canadensis Eastern Redbud	*20—30'*	*25—35'*	*M*	*S-PS*	*Tolerates a variety of conditions, many cultivars available, early spring purple/pink blooms*
Cornus florida Flowering Dogwood	*15—30'*	*15—20'*	*S-M*	*PS*	*Best in part shade, many cultivars available, flowers in spring, fall color and red fruit*
Gleditsia triacanthos var. inermis Thornless Honeylocust	*30—70'*	*30—40'*	*R*	*S*	*Range of soil types, drought tolerant;*
Halesia tetraptera Common Silverbell	*20—40'*	*20—35'*	*M*	*S-PS*	*Tolerates a variety of conditions, showy white blooms in spring, cultivars available*
Ostrya virginiana Eastern Hop-hornbeam	*20—30'*	*20—30'*	*S*	*S-PS*	*Tolerates a variety of conditions, interesting fruit*
Oxydendrum arboreum Sourwood	*20—30'*	*10—15'*	*S*	*S-PS*	*Tolerates a variety of conditions, white summer flowers, fall color, source of sourwood honey*
(3) Non-Native Evergreen					
Ilex × 'Nellie R. Stevens' Nellie Stevens Holly	*30—40'*	*10—15'*	*R*	*S-PS*	*Red fruit, drought and heat tolerant, male and female plants (I. cornuta) needed for best fruiting, also used as a large shrub*
Pinus thunbergii Japanese Black Pine	*20'*	*20'*	*S-M*	*S*	*Select small tree cultivar from among dwarf cultivars, heat and drought tolerant*
(4) Non-Native Deciduous					
Acer buergerianum Trident Maple	*25—35'*	*20—30'*	*M*	*S-PS*	*Tolerates a variety of conditions; good fall color*
Acer campestre Hedge Maple	*25—35'*	*25—35'*	*S*	*S*	*Tolerates drought and air pollution; shallow root system*
Carpinus betulus 'Fastigata' Pyramidal European Hornbeam	*30—40'*	*20—30'*	*S-M*	*S-PS*	*Pyramidal when young, tolerates a range of conditions*
Koelreuteria paniculata Goldenrain Tree	*20—40'*	*15—35'*	*M-R*	*S-PS*	*Tolerates drought and air pollution, yellow flowers in June*
Magnolia × soulangiana or soulangeana Saucer Magnolia	*15—25'*	*15—25'*	*M*	*S-PS*	*Late flowering cultivars avoid frost damage to blooms*
Pistacia chinensis Chinese Pistachio	*25—35'*	*20—30'*	*M-R*	*S*	*Drought tolerant, male and female plants needed for fruit, fall color*
Prunus 'Kwanzan' Kwanzan Cherry	*20—30'*	*15—25'*	*M*	*S-PS*	*Pink blooms in April, may be short-lived, good fall color, no fruit*
Prunus 'Okame' Okame Cherry	*15—30'*	*20—30'*	*M-R*	*S*	*Tolerates a variety of conditions, pink blooms in late winter lasting longer than most cherries*

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Prunus subhirtella 'Autumnalis' Fall Blooming Cherry	*20—30'*	*15—25'*	*R*	*S-PS*	*Flowers best in full sun, flowers both in fall and late winter, may be short lived*
Prunus subhirtella 'Pendula' Weeping Cherry	*20—40'*	*15—30'*	*M*	*S*	*Tolerant of heat and clay soil; white to pinkish flowers in early spring; relatively long lived*
Prunus × yedoensis Yoshino Cherry	*30—40'*	*30—50'*	*R*	*S*	*Tolerates a variety of conditions, pale pink to white flowers in early spring, many cultivars available*
(C) SMALL VARIETY TREES (MATURE HEIGHT: LESS THAN TWENTY-FIVE (25) FEET)					
(1) Native Evergreen					
Ilex vomitoria Yaupon Holly	*15—20'*	*10—20'*	*S-M*	*S-SH*	*Tolerates a variety of conditions, male and female plants needed for fruit, many cultivars available in many sizes*
Magnolia grandiflora 'Little Gem' Little Gem Magnolia	*15—20'*	*8—10'*	*R*	*S-PS*	*Dwarf cultivar of Magnolia grandiflora*
Morella or Myrica cerifera Wax-myrtle	*10—15'*	*8—10'*	*R*	*S-PS*	*Tolerates wet to dry soils, can colonize, many cultivars available, male and female plants needed for fruit, also can be used in shrub form*
(2) Native Deciduous					
Aesculus pavia Red Buckeye	*10—20'*	*10—20'*	*M*	*S-PS*	*Especially attracts hummingbirds and pollinators, red flowers in spring, leaf scorch may develop in dry soils*
Amelanchier × 'Autumn Brilliance' Autumn Brilliance Serviceberry	*25—40'*	*20—30'*	*S*	*S-PS*	*Tolerates a variety of conditions, rust fungus can attack fruit, early spring white blooms, fall color, other cultivars available*
Chionanthus virginicus Fringe-tree or Old Man's Beard	*12—20'*	*12—20'*	*S-M*	*S-PS*	*Tolerates a variety of conditions, male and female plants needed for fruit, fragrant white flowers in spring*
Crataegus viridis 'Winter King' Winter King Green Hawthorn	*15—30'*	*10—20'*	*S*	*S-PS*	*Drought tolerant, has thorns, other native species available, white flowers in spring, fall color, interesting bark*
(3) Non-Native Evergreen					
Ilex cornuta 'Burfordii' Burford Holly	*8—20'*	*5—10'*	*S-M*	*S-PS*	*Drought and heat tolerant, red fruit produced without pollinator, dwarf cultivar available*
(4) Non-Native Deciduous					
Acer palmatum Japanese Maple	*15—25'*	*10—25'*	*S-M*	*S-PS*	*Avoid hot, dry and windy sites; many cultivars available*
Chionanthus retusus Chinese Fringe-tree	*15—25'*	*10—25'*	*M*	*S-PS*	*Tolerates a variety of conditions, showy white flowers in spring*

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Cornus kousa *Kousa Dogwood*	*15—30'*	*15—30'*	*S*	*S-PS*	*Resistant to anthracnose, white flowers in May, fall color*
Lagerstroemia indica cvs. *Crapemyrtle*	*15—30'*	*6—15'*	*R*	*S*	*Summer blooms, attractive bark, overused, many cultivars (including dwarfs) available, do not top*
Magnolia stellata *Star Magnolia*	*10—15'*	*6—10'*	*S-M*	*S-PS*	*Blooms best in full sun, late winter white flowers*
Malus hybrida *Hybrid Crabapple*	*15—25'*	*10—20'*	*M*	*S*	*Plant only disease resistant cultivars, many cultivars available, showy spring flowers and fall fruit*
Prunus sargentii *Sargent Cherry*	*20—40'*	*20—40'*	*R*	*S*	*One of the hardiest cherries; pink flowers; sensitive to air pollution; reddish bark*
Prunus serrulata 'Snowgoose' *Snowgoose Japanese Cherry*	*15—25'*	*15—20'*	*M*	*S-PS*	*White sprung flowers; reddish bark; may be short-lived*
Syringa reticulata *Japanese Tree Lilac*	*20—30'*	*15—20'*	*M*	*S*	*Tolerates a variety of conditions; creamy white flowers in mid-summer*
(D) STREETYARD AND INTERIOR SHRUBS (MATURE HEIGHT THIRTY-SIX (36) INCHES OR MORE)					
(1) Native Evergreen					
Agarista populifolia *Florida Leucothoe or Agarista*	*8—12'*	*8—12'*	*R*	*PS*	*Tolerates a variety of conditions, but prefers moist soil*
Ilex glabra *Inkberry Holly*	*5—9'*	*5—10'*	*S-M*	*S-PS*	*Drought tolerant but prefers moist soil, many cultivars available, male and female plants needed for fruit*
Ilex vomitoria *Yaupon Holly*	*10—20'*	*8—12'*	*M-R*	*S-PS*	*Tolerates wet to dry soils, male and female plants needed for fruit, dwarf and other cultivars available*
Illicium floridanum *Florida Star-anise*	*5—8'*	*6—8'*	*M*	*PS-SH*	*Prefers moist, well-drained soil high in organic matter, many cultivars available, showy spring flowers*
Illicium parviflorum *Yellow Anise-tree*	*7—10'*	*8—10'*	*M*	*S-PS*	*Tolerates a variety of conditions, drought tolerant, can colonize, some cultivars available*
Morella or Myrica cerifera *Wax-myrtle*	*10—15'*	*8—10'*	*R*	*S-PS*	*Tolerates wet to dry soils, can colonize, many cultivars available, male and female plants needed for fruit, can reach small tree size*
Rhododendron catawbiense *Catawba Rhododendron*	*6—12'*	*6—10'*	*M*	*PS*	*Showy flowers, needs excellent drainage and organic soil, many cultivars available*
Thuja occidentalis 'Emerald' *Emerald American Arborvitae*	*6—10'*	*3—6'*	*M*	*S-PS*	*Tolerates a range of soils and conditions; good screening plant*
(2) Native Deciduous					
Calycanthus floridus *Sweet-shrub or Carolina Allspice*	*6—9'*	*6—12'*	*S-M*	*S-PS*	*Tolerates a range of conditions, drought tolerant, fragrant maroon flowers in early spring, fall color, cultivars available*

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Callicarpa americana American Beautyberry	*3—4'*	*4—5'*	*R*	*S-PS*	*Prefers moist soil, showy purplish berries in fall*
Ceanothus americanus New Jersey Tea	*3—4'*	*3—5'*	*S-M*	*S-PS*	*Easy to grow in a wide range of conditions, drought tolerant, early summer flowers*
Clethra alnifolia Sweet-pepperbush	*4—8'*	*4—6'*	*S-M*	*S-PS*	*Needs moist soil, fragrant white summer flowers, may colonize, fall color*
Fothergilla gardenii Witch-alder or Fothergilla	*3—5'*	*3—4'*	*S*	*S-PS*	*Drought tolerant, fall color, may colonize, fragrant white spring flowers*
Fothergilla major Large Witch-alder	*6—10'*	*5—9'*	*S*	*PS*	*Drought tolerant, cultivars include 'Mt. Airy,' white spring flowers*
Hamamelis virginiana Witch-hazel	*15—30'*	*15—25'*	*S-M*	*S-PS*	*Multi-stemmed, yellow fall flowers and leaf color, tolerates heavy clay soil*
Hydrangea arborescens Smooth Hydrangea	*3—5'*	*3—5'*	*R*	*PS*	*Suffers in full sun and with drought, likes moist well-drained soil, attracts bees, prune in early spring, cultivars available, including 'Annabelle,' long bloom period*
Hydrangea quercifolia Oakleaf Hydrangea	*4—8'*	*3—8'*	*R*	*PS-S*	*Somewhat drought tolerant, attractive bark, needs mulch to keep roots cool, long bloom period in spring and summer, fall color, dwarf cultivars available*
Ilex decidua Possum-haw	*6—7'*	*6'*	*M*	*PS*	*Prefers moist, well-drained soil, male and female plants needed for fruit*
Ilex verticillata Winterberry	*6—15'*	*6—10'*	*S-M*	*S-PS*	*Tolerates a range of conditions, but prefers moist soil, male and female plants needed for fruit, dwarf cultivars available*
Itea virginica Sweetspire	*3—6'*	*4—6'*	*M*	*S-PS*	*Tolerates wide range of moisture, excellent fall color, fragrant white spring flowers*
Lindera benzoin Spicebush	*6—12'*	*6—12'*	*S-M*	*S-PS*	*Prefers moist, well-drained soil, male and female plants needed for fruit, fall color, early spring yellowish flowers*
Physocarpus opulifolius Eastern Ninebark	*5—8'*	*6—10'*	*M-R*	*S-PS*	*Drought tolerant, tough and durable, white spring flowers, attractive bark, dwarf cultivars available*
Rhododendron calendulaceum Flame Azalea	*4—8'*	*8—10'*	*S*	*PS*	*Good for naturalistic landscape, needs some direct sun, orange/yellow flowers in late spring, needs well-drained organic soil*
Rhododendron periclymenoides Pinxterbloom Azalea	*3—6'*	*4—7'*	*S*	*S-PS*	*Drought tolerant, needs some sun, pink spring flowers, needs well-drained organic soil*
Rhododendron viscosum Swamp Azalea	*2—8'*	*3—8'*	*M*	*PS*	*Likes moist organic soil, but tolerates some drought, fragrant white flowers in early summer*
Sambucus canadensis American Elderberry	*5—12'*	*5—12'*	*R*	*S*	*Likes moist soil, may colonize, white summer flowers and dark fruit*
Vaccinium arboreum Sparkleberry	*10—20'*	*10—15'*	*M*	*S-SH*	*Tolerates drought, needs multiple genetic strains for fruit set, fall color*
Vaccinium stamineum Deerberry	*3—5'*	*3—5'*	*M*	*S-PS*	*Drought tolerant, needs acidic soil, needs multiple genetic strains for fruit set*

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Vaccinium virgatum or ashei Rabbiteve Blueberry	*8—12'*	*6—10'*	*M*	*S-PS*	*Drought tolerant, needs acidic soil, needs multiple genetic strains for fruit set, fall color, grown for fruit production*
Viburnum acerifolium Mapleleaf Viburnum	*4—6'*	*4—6'*	*M*	*S-SH*	*Tolerates drought, may colonize, needs multiple genetic strains for fruit set, white spring flowers, fall color*
Viburnum dentatum Arrow-wood Viburnum	*6—10'*	*6—15'*	*M*	*S-PS*	*Tolerates drought but prefers moist soil, may colonize, needs multiple genetic strains for fruit set, white spring flowers, fall color, cultivars available*
Viburnum nudum Possumhaw or Southern Wild Raisin	*6—10'*	*6—10'*	*M*	*S-PS*	*Prefers moist to wet soil, needs multiple genetic strains for fruit set, white spring flowers, fall color, cultivars available*
Viburnum prunifolium Blackhaw Viburnum	*12—15'*	*8—12'*	*S-M*	*S-SH*	*Drought tolerant, needs multiple genetic strains for fruit set, white spring flowers, fall color*
Viburnum rafinesqueanum Downy Arrow-wood Viburnum	*4—6'*	*4—6'*	*M*	*S-PS*	*Drought tolerant, needs multiple genetic strains for fruit set, white spring flowers, fall color*
Viburnum rufidulum Southern Black Haw Viburnum	*10—20'*	*10—15'*	*M*	*PS*	*Needs multiple genetic strains for fruit set, white spring flowers, fall color*
(3) Non-Native Evergreen					
Abelia × grandiflora Glossy Abelia	*5—8'*	*5—8'*	*M-R*	*S-PS*	*Tolerates a variety of conditions, drought tolerant, summer flowers, many dwarf cultivars available*
Aucuba japonica Aucuba	*6—10'*	*4—6'*	*S*	*PS-S*	*Needs winter shade, drought tolerant, many cultivars available*
Berberis julianae Wintergreen Barberry	*4—8'*	*6—8'*	*S*	*S-PS*	*Tolerates a variety of conditions, drought tolerant, has spines, good barrier plant*
Berberis verruculosa Warty Barberry	*3—6'*	*3—4'*	*S*	*S-PS*	*Tolerant of drought and urban conditions, tolerates a variety of soils*
Buxus microphylla Littleleaf Boxwood	*2—8'*	*2—8'*	*S*	*S-PS*	*Many shapes and sizes, var. japonica is often used, generally densely branched, leaves may bronze in winter*
Buxus sempervirens Common Boxwood	*15—20'*	*10—15'*	*S*	*S-PS*	*Drought tolerant, protect from wind, many cultivars available*
Camellia japonica Camellia	*8—15'*	*5—10'*	*S-M*	*PS*	*Excess sun, cold or shade can reduce flowering, many cultivars available, blooms in early spring*
Camellia sasanqua Sasanqua Camellia	*6—10'*	*5—7'*	*M-R*	*S-PS*	*Drought tolerant, many cultivars available, blooms in the fall*
Euonymus japonicus Japanese Euonymus	*10—15'*	*5—6'*	*R*	*S-SH*	*Tolerates drought and variety of soil types, subject to scale insects*
Ilex cornuta cvs. Chinese Holly (i.e., Dw. Burford Holly)	*3—25'*	*4—10'*	*S-M*	*S-PS*	*Favorite cultivars include Dw. Burford and Carissa hollies, many others available, red fruit when present, leaves have spines,*

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PLANT NAME	HEIGHT	SPREAD	GROWTH RATE	LIGHT NEEDS	COMMENTS
S = SLOW; M = MODERATE; R = RAPID; S = SUN; SH = SHADE; PS = PARTIAL SUN; D = DECIDUOUS; E = EVERGREEN					
					drought and heat tolerant, male and female plants needed for fruit
Ilex crenata cvs. Japanese Holly (i.e., Compacta Holly)	*4—10'*	*3—5'*	*S-M*	*S-PS*	*Many cultivars available in varying shapes and sizes, black fruit when present, generally hardy, male and female plants needed for fruit*
Juniperus chinensis cvs. Chinese Juniper	*Var.*	*Var.*	*Var.*	*S*	*Many cultivars available in varying shapes and sizes, generally heat and drought tolerant, male and female plants needed for fruit*
Loropetalum chinensis Loropetalum	*6—10'*	*6—10'*	*R*	*S-PS*	*Tolerates a variety of conditions, drought tolerant, long spring bloom period, dwarf cultivars available*
Osmanthus heterophyllus Tea Olive	*8—10'*	*5—10'*	*S-M*	*S-PS*	*Drought and heat tolerant, a good plant for screening, many cultivars available, fragrant fall flowers*
Osmanthus × fortunei Fortune's Osmanthus	*15—20'*	*15—20'*	*M*	*S-SH*	*Drought tolerant, good for screening and barriers, fragrant fall flowers*
Pinus mugo Mugo Pine	*15—20'*	*25—30'*	*S*	*S-PS*	*Varies greatly in size; tolerates clay soil, cultivars available*
Prunus laurocerasus Cherrylaurel	*4—8'*	*5—8'*	*M*	*S-SH*	*Favorite cultivars are Zabel, Otto Luyken and Schip laurel, need well-drained soil, some disease problems and scale insects*
Rhaphiolepis cvs. Indian Hawthorn	*4—10'*	*4—10'*	*S*	*S-PS*	*Tolerates a variety of conditions, drought tolerant, many cultivars available*
Rhododendron hybrida Evergreen Azalea	*2—8'*	*2—10'*	*M*	*PS*	*Many hybrids and cultivars available, needs well drained soil*
Sarcococca confusa Sweetbox Sarcococca	*3—5'*	*3—5'*	*S-M*	*PS-SH*	*Drought tolerant, fragrant flowers in late winter*
Viburnum awabuki 'Chindo' Chindo Viburnum	*10—15'*	*6—8'*	*R*	*S-PS*	*Pyramidal form, drought tolerant*
Viburnum rhytidophyllum Leatherleaf Viburnum	*10—15'*	*10—15'*	*M*	*PS-SH*	*Protect from winter wind and sun*
(4) Non-Native Deciduous					
Chaenomeles speciosa or japonica Japanese Flowering Quince	*5—8'*	*4—8'*	*R*	*S-PS*	*Varied flower colors, flowers best in full sun, tolerates a variety of conditions, many cultivars available, stems often have spines*
Cotinus coggygria Smoketree or Smokebush	*10—15'*	*8—12'*	*M-R*	*S*	*Tolerates a range of soil types, drought tolerant, showy summer flowers, many cultivars available*
Forsythia × intermedia Border Forsythia	*8—10'*	*10—12'*	*R*	*S-PS*	*Tolerates a variety of conditions, blooms in early spring, best in full sun, many cultivars to choose from*
Hydrangea macrophylla Bigleaf Hydrangea	*3—4'*	*4—6'*	*R*	*PSH*	*Moist well drained soil, wilts in drought, long bloom period, needs pruning after blooming*

TABLE 6.2.1.J.1: SUGGESTED PLANT MATERIALS LIST					
PLANT NAME	**HEIGHT**	**SPREAD**	**GROWTH RATE**	**LIGHT NEEDS**	**COMMENTS**
S = SLOW; M = MODERATE; R = RAPID; S = SUN; SH = SHADE; PS = PARTIAL SUN; D = DECIDUOUS; E = EVERGREEN					
Hydrangea paniculata *Panicle Hydrangea*	*6—20'*	*6—8'*	*R*	*S-PS*	*Drought tolerant, white flowers in summer, long bloom period, many cultivars available*
Kerria japonica *Japanese Kerria*	*3—6'*	*6—9'*	*M*	*PS-SH*	*Drought tolerant, early spring yellow flowers, interesting green stems, cultivars available*
Rosa hybrida *Hybrid Landscape Rose (i.e., Knock Out Rose)*	*3—4'*	*3—4'*	*M*	*S-PS*	*Drought and disease resistant, blooms all summer, has thorns, many cultivars available*
Spiraea cvs. *Spirea (excl. Spiraea japonica)*	*Var.*	*Var.*	*Gen. R*	*S*	*Spring or summer flowering shrubs, many cultivars available, Spiraea japonica species is considered an invasive exotic in N.C.*
(E) PRIMARY EVERGREEN SHRUBS AND OUTDOOR STORAGE AREA SCREENING PLANTS (INSTALLATION HEIGHT SIX (6) FEET OR MORE)					
(1) Native					
Ilex opaca *American Holly*	*40—60'*	*20—30'*	*S*	*S-SH*	*Tolerates a variety of conditions, male and female plants needed for fruit, pyramidal form, cultivars available*
Ilex × attenuata 'Fosteri' *Foster's Holly*	*20—30'*	*10—20'*	*R*	*S-PS*	*Red fruits, male plants not needed for fruiting, best berry production in full sun*
Juniperus virginiana *Eastern Red Cedar*	*40—50'*	*15—25'*	*S*	*S-PS*	*Tolerates a variety of conditions, pyramidal form, male and female plants needed for fruit*
Morella or Myrica cerifera *Wax-myrtle*	*10—15'*	*8—10'*	*R*	*S-PS*	*Tolerates wet to dry soils, can colonize, many cultivars available, male and female plants needed for fruit, can reach small tree size*
Prunus caroliniana *Carolina Laurel Cherry*	*20—40'*	*15—20'*	*M-R*	*S-PS*	*Tolerates a variety of conditions, colonizes*
Thuja occidentalis *American Arborvitae*	*Var.*	*Var.*	*Gen. S*	*S*	*Many cultivars in countless shapes and sizes, some tolerate part shade, some reach small tree size*
2) Non-Native					
Ilex cornuta 'Burfordii' *Burford Holly*	*8—20'*	*5—10'*	*S-M*	*S-PS*	*Leaves have spines, drought and heat tolerant, red fruit without pollinator, dwarf cultivar available*
Ilex × 'Nellie R. Stevens' *Nellie Stevens Holly*	*30—40'*	*10—15'*	*R*	*S-PS*	*Red fruit, drought and heat tolerant, male cultivar (I. cornuta) needed for best fruiting, also used as a large shrub*
Juniperus chinensis cvs. *Chinese Juniper cultivars*	*5—7'*	*8—10'*	*M*	*S*	*Tolerates a variety of conditions, including drought and air pollution*
Pinus thunbergii *Japanese Black Pine*	*20'*	*20'*	*S-M*	*S*	*Select small tree cultivar from among dwarf cultivars, heat and drought tolerant*

TABLE 6.2.1.J.2: SUGGESTED PLANT MATERIALS LIST – GROUNDCOVERS
(planting areas, berms, wall planters)

PLANT NAME	DECIDUOUS/ EVERGREEN	HEIGHT	SPREAD	GROWTH RATE	LIGHT NEEDS	COMMENTS
S = SLOW; M = MODERATE; R = RAPID; S = SUN; SH = SHADE; PS = PARTIAL SUN; D = DECIDUOUS; E = EVERGREEN						
(1) Native						
Carex pensylvanica Pennsylvania Sedge or Oak Sedge	*Semi-E*	*.5—1'*	*.5—1'*	*M*	*PS-SH*	*Plant in moist or dry soil, easy to grow and drought tolerant*
Carex plantaginea Seersucker Sedge	*E*	*.5—1'*	*.5—1'*	*M*	*PS*	*Needs moist soil*
Chrysogonum virginianum Green-and-Gold	*Semi-E*	*.5—1'*	*.75—1.5'*	*M*	*PS-SH*	*Needs good drainage, yellow spring blooms*
Fragaria virginiana Wild Strawberry	*D*	*.25—.75'*	*.75—1'*	*M-R*	*S-PS*	*Native, prefers full sun, fruit is small but flavorful*
Heuchera americana or villosa American Alumroot	*E*	*1—2'*	*1—2'*	*M*	*PS-SH*	*Attractive mottled foliage and small flowers on long wiry stems, prefers moist to average well-drained soil, many cultivars available*
Juniperus horizontalis Creeping Juniper	*E*	*1—2'*	*3-4*	*M-R*	*S*	*Tolerates a variety of conditions, drought tolerant, cultivars available, native to NE US*
Mitchella repens Partridge-berry	*E*	*.25'*	*1'+*	*S-M*	*PS-SH*	*White spring flowers, red fall fruit, prefers moist organic soil*
Pachysandra procumbens Allegheny-spurge	*E*	*.5—1'*	*1-2+'*	*M*	*PS-SH*	*Drought tolerant, very interesting winter leaf, early spring bloom*
Phlox stolonifera Creeping Phlox	*E*	*.5—1'*	*.75-1.5'*	*R*	*PS-SH*	*Prefers light shade and moist soil, spring blooms, many cultivars available*
Phlox subulata Moss Phlox	*E*	*.25—.5'*	*1-2+'*	*M*	*S*	*Good drainage important, drought tolerant, late winter through spring bloom period, many cultivars available*
(2) Non-Native						
Cephalotaxus harringtonia 'Prostrata' Prostrate Japanese Plum Yew	*E*	*2—3'*	*2—5'*	*S*	*S-PS*	*Drought tolerant, can be used for a ground cover*
Cotoneaster dammeri cvs. Bearberry Cotoneaster	*E*	*1—2'*	*3—6'*	*S-R*	*S-PS*	*Needs good drainage, but tolerates poor soils and drought once established; white flowers in spring and small red fruit*
Cotoneaster salicifolius cvs. Willowleaf Cotoneaster	*Semi-E*	*1-1.5'*	*5—6'*	*M*	*S-PS*	*Drought tolerant, tolerates a variety of conditions; foliage turns purplish red in winter, white flowers in spring and small red fruit*
Hemerocallis spp. Daylily	*D*	*.75—3'*	*2—3'*	*R*	*S-PS*	*Tolerates a variety of conditions, summer heat and humidity tolerant, needs dividing, summer*

TABLE 6.2.1.J.2: SUGGESTED PLANT MATERIALS LIST – GROUNDCOVERS (planting areas, berms, wall planters)						
Plant Name	**Deciduous/ Evergreen**	**Height**	**Spread**	**Growth Rate**	**Light Needs**	**Comments**
S = Slow; M = Moderate; R = Rapid; S = Sun; SH = Shade; PS = Partial Sun; D = Deciduous; E = Evergreen						
						blooms, many cultivars available including repeat bloomers
Hypericum calycinum Aaronsbeard	Semi-E	1—1.5'	1.5—2'	M-R	S-PS	Tolerates a variety of conditions, blooms best in full sun
Juniperus conferta Shore Juniper	E	.75—1.5'	6—8'	R	S	Tolerates a variety of conditions, drought tolerant, many cultivars available
Juniperus procumbens Japanese Garden Juniper	E	1—1.5'	10—12'	S	S	Tolerates a variety of conditions, doesn't like wet soils, very hardy, 'Nana' is a popular dwarf cultivar
Liriope muscari Lily-Turf or Liriope	Semi-E	1—1.5'	.75—1'	R	S-PS	Tolerates a variety of conditions, summer flowers, stays green through the winter but needs cutting back in early spring, cultivars available
Microbiota decussata Russian Arborvitae	E	.5—1.5'	3'-8'	M	S-PS	More shade tolerant than some other junipers, foliage turns bronze-purple in fall and winter
Ophiopogon japonicus Mondo	Semi-E	.75—1.3'	1'	R	PS-SH	Tolerates a variety of conditions, cultivars available, colonizes
Pachysandra terminalis Japanese Pachysandra	E	.5—1'	1—1.5'	R	PS-SH	Tolerates a variety of conditions but needs well-drained soil, cultivars available
Rubus pentalobus or calycinum Creeping Raspberry	E	.5—1'	3—6'	M	S-PS	Tolerates variety of conditions, leaves turn burgundy in fall and winter
Sarcococca hookeriana var. humilis Dwarf Sweetbox	E	1-1.5'	2—4'	S-M	PS-SH	Drought tolerant, good for shady areas, fragrant winter flowers

TABLE 6.2.1.J.3: SUGGESTED PLANT MATERIALS LIST – ORNAMENTAL GRASSES				
Plant Name	**Height**	**Spread**	**Light Needs**	**Comments**
S = Slow; M = Moderate; R = Rapid; S = Sun; SH = Shade; PS = Partial Sun; D = Deciduous; E = Evergreen				
(1) Native				
Andropogon gerardii Big Bluestem or Turkeyfoot	4—6'	2—3'	S	Tolerates a wide variety of conditions, drought tolerant, needs sun
Andropogon virginicus Broomsedge	3—4'	2—3'	S	Drought tolerant
Muhlenbergia capillaris Pink Muhlygrass or Hairgrass	2—3'	2—3'	S-PS	Tolerates a wide variety of conditions, showy pink flowers in summer through fall, cultivars available

TABLE 6.2.1.J.3: SUGGESTED PLANT MATERIALS LIST – ORNAMENTAL GRASSES

PLANT NAME	HEIGHT	SPREAD	LIGHT NEEDS	COMMENTS
S = SLOW; M = MODERATE; R = RAPID; S = SUN; SH = SHADE; PS = PARTIAL SUN; D = DECIDUOUS; E = EVERGREEN				
Panicum virgatum Switchgrass	*3—6'*	*2—3'*	*S-PS*	*Tolerates a wide variety of conditions, wet to dry, good fall color, many cultivars available*
Schizachyrium scoparium Little Bluestem	*2—3'*	*1—2'*	*S*	*Tolerates a wide variety of conditions, drought tolerant, cultivars available*
Sorghastrum nutans Yellow Indiangrass	*3—5'*	*1—2'*	*S*	*Tolerates a wide variety of conditions, good fall color*
(2) Non-Native				
Calamagrostis × acutiflora 'Karl Foerster' Feather Reed Grass	*3—5'*	*1.2—2.5'*	*S*	*Fall color, good for medium to wet soils*
Pennisetum alopecuroides Fountain Grass	*2.5—5'*	*2.5—5'*	*S-PS*	*Tolerates a wide variety of conditions, good fall color, many cultivars available*
Pennisetum orientale 'Karley Rose' Oriental Fountain Grass	*2—3'*	*2—3'*	*S-PS*	*Drought tolerant, deep pink plumes last from early summer to fall*

TABLE 6.2.1.J.4: SUGGESTED PLANT MATERIALS LIST - VINES

PLANT NAME	D/E	HEIGHT	GROWTH RATE	LIGHT NEEDS	COMMENTS
S = SLOW; M = MODERATE; R = RAPID; S = SUN; SH = SHADE; PS = PARTIAL SUN; D = DECIDUOUS; E = EVERGREEN					
(1) Native					
Bignonia capreolata Cross-vine	*Semi-E*	*35—50'*	*R*	*S-PS*	*Orange-red flowers attract hummingbirds, colonizes, flowers best in full sun, cultivars available*
Campsis radicans Trumpet-creeper	*D*	*25—40'*	*R*	*S-PS*	*Orange/red blossoms attract hummingbirds, very aggressive colonizer*
Clematis virginiana Virgin's-bower or Woodbine	*D*	*12—20'*	*R*	*S-PS*	*White blooms in the summer; will bloom in some shade; don't confuse with Sweetautumn Clematis, an invasive exotic*
Gelsemium sempervirens Carolina Jessamine	*E*	*12—20'*	*M-R*	*S-PS*	*Yellow flowers in spring, tolerates a variety of conditions, cultivars and other species available*
Lonicera sempervirens Coral Honeysuckle	*Semi-E*	*10—15'*	*R*	*S*	*Orange/red flowers, attracts hummingbirds, small red fruit, tolerates a variety of conditions, tolerates part shade but needs sun to flower*
Parthenocissus quinquefolia Virginia-creeper	*D*	*10—40'*	*R*	*S-PS*	*Good fall color and fall black fruit, colonizes*
Wisteria frutescens American Wisteria	*D*	*15—30'*	*R*	*S*	*Replacement for invasive exotic Chinese and Japanese Wisterias, lavender flower clusters in late spring, sporadically re-blooms, cultivars available*
(2) Non-Native					

Campsis grandiflora Chinese trumpetvine	*E*	*30'*	*R*	*S*	*Large orange blossoms, attracts hummingbirds, hybrids available*
Clematis hybrida Clematis	*D*	*5—20'*	*M*	*S*	*Roots need to be shaded, many cultivars available; don't confuse with Sweetautumn Clematis, an invasive exotic*
Hydrangea anomala subsp. petiolaris Climbing Hydrangea	*D*	*30—50'*	*R*	*PS-SH*	*Flowers best with some sun, growth slow until plant is established, white flowers in late spring*

6.2.2 LANDSCAPING STANDARDS – FORSYTH COUNTY

A. GENERAL REQUIREMENTS

1. PURPOSE

It is the intent of this section to modify and enhance the character of motor vehicle use areas, outdoor storage areas, utility service areas, and other public or institutional areas, through the introduction of natural vegetation and landscaping, without unduly burdening property owners, in order to:

a. APPEARANCE OF AREAS NEAR RIGHTS-OF-WAY
Improve the appearance of motor vehicle use areas within close proximity of vehicular rights-of-way;

b. APPEARANCE OF LARGE AREAS
Break the visual blight created by large expanses of motor vehicle use areas;

c. PROPERTY VALUE AND INVESTMENTS
Enhance property values and protect public and private investments;

d. WATER AND EROSION CONTROL
Increase site stormwater infiltration capacity, improve groundwater recharge, and reduce erosion and urban runoff pollution hazards;

e. COMFORT
Improve human comfort during the use of motor vehicle use areas by providing shade, reducing solar heat absorption, and reducing noise levels;

f. ENVIRONMENTAL SENSITIVITY
Encourage environmental sensitivity to natural features during the design and construction of motor vehicle use areas;

g. GLARE
Filter and reduce reflected sunlight and headlight glare from parked vehicles onto street rights-of-way;

h. AIR
Filter and reduce motor vehicle fumes and dust; and

i. PUBLIC PROPERTIES
Improve the appearance of public properties from vehicular rights-of-way and adjacent properties, as well as for users on the properties.

2. APPLICABILITY

a. This section shall apply to all land located in the County's zoning jurisdiction.

b. Unless otherwise provided in this section, an occupancy permit shall not be issued until all required planting and landscaping materials are installed.

c. The following motor vehicle use areas are required to be landscaped:

i. Motor vehicle surface areas;

ii. Motor vehicle display areas;

iii. Outdoor storage areas;

iv. Utility service areas;

v. Parking buildings or structures; and

vi. Public or private schools.

3. EXCLUSIONS

The following uses shall be exempt from the requirements of this section:

a. A single family detached dwelling on its own lot;

b. An attached dwelling unit which possesses an individually separated driveway and/or garage; and

c. Fire hydrants and other utility devices whose visibility is vital to public safety.

B. APPLICATION PROCEDURES AND GENERAL REQUIREMENTS

1. APPLICATION

a. When an application is made for a building permit on any land where the landscaping requirements of this section are applicable, such building permit application shall be accompanied by the information listed in **Section 6.2.2B.1, Application**.

b. Submittal of said information may occur up to ninety (90) days after the issuance of a building permit, provided, however, the developer or landowner submits with the building permit application a letter certified by a registered landscape architect, architect, surveyor, or engineer, stating sufficient land has been reserved for required plantings, and also files an improvement security as specified in **Section 6.2.2B.2.b, Security**.

c. Additional information to be submitted with the application for a building permit includes:

i. STORAGE, SURFACE, AND SERVICE AREAS

A site plan indicating the location, dimensions, and square footage of:

1. Motor vehicle surface areas;
2. Motor vehicle display areas;
3. Outdoor storage areas;
4. Private utility service areas;
5. Proposed parking space striping; and
6. Overhead utility lines;

ii. LANDSCAPING

A site plan indicating existing and proposed landscaping used to satisfy the requirements of this section, including:

1. The number, species, location, and heights of trees, shrubs, and groundcover;
2. The location and dimensions of planting areas and streetyards;
3. The location and size of earthen berms; and
4. The location, size, and construction material of fences, walls, and wall planters;

iii. EXISTING TREES TO BE PRESERVED

The number, location, species, height, and diameter at six (6) inches above ground level of existing trees to be preserved for credit as per **Section 6.2.2B.8, Use of Existing Trees for Credit**; and

iv. BARRIERS

The location and description of any barriers to be erected to protect any existing vegetation from damage during construction.

2. DELAY OF LANDSCAPING

If the required landscaping has not been installed at the time of a request for an occupancy permit, and the Director of Inspections determines that the unavailability of plant materials or adverse weather conditions prohibit the timely completion of planting, an occupancy permit may be issued prior to installation of required landscaping, subject to the following:

a. COMPLETION SCHEDULE

The applicant shall sign a contract specifying that the work shall be completed within the six (6) months immediately following the date of application for an occupancy permit; and

b. SECURITY

i. If the Director of Inspections determines that the applicant has not shown good faith in the past in completing required improvements, an improvement security in the form of an escrow account or other instrument shall be required prior to issuance of an occupancy permit.

ii. The improvement security shall be in an amount deemed sufficient by the Director of Inspections to cover all costs of required landscaping or screening which has not been installed.

iii. Such security shall be valid until the work is completed in accordance with the permit.

iv. The security shall be forfeited upon violation of this section and shall be used toward completion of all planned improvements.

v. Any moneys in excess of the cost of installing required landscaping shall be refunded to the applicant.

vi. The security shall be released when the Director of Inspections certifies that all requirements of this section have been met.

3. COMPLIANCE WITH SIGHT EASEMENT REQUIREMENTS

Landscaping required by this section shall comply with the minimum State or local sight easement requirements for street intersections and driveways.

4. OBSTRUCTION OF PEDESTRIAN ROUTES

Required landscaping shall not obstruct or impede public pedestrian routes including sidewalks and greenway trails.

5. PROTECTION OF PLANTING AREAS

Whenever any planting areas required by this section are adjacent to motor vehicle surface areas, motor vehicle display areas, or outdoor storage areas, the planting areas shall be protected from motor vehicle intrusion or damage from excessive motor vehicle lubricants or fuels.

6. STABILIZATION OF SOIL SURFACE

The soil surface of all planting areas required by this section shall be stabilized to prevent erosion. In addition to required interior trees and shrubs, the soil surfaces of planting areas shall contain live groundcover, mulch, live shrubs, permeable pedestrian paver blocks, or a combination thereof.

7. MAINTENANCE OF PLANTINGS

a. The landowner is responsible for maintaining all required plant materials in good health.

b. Any dead or missing plants must be replaced with new planting which meets the minimum installation dimension standards of this section.

c. Plant replacement shall take place within one month of written notification by the Director of Inspections.

d. In the event that plant material is severely damaged due to an unusual weather occurrence or other act of nature, or if replacement plantings are unavailable within one month of written notification, the landowner will have six (6) months from the date of written notification to replace plantings.

8. USE OF EXISTING TREES FOR CREDIT

Existing trees may be preserved and used for credit in satisfying the requirements of this section, according to the conditions that follow:

a. MAXIMUM CREDITS FOR TREE PRESERVATION

Maximum credits for tree preservation shall be determined by **Table 6.2.2B.8**.

TABLE 6.2.2.B.8: USE OF EXISTING TREES FOR CREDIT

DIAMETER OF EXISTING TREE SIX (6) INCHES ABOVE GROUND LEVEL	NUMBER OF TREES CREDITED
2—6 inches	1
7—12 inches	2
13—18 inches	3
19—24 inches	4
25 inches or greater	5

b. MINIMUM PLANTING AREA

i. Each tree to be preserved for credit shall be provided with a minimum planting area which coincides with the tree's dripline.

ii. The tree's dripline is defined as the area underneath a tree which would be encompassed by perpendicular lines dropped from the outermost edges of the crown of the tree.

c. PROTECTION FROM ENCROACHMENT

i. Tree preservation planting areas shall be cordoned off during construction and protected from encroachment.

ii. The minimum area to be cordoned off shall consist of the critical root zone of the tree or an area ten (10) feet from the tree's trunk in all directions, whichever is the greater area.

iii. The protection measures shall be properly maintained during site development and shall not be removed prior to final landscaping.

iv. For the purposes of this section, encroachment is defined as the ground surface disturbance caused by grading; impervious surface cover; equipment, material, or earth storage; or by temporary or permanent construction vehicle access or circulation.

d. MINIMUM STREETYARD REQUIREMENT

Tree preservation credits may be used to reduce the number of trees required in this section; however, in no instance shall a required streetyard contain less than one tree, nor shall any required streetyard contain no trees for seventy-five (75) continuous feet; nor shall any parking space be more than fifty (50) feet from the trunk of a tree, unless otherwise authorized in **Section 6.2.2C.3.h, Credit for Bufferyard Area**.

e. PLANTING AREA USED FOR STREETYARD OR INTERIOR PLANTINGS

Planting areas required for tree preservation credit may be used to install streetyard or interior shrubs as required in this section.

f. LOSS OF TREE CREDITS

i. Removal or death of any preserved tree shall result in the loss of all associated tree credits for that particular tree.

ii. Replacement of trees shall be subject to the planting requirements of **Section 6.2.2, Landscaping Standards – Forsyth County,** Developers and landowners are urged to seek professional expertise to preserve properly existing trees for credit.

9. COMBINING PLANTING AREA AND BUFFERYARD REQUIREMENT

a. Where motor vehicle use area plant materials and bufferyard plant materials are required on the same property, trees may be located in such a manner as to simultaneously satisfy both requirements.

b. Required planting areas shall not be cumulative; however, the greater of the planting areas specified in **Section 6.3, Bufferyard Standards,** or this section shall be the required planting area.

10. OVERHEAD UTILITY LINES

a. The location of overhead utility lines shall be considered during the placement of required trees.

b. The maximum mature height of required trees shall be determined as follows: (Suggested plant materials are listed in **Section 6.2.2J, Suggested Plant Materials List**.

i. SMALL VARIETIES

Small variety trees shall be used when located within twenty-five (25) feet, measured horizontally, from the nearest overhead utility lines(s).

ii. SMALL OR MEDIUM VARIETIES

Small or medium variety trees shall be used when located within twenty-five (25) to thirty-five (35) feet, measured horizontally, from the nearest overhead utility line(s).

iii. SMALL, MEDIUM, OR LARGE VARIETIES

Small, medium, or large variety trees may be used when located more than thirty-five (35) feet, measured horizontally, from the nearest overhead utility line(s).

11. SAFETY AND SECURITY

Safety and security concerns should receive prominent consideration during the selection and placement of landscape materials.

12. FIRE PROTECTION EQUIPMENT

a. A minimum five (5) foot radius containing no plant materials or structural elements other than groundcover plants shall be maintained around all fire protection equipment, including:

i. Fire hydrants;

ii. Post indicator valves; and

iii. Siamese connectors.

b. Obvious sight lines to the fire protection equipment shall be maintained at all times.

13. OFF-STREET PARKING REDUCTION

A reduction in the amount of required off-street parking is permitted in accordance with the alternatives and incentives provisions of the parking requirements **Section 6.1.5H, Parking Reduction for Required Landscaping in Motor Vehicle Use Areas**, for the installation of landscaping required by the motor vehicle surface area landscaping standards.

C. MOTOR VEHICLE SURFACE AREA LANDSCAPING STANDARDS

1. GENERAL REQUIREMENTS

a. EXEMPTION

This section shall not apply to single family residential buildings.

b. APPLICABILITY

This section shall apply to any motor vehicle surface area or portions thereof built after March 7, 1988.

c. EXPANSION OF PREEXISTING MOTOR VEHICLE SURFACE AREAS

When preexisting motor vehicle surface areas are expanded:

i. REQUIRED INTERIOR PLANTINGS

Required interior plantings may be dispersed throughout the entire motor vehicle surface area in accordance with **Section 6.2.2C.3, Interior Motor Vehicle Surface Area Plantings**.

ii. STREETYARD WIDTH

Streetyard width may be reduced to a minimum of fifty percent (50%) of the required width, provided the minimum required streetyard area and plant quantities for the expansion are installed and provided such streetyard trees shall be provided a planting area with a minimum radius of seven (7) feet.

d. EXPANSION, REDEVELOPMENT OR REPLACEMENT OF EXISTING BUILDINGS

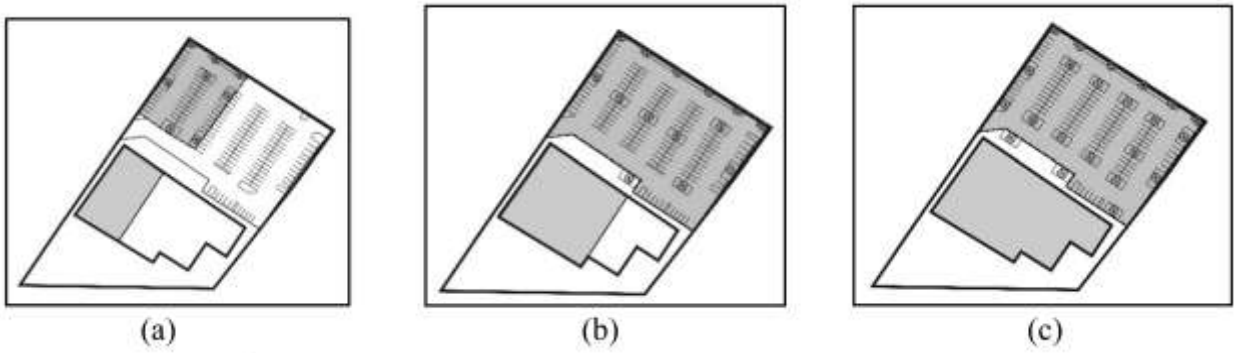
i. When fifty percent (50%) or less of the original gross floor area of an existing building is expanded, or replaced, the developer shall install motor vehicle surface area plantings at a rate corresponding to the area of the expansion, redevelopment, or replacement.

ii. One (1) large variety tree shall be required in all cases.

iii. For expansion or redevelopment areas between fifty-one percent (51%) and eighty percent (80%) of the original gross floor area of an existing building, the developer shall install fifty percent (50%) of required motor vehicle surface area plantings in accordance with **Section 6.2.2C.3, Interior Motor Vehicle Surface Area Plantings.**

iv. For expansion or redevelopment areas greater than eighty percent (80%) of the original gross floor area of an existing building, the developer shall fully install required motor vehicle surface area plantings in accordance with **Section 6.2.2C.3, Interior Motor Vehicle Surface Area Plantings.**

FIGURE 6.2.2.C: LANDSCAPING REQUIREMENTS FOR EXPANSIONS



v. Plantings for the above requirements may be dispersed throughout the entire motor vehicle surface area.

vi. The provisions of this section shall preempt the spacing requirement contained in **Section 6.2.2C.3.e, Distance of Parking Spaces to Trees**.

e. ALTERNATIVE COMPLIANCE

i. An applicant may propose a landscaping plan which varies from the strict application of the provisions of this section in order to accommodate unique characteristics of the site or to utilize innovative design.

ii. Application for alternative compliance shall include a site plan following the requirements specified in **Section 3.2.11, Site Plan,** and shall be approved by the Planning Board only upon a finding that the proposed landscaping plan fulfills the intent and purposes of this section as well as or better than would strict conformance with the requirements of this section.

2. STREETYARDS

A landscaped streetyard shall be required for all motor vehicle surface areas located within one hundred (100) feet of a street right-of-way or vehicular right-of-way, including controlled access highways, whether or not it may provide access to the site, unless separated by an intervening building.

a. WIDTH

i. Minimum streetyard width is ten (10) feet, and shall be measured perpendicular to the street right-of-way.

ii. The streetyard shall be positioned between the motor vehicle surface area and street right-of-way.

b. IMPERVIOUS SURFACE COVER

A maximum of fifteen percent (15%) of the required streetyard may be covered with impervious surface cover which may be used for walkways, fountains, walls, or wall planters, but may not be used for motor vehicle surface or display, outdoor storage, private utility service, or service areas.

c. NUMBER AND SPACING OF TREES

i. Each streetyard shall contain a minimum of two (2) deciduous or evergreen trees per one hundred (100) linear feet, excluding points of motor vehicle ingress or egress.

ii. In no case shall any streetyard contain less than one tree.

iii. Required trees must be a minimum of eight (8) feet in height at installation and shall be at least two (2) inches in diameter measured six (6) inches above ground level.

iv. Where two (2) or more streetyard trees are required, all trees shall be planted with the center of the main trunks twenty (20) to seventy-five (75) feet apart.

v. Existing deciduous trees located in the abutting street right-of-way may be used to satisfy the distribution requirements in this section.

d. OTHER STREETYARD COMPONENTS

In addition to required trees, the landowner or developer shall use one or a combination of the following to satisfy streetyard requirements:

i. NATURAL SHRUBS

1. Streetyard shrubs must be a minimum of eighteen (18) inches in height at installation, with a minimum height of thirty-six (36) inches within three (3) years after installation.
2. Shrubs must be a locally adapted species which retain foliage to within six (6) inches above ground level.
3. Said shrubs shall be spaced no more than eighteen (18) inches, edge to edge.
4. No more than thirty percent (30%) of streetyard shrubs shall be deciduous.

ii. FENCES AND WALLS

A streetyard fence or wall shall be a minimum of thirty-six (36) inches in height, opaque, and shall be constructed of masonry, stone, or wooden material, or of the same material as that of the principal building.

iii. WALL PLANTERS

1. A streetyard wall planter shall be constructed of masonry, stone, or other permanent material.
2. At installation, the minimum combined height of wall planters and shrubs shall be twenty-four (24) inches.
3. Within three (3) years after installation, the combined height of wall planters and shrubs shall be no less than thirty-six (36) inches.
4. The effective planting width of a streetyard wall planter shall be no less than thirty-six (36) inches; however, where required streetyard trees are installed in wall planters, the effective planting width of the wall planters shall be no less than seven (7) feet.
5. A minimum of one shrub shall be required for every five (5) square feet of wall planter area.

iv. EARTHEN BERMS

1. At installation, streetyard berms shall have a minimum height of eighteen (18) inches, a minimum crown width of two (2) feet, and a side slope with a width to height ratio of no greater than two (2) to one (2:1).
2. The entire berm shall be planted and covered with live vegetation.
3. Berm shrubs shall be a minimum of one foot in height at installation and shall be spaced no greater than eighteen (18) inches, edge to edge.
4. Within three (3) years after installation, the combined height of berm and shrubs must be at least thirty-six (36) inches.
5. Streetyard berms which are thirty-six (36) inches or greater in height at installation shall not be required to contain shrubs; however, streetyard trees shall still be required as specified in this section.

e. CB AND CI DISTRICTS

1. In the CB and CI Districts, a minimum two (2) foot wide strip planted with trees and shrubs in accordance with this section or a three (3) foot high masonry wall shall be provided.
2. Unfinished concrete masonry unit (CMU) walls shall be prohibited. Split face CMU is permitted.
3. In the CI District where the amount of off-street surface parking exceeds twenty-five (25) spaces between the building wall and the street, the minimum streetyard width requirements of **Section 6.2.2C.2.a, Width**, shall be met.

f. PB DISTRICT

1. In the PB District within GMA 1, a minimum two (2) foot wide strip planted with trees and shrubs in accordance with this section shall be provided.

2. Any required or provided trees within the streetyard shall be located within a minimum seven (7) foot wide, fifty (50) square foot planting area.

3. INTERIOR MOTOR VEHICLE SURFACE AREA PLANTINGS

In addition to the required streetyard, all motor vehicle surface areas shall contain landscaped planting areas, as follows:

a. LOCATION OF PLANTINGS

Interior planting areas shall be located adjacent to motor vehicle surface area edges or within the interior as islands or medians, and may contain berms of the minimum dimensions specified in **Section 6.2.2C.2.d.iv, Earthen Berms**.

b. SIZE

i. Each planting area shall contain a minimum of one hundred fifty (150) square feet, with a minimum radius of seven (7) feet for small or medium variety trees.

ii. A minimum planting area of six hundred (600) square feet shall be required for each large variety tree.

c. REQUIRED TREES IN PLANTING AREA

i. Each planting area shall contain at least one (1) deciduous or evergreen large variety tree with a minimum height of eight (8) feet at the time of installation, and a minimum diameter of two (2) inches measured six (6) inches above ground level.

ii. Small or medium variety trees may be used where overhead utility lines exist in accordance with **Section 6.2.2B.10, Overhead Utility Lines**.

d. RATIO

i. One large variety tree shall be used for every five thousand (5,000) square feet of motor vehicle surface area.

ii. One (1) small or medium variety deciduous or evergreen tree shall be required for every two thousand five hundred (2,500) square feet of motor vehicle surface area where overhead utility lines exist in accordance with **Section 6.2.2B.10, Overhead Utility Lines.**

e. DISTANCE OF PARKING SPACES TO TREES

i. No parking space shall be located more than seventy-five (75) feet from the trunk of a required large variety tree, except where overhead utility lines exist in accordance with **Section 6.2.2B.10, Overhead Utility Lines.**

ii. No parking space shall be located more than fifty (50) feet from the trunk of a required small or medium variety tree, unless otherwise authorized in this Ordinance.

iii. When parking spaces exceed the maximum allowance listed in **Table 6.1.2A., Motor Vehicle and Bicycle Parking Space Requirements**, supplemental landscaping shall be provided so that no parking space shall be more than fifty (50) feet from the trunk of a required large variety tree located within a minimum planting area of six hundred (600) square feet.

f. LOADING/MANEUVERING AREAS

For loading docks or other maneuvering areas where placement of trees in the interior of the site is impractical, the required number of trees may be clustered around the edge of such areas, with the approval of the Director of Planning and Development Services, or a designee.

g. CREDIT FOR STREETYARD OR BUFFERYARD TREES

Deciduous or broadleaf evergreen trees used as streetyard or bufferyard plantings may be used as credit toward interior planting area requirements, provided that streetyard or bufferyard plantings meet the size requirements of **Section 6.3.3B, Design Requirements**, and the distance requirements of **Section 6.2.2C.3.e, Distance of Parking Spaces to Trees.**

h. CREDIT FOR BUFFERYARD AREA

The landscaped bufferyard area provided to meet the requirements of **Section 6.3, Bufferyard Standards,** and located adjacent to a motor vehicle use area may be counted toward the interior planting requirement.

i. ALTERNATIVE COMPLIANCE FOR LARGE PARKING LOTS

i. An applicant whose contiguous parking area exceeds five hundred (500) spaces may propose a landscaping plan which varies from the strict application of the provisions of this section in order to accommodate unique characteristics of the site or to utilize innovative design.

ii. Application for alternative compliance shall include a site plan following the requirements specified in **Section 3.2.11, Site Plan,** and shall be approved by the Planning Board only upon a finding that the proposed landscaping plan fulfills the intent and purposes of this section as well as or better than would strict conformance with the requirements of this section.

D. MOTOR VEHICLE DISPLAY AREA LANDSCAPING STANDARDS

1. GENERAL REQUIREMENTS

a. APPLICABILITY

This section shall apply to any motor vehicle display area, or portions thereof, built after December 31, 1994.

b. EXPANSION OF PREEXISTING MOTOR VEHICLE SURFACE AREAS

When preexisting motor vehicle display areas are expanded, streetyard width may be reduced to a minimum of five (5) feet, provided the minimum required streetyard area and plant quantities for the expansion are installed, and provided each streetyard tree shall be provided a planting area with a minimum radius of seven (7) feet.

c. LANDSCAPING REQUIREMENTS

Motor vehicle display areas shall comply with the general landscaping requirements of **Section 6.2.2C.3, Interior Motor Vehicle Surface Area Plantings.**

2. STREETYARDS

A landscaped streetyard shall be required as specified in **Section 6.2.1D.2, Streetyards**, except:

a. NATURAL SHRUBS

Any streetyard shrubs, wall planters, earthen berms, or combinations thereof, shall be installed at a minimum height of eighteen (18) inches, and shall reach a minimum height of thirty (30) inches within three (3) years after installation.

b. FENCES AND WALLS

Closed fences or walls shall be installed at a minimum height of thirty (30) inches.

E. OUTDOOR STORAGE AREA SCREENING STANDARDS

1. APPLICABILITY

Any outdoor storage area not screened from any public or private street by an intervening building built after the adoption of this Ordinance with a linear dimension of fifteen (15) feet or greater, or any dumpster with a linear dimension of five (5) feet or greater and not screened by an intervening building shall be screened from view from any street right-of-way or vehicular right-of-way including controlled access highways, whether or not it may provide access to the site, for its entire length except for necessary access.

2. SCREENING

Outdoor storage area screening shall be provided as specified in either of the conditions in **Section 6.2.2E, Outdoor Storage Area Screening Standards,** or as a combination of the two (2) conditions:

a. FENCING

i. A fence or wall may be used to screen an outdoor storage area.

ii. The fence or wall shall be at least six (6) feet in height, opaque and of masonry, stone or wooden material, or of the same material as that of the principal building.

b. PLANTINGS

Natural evergreen plant materials may also be used to screen an outdoor storage area as follows: (Suggested plant materials are listed in **Section 6.2.2J, Suggested Plant Materials List.**

i. MINIMUM HEIGHT

The minimum height of the plant material shall be six (6) feet at installation; and

ii. SPACING

The spacing of the planting shall be in a double-row configuration, staggered, with five (5) foot spacing between the centers of the main trunks.

F. UTILITY SERVICE AREA SCREENING STANDARDS

1. APPLICABILITY

Utility service area structures built after the adoption of this Ordinance are required to be screened from street rights-of-way or vehicular rights-of-way, whether or not it may provide access to the site, provided that said structures have vertical dimensions exceeding five (5) feet or horizontal dimensions in excess of five (5) feet, and are located less than one hundred (100) feet from the nearest street right-of-way.

2. SCREENING

Where screening for utility service areas is not provided by an intervening building, said screening may be accomplished by locally adapted evergreen or deciduous plantings or an opaque fence or wall.

a. INSTALLATION HEIGHT

Plantings shall have a minimum installation height of eighteen (18) inches, be spaced no more than eighteen (18) inches, edge to edge, and be expected to reach a height and width equal to or greater than the utility service structures that are being screened.

b. FENCES OR WALLS

Fences or walls shall be opaque, of masonry, stone, or wooden material, or of the same material as that of the principal building, if applicable, and of a height and width equal to or greater than the utility service structures that are being screened.

3. RESPONSIBLE PARTY

a. Screening for utility service areas in a street right-of-way is to be installed by the utility or party who installed the service; in all other instances the property owners shall install required screening.

b. Where screening for public utility service areas is to be provided by private property owners, such screening shall be installed only after consultation with the utility who owns the device to be concealed.

c. No screening shall be installed that would impair the safe operations, maintenance, or function of the utility equipment.

G. PARKING STRUCTURES OR BUILDINGS

1. Any parking structure or building, or expansion thereof, built after the adoption of this Ordinance that exceeds two thousand five hundred (2,500) square feet in gross floor area shall be provided with a landscaped streetyard as specified in **Section 6.2.1D.2, Streetyards**.

2. This provision shall apply only to structures whose principal use is parking, and shall not apply to vertical expansion of preexisting parking structures.

H. PUBLIC OR PRIVATE SCHOOLS

1. APPLICABILITY

A landscape plan for the school campus shall be prepared and installed prior to occupancy for any new school or any improvement to an existing school which results in an increase in building area or footprint.

2. STANDARDS

Landscaping plans shall meet the following standards:

a. NUMBER OF TREES

i. A minimum of one tree of either large or medium variety as described in **Section 6.2.2J, Suggested Plant Materials List,** shall be provided per thirty-five (35) linear feet of public road frontage.

ii. In any event, a minimum of fifteen (15) trees shall be planned for and provided on each campus.

b. EXISTING TREES

i. Existing trees to be incorporated into the design of the school or currently on the campus may be preserved and used for credit in meeting the site plan requirements, per **Section 6.2.2B.8, Use of Existing Trees for Credit**.

ii. Existing trees may be used in lieu of not more than eighty percent (80%) of the required new plantings; except that where property or site constraints prohibit the placement of additional trees, additional credit for existing trees up to 100% may be given.

c. HEIGHT AT INSTALLATION

New plantings shall meet the requirements of **Section 6.3.3B, Design Requirements.**

d. VARIETY OF TREES

Notwithstanding **Section 6.2.2H.2, Standards**, at least one-half (½) of the trees on the campus shall be large variety as described in **Section 6.2.2J, Suggested Plant Materials List.**

e. OTHER PLANT MATERIAL

Other plant material described in **Section 6.2.2J, Suggested Plant Materials List,** may be installed and may be used for credit in meeting the requirements of **Section 6.2.2J.5**, with approval of Planning Board staff.

f. LOCATION

i. Trees and other plant material may be located in any required yards or in the interior of the campus, and may function as a bufferyard to screen or soften uses, structures, or activities which may be incompatible.

ii. Landscaping should be placed to enhance entryways into campuses and upgrade previously disturbed areas.

iii. On existing campuses built prior to the landscaping requirements for motor vehicle surface areas, trees and other plant materials may also be located in parking areas or other motor vehicle surface areas.

I. VARIANCE

1. Applications for variances from the requirements of the landscaping and screening standards may be approved by the Board of Adjustment after the Board of Adjustment holds a duly advertised public hearing in each case.

2. Said application for a variance will be governed by the procedures set forth in **Section 3.2.16G, BOA Procedure for Variances.**

J. SUGGESTED PLANT MATERIALS LIST

1. The suggested plant materials list includes common trees and shrubs suitable for use in the Forsyth County area.

2. Due to individual site soil, moisture, and microclimate conditions, professional expertise should be sought to determine the appropriate plant materials for any particular development project.

3. The use of native plants is recommended where possible.

4. Other appropriate plants not included in this list may also be used with the approval of the Director of Inspections or designee.

5. The following trees shall not be credited toward the requirements of **Section 6.2.2, Landscaping Standards – Forsyth County**:

a. Acer saccharinum - Silver Maple;

b. Ailanthus altissima - Tree of Heaven;

c. Albizia julibrissin – Mimosa;

d. Paulownia tomentosa - Royal Paulownia;

e. Pinus strobus - White Pine;

f. Pinus virginiana - Virginia Pine;

g. Populus spp. - Hybrid Poplars; and

h. Pyrus calleryana cultivars - Bradford and Chanticleer Pear and other Cultivars.

TABLE 6.2.2.J.1: SUGGESTED PLANT MATERIALS LIST

PLANT NAME	HEIGHT	SPREAD	GROWTH RATE	LIGHT NEEDS	COMMENTS
S = SLOW; M = MODERATE; R = RAPID; S = SUN; SH = SHADE; PS = PARTIAL SUN; D = DECIDUOUS; E = EVERGREEN					
(A) LARGE VARIETY TREES (MATURE HEIGHT: THIRTY-FIVE (35) FEET OR GREATER)					
(1) Native Evergreen					
Ilex opaca American Holly	40—60′	20—30′	S	S-SH	Tolerates a variety of conditions, male and female plants needed for fruit, pyramidal form
Juniperus virginiana Eastern Red Cedar	40—50′	15—25′	M	S-PS	Tolerates a variety of conditions, pyramidal form, male and female plants needed for fruit
Magnolia grandiflora Southern Magnolia	60—80′	30—40′	R	S-PS	Less shade tolerant with age, attracts wildlife, fragrant spring and summer flowers
Pinus taeda Loblolly Pine	90—120′	30—40′	R	S	Tolerates flooding and drought, critical to Brown-headed Nuthatch
Quercus laurifolia or *hemisphaerica* Laurel Oak	60—80′	30—40′	R	S-SH	Shade tolerant, good for moist sites
(2) Native Deciduous					
Acer barbatum or *floridanum* Southern Sugar Maple	50—60′	20—35′	M	S-PS	Heat tolerant, dislikes dry, compact soil
Acer rubrum Red Maple	60—90′	30—50′	R-M	S-SH	Tolerates a variety of conditions, including wet soil, fall color
Acer saccharum Sugar Maple	90—120′	40—60′	S	S-PS	Extensive root system, fall color, shade tolerant
Betula nigra River Birch	60—80′	30—50′	R	S-PS	Lacy texture, tolerates a variety of conditions, including wet soil, tends to drop small limbs, cultivars available
Celtis laevigata Southern Hackberry or Sugarberry	70—80′	30—50′	R	S-PS	Tolerates a variety of conditions
Cladrastis kentukea Yellow-wood	40—50′	40—45′	M	S	Tolerates a variety of conditions, fragrant white blooms in alternate years

TABLE 6.2.2.J.1: SUGGESTED PLANT MATERIALS LIST

PLANT NAME	HEIGHT	SPREAD	GROWTH RATE	LIGHT NEEDS	COMMENTS
S = SLOW; M = MODERATE; R = RAPID; S = SUN; SH = SHADE; PS = PARTIAL SUN; D = DECIDUOUS; E = EVERGREEN					
Diospyros virginiana American Persimmon	30—60′	20—25′	S-M	S-PS	Tolerates dry soil, good fall color, fruit attracts wildlife. Separate male and female plants.
Fraxinus pennsylvanica Green Ash	50—120′	40—50′	R	S-PS	Tolerates a variety of conditions. Separate male and female plants. Many cultivars available.
Gymnocladus diocus Kentucky Coffee-tree	60—75′	40—50′		S	Tolerant of air pollution and drought, fall color
Liquidambar styraciflua Sweet Gum	80—120′	40—60′	R	S	Fall color, best in natural areas due to fruit drop
Liquidambar styraciflua 'Rotundiloba' Fruitless Sweet Gum	60—70′	20—30′	R	S	Pyramidal in form, does not set much fruit, tolerates clay soil
Liriodendron tulipifera Tulip-Tree or Yellow Poplar	90—120′	60—80′	R	S	Tolerates a variety of conditions, drops limbs, best in natural areas, host for N.C. State butterfly
Nyssa sylvatica Black Gum	50—80′	30—50′	M	S-PS	Fall color, pyramidal when young
Platanus occidentalis Sycamore	80—120′	40—60′	R	S-PS	Showy bark, tolerates a variety of conditions but needs water, best in natural areas
Prunus serotina Wild Black Cherry	60—80′	30—50′	R	S-PS	Tolerates a variety of conditions, seeds heavily, best in natural areas
Quercus alba White Oak	80—100′	40—60′	S-M	S-PS	Sensitive to construction damage, good fall color
Quercus bicolor Swamp White Oak	50—60′	50—60′	M-R	S	Needs acidic soil, drought resistant, intolerant of salt and air pollution
Quercus coccinea Scarlet Oak	50—80′	40—50′	R	S	Good fall color, tolerates dry, sandy soil
Quercus falcata Southern Red Oak	70—80′	30—40′	R	S-PS	Tolerates drought
Quercus imbricaria Shingle Oak	50—60′	50—60′	S-M	S	Tolerates a variety of conditions
Quercus lyrata Overcup Oak	35—45′	35—40′	M	S	Tolerates a variety of conditions
Quercus macrocarpa Bur Oak	60—80′	60—80′	S	S	Tolerant of city conditions
Quercus nigra Water Oak	70—90′	30—50′	R	S	May retain some leaves through the winter, tolerates a variety of conditions
Quercus palustris Pin Oak	60—80′	40—50′	R	S	Tolerates a variety of conditions, pyramidal form, good fall color
Quercus phellos Willow Oak	80—100′	40—50′	R	S-PS	Tolerates a variety of conditions, golden fall color
Quercus rubra Red Oak	80—90′	30—50′	R-M	S-PS	Needs moist soils, good fall color
Quercus shumardii Shumard Oak	90—100′	40—50′	R-M	S	Tolerates a variety of conditions

TABLE 6.2.2.J.1: SUGGESTED PLANT MATERIALS LIST

PLANT NAME	HEIGHT	SPREAD	GROWTH RATE	LIGHT NEEDS	COMMENTS
S = SLOW; M = MODERATE; R = RAPID; S = SUN; SH = SHADE; PS = PARTIAL SUN; D = DECIDUOUS; E = EVERGREEN					
Quercus texana or *nuttallii* Nuttall Oak	60—80′	30—40′	R	S-PS	Tolerates poorly drained soils, drought tolerant
Taxodium distichum Bald-cypress	100—120′	30—40′	R	S	Pyramidal when young, tolerates wet and dry soils, fall color, attractive trunk
Tilia americana Southern Basswood or American Linden	50—70′	30—45′	M	S-PS	Tolerates drought and clay soil, intolerant of air pollution, consider 'Redmond' cultivar
(3) Non-Native Evergreen					
Cedrus deodara Deodar Cedar	40—70′	30—40′	M	S-PS	Tolerates drought and hot, dry summers, likes acidic soil
Cryptomeria japonica Japanese Cryptomeria	50—60′	25—30′	M	S-PS	Tolerates a variety of conditions, pyramidal shape, many cultivars available
Thuja 'Green Giant' Green Giant Arborvitae	40—50′	15—20′	R	S-PS	Tolerates a variety of conditions, may need some wind protection, bronzes in winter
(4) Non-Native Deciduous					
Acer × freemanii Freeman Maple	Gen. 40—70′	Gen. 15—40′	M	S-PS	A hybrid of red maple and silver maple, cultivars vary in size and characteristics
Cercidiphyllum japonicum Katsura Tree	40—60′	20—40′	M-R	S	Intolerant of hot, dry sites, fall color
Ginkgo biloba Ginkgo	50—80′	30—40′	S	S	Plant male trees to avoid messy, smelly fruit, tolerates a variety of conditions, bright yellow fall color
Metasequoia glyptostroboides Dawn Redwood	70—100′	15—25′	R	S	Tolerates a variety of conditions, tolerates wet soils, attractive trunk
Platanus × acerifolia London Planetree	65—80′	75—100′	M	S-PS	Good street tree, light brown exfoliating bark
Quercus robur 'Fastigata' Upright English Oak	50—60′	10—20′	S	S	Tolerates drought and air pollution, narrow, upright form
Sophora japonica or *Styphnolobium japonicum* Japanese Scholartree or Japanese Pagodatree	50—70′	50′	M-R	S-PS	Resistant to air pollution and drought, but marginally heat hardy in Piedmont N.C.
Tilia cordata 'Greenspire' Greenspire Littleleaf Linden	30—40′	25—35′	S-M	S	Piedmont N.C. is at southern extreme of range, air pollution tolerant, cultivars available
Tilia tomentosa Silver Linden	40—70′	25—45′	R	S-PS	Tolerates drought and air pollution and a variety of soil conditions

TABLE 6.2.2.J.1: SUGGESTED PLANT MATERIALS LIST

PLANT NAME	HEIGHT	SPREAD	GROWTH RATE	LIGHT NEEDS	COMMENTS
S = SLOW; M = MODERATE; R = RAPID; S = SUN; SH = SHADE; PS = PARTIAL SUN; D = DECIDUOUS; E = EVERGREEN					
Ulmus parvifolia Lacebark or Chinese Elm	40—50′	40—50′	M-R	S	Tolerates a variety of conditions, attractive bark, a tough and durable tree
Ulmus hybrida Hybrid Elm	75—125′	60—120′	M-R	S-PS	Tolerates a variety of conditions; Dutch Elm disease resistant varieties available
Zelkova serrata Japanese Zelkova	50—80′	40—50′	M	S-PS	Good street tree; tolerates urban conditions well, cultivars available
(B) MEDIUM VARIETY TREES (MATURE HEIGHT: TWENTY-FIVE (25) TO THIRTY-FIVE (35) FEET)					
(1) Native Evergreen					
Ilex × attenuata 'Fosteri' Foster's Holly	20—30′	10—20′	R	S-PS	Red fruits, male plants not needed for fruiting, best berry production in full sun
Magnolia virginiana Sweet Bay Magnolia	20—30′	10—15′	M	S-PS	Tolerates some shade, good for wet sites, cultivars provide evergreen and deciduous options
Pinus virginiana 'Wate's Golden' Wate's Golden Virginia Pine	15—30′	10—20′	S-M	S	Grows in poor soils, turns golden in winter, seeds eaten by birds, especially Brown-headed Nuthatch
Prunus caroliniana Carolina Laurel Cherry	20—40′	15—20′	M-R	S-PS	Tolerates a variety of conditions, colonizes
(2) Native Deciduous					
Carpinus caroliniana American Hornbeam or Ironwood	20—30′	20—30′	S	S-PS	Does well in moist to wet soil, attractive trunk, interesting fruit
Cercis canadensis Eastern Redbud	20—30′	25—35′	M	S-PS	Tolerates a variety of conditions, many cultivars available, early spring purple/pink blooms
Cornus florida Flowering Dogwood	15—30′	15—20′	S-M	PS	Best in part shade, many cultivars available, flowers in spring, fall color and red fruit
Gleditsia triacanthos var. inermis Thornless Honeylocust	30—70′	30—40′	R	S	Range of soil types, drought tolerant;
Halesia tetraptera Common Silverbell	20—40′	20—35′	M	S-PS	Tolerates a variety of conditions, showy white blooms in spring, cultivars available
Ostrya virginiana Eastern Hop-hornbeam	20—30′	20—30′	S	S-PS	Tolerates a variety of conditions, interesting fruit
Oxydendrum arboreum Sourwood	20—30′	10—15′	S	S-PS	Tolerates a variety of conditions, white summer flowers, fall color, source of sourwood honey
(3) Non-Native Evergreen					

TABLE 6.2.2.J.1: SUGGESTED PLANT MATERIALS LIST

PLANT NAME	HEIGHT	SPREAD	GROWTH RATE	LIGHT NEEDS	COMMENTS
S = SLOW; M = MODERATE; R = RAPID; S = SUN; SH = SHADE; PS = PARTIAL SUN; D = DECIDUOUS; E = EVERGREEN					
Ilex × 'Nellie R. Stevens' Nellie Stevens Holly	30—40′	10—15′	R	S-PS	Red fruit, drought and heat tolerant, male and female plants (I. cornuta) needed for best fruiting, also used as a large shrub
Pinus thunbergii Japanese Black Pine	20′	20′	S-M	S	Select small tree cultivar from among dwarf cultivars, heat and drought tolerant
(4) Non-Native Deciduous					
Acer buergerianum Trident Maple	25—35′	20—30′	M	S-PS	Tolerates a variety of conditions; good fall color
Acer campestre Hedge Maple	25—35′	25—35′	S	S	Tolerates drought and air pollution; shallow root system
Carpinus betulus 'Fastigata' Pyramidal European Hornbeam	30—40′	20—30′	S-M	S-PS	Pyramidal when young, tolerates a range of conditions
Koelreuteria paniculata Goldenrain Tree	20—40′	15—35′	M-R	S-PS	Tolerates drought and air pollution, yellow flowers in June
Magnolia × soulangiana or soulangeana Saucer Magnolia	15—25′	15—25′	M	S-PS	Late flowering cultivars avoid frost damage to blooms
Pistacia chinensis Chinese Pistachio	25—35′	20—30′	M-R	S	Drought tolerant, male and female plants needed for fruit, fall color
Prunus 'Kwanzan' Kwanzan Cherry	20—30′	15—25′	M	S-PS	Pink blooms in April, may be short-lived, good fall color, no fruit
Prunus 'Okame' Okame Cherry	15—30′	20—30′	M-R	S	Tolerates a variety of conditions, pink blooms in late winter lasting longer than most cherries
Prunus subhirtella 'Autumnalis' Fall Blooming Cherry	20—30′	15—25′	R	S-PS	Flowers best in full sun, flowers both in fall and late winter, may be short lived
Prunus subhirtella 'Pendula' Weeping Cherry	20—40′	15—30′	M	S	Tolerant of heat and clay soil; white to pinkish flowers in early spring; relatively long lived
Prunus × yedoensis Yoshino Cherry	30—40′	30—50′	R	S	Tolerates a variety of conditions, pale pink to white flowers in early spring, many cultivars available
(C) SMALL VARIETY TREES (MATURE HEIGHT: LESS THAN TWENTY-FIVE (25) FEET)					
(1) Native Evergreen					
Ilex vomitoria Yaupon Holly	15—20′	10—20′	S-M	S-SH	Tolerates a variety of conditions, male and female plants needed for fruit, many cultivars available in many sizes
Magnolia grandiflora 'Little Gem' Little Gem Magnolia	15—20′	8—10′	R	S-PS	Dwarf cultivar of Magnolia grandiflora
Morella or Myrica cerifera Wax-myrtle	10—15′	8—10′	R	S-PS	Tolerates wet to dry soils, can colonize, many cultivars available, male and female plants

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					needed for fruit, also can be used in shrub form
(2) Native Deciduous					
Aesculus pavia Red Buckeye	10—20′	10—20′	M	S-PS	Especially attracts hummingbirds and pollinators, red flowers in spring, leaf scorch may develop in dry soils
Amelanchier × 'Autumn Brilliance' Autumn Brilliance Serviceberry	25—40′	20—30′	S	S-PS	Tolerates a variety of conditions, rust fungus can attack fruit, early spring white blooms, fall color, other cultivars available
Chionanthus virginicus Fringe-tree or Old Man's Beard	12—20′	12—20′	S-M	S-PS	Tolerates a variety of conditions, male and female plants needed for fruit, fragrant white flowers in spring
Crataegus viridis 'Winter King' Winter King Green Hawthorn	15—30′	10—20′	S	S-PS	Drought tolerant, has thorns, other native species available, white flowers in spring, fall color, interesting bark
(3) Non-Native Evergreen					
Ilex cornuta 'Burfordii' Burford Holly	8—20′	5—10′	S-M	S-PS	Drought and heat tolerant, red fruit produced without pollinator, dwarf cultivar available
(4) Non-Native Deciduous					
Acer palmatum Japanese Maple	15—25′	10—25′	S-M	S-PS	Avoid hot, dry and windy sites; many cultivars available
Chionanthus retusus Chinese Fringe-tree	15—25′	10—25′	M	S-PS	Tolerates a variety of conditions, showy white flowers in spring
Cornus kousa Kousa Dogwood	15—30′	15—30′	S	S-PS	Resistant to anthracnose, white flowers in May, fall color
Lagerstroemia indica cvs. Crapemyrtle	15—30′	6—15′	R	S	Summer blooms, attractive bark, overused, many cultivars (including dwarfs) available, do not top
Magnolia stellata Star Magnolia	10—15′	6—10′	S-M	S-PS	Blooms best in full sun, late winter white flowers
Malus hybrida Hybrid Crabapple	15—25′	10—20′	M	S	Plant only disease resistant cultivars, many cultivars available, showy spring flowers and fall fruit
Prunus sargentii Sargent Cherry	20—40′	20—40′	R	S	One of the hardiest cherries; pink flowers; sensitive to air pollution; reddish bark
Prunus serrulata 'Snowgoose' Snowgoose Japanese Cherry	15—25′	15—20′	M	S-PS	White sprung flowers; reddish bark; may be short-lived
Syringa reticulata Japanese Tree Lilac	20—30′	15—20′	M	S	Tolerates a variety of conditions; creamy white flowers in mid-summer
(D) STREETYARD AND INTERIOR SHRUBS (MATURE HEIGHT THIRTY-SIX (36) INCHES OR MORE)					
(1) Native Evergreen					

TABLE 6.2.2.J.1: SUGGESTED PLANT MATERIALS LIST

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Agarista populifolia Florida Leucothoe or Agarista	8—12′	8—12′	R	PS	Tolerates a variety of conditions, but prefers moist soil
Ilex glabra Inkberry Holly	5—9′	5—10′	S-M	S-PS	Drought tolerant but prefers moist soil, many cultivars available, male and female plants needed for fruit
Ilex vomitoria Yaupon Holly	10—20′	8—12′	M-R	S-PS	Tolerates wet to dry soils, male and female plants needed for fruit, dwarf and other cultivars available
Illicium floridanum Florida Star-anise	5—8′	6—8′	M	PS-SH	Prefers moist, well-drained soil high in organic matter, many cultivars available, showy spring flowers
Illicium parviflorum Yellow Anise-tree	7—10′	8—10′	M	S-PS	Tolerates a variety of conditions, drought tolerant, can colonize, some cultivars available
Morella or *Myrica cerifera* Wax-myrtle	10—15′	8—10′	R	S-PS	Tolerates wet to dry soils, can colonize, many cultivars available, male and female plants needed for fruit, can reach small tree size
Rhododendron catawbiense Catawba Rhododendron	6—12′	6—10′	M	PS	Showy flowers, needs excellent drainage and organic soil, many cultivars available
Thuja occidentalis 'Emerald' Emerald American Arborvitae	6—10′	3—6′	M	S-PS	Tolerates a range of soils and conditions; good screening plant
(2) Native Deciduous					
Calycanthus floridus Sweet-shrub or Carolina Allspice	6—9′	6—12′	S-M	S-PS	Tolerates a range of conditions, drought tolerant, fragrant maroon flowers in early spring, fall color, cultivars available
Callicarpa americana American Beautyberry	3—4′	4—5′	R	S-PS	Prefers moist soil, showy purplish berries in fall
Ceanothus americanus New Jersey Tea	3—4′	3—5′	S-M	S-PS	Easy to grow in a wide range of conditions, drought tolerant, early summer flowers
Clethra alnifolia Sweet-pepperbush	4—8′	4—6′	S-M	S-PS	Needs moist soil, fragrant white summer flowers, may colonize, fall color
Fothergilla gardenii Witch-alder or Fothergilla	3—5′	3—4′	S	S-PS	Drought tolerant, fall color, may colonize, fragrant white spring flowers
Fothergilla major Large Witch-alder	6—10′	5—9′	S	PS	Drought tolerant, cultivars include 'Mt. Airy,' white spring flowers
Hamamelis virginiana Witch-hazel	15—30′	15—25′	S-M	S-PS	Multi-stemmed, yellow fall flowers and leaf color, tolerates heavy clay soil
Hydrangea arborescens Smooth Hydrangea	3—5′	3—5′	R	PS	Suffers in full sun and with drought, likes moist well-drained soil, attracts bees, prune

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					in early spring, cultivars available, including 'Annabelle,' long bloom period
Hydrangea quercifolia Oakleaf Hydrangea	4—8′	3—8′	R	PS-S	Somewhat drought tolerant, attractive bark, needs mulch to keep roots cool, long bloom period in spring and summer, fall color, dwarf cultivars available
Ilex decidua Possum-haw	6—7′	6′	M	PS	Prefers moist, well-drained soil, male and female plants needed for fruit
Ilex verticillata Winterberry	6—15′	6—10′	S-M	S-PS	Tolerates a range of conditions, but prefers moist soil, male and female plants needed for fruit, dwarf cultivars available
Itea virginica Sweetspire	3—6′	4—6′	M	S-PS	Tolerates wide range of moisture, excellent fall color, fragrant white spring flowers
Lindera benzoin Spicebush	6—12′	6—12′	S-M	S-PS	Prefers moist, well-drained soil, male and female plants needed for fruit, fall color, early spring yellowish flowers
Physocarpus opulifolius Eastern Ninebark	5—8′	6—10′	M-R	S-PS	Drought tolerant, tough and durable, white spring flowers, attractive bark, dwarf cultivars available
Rhododendron calendulaceum Flame Azalea	4—8′	8—10′	S	PS	Good for naturalistic landscape, needs some direct sun, orange/yellow flowers in late spring, needs well-drained organic soil
Rhododendron periclymenoides Pinxterbloom Azalea	3—6′	4—7′	S	S-PS	Drought tolerant, needs some sun, pink spring flowers, needs well-drained organic soil
Rhododendron viscosum Swamp Azalea	2—8′	3—8′	M	PS	Likes moist organic soil, but tolerates some drought, fragrant white flowers in early summer
Sambucus canadensis American Elderberry	5—12′	5—12′	R	S	Likes moist soil, may colonize, white summer flowers and dark fruit
Vaccinium arboreum Sparkleberry	10—20′	10—15′	M	S-SH	Tolerates drought, needs multiple genetic strains for fruit set, fall color
Vaccinium stamineum Deerberry	3—5′	3—5′	M	S-PS	Drought tolerant, needs acidic soil, needs multiple genetic strains for fruit set
Vaccinium virgatum or *ashei* Rabbiteye Blueberry	8—12′	6—10′	M	S-PS	Drought tolerant, needs acidic soil, needs multiple genetic strains for fruit set, fall color, grown for fruit production
Viburnum acerifolium Mapleleaf Viburnum	4—6′	4—6′	M	S-SH	Tolerates drought, may colonize, needs multiple genetic strains for fruit set, white spring flowers, fall color
Viburnum dentatum Arrow-wood Viburnum	6—10′	6—15′	M	S-PS	Tolerates drought but prefers moist soil, may colonize, needs multiple genetic strains for fruit set, white spring flowers, fall color, cultivars available
Viburnum nudum Possumhaw or Southern Wild Raisin	6—10′	6—10′	M	S-PS	Prefers moist to wet soil, needs multiple genetic strains for fruit set, white spring flowers, fall color, cultivars available

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Viburnum prunifolium Blackhaw Viburnum	12—15′	8—12′	S-M	S-SH	Drought tolerant, needs multiple genetic strains for fruit set, white spring flowers, fall color
Viburnum rafinesqueanum Downy Arrow-wood Viburnum	4—6′	4—6′	M	S-PS	Drought tolerant, needs multiple genetic strains for fruit set, white spring flowers, fall color
Viburnum rufidulum Southern Black Haw Viburnum	10—20′	10—15′	M	PS	Needs multiple genetic strains for fruit set, white spring flowers, fall color
(3) Non-Native Evergreen					
Abelia × grandiflora Glossy Abelia	5—8′	5—8′	M-R	S-PS	Tolerates a variety of conditions, drought tolerant, summer flowers, many dwarf cultivars available
Aucuba japonica Aucuba	6—10′	4—6′	S	PS-S	Needs winter shade, drought tolerant, many cultivars available
Berberis julianae Wintergreen Barberry	4—8′	6—8′	S	S-PS	Tolerates a variety of conditions, drought tolerant, has spines, good barrier plant
Berberis verruculosa Warty Barberry	3—6′	3—4′	S	S-PS	Tolerant of drought and urban conditions, tolerates a variety of soils
Buxus microphylla Littleleaf Boxwood	2—8′	2—8′	S	S-PS	Many shapes and sizes, var. japonica is often used, generally densely branched, leaves may bronze in winter
Buxus sempervirens Common Boxwood	15—20′	10—15′	S	S-PS	Drought tolerant, protect from wind, many cultivars available
Camellia japonica Camellia	8—15′	5—10′	S-M	PS	Excess sun, cold or shade can reduce flowering, many cultivars available, blooms in early spring
Camellia sasanqua Sasanqua Camellia	6—10′	5—7′	M-R	S-PS	Drought tolerant, many cultivars available, blooms in the fall
Euonymus japonicus Japanese Euonymus	10—15′	5—6′	R	S-SH	Tolerates drought and variety of soil types, subject to scale insects
Ilex cornuta cvs. Chinese Holly (i.e., Dw. Burford Holly)	3—25′	4—10′	S-M	S-PS	Favorite cultivars include Dw. Burford and Carissa hollies, many others available, red fruit when present, leaves have spines, drought and heat tolerant, male and female plants needed for fruit
Ilex crenata cvs. Japanese Holly (i.e., Compacta Holly)	4—10′	3—5′	S-M	S-PS	Many cultivars available in varying shapes and sizes, black fruit when present, generally hardy, male and female plants needed for fruit
Juniperus chinensis cvs. Chinese Juniper	Var.	Var.	Var.	S	Many cultivars available in varying shapes and sizes, generally heat and drought tolerant, male and female plants needed for fruit
Loropetalum chinensis Loropetalum	6—10′	6—10′	R	S-PS	Tolerates a variety of conditions, drought tolerant, long spring bloom period, dwarf cultivars available

TABLE 6.2.2.J.1: SUGGESTED PLANT MATERIALS LIST

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Osmanthus heterophyllus Tea Olive	8—10′	5—10′	S-M	S-PS	Drought and heat tolerant, a good plant for screening, many cultivars available, fragrant fall flowers
Osmanthus × fortunei Fortune's Osmanthus	15—20′	15—20′	M	S-SH	Drought tolerant, good for screening and barriers, fragrant fall flowers
Pinus mugo Mugo Pine	15—20′	25—30′	S	S-PS	Varies greatly in size; tolerates clay soil, cultivars available
Prunus laurocerasus Cherrylaurel	4—8′	5—8′	M	S-SH	Favorite cultivars are Zabel, Otto Luyken and Schip laurel, need well-drained soil, some disease problems and scale insects
Rhaphiolepis cvs. Indian Hawthorn	4—10′	4—10′	S	S-PS	Tolerates a variety of conditions, drought tolerant, many cultivars available
Rhododendron hybrida Evergreen Azalea	2—8′	2—10′	M	PS	Many hybrids and cultivars available, needs well drained soil
Sarcococca confusa Sweetbox Sarcococca	3—5′	3—5′	S-M	PS-SH	Drought tolerant, fragrant flowers in late winter
Viburnum awabuki 'Chindo' Chindo Viburnum	10—15′	6—8′	R	S-PS	Pyramidal form, drought tolerant
Viburnum rhytidophyllum Leatherleaf Viburnum	10—15′	10—15′	M	PS-SH	Protect from winter wind and sun
(4) Non-Native Deciduous					
Chaenomeles speciosa or *japonica* Japanese Flowering Quince	5—8′	4—8′	R	S-PS	Varied flower colors, flowers best in full sun, tolerates a variety of conditions, many cultivars available, stems often have spines
Cotinus coggygria Smoketree or Smokebush	10—15′	8—12′	M-R	S	Tolerates a range of soil types, drought tolerant, showy summer flowers, many cultivars available
Forsythia × *intermedia* Border Forsythia	8—10′	10—12′	R	S-PS	Tolerates a variety of conditions, blooms in early spring, best in full sun, many cultivars to choose from
Hydrangea macrophylla Bigleaf Hydrangea	3—4′	4—6′	R	PSH	Moist well drained soil, wilts in drought, long bloom period, needs pruning after blooming
Hydrangea paniculata Panicle Hydrangea	6—20′	6—8′	R	S-PS	Drought tolerant, white flowers in summer, long bloom period, many cultivars available
Kerria japonica Japanese Kerria	3—6′	6—9′	M	PS-SH	Drought tolerant, early spring yellow flowers, interesting green stems, cultivars available
Rosa hybrida Hybrid Landscape Rose (i.e., Knock Out Rose)	3—4′	3—4′	M	S-PS	Drought and disease resistant, blooms all summer, has thorns, many cultivars available

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Spiraea cvs. Spirea (excl. *Spiraea japonica*)	Var.	Var.	Gen. R	S	Spring or summer flowering shrubs, many cultivars available, *Spiraea japonica* species is considered an invasive exotic in N.C.
(E) PRIMARY EVERGREEN SHRUBS AND OUTDOOR STORAGE AREA SCREENING PLANTS (INSTALLATION HEIGHT SIX (6) FEET OR MORE)					
(1) Native					
Ilex opaca American Holly	40—60′	20—30′	S	S-SH	Tolerates a variety of conditions, male and female plants needed for fruit, pyramidal form, cultivars available
Ilex × *attenuata* 'Fosteri' Foster's Holly	20—30′	10—20′	R	S-PS	Red fruits, male plants not needed for fruiting, best berry production in full sun
Juniperus virginiana Eastern Red Cedar	40—50′	15—25′	S	S-PS	Tolerates a variety of conditions, pyramidal form, male and female plants needed for fruit
Morella or *Myrica cerifera* Wax-myrtle	10—15′	8—10′	R	S-PS	Tolerates wet to dry soils, can colonize, many cultivars available, male and female plants needed for fruit, can reach small tree size
Prunus caroliniana Carolina Laurel Cherry	20—40′	15—20′	M-R	S-PS	Tolerates a variety of conditions, colonizes
Thuja occidentalis American Arborvitae	Var.	Var.	Gen. S	S	Many cultivars in countless shapes and sizes, some tolerate part shade, some reach small tree size
(2) Non-Native					
Ilex cornuta 'Burfordii' Burford Holly	8—20′	5—10′	S-M	S-PS	Leaves have spines, drought and heat tolerant, red fruit without pollinator, dwarf cultivar available
Ilex × 'Nellie R. Stevens' Nellie Stevens Holly	30—40′	10—15′	R	S-PS	Red fruit, drought and heat tolerant, male cultivar (*I. cornuta*) needed for best fruiting, also used as a large shrub
Juniperus chinensis cvs. Chinese Juniper cultivars	5—7′	8—10′	M	S	Tolerates a variety of conditions, including drought and air pollution
Pinus thunbergii Japanese Black Pine	20′	20′	S-M	S	Select small tree cultivar from among dwarf cultivars, heat and drought tolerant

TABLE 6.2.2.J.2: SUGGESTED PLANT MATERIALS LIST – GROUNDCOVERS
(PLANTING AREAS, BERMS, WALL PLANTERS)

PLANT NAME	DECIDUOUS/ EVERGREEN	HEIGHT	SPREAD	GROWTH RATE	LIGHT NEEDS	COMMENTS
S = SLOW; M = MODERATE; R = RAPID; S = SUN; SH = SHADE; PS = PARTIAL SUN; D = DECIDUOUS; E = EVERGREEN						
(1) Native						
Carex pensylvanica Pennsylvania Sedge or Oak Sedge	Semi-E	.5—1′	.5—1′	M	PS-SH	Plant in moist or dry soil, easy to grow and drought tolerant

TABLE 6.2.2.J.2: SUGGESTED PLANT MATERIALS LIST – GROUNDCOVERS
(PLANTING AREAS, BERMS, WALL PLANTERS)

PLANT NAME	DECIDUOUS/ EVERGREEN	HEIGHT	SPREAD	GROWTH RATE	LIGHT NEEDS	COMMENTS
S = SLOW; M = MODERATE; R = RAPID; S = SUN; SH = SHADE; PS = PARTIAL SUN; D = DECIDUOUS; E = EVERGREEN						
Carex plantaginea Seersucker Sedge	E	.5—1′	.5—1′	M	PS	Needs moist soil
Chrysogonum virginianum Green-and-Gold	Semi-E	.5—1′	.75—1.5′	M	PS-SH	Needs good drainage, yellow spring blooms
Fragaria virginiana Wild Strawberry	D	.25—.75′	.75—1′	M-R	S-PS	Native, prefers full sun, fruit is small but flavorful
Heuchera americana or *villosa* American Alumroot	E	1—2′	1—2′	M	PS-SH	Attractive mottled foliage and small flowers on long wiry stems, prefers moist to average well-drained soil, many cultivars available
Juniperus horizontalis Creeping Juniper	E	1—2′	3-4	M-R	S	Tolerates a variety of conditions, drought tolerant, cultivars available, native to NE US
Mitchella repens Partridge-berry	E	.25′	1′+	S-M	PS-SH	White spring flowers, red fall fruit, prefers moist organic soil
Pachysandra procumbens Allegheny-spurge	E	.5—1′	1-2+′	M	PS-SH	Drought tolerant, very interesting winter leaf, early spring bloom
Phlox stolonifera Creeping Phlox	E	.5—1′	.75-1.5′	R	PS-SH	Prefers light shade and moist soil, spring blooms, many cultivars available
Phlox subulata Moss Phlox	E	.25—.5′	1-2+′	M	S	Good drainage important, drought tolerant, late winter through spring bloom period, many cultivars available
(2) Non-Native						
Phlox subulata Moss Phlox	E	.25—.5′	1-2+′	M	S	Good drainage important, drought tolerant, late winter through spring bloom period, many cultivars available
Cephalotaxus harringtonia 'Prostrata' Prostrate Japanese Plum Yew	E	2—3′	2—5′	S	S-PS	Drought tolerant, can be used for a ground cover
Cotoneaster dammeri cvs. Bearberry Cotoneaster	E	1—2′	3—6′	S-R	S-PS	Needs good drainage, but tolerates poor soils and drought once established; white flowers in spring and small red fruit
Cotoneaster salicifolius cvs. Willowleaf Cotoneaster	Semi-E	1-1.5′	5—6′	M	S-PS	Drought tolerant, tolerates a variety of conditions; foliage turns purplish red in winter, white flowers in spring and small red fruit
Hemerocallis spp. Daylily	D	.75—3′	2—3′	R	S-PS	Tolerates a variety of conditions, summer heat and humidity

TABLE 6.2.2.J.2: SUGGESTED PLANT MATERIALS LIST – GROUNDCOVERS
(PLANTING AREAS, BERMS, WALL PLANTERS)

PLANT NAME	DECIDUOUS/ EVERGREEN	HEIGHT	SPREAD	GROWTH RATE	LIGHT NEEDS	COMMENTS
S = SLOW; M = MODERATE; R = RAPID; S = SUN; SH = SHADE; PS = PARTIAL SUN; D = DECIDUOUS; E = EVERGREEN						
						tolerant, needs dividing, summer blooms, many cultivars available including repeat bloomers
Hypericum calycinum Aaronsbeard	Semi-E	1—1.5′	1.5—2′	M-R	S-PS	Tolerates a variety of conditions, blooms best in full sun
Juniperus conferta Shore Juniper	E	.75—1.5′	6—8′	R	S	Tolerates a variety of conditions, drought tolerant, many cultivars available
Juniperus procumbens Japanese Garden Juniper	E	1—1.5′	10—12′	S	S	Tolerates a variety of conditions, doesn't like wet soils, very hardy, 'Nana' is a popular dwarf cultivar
Liriope muscari Lily-Turf or Liriope	Semi-E	1—1.5′	.75—1′	R	S-PS	Tolerates a variety of conditions, summer flowers, stays green through the winter but needs cutting back in early spring, cultivars available
Microbiota decussata Russian Arborvitae	E	.5—1.5′	3′-8′	M	S-PS	More shade tolerant than some other junipers, foliage turns bronze-purple in fall and winter
Ophiopogon japonicus Mondo	Semi-E	.75—1.3′	1′	R	PS-SH	Tolerates a variety of conditions, cultivars available, colonizes
Pachysandra terminalis Japanese Pachysandra	E	.5—1′	1—1.5′	R	PS-SH	Tolerates a variety of conditions but needs well-drained soil, cultivars available
Rubus pentalobus or calycinum Creeping Raspberry	E	.5—1′	3—6′	M	S-PS	Tolerates variety of conditions, leaves turn burgundy in fall and winter
Sarcococca hookeriana var. humilis Dwarf Sweetbox	E	1-1.5′	2—4′	S-M	PS-SH	Drought tolerant, good for shady areas, fragrant winter flowers

TABLE 6.2.2.J.3: SUGGESTED PLANT MATERIALS LIST – ORNAMENTAL GRASSES

PLANT NAME	HEIGHT	SPREAD	LIGHT NEEDS	COMMENTS
S = SLOW; M = MODERATE; R = RAPID; S = SUN; SH = SHADE; PS = PARTIAL SUN; D = DECIDUOUS; E = EVERGREEN				
(1) Native				
Andropogon gerardii Big Bluestem or Turkeyfoot	4—6′	2—3′	S	Tolerates a wide variety of conditions, drought tolerant, needs sun
Andropogon virginicus Broomsedge	3—4′	2—3′	S	Drought tolerant

TABLE 6.2.2.J.3: SUGGESTED PLANT MATERIALS LIST – ORNAMENTAL GRASSES

PLANT NAME	HEIGHT	SPREAD	LIGHT NEEDS	COMMENTS
S = SLOW; M = MODERATE; R = RAPID; S = SUN; SH = SHADE; PS = PARTIAL SUN; D = DECIDUOUS; E = EVERGREEN				
Muhlenbergia capillaris Pink Muhlygrass or Hairgrass	2—3′	2—3′	S-PS	Tolerates a wide variety of conditions, showy pink flowers in summer through fall, cultivars available
Panicum virgatum Switchgrass	3—6′	2—3′	S-PS	Tolerates a wide variety of conditions, wet to dry, good fall color, many cultivars available
Schizachyrium scoparium Little Bluestem	2—3′	1—2′	S	Tolerates a wide variety of conditions, drought tolerant, cultivars available
Sorghastrum nutans Yellow Indiangrass	3—5′	1—2′	S	Tolerates a wide variety of conditions, good fall color
(2) Non-Native				
Calamagrostis × *acutiflora* 'Karl Foerster' Feather Reed Grass	3—5′	1.2—2.5′	S	Fall color, good for medium to wet soils
Pennisetum alopecuroides Fountain Grass	2.5—5′	2.5—5′	S-PS	Tolerates a wide variety of conditions, good fall color, many cultivars available
Pennisetum orientale 'Karley Rose' Oriental Fountain Grass	2—3′	2—3′	S-PS	Drought tolerant, deep pink plumes last from early summer to fall

TABLE 6.2.2.J.4: SUGGESTED PLANT MATERIALS LIST - VINES

PLANT NAME	DECIDUOUS/ EVERGREEN	HEIGHT	GROWTH RATE	LIGHT NEEDS	COMMENTS
S = SLOW; M = MODERATE; R = RAPID; S = SUN; SH = SHADE; PS = PARTIAL SUN; D = DECIDUOUS; E = EVERGREEN					
(1) Native					
Bignonia capreolata Cross-vine	Semi-E	35—50′	R	S-PS	Orange-red flowers attract hummingbirds, colonizes, flowers best in full sun, cultivars available
Campsis radicans Trumpet-creeper	D	25—40′	R	S-PS	Orange/red blossoms attract hummingbirds, very aggressive colonizer
Clematis virginiana Virgin's-bower or Woodbine	D	12—20′	R	S-PS	White blooms in the summer; will bloom in some shade; don't confuse with Sweetautumn Clematis, an invasive exotic
Gelsemium sempervirens Carolina Jessamine	E	12—20′	M-R	S-PS	Yellow flowers in spring, tolerates a variety of conditions, cultivars and other species available
Lonicera sempervirens Coral Honeysuckle	Semi-E	10—15′	R	S	Orange/red flowers, attracts hummingbirds, small red fruit, tolerates a variety of conditions, tolerates part shade but needs sun to flower

TABLE 6.2.2.J.4: SUGGESTED PLANT MATERIALS LIST - VINES					
PLANT NAME	**DECIDUOUS/ EVERGREEN**	**HEIGHT**	**GROWTH RATE**	**LIGHT NEEDS**	**COMMENTS**
S = SLOW; M = MODERATE; R = RAPID; S = SUN; SH = SHADE; PS = PARTIAL SUN; D = DECIDUOUS; E = EVERGREEN					
Parthenocissus quinquefolia Virginia-creeper	D	10—40′	R	S-PS	Good fall color and fall black fruit, colonizes
Wisteria frutescens American Wisteria	D	15—30′	R	S	Replacement for invasive exotic Chinese and Japanese Wisterias, lavender flower clusters in late spring, sporadically re-blooms, cultivars available
(2) Non-Native					
Campsis grandiflora Chinese trumpetvine	E	30′	R	S	Large orange blossoms, attracts hummingbirds, hybrids available
Clematis hybrida Clematis	D	5—20′	M	S	Roots need to be shaded, many cultivars available; don't confuse with Sweetautumn Clematis, an invasive exotic
Hydrangea anomala subsp. petiolaris Climbing Hydrangea	D	30—50′	R	PS-SH	Flowers best with some sun, growth slow until plant is established, white flowers in late spring

6.3 BUFFERYARD STANDARDS

6.3.1 GENERAL REQUIREMENTS

A. PURPOSE

Bufferyard standards are designed to provide visual and functional separation between different land uses to:

1. Reduce potential nuisances, such as glare, dirt, noise, unsightly views, and other adverse impacts;
2. Safeguard property values and preserve the character and integrity of the community; and
3. Protect the health, safety, and welfare of the public.

B. APPLICABILITY

Every use, change of use, construction of a new structure, or expansion of a structure or land hereafter established shall meet the bufferyard requirements of this section, except for the following:

1. Single family, duplex, or twin home uses;
2. Development or redevelopment in the CB or CI Districts;
3. Between component parts of a planned residential development or MU-S District; or
4. Where no bufferyard requirement is shown in **Table 6.3.2A.1, Bufferyard Requirements**.

6.3.2 DETERMINATION OF BUFFERYARD

A. PROCEDURE

The type of bufferyard required shall be determined as follows:

1. **STEP ONE**
   Identify the zoning type for the proposed project and all adjacent properties, excluding properties across a public right-of-way. The zoning types are defined as follows for the purposes of this section only.

   a. SINGLE FAMILY RESIDENTIAL (SFR) ZONING TYPES
   Single family residential zoning types include the H, YR, AG, all RS Districts (including RSQ), and MH (single lot or unit).

   b. MULTIFAMILY RESIDENTIAL (MFR) ZONING TYPES
   Multifamily residential zoning types include all RM Districts and the MH District where a manufactured housing development is involved.

   c. LOW INTENSITY COMMERCIAL (LIC) ZONING TYPES
   Low intensity commercial zoning types include the CI, CPO, GO, LO, PB, LB, IP, C, and NB Districts.

   d. HIGH INTENSITY COMMERCIAL (HIC) ZONING TYPES
   High intensity commercial zoning types include the NSB, HB, GB, CB, E, and MU-S Districts.

   e. INDUSTRIAL (IND) ZONING TYPES

   i. Industrial zoning types include the LI and GI Districts and certain uses which require outdoor storage, have high trip generation rates, or have the potential for nuisance to adjacent properties due to noise, light and glare, or typical hours of operations.

   ii. The following list of specific uses identified in **Table 5.1.1, Principal Use Table,** shall be classified as industrial zoning types for bufferyard purposes.

   1. Implement sales and service;
   2. Kennels, outdoor (F) (See **Section 5.2.42, Kennel, Outdoor (F)**;
   3. Outdoor display retail;
   4. Motor vehicle repair and maintenance;
   5. Motor vehicle storage yard;
   6. Recreational vehicle park;

7. Recreation services, outdoor;

8. Storage and salvage yard; and

9. Dirt storage sites (See **Section 5.2.27, Dirt Storage**.

2. STEP TWO

Determine the bufferyard type (I, II, III) required for each adjacent zoning type from **Table 6.3.2.A.1, Bufferyard Requirements**.

TABLE 6.3.2.A.1: BUFFERYARD REQUIREMENTS

ZONING DISTRICT OF DEVELOPING PROPERTY	ZONING DISTRICT OF ADJACENT PROPERTY				
	SFR	MFR	LIC	HIC	IND
Single Family Residential (SFR)	None	None	None	None	None
Multifamily Residential (MFR)	II	None	None	I [1]	I [1]
Low Intensity Commercial (LIC)	II	I [2]	None	None	None
High Intensity Commercial (HIC)	III	II	None	None	None
Industrial (IND)	III	III	I	None	None

NOTES:
[1] Type I Bufferyard required if no bufferyard is provided on developed adjacent property designated as high intensity commercial (HIC) or industrial (IND) zoning types.
[2] Whenever a residential use in the PB District shares a side yard boundary line with a lot in a residential district, the requirements of Section 4.1.4C.8, Special Yard Requirements Where Nonresidential Districts Adjoin Residential Districts, shall apply.

3. STEP THREE

Select the desired bufferyard option for the required bufferyard type from those described in the following:

a. TYPE I BUFFERYARD

i. A type I bufferyard is a low density screen designed to soften visual contact and create spatial separation between adjacent uses.

ii. The four (4) design options that may be used to satisfy this bufferyard requirement are identified in **Table 6.3.2.A.2, Type I Bufferyard**.

TABLE 6.3.2.A.2: TYPE I BUFFERYARD

Minimum Bufferyard Width	Minimum Plant Material per One Hundred (100) Linear Feet
10 feet	2 deciduous trees; 8 primary evergreen plants; 10 supplemental evergreen shrubs
20 feet	2 deciduous trees; 8 primary evergreen plants
40 feet	2 deciduous trees; 6 primary evergreen plants
100 feet	2 deciduous trees; 4 primary evergreen plants

b. TYPE II BUFFERYARD

i. A type II bufferyard is a medium density screen designed to partially block visual contact and/or create spatial separation between adjacent uses.

ii. The four (4) design options that may be used to satisfy this bufferyard requirement are identified in **Table 6.3.2.A.3, Type II Bufferyard**.

TABLE 6.3.2.A.3: TYPE II BUFFERYARD	
Minimum Bufferyard Width	**Minimum Plant Material per One Hundred (100) Linear Feet**
15 feet	2 deciduous trees; 12 primary evergreen plants; 15 supplemental evergreen shrubs
20 feet	2 deciduous trees; 12 primary evergreen plants; 10 supplemental evergreen shrubs
40 feet	2 deciduous trees; 10 primary evergreen plants
100 feet	2 deciduous trees; 6 primary evergreen plants

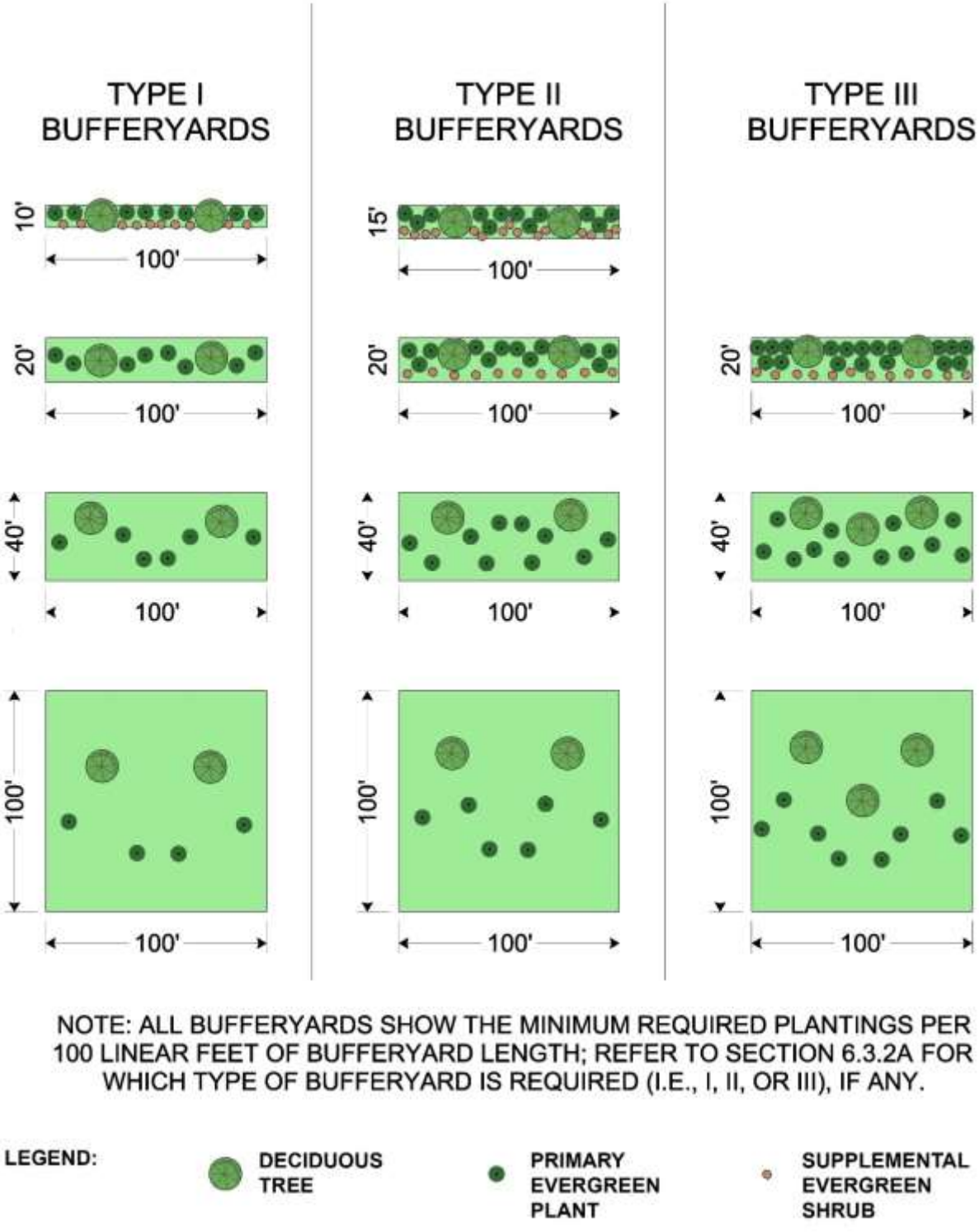
c. TYPE III BUFFERYARD

i. A type III bufferyard is a high density screen designed to eliminate visual contact and/or create spatial separation between adjacent uses.

ii. The three (3) design options that may be used to satisfy this bufferyard requirement are identified in **Table 6.3.2.A.4, Type III Bufferyard**.

TABLE 6.3.2.A.4: TYPE III BUFFERYARD	
Minimum Bufferyard Width	**Minimum Plant Material per One Hundred (100) Linear Feet**
20 feet	2 deciduous trees; 18 primary evergreen plants; 12 supplemental evergreen shrubs
40 feet	3 deciduous trees; 12 primary evergreen plants
100 feet	3 deciduous trees; 8 primary evergreen plants

FIGURE 6.3.2.A.5: BUFFERYARD PLANTING REQUIREMENTS



B. ADDITIONAL REQUIREMENTS

1. FRACTIONAL CALCULATIONS

Fractional planting requirement calculations shall be rounded to the next higher whole number.

2. EXISTING PLANT MATERIAL

Existing plant material within the required bufferyard may be included in the computation of the required plantings with approval of the Director of Planning and Development Services or a designee.

3. FENCE OR WALL OPTION

An opaque fence or wall may be used in lieu of not more than fifty percent (50%) of the required evergreen bufferyard plantings with the approval of the Director of Planning and Development Services or a designee and provided each of the following conditions are met, where applicable:

a. FENCE HEIGHT FOR INDUSTRIAL ZONING TYPE

The minimum required fence height shall be eight (8) feet above ground level when the proposed project zoning type is classified as an industrial zoning type.

b. FENCE HEIGHT FOR ZONING TYPES EXCEPT INDUSTRIAL

The minimum required fence height shall be six (6) feet above ground level when the proposed project zoning type is classified as any zoning type except those classified as industrial.

c. VEGETATION PLANTED ON EXTERIOR SIDES

Where a fence or wall is used as part of the required screening, all required vegetation shall be planted on the exterior side of the fence or wall.

d. SCREENING MULTIFAMILY RESIDENTIAL ZONING TYPE

Where the fence option is used to screen multifamily residential zoning types from more intense zoning types, the required vegetation may be planted on the interior side of the fence or wall.

e. REMAINING VEGETATION DISTRIBUTION

Where a fence is used in lieu of not more than fifty percent (50%) of the required vegetation, the remaining percentage of vegetation to be used in conjunction with the fence or wall shall be evenly distributed in the bufferyard.

4. EARTHEN BERMS

Earthen berms six (6) feet high or greater, or earthen berms with combined evergreen shrub plantings reaching a minimum height of six (6) feet, may be used in lieu of not more than fifty percent (50%) of the evergreen bufferyard plantings providing the following conditions are met:

a. LIVE VEGETATION

The entire berm shall be planted and covered with live vegetation.

b. EVERGREEN SHRUBS

On berms less than six (6) feet in height, evergreen shrubs, if used, shall be a minimum of one foot in height at installation and shall be placed no greater than eighteen (18) inches edge to edge.

c. SHAPE

Berms shall be naturally shaped, shall have a minimum crown width of two (2) feet, and shall have side slopes stabilized to sedimentation and erosion control standards.

C. ALTERNATIVE COMPLIANCE

1. A developer may propose a bufferyard plan that differs from the strict application of the provisions of this section in order to accommodate unique characteristics of the site, utilize innovative design, or provide an appropriate degree of buffering for separate phases and types of development.

2. Application for alternative compliance shall include a site plan and define how sites would be integrated using the proposed standards.

3. Alternative plans shall be approved by the Director of Planning and Development Services or a designee only upon a determination that the proposed bufferyard plan fulfills the intent and purposes of this section better than would strict conformance with the requirements of this section.

4. An appeal of the decision of the Director of Planning and Development Services or a designee shall be heard by the Board of Adjustment.

D. ALTERNATIVE COMPLIANCE FOR SCHOOLS

1. *The bufferyard requirements of this section otherwise required for development of public or private schools in certain zones may be met by the submittal and approval of a tree preservation and planting plan according to the provisions of* ***Section 6.2.1C, Tree Preservation and Planting. (W)***

2. The bufferyard requirements of this section otherwise required for development of public or private schools in certain zones may be met by the submittal and approval of a landscaping plan according to the provisions of **Section 6.2.2H, Public or Private Schools. (F)**

E. CONFLICTING BUFFERYARD REQUIREMENTS

If any conflict exists between the bufferyard requirements as identified in this section and any use conditions or zoning district regulations contained in other sections of this Ordinance, the bufferyard requirements in the other section shall apply.

F. *BUFFERYARD STANDARDS FOR NONRESIDENTIAL USES IN GMA 2 (W)*

1. *Installation of bufferyards shall be required for expansion or redevelopment of existing non-residentially zoned sites smaller than one acre in size, change of use to a high intensity use as identified in* ***Table 5.1.1, Principal Use Table****, or parking additions which increase the current parking on site by twenty (20) percent or more.*

2. *The minimum width and number of plantings required of bufferyards in* ***Section 6.3.2A, Procedure****, shall be reduced by fifty (50) percent for these sites.*

3. *Additionally, deciduous trees used in meeting the requirements of this section shall be small variety where bufferyards are less than seven and one-half (7.5) feet wide, and medium variety where bufferyards are less than ten (10) feet wide.*

4. *Large variety trees shall be used where bufferyards have a width of ten (10) feet or more.*

5. *Bufferyards meeting the requirements of* ***Section 6.3.2A, Procedure****, which currently exist on these sites shall not be eligible for such reductions.*

6.3.3 BUFFERYARD LOCATION AND DESIGN REQUIREMENTS

A. LOCATION OF BUFFERYARDS

1. LOCATION

Bufferyards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line, with the following exceptions:

a. ON ADJACENT PROPERTY

All or part of the bufferyard may be located on adjacent property within a permanent easement dedicated for such purpose with approval of the Director of Planning and Development Services or a designee.

b. PORTION OF SITE PROPOSED FOR DEVELOPMENT

If only a portion of a site is proposed for development, the required bufferyard may be located at the limit of construction perimeter with approval of the Director of Planning and Development Services or a designee.

c. TOPOGRAPHIC IRREGULARITIES

Where topographic irregularities require a different location to meet the intent of this section, the location of the bufferyard may be varied with approval of the Director of Planning and Development Services or a designee.

d. SLOPE RATIOS

Required bufferyard plantings shall not be installed on cut or fill slopes with slope ratios greater than two-to-one (2:1).

e. INTENT

Where the intent of the bufferyard section is met by locating the bufferyard in a location other than the outer perimeter of a lot or parcel, upon approval of the Director of Planning and Development Services or a designee.

f. MULTIPLE ZONING DISTRICTS ON A SINGLE ZONING LOT

i. Where multiple zoning districts exist on a single zoning lot, internal bufferyard requirements shall be waived.

ii. However, bufferyard requirements between the subject property and adjoining properties still apply.

2. CUT SLOPE

Where bufferyards include any part of a cut slope greater than ten (10) feet in height, grading for such cut slope shall not encroach closer than ten (10) feet to the property line.

3. RIGHTS-OF-WAY AND STREETS

Bufferyards shall not be located on any portion of an existing, dedicated, or proposed right-of-way, or a private street.

4. EXISTING EASEMENT WITHIN BUFFERYARD

a. Where an existing easement that prohibits bufferyard-type plantings is partially or wholly within a required bufferyard, the developer shall design the bufferyard to meet the planting limitation of the easement and/or site.

b. Such design may necessitate choosing a bufferyard with more land area and fewer required plantings (or a different species) or locating the bufferyard in a manner that satisfies the intent of the bufferyard requirements as determined by the Director of Planning and Development Services or a designee.

B. DESIGN REQUIREMENTS

1. SIZE OF PLANT MATERIAL

a. *Deciduous trees in bufferyards shall be large variety trees, except where overhead utility lines exist in accordance with* ***Section 6.2.1B.10, Overhead Utility Lines.*** *Suggested plant materials are listed in* ***Section 6.2.1J, Suggested Plant Materials List*** *(W).*

b. Deciduous trees in bufferyards forty (40) feet in width or less may be either medium or large varieties as described in **Section 6.2.2J, Suggested Plant Materials List**, provided, however, at least one-half of the required trees shall be large variety. Deciduous trees in bufferyards of greater than forty (40) feet in width shall be large variety trees. Suggested plant materials are listed in **Section 6.2.2J, Suggested Plant Materials List** (F).

c. All deciduous trees used for bufferyard screening must be a minimum of eight (8) feet in height at installation and shall be at least two (2) inches in diameter measured six (6) inches above ground level.

d. All primary evergreen plants shall be a minimum of six (6) feet in height at time of installation unless combined with an approved earthen berm, and shall not be less than ten (10) feet in height at maturity.

e. All supplemental evergreen shrubs shall be a minimum of eighteen (18) inches in height at installation, and shall attain a minimum height of thirty-six (36) inches three (3) years after installation.

2. SPACING OF PLANT MATERIAL

a. All deciduous trees shall be installed with tree trunks spaced a minimum distance of thirty (30) feet apart and a maximum distance of sixty (60) feet apart.

b. All primary evergreen plants shall be distributed evenly along the length of the bufferyard and shall be staggered where quantities permit.

c. Primary evergreen plants shall be installed with tree trunks spaced a minimum of seven (7) feet apart and a maximum of fifteen (15) feet from other primary evergreen plants and from any required deciduous tree.

d. All supplemental evergreen shrubs shall be distributed evenly along the length of the bufferyard and shall be staggered where quantities permit.

3. MAINTENANCE

a. Any fence, earthen berm, or plant material used for screening shall be maintained in sound condition by the bufferyard provider.

b. Maintenance includes replacement of any required bufferyard materials which are damaged and/or dying.

C. APPLICATION TO NONCONFORMING SITUATIONS

The bufferyard standards shall apply to the entire zoning lot in nonconforming situations per the requirements of **Section 9.4.3C, Expansion**.

6.3.4 MULTIPLE USE OF BUFFERYARDS

A. TO SATISFY OTHER REQUIREMENTS

Areas set aside as required bufferyards may also be used to satisfy the following:

1. Minimum setback requirements;

2. Minimum open space requirements;

3. Minimum landscaping requirements (F); and

4. *Minimum landscaping requirements including the tree preservation and planting requirements of **Section 6.2.1C, Tree Preservation and Planting** (W).*

B. FOR OTHER PURPOSES

Required bufferyards may also be used for the following additional purposes:

1. Bufferyards may contain stormwater retention or detention areas, provided:

a. The required bufferyard plantings shall be provided and the design and landscaping of the bufferyard do not interfere with the proper functioning of the drainage system; and

b. The designed water depth shall not harm the viability of the plantings.

2. Bufferyards may be used for passive recreation, such as pedestrian, bicycle, or equestrian trails, subject to the following limitations:

a. No plant material shall be eliminated;

b. The total width of the bufferyard shall be maintained; and

c. All other requirements of this Ordinance shall be met.

3. Bufferyards may be used for the installation of underground utilities, provided the location and use of the utility lines do not interfere with the required bufferyard plantings.

C. REDUCTION FOR DRIVEWAY TO REAR PARKING AREAS

1. A side or rear bufferyard may be reduced to five (5) feet if the Planning Board determines that such reduction is necessary, due to lot size, shape, or topographic features, to allow a driveway which accesses off-street parking to the rear of the property. (F)

2. *A side or rear bufferyard may be reduced to five (5) feet if the Planning Board or Director of Inspections determines that such reduction is necessary, due to lot size, shape, or topographic features, to allow a driveway which accesses off-street parking to the rear of the property. (W)*

D. PROHIBITED USES

The following uses shall be prohibited in a required bufferyard:

1. Playfields;

2. Stables;

3. Swimming pools

4. Tennis courts or similar active recreation uses; and

5. Storage or parking facilities.

6.3.5 BUFFERYARD VARIANCE

Application for variances from the requirements of the bufferyard standards may be approved by the Board of Adjustment in accordance with the procedures in **Section 3.2.16G, BOA Procedure for Variances.**

6.4 DESIGN STANDARDS

6.4.1 STANDARDS FOR OLDER NEIGHBORHOODS (F)

A. APPLICABILITY

These supplementary standards for older neighborhoods apply to development on blocks which:

1. **DATE PLATTED OR DEVELOPED**
   Were originally platted or developed prior to March 3, 1948;
2. **PERCENTAGE OF LOTS DEVELOPED**
   Have at least fifty percent (50%) of the lots developed; and
3. **PERMITTED IN CERTAIN ZONING DISTRICTS**
   Are zoned in whole or in part, RS, RM, NO, or NB.

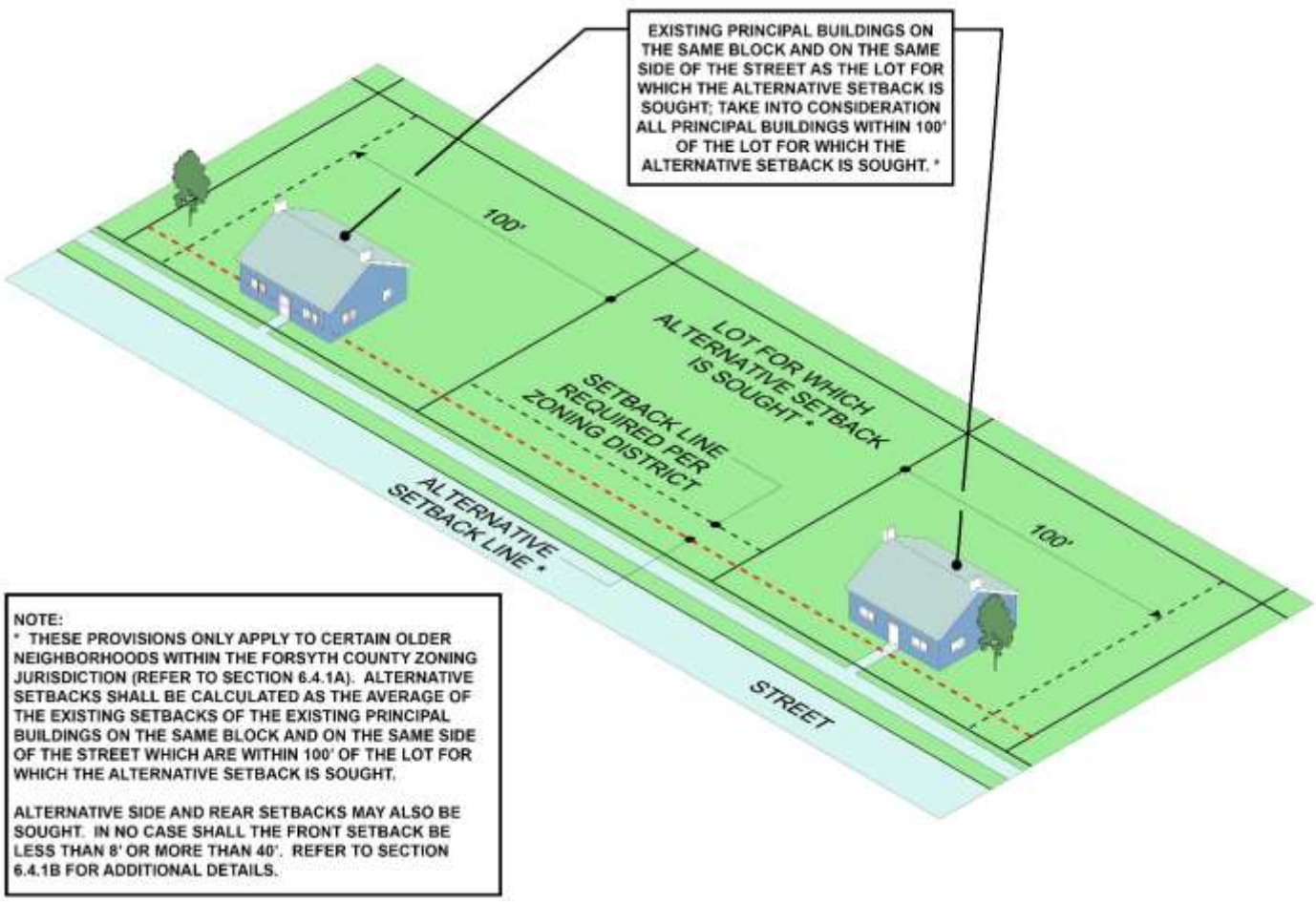
B. ALTERNATIVE SETBACKS AND STANDARDS

1. **ALTERNATIVE SETBACKS**
   In older neighborhoods the required setbacks for the underlying zoning district may be replaced by the following alternative method of compliance:

   a. No building or part of a building, other than steps, open porches, overhanging eaves and cornices, shall extend nearer to the front, side, or rear property lines than the average distance of the respective setbacks of the principal buildings on the same block and on the same side of the street within one hundred (100) feet from the zoning lot in either direction.

   b. Any fractional amounts calculated shall be rounded up. However, in no case shall the front setback be less than eight (8) feet or more than forty (40) feet.

FIGURE 6.4.1.B – ALTERNATIVE SETBACKS FOR CERTAIN OLDER NEIGHBORHOODS WITHIN THE FORSYTH COUNTY ZONING JURISDICTION



2. DEVELOPMENT STANDARDS

If the alternative method of compliance is used, the following development standards apply:

a. IMPERVIOUS SURFACE COVER

i. For new construction on vacant lots, impervious surface cover is limited to a maximum of sixty percent (60%).

ii. Impervious surface cover is otherwise limited to seventy percent (70%).

b. BUILDING HEIGHT

No building shall exceed a height of forty (40) feet.

c. BUFFERYARD

Bufferyard requirements of **Section 6.3, Bufferyard Standards,** must be met for multifamily developments containing more than four (4) units, or for nonresidential uses.

d. OFF-STREET PARKING

i. NUMBER OF SPACES

Off-street parking for multifamily uses shall meet the standards for efficiency units, if applicable, or urban residential building in **Table 6.1.2A., Motor Vehicle and Bicycle Parking Space Requirements.**

ii. PARKING IN REAR

All off-street parking shall be provided to the rear of the principal building(s) unless the Planning Board determines that, due to lot size, shape or topographic features, some or all parking cannot be placed to the rear.

iii. REDUCTION IN BUFFERYARD

A side or rear bufferyard width may be reduced to allow a driveway to the rear of the property which accesses the off-street parking if the provisions of **Section 6.3.4C, Reduction for Driveway to Rear Parking Areas,** are met.

iv. LANDSCAPED SEPARATION FROM BUILDING

A minimum three (3) foot wide landscaped area shall be provided between any parking area and building wall providing access into the unit(s).

e. VEHICULAR USE LANDSCAPING REQUIREMENTS

Vehicular use landscaping requirements of **Section 6.2.2, Landscaping Standards – Forsyth County,** must be met for multifamily developments containing more than four (4) units or nonresidential uses.

f. BUILDING SIZE

For projects located on two (2) acres or less, multifamily buildings shall contain no more than six (6) units.

g. ROOFS

A roof having a pitch with a minimum vertical rise of four (4) feet for each twelve (12) feet of horizontal run is required on all buildings.

C. ALTERATION OR EXPANSION NOT AFFECTING OCCUPANCY OR INTENSITY

For any existing residential building containing four (4) units or less, any expansion or alteration of the principal building which meets the dimensional requirements of **Section 6.4.1B.1, Alternative Setbacks**, and which does not increase the occupancy capacity of the building, including expansion or alteration of kitchen, bathroom, closet, or patio areas, shall not be subject to the provisions of **Section 9.4.3, Maintenance, Renovation, Expansion, Reconstruction And Parking**.

D. SUBMITTAL OF INFORMATION

The applicant or property owner shall be responsible for submitting all information relative to the setbacks and buildings of the relevant nearby properties in support of the permit request.

6.4.2 SUPPLEMENTARY STANDARDS FOR RESIDENTIAL DEVELOPMENT IN GMA 2 (W)

A. *PURPOSE*

1. *The intent of this Ordinance is to encourage the development of single family structures on scattered sites, infill subdivisions, and multifamily developments that are compatible with the surrounding character of the urban areas of Winston-Salem, where adequate public facilities and infrastructure are available.*

2. *By incorporating features of existing development, such as front building setback and garage placement, new development can be accommodated while protecting neighborhood character.*

3. *The standards of* ***Section 6.4.2, Supplementary Standards For Residential Development In GMA 2 (W),*** *shall not apply to lots in GMA 2 which are located within adopted Neighborhood Conservation Overlay (NCO) Districts.*

B. *SINGLE FAMILY DEVELOPMENT ON SCATTERED SITES*

1. *REQUIREMENTS FOR NEW SINGLE FAMILY STRUCTURES*

Newly constructed single family infill structures shall meet the following requirements:

a. ***FRONT SETBACK***

i. ***STRUCTURES WITH A SINGLE ROAD FRONTAGE***

1. *The front setback of an infill structure shall be determined by averaging the street facing setbacks of the primary structures nearest to each side of the infill lot within the same block.*

2. *The front setback of the new infill structure shall be no closer to the front property line than ninety percent (90%) of the average of the street facing setbacks of the nearest structures on each side of the infill lot.*

3. *Where a primary structure only exists on one side of an infill lot, the setback of this structure shall be averaged with the minimum UDO setback standards of the underlying zoning district to determine the average setback.*

4. *The front setback of the new infill structure shall be no closer to the front property line than ninety percent (90%) of this average.*

5. *Where no structures exist within a block, the minimum UDO setback standards shall be met and the averaging provision shall not be applied.*

ii. ***STRUCTURES ON CORNER LOTS***

1. *Street-facing setbacks on corner lots shall not be less than ninety percent (90%) of the street-facing setback of the nearest structure on one side of the infill structure within the same block, and shall meet the minimum Ordinance setback requirement on the other side of the infill structure.*

2. *Where no structures exist within a block, the minimum UDO setback standards shall be met.*

iii. ***VARIANCE***

A variance to these setback standards may be granted by the Board of Adjustment where the size, shape, configuration, or topographic features of an existing lot makes development according to the aforementioned standard impracticable.

b. ***GARAGES***

i. *Attached garages with doors opening towards the street shall not comprise more than fifty percent (50%) of the total width of the front building wall of the infill structure.*

ii. *Attached garages with doors opening towards the street shall be set back a minimum of five (5) feet from the front building wall of the structure, except where an existing primary structure on either side of the subject lot has an attached garage with doors opening towards the street and which projects at least five (5) feet toward the street from the front building wall.*

iii. *Additionally, all garages with doors opening towards the street shall be set back no less than twenty (20) feet from public rights-of-way or private access easements.*

c. *PARKING*

Parking areas orienting towards the street shall extend at least twenty (20) feet from public rights-of-way or private access easements.

d. *STRUCTURES ON NARROW INTERIOR LOTS*

i. *A single family dwelling which has a depth greater than one hundred fifty percent (150%) of the width of its street-facing building wall, and which is located on a lot less than sixty-five (65) feet wide shall meet the following requirements unless approved in accordance with* ***Section 6.4.2B.1.d, Structures on Narrow Interior Lots****:*

1. *The primary entrance to a single family dwelling shall be located on its street-facing building wall.*

2. *At least fifteen percent (15%) of the area of the street-facing building wall shall be comprised of doors and/or windows.*

e. *ALTERNATIVE COMPLIANCE*

i. *A single family dwelling which does not meet the requirements of* ***Section 6.4.2B.1.d, Structures on Narrow Interior Lots,*** *shall require a special use district rezoning.*

ii. *Additional site plan review items demonstrating the character of the proposed development, including building elevations and cross sections, may be required by Planning staff, the Planning Board or Elected Body.*

2. *REQUIREMENTS FOR ADDITIONS TO EXISTING SINGLE FAMILY STRUCTURES*

Additions to existing single family structures shall meet the following requirements:

a. *FRONT SETBACK*

i. *METHOD OF SETBACK CALCULATION*

1. *A one-time front setback reduction is allowed for existing single family structures in GMA 2.*

2. *The front setback of this building expansion shall be no closer to the front property line than eighty percent (80%) of the existing front setback of the structure.*

3. *Street-facing setbacks of existing structures on corner lots shall be no closer to the street than eighty percent (80%) of the existing street-facing setback of the corresponding side of the existing structure.*

4. *Where this method of setback calculation is used, building expansions shall not extend beyond the minimum UDO setback standards of the underlying zoning district.*

ii. *ALTERNATIVE METHOD OF SETBACK CALCULATION*

1. *Alternatively, front setback may be calculated by averaging the street-facing setbacks of the primary structures nearest to each side of the subject property within the same block.*

2. *The new front setback of the subject property shall be no closer to the front property line than eighty percent (80%) of the average of the street-facing setbacks of the nearest structures on each side of the structure within the same block.*

3. *Where a primary structure only exists on one side of the subject property, the front setback of that property shall be averaged with the minimum UDO setback standards of the underlying zoning district to determine average setback.*

4. *The new front setback of the subject property shall be no closer to the front property line than eighty percent (80%) of this average.*

5. *Where no structures exist within a block, this alternative method of setback calculation shall not apply.*

6. *Street facing setbacks of corner lots shall be no closer to the property line than eighty percent (80%) of the street facing setback of the nearest structure on that side of the subject property within the same block.*

7. *Where no structures exist within a block, this alternative method of setback calculation shall not apply.*

C. *SUBDIVISIONS*

1. *GENERALLY*

a. *Residential subdivisions less than five (5) acres in size are subject to the standards of **Section 6.4.2B.1, Requirements for New Single Family Structures**, with the exception of standards regulating street-facing setbacks on corner lots, which shall meet the standards of **Section 6.4.2B.1.a, Front Setback**.*

b. *Subdivisions which do not meet the requirements of **Section 6.4.2B, Single Family Development On Scattered Sites**, but meet the intent of the Ordinance may be approved through a special use district rezoning.*

2. *STREET-FACING SETBACKS ON CORNER LOTS*

The following setback requirements shall apply to newly subdivided corner lots:

a. *The street-facing setback of a newly subdivided corner lot shall be no less than ninety percent (90%) of the street-facing setback of the nearest structure on that side of the subject property within the same block.*

b. *Where no structures exist within a block, the minimum UDO setback standards shall be met.*

c. *A variance to these setback standards may be granted by the Board of Adjustment where the size, shape, configuration, or topographic features of an existing lot makes development according to the aforementioned standard impracticable.*

3. *FLAG LOTS*

*Flag lots as described in **Chapter 7, Subdivision Requirements** of the Ordinance shall require approval through a special use district rezoning.*

4. *LOTS BEING SERVED BY A PRIVATE ACCESS EASEMENT*

Lots that do not have public road frontage and will be served by a private access easement shall require approval through a special use district rezoning.

D. *MULTIFAMILY DEVELOPMENT*

*See **Section 5.2.71B.7, Multifamily Buildings in GMA 2**.*

6.4.3 LARGE SCALE RETAIL DEVELOPMENTS (W)

A. *INTENT*

1. *The intent of this section is to encourage visual design interest and a pedestrian site design for large-scale retail buildings.*

2. *These structures shall be designed to reduce the massive scale and uniform, monolithic appearances.*

3. *Building design shall also promote a safe and comfortable pedestrian oriented site with a mixture of uses and sizes of structures.*

4. *Careful attention to local community design issues will also ensure a greater likelihood of reuse of the structure for subsequent tenants.*

B. *APPLICABILITY*

The following retail development is subject to the requirements of this section in addition to complying with all other UDO requirements:

1. *New construction equal to or exceeding seventy-five thousand (75,000) gross square feet of single plate ground floor and serving a single tenant as a stand-alone retail structure, or as part of a multi-tenant shopping center, or a single plate ground floor structure serving multi-tenants equal to or exceeding one hundred fifty thousand (150,000) gross square feet. For the purposes of this section, accessory leased spaces without their own exterior public entrance and within the primary store, do not count as multiple tenants;*

2. *Twenty-five thousand (25,000) square foot or more addition to an existing seventy-five thousand (75,000) + gross square feet single plate ground floor space serving a single tenant. Additionally, the requirements of this section shall apply to the structure that includes the addition and to the portion of the site that is developed as a direct result of the increased parking requirements;*

3. *Any addition to a structure or development that has previously been reviewed under this section;*

4. *Pad sites and out parcels with structures that are associated with the primary development and which are included in the original subdivision and/or master plan of the overall development.*

5. *Due to the typically smaller scale of pad sites, the Planning Director, or a designee, may deviate from the prescribed facade treatments if the overall design of the structure(s) on all of its publicly visible sides, remains compatible and comparable to the principal structure;*

6. *Zone or area districts that have a regulatory design review process, such as the Mixed Use - Special (MU-S), are exempt from these standards; and*

7. *Applicability of this section shall satisfy the site plan review administrative requirements for a concurrent special use rezoning application.*

C. VACANCY

Abandoned buildings and blighted sites cause negative visual and fiscal concerns for the community. Therefore in order to minimize these instances upon the community, and in addition to this and other applicable codes and ordinances, the following shall apply to vacated building(s) or development reviewed under this section:

1. ***EXTERIOR SURFACES***

a. *All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches and trim shall be maintained in good repair;*

b. *Exterior wood surfaces, other than decay resistant materials, shall be protected from the elements and decay by painting or other protective coverage or treatment;*

c. *Peeling, flaking, and chipped paint shall be eliminated and surfaces repaired; and*

d. *All siding and masonry joints shall be maintained weather resistant and watertight.*

2. ***EXTERIOR WALLS***

Exterior walls of buildings shall be maintained free from holes, breaks, loose or rotting materials, and graffiti; and shall be maintained weatherproof and properly surface coated as needed to prevent deterioration.

3. *ROOFS*

a. *Roofs of buildings shall be maintained so that they are structurally sound and in a safe condition and weathertight, and have no defects, which might admit rain or cause dampness in the interior portions of a building.*

b. *All portions, additions or sections of a roof including, but not limited to, the fascia, eave, soffit sheathing, rafter tail, barge rafter, vent screening, gutter, downspout, roof jack, lead or metal flashing, shall be complete with all trim strips, moldings, brackets, braces, and supports attached or fastened in accordance with common building practices.*

4. *WINDOWS*

All glass areas, including those in windows and doors shall be fully supplied and maintained as per the approved plan(s), or covered with smooth surface boards that are painted to coordinate with the building.

5. *GROUNDS*

a. *All landscaped areas as defined in the approved plan(s) shall be maintained and kept free of trash, old building materials, junk, unlicensed or inoperative vehicles, and other such material and equipment which, by its appearance, location or use, makes it incompatible with the principal use or other uses in the immediate neighborhood.*

b. *The height of grass and other general ground cover shall be kept trimmed to a height of no more than eight (8) inches.*

c. *Trees and shrubs shall be kept maintained and trimmed.*

d. *All driveway, parking, loading, and outside storage areas shall be maintained as per the approved plan(s).*

e. *All fences, walls, lighting, signs, storage structures, and other visual physical improvements or appurtenances as per the approved plan(s) shall be maintained in a safe, working order and in good appearance and free of graffiti.*

6. *STORAGE*

a. *No outside storage is permitted on a vacant site.*

b. *No outdoor sales, such as new or used cars, or mobile carwashes, shall be allowed on a vacant site unless approved in advance by the Director of Inspections and as per the applicable zone district allowed uses.*

D. *DESIGN STANDARDS*

Design standards shall include the following:

1. *All design standards contained within this section shall be applicable unless otherwise specified.*

2. *Pre-fabricated metal building facades are prohibited.*

3. *Corrugated metal, unfinished smooth face concrete block or tilt-up concrete panels, pre-fabricated steel panels, and vinyl siding may not be used unless approved by the Director of Planning as complementary to the overall design of the development.*

4. *Predominant exterior building materials may include wood, brick, limestone, granite, other native stone, or tinted, textured concrete masonry units, or stucco.*

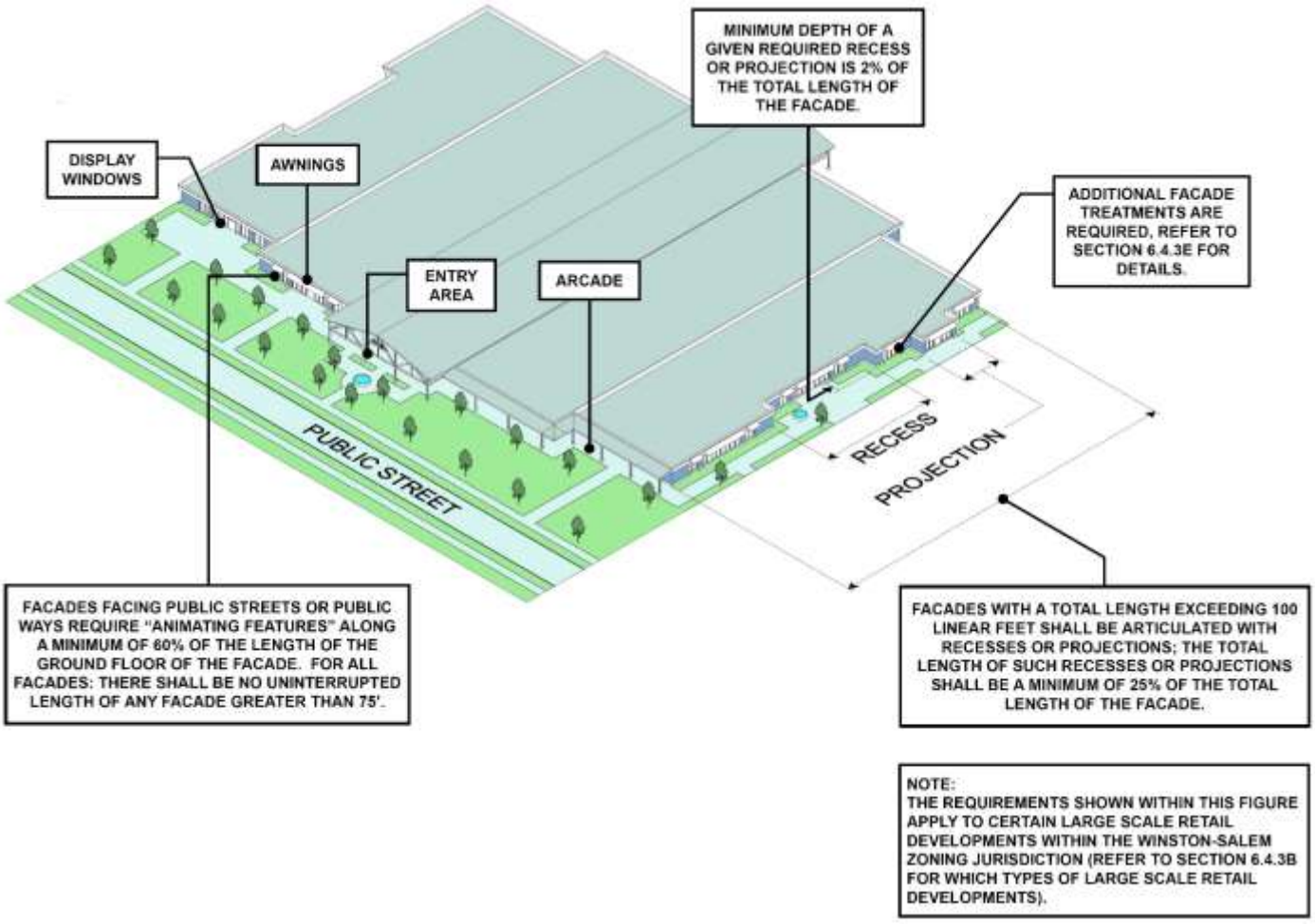
5. *Facades greater than one hundred (100) feet in linear length shall be articulated with recesses or projections, which total at least twenty-five percent (25%) of that facade.*

6. *Recesses or projections shall be a minimum of two percent (2%) of the length of that facade.*

7. *No uninterrupted length of any facade shall exceed seventy-five (75) horizontal feet.* ***See Figure 6.4.3D****.*

8. *Ground floor facades that face public streets or public ways shall have arcades, display windows, entry areas, awnings and other such design features along no less than sixty percent (60%) of that facade. This requirement includes the facade of the building that functions as the rear, yet faces a street.* ***See Figure 6.4.3D.***

FIGURE 6.4.3.D – CERTAIN FACADE REQUIREMENTS FOR CERTAIN LARGE SCALE RETAIL DEVELOPMENTS IN THE WINSTON-SALEM ZONING JURISDICTION



9. *If the site development or a street widening or relocation associated with the development involves the relocation of existing overhead utilities, all existing utility and electrical lines thirty thousand (30,000) volts or less and located on the site and/or along the site's frontage and within the public right-of-way shall be placed underground.*

10. *In circumstances when Duke Power determines that the undergrounding will be detrimental to the overall safety and/or reliability of the circuit, the Planning Board may waive this requirement in part or in whole. For multiple frontage sites that are not corner lots, the Director of Planning, in consultation with the Engineering Department and Duke Power, may allow for the retention of the existing overhead lines in whole or in part, based upon circuit reliability and safety, and/or the frontage's length, topography, and/or visibility, or excessive cost.*

E. *FACADE TREATMENTS*

All facades must use at least five (5) of the following design features.

The Director of Planning, or a designee, may allow for minor deviations to the full requirement of each chosen item if the petitioner can adequately demonstrate that the overall intent and spirit of this section continues to be adhered to in an overall development design:

1. *COLORS, MATERIALS OR TEXTURES*

Have more than two (2) exterior contrasting colors and have more than three (3) exterior material or texture changes.

2. ***DECORATIVE ELEMENTS***
Have building face offsets, such as pilasters, columns and/or reveals, or other decorative elements (minimum twelve (12) inch offset) that are parallel to the front lot line.

3. ***COVERED WALKWAY***
Covered pedestrian walkway (minimum of eight (8) foot depth) across the entire front facade of the structure.

4. ***DISPLAY WINDOWS***
Clear glass window display area that covers at least twenty percent (20%) of one facade, or thirty percent (30%) of two (2) facades.

5. ***PUBLIC ART — BUILDING***

a. *To further create an individual identity to the community, artistic detailing such as tile work, murals, sculptures, and similar features, which are integrated into the design of the structure are encouraged.*

b. *If tile work or murals, or similar detailing on the building is used, it must cover at least twenty percent (20%) of that facade, which is not devoted to the entrance area(s).*

c. *In lieu of installation of public art directly by the developer, the developer may elect and is encouraged to have a local arts organization coordinate the selection, placement and installation of the public art as required in this subsection:*

i. *One percent (1%) of the construction cost, as determined by the value of the building permit, for the subject property shall be allocated and used to purchase and install public art for the building(s).*

ii. *Calculation of the construction cost shall be verified by the Inspections Department.*

iii. *The following expenses may be included in the public art allocation:*

1. *The artwork itself, including the artist's fee for design, structural engineering, and fabrication;*

2. *Transportation and installation of the work at the site;*

3. *Identification plaques; and*

4. *Mountings, anchorages, containment, pedestals, bases or other materials necessary for the installation of the artwork;*

iv. *The following expenses shall be excluded from the public art allocation:*

1. *The cost of locating the artist;*

2. *Architect and landscape architect fees;*

3. *Land costs;*

4. *Landscaping, utility connections and fees associated with activating the artwork; and*

5. *Publicity, public relations, photographs, or dedication ceremonies.*

6. ***PUBLIC ART — SITE OR OFF-SITE***

a. *To further create an individual identity to the community, artistic detailing shall be integrated into the design of the site.*

b. *In addition to sculpture, innovative locations for public art, such as at the architectural entrance to the site are encouraged.*

c. *In lieu of installation of public art directly by the developer, the developer may elect and is encouraged to have a local arts organization coordinate the selection, placement and installation of the public art as required in this subsection.*

d. *In lieu of placement on the site, the developer may make a payment-in-lieu to the City for the Public Art Commission to use on public art projects. The requirements of the subsection are:*

i. *One percent (1%) of the construction cost, as determined by the value of the building permit for the subject property shall be allocated and used to purchase and install public art for the site.*

ii. *Calculation of the construction cost shall be verified by the Inspections Department.*

iii. *Expenses set forth in **Section 6.4.3E.5, Public Art — Building**, may be included in the public art allocation.*

7. *PLANTERS OR SEATING AREAS*

a. *Integrated planters or walls constructed parallel to the face of the building and incorporating living landscaped areas and/or places for sitting.*

b. *Such areas shall be a minimum of two (2) feet wide and nineteen (19) inches high for sitting, and five (5) feet wide for a planter and cover at least fifty percent (50%) of that facade.*

8. *PLAZAS*

a. *Open space pedestrian plaza, which incorporates gathering and sitting opportunities adjacent to the main entrance or on the front facade equivalent to two percent (2%) of the gross square footage of that building.*

b. *Such an area shall include a seating area with benches or tables and chairs at a minimum rate of one seat per fifteen thousand (15,000) gross square feet, and shall include at least one of the following features:*

i. *Kiosk(s);*

ii. *Outdoor playground area;*

iii. *Water feature;*

iv. *Gazebo; or*

v. *Clock tower or other such focal feature and amenity that enhances the public space.*

9. *SKYLIGHTS*

Atrium skylight(s), with a minimum depth of twenty (20) feet that visually enhances the exterior architectural style and design of the front entrance, facade and roof area.

F. *ROOFS*

Roof design shall incorporate the following design features:

1. *Flat roof designs shall be constructed with parapets to screen HVAC and other roof mounted mechanical equipment from public view.*

2. *Such parapets shall not exceed one-third (1/3) of the height of the supporting wall and shall be constructed with a three-dimensional cornice treatment;*

3. *Membrane roofing material is prohibited when visible from public view. Roofing materials shall be tile, slate, asphalt and metal; and*

4. *All roof designs must use at least one of the following design features:*

a. *Three (3) or more roof slope planes; or*

b. *Overhanging eaves or canopy projections, which extend no fewer than two (2) feet past the supporting walls.*

G. *ENTRANCES*

Each retail establishment shall have a clearly defined and highly visible customer entrance or portal, which incorporates the following design features:

1. *A pedestrian plaza as per the following:*

a. *Single tenants occupying more than fifty thousand (50,000) square feet shall provide for a plaza area of at least twenty (20) feet in depth immediately in front of their entrance(s). It is encouraged that this area be large enough to plant shade trees;*

b. *Single tenants occupying more than twenty thousand (20,000) square feet shall provide for a plaza area of at least ten (10) feet in depth immediately in front of their entrance(s); or*

c. *Single tenants of less than twenty (20,000) square feet shall provide a plaza area of at least eight (8) feet in depth immediately in front of their entrance(s).*

2. *With the exception of interior malls, multiple and separate stores located in the same structure shall have at least one exterior customer entrance. For the purposes of this subsection, accessory uses within the primary store are not required to comply.*

3. *Diagonal parking on both sides of the travel lane along the front facade of the structure(s) shall be encouraged to create a "main street" type atmosphere.*

4. *Each portal shall use at least three (3) of the following design features. These design features shall be in addition to those required* ***Section 6.4.3G, Entrances****:*

a. *Canopies, porticos, arcades and/or outdoor patios;*

b. *Raised or peaked cornice parapets over the entrance;*

c. *Architectural or artistic details such as tile work and moldings that are integrated into the design of the entrance; or*

d. *Integral planters or walls that incorporate living landscaped areas and places for sitting that are built perpendicular to the facade and frame the entrance. Such areas shall be a minimum of two (2) feet wide and nineteen (19) inches for sitting and twenty (20) feet wide for a planter and shall be a minimum of ten (10) feet in overall length.*

H. *PARKING AND CIRCULATION*

1. *The parking lot design and pedestrian circulation routes shall provide a safe, convenient and efficient access for vehicles, pedestrians and bicyclists.*

2. *Pedestrian circulation via internal public sidewalks shall be encouraged.*

3. *The placement of structures shall enhance and promote pedestrian circulation on the site.*

4. *Artistic detailing and paving patterns are encouraged in pedestrian walkways, plazas, and gathering areas.*

5. *No more than eighty percent (80%) of the overall proposed parking for a single structure development shall be located between the front facade and the abutting street.*

6. *The total number of parking spaces shall not exceed that required by* ***Table 6.1.2A., Motor Vehicle and Bicycle Parking Space Requirements****.*

7. *At minimum, one internal continuous sidewalk of at least five (5) feet wide (clear) shall be provided from the public street to the entrance(s).*

8. *Additionally, at least four (4) feet wide walkways shall connect focal points of pedestrian activity, such as transit stops, street crossings or store entry points, and shall feature adjoining landscaped areas (four (4) feet minimum landscape depth) to provide a separated and pedestrian friendly access route for no less than fifty percent (50%) of their overall length.*

9. *All internal pedestrian walkways shall be physically separated from the drive lanes.*

10. *Additionally all sidewalks and crosswalks shall be visually distinct from the driving surface by use of pavers, bricks, or scored concrete.*

11. *Sidewalks, at least eight (8) feet in width, shall be provided along any facade featuring a customer entrance, and along any facade abutting public parking areas.*

12. *At all times, such sidewalks shall maintain a clear pedestrian passage equal to the width of the sidewalk.*

13. *Additionally, such sidewalks shall connect all customer entrances and to other internal sidewalks, and shall be located an average of at least three (3) feet from the facade of the building to provide planting beds for living foundation landscaping, except where features such as covered walkways, arcades or entryways are part of the facade.*

14. *Such live foundation landscaped areas shall be a minimum average of six (6) feet wide, and shall be a minimum of fifteen (15) feet in overall length.*

15. *An off and/or on-street transit stop for customers and employees shall be provided when the site is located on an established or planned transit route.*

16. *Where applicable, pedestrian and recreational paths, and vehicular linkages shall be made with adjoining properties.*

17. *Bike racks shall be provided adjacent to entrances.*

18. *Overnight parking of RV's, mobile homes, and other vehicles providing transient residency is prohibited.*

I. *LANDSCAPING*

Landscaping as defined in this section is in addition to the requirements of ***Section 6.2.1D, Motor Vehicle Surface Area Landscaping Standards****. To compliment the large scale of the structure(s) and parking areas, the following shall be included:*

1. *Trees planted under this section or* ***Section 6.2.1B, Application Procedures and General Requirements****, shall be a minimum of two (2) inch caliper and specimen quality as certified by the American Standard of Nursery Stock (ASNS).*

2. *Park grade trees are prohibited.*

3. *The required landscape setback area as defined in* ***Section 6.2.1B, Application Procedures and General Requirements,*** *shall be a minimum of ten (10) feet, with an overall landscaped area equivalent to an average of twenty (20) feet across the entire site's public and private street frontage. This will allow design flexibility in the width of the landscaped area along the frontage.*

4. *Parking lot landscape islands shall be provided every one hundred (100) linear feet of aligned parking spaces and shall be a minimum of twelve (12) feet wide.*

5. *A minimum of thirty percent (30%) of the required parking lot landscape islands as described in* ***Section 6.4.3I, Landscaping****, shall be a minimum of fifteen (15) feet wide and eighteen (18) feet long. It is encouraged that these be placed in proximity to the front of the buildings(s).*

J. *OUTDOOR STORAGE, TRASH COLLECTION, AND LOADING AREAS*

These areas, due to their visual and noise impacts onto adjacent properties and visitors to the site, shall be screened, recessed, or enclosed:

1. *No area for outdoor storage, trash collection or compaction, loading, or other such uses shall be located within twenty (20) feet of any public street, public sidewalk, or internal pedestrian walkway.*

2. *Outdoor shopping-cart storage areas shall be provided in the parking lot, and adjacent to the buildings if they are not available at the entrance.*

3. *Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash dumpsters, trash compaction, and other such service functions shall be incorporated into the overall design of the structure and landscaping so that the visual and acoustic impacts of these functions are fully contained and out of the view from general passersby.*

4. *Decibel (dBA) reading sheets shall be provided for all mechanical equipment, including refrigeration units (built-in or free standing tractor trailer units), trash compacters, generators and HVAC units. Acoustic buffering shall be required for any equipment that exceeds sixty-five (65) dBA in order to ensure that combined minimal noise levels (less than fifty (50) dBA) are present at the property line of the subject property).*

5. *Screening materials shall be the same as those used on the structure to avoid visual detection of the service function on and off site.*

6. *Only previously designated and approved areas for the parking or storage of trucks, trailers, or containers as accessory outdoor storage shall be permitted. Such areas are prohibited on any portion of a walkway, drive aisle, parking, or landscaped area.*

K. *OUTDOOR SALES*

Permanent and seasonal outdoor sales areas shall be incorporated into the design of the building and site. Additionally, only previously designated and approved permanent or seasonal outdoor sales areas shall be permitted.

1. *Non-enclosed areas for the sale and storage of seasonal inventories shall be permanently defined and separated*

with walls and/or fences.

2. *Walls and roofs shall conform to the standards defined in* ***Section 6.4.3D, Design Standards****, and* ***Section 6.4.3F, Roofs****.*

3. *If anti-theft devices for the area(s) are provided, they shall be identified on the site plan.*

4. *No outdoor display or sales area shall encroach on to any portion of a walkway, drive aisle, parking or landscaped area.*

L. *SIGNS*

1. *Signs shall be incorporated into the design of the structure.*

2. *Signs shall be designed for both the pedestrian and the motorist.*

3. *Roof mounted signs are prohibited.*

4. *Freestanding signs shall be constructed with a base of the same materials as the structure to provide for a pedestrian scale and to unify the sign with the structure(s).*

5. *Architectural gateway or entrance elements, which identify the address of the site, which are less than five (5) feet in overall height, shall not constitute a freestanding sign.*

6. *All projecting signs shall be placed a minimum of nine (9) feet above the sidewalk.*

7. *For the purposes of this subsection a projecting sign is a sign that projects more than twelve (12) inches.*

8. *Signs or advertising devices with visible moving or flashing animated or intermittent illumination are prohibited.*

M. *CANOPIES*

Gasoline canopies, car washes, and other accessory functions located in separate structures on the same subject site shall be complementary to the overall design of the site and of the primary structure.

1. *Materials, colors, and designs, including roof design, shall conform with and compliment the predominant materials and colors of the main structure.*

N. *MISCELLANEOUS*

Internal traffic signs, handicapped parking signs, transformers, and other such site necessities shall be integrated into the overall design of the site.

1. *Traffic and parking signs shall comply with the Manual on Uniform Traffic Control Devices.*

2. *Sign housings and post shall be designed to be a visual and design amenity for the site. Creativity in design is encouraged.*

3. *Transformers shall be integrated into the overall design of the site and shall be heavily screened with living landscaping and/or enclosures to minimize their visual impact.*

O. *SUBMISSION REQUIREMENTS*

The following shall be submitted to the City-County Planning Department for approval of a large-scale retail development:

1. *Proposed site plan(s) to scale that meets the requirements of* ***Section 3.2.11, Site Plan*** *and including the following:*

a. *Perimeter outline including dimensions of all structures including decks, patios, parking areas with spaces delineated, driveway(s), walkway(s), freestanding signs, light fixtures, transformers, fences, retaining walls;*

b. *Easements and/or right-of-ways;*

c. *Setbacks-distance to property lines from building(s), parking area(s), driveway(s);*

d. *Proposed landscaping including species, sizes, and planting interval;*

e. *Proposed topographic grade changes (minimum two (2) foot contours); and*

f. *All existing and proposed water, sewer and storm water layouts, detention areas, utility appurtenances (such as backflow preventers), and major erosion control features.*

2. *Full building elevations (to scale), clearly showing all exterior materials, colors, lighting and signs on building(s);*

3. *Section cuts of the site when existing or proposed topography includes more than a ten (10) foot elevation change; and*

4. *Other requirements imposed by the City-County Planning Board in order to comply with this section.*

P. DEVIATIONS FROM THE STANDARDS

1. *To further design excellence and creativity within the community, and to encourage a design tailored to the community, applicants for large-scale retail development proposals shall maximize the overall design of the site and structure(s).*

2. *The Director of Planning, or a designee, may allow minor changes in the design standards listed in this section and deviation from the setback requirements of* ***Section 4.6.12, Major Retail and Business District (MRB-S) (W)****, if the spirit and intent of this section continues to be adhered to in the overall development design.*

3. *Additionally, minor deviations may also be made in order to enable and promote the creation of cohesive buildings and site designs for multi-structure developments.*

4. *Major deviations and/or interpretations of these standards, as well as appeals of the decisions made by the Director of Planning or a designee under this section, shall be made by the Elected Body.*

6.5 SIGNAGE

6.5.1 WINSTON-SALEM SIGN REGULATIONS (W)

A. PURPOSE

Signs are a necessary and beneficial use of property that contributes to our community's economic vitality and appearance. Reasonable sign regulations are necessary to protect public property and community aesthetics. The intent of this Ordinance is to regulate the type, number, physical dimensions, erection, placement, and maintenance of signs in Winston-Salem and Forsyth County. The purpose is to:

1. *Promote the public health, safety, and welfare of residents and visitors;*

2. *Provide an environment which fosters growth and development of business;*

3. *Protect commercial districts from visual clutter;*

4. *Protect property values;*

5. *Eliminate distractions which are hazardous to motorists and pedestrians;*

6. *Protect and enhance the natural beauty, cultural attributes, distinctive character and visual environment of Winston-Salem and Forsyth County;*

7. *Protect the public's ability to identify establishments and premises in an orderly, readable, and safe manner;*

8. *Protect the public's investment in public buildings, streets, roads, highways, and open spaces; and*

9. *Balance the individual rights of property owners to communicate their message with the public's right to be free of unreasonable distractions and aesthetic intrusions.*

B. EFFECT

The effect of this section is:

1. *To establish a permit system that allows a variety of signs on business premises and a limited variety of signs on other premises, subject to this Ordinance and its permit procedures.*

2. *To allow certain small, unobtrusive signs incidental to the principal use of a site without a permit if such signs meet the substantive requirements of this Ordinance.*

3. *To prohibit off-premises advertising signs, except where regulation is controlled by State or Federal law.*

4. *To allow a variety of types of noncommercial signs subject to the same substantive and permit requirements that control on-premises signs.*

5. *To allow certain types of signs to make minor encroachments of the public right-of-way, if specially permitted.*

6. *To prohibit all signs not expressly permitted by this Ordinance.*

C. GENERAL REQUIREMENTS

1. APPLICABILITY

a. *The provisions of this section are applicable to all signs, both off-premises and on-premises, unless otherwise provided for in this Ordinance.*

b. *Any sign, in the districts where it is permitted, shall hereafter be in compliance with the provisions of this section and shall meet all other regulations applicable to signs, including those found in the Code of Ordinances of the City of Winston-Salem and the Code of Ordinances of the County of Forsyth for signs erected in those jurisdictions, and in the North Carolina Building Code and National Electric Code.*

2. REQUIRED PERMITS AND APPROVALS

a. ZONING PERMIT

A zoning permit shall be secured from the Zoning Officer prior to the construction, reconstruction, erection, enlargement, relocation, structural alteration, repair or removal to a sign, except as otherwise provided for in ***Section 6.5.1F, Signs Allowed With a Zoning Permit****, of this Ordinance.*

b. H AND HO DISTRICTS

Prior to issuance of a zoning permit, a sign within the H and HO zoning districts requires the issuance of a Certificate of Appropriateness from the Forsyth County Historic Resources Commission.

c. *OVERLAY DISTRICT APPROVAL*

Prior to issuance of a zoning permit, a sign within the NCO, TO, or AO zoning districts may be subject to additional approvals and requirements as provided for in the applicable overlay district section of this Ordinance.

d. *HISTORIC SIGN APPROVAL*

Prior to issuance of a zoning permit, a historic sign must meet the additional provisions of ***Section 6.5.1F.5, Historic Sign****, and be classified as a historic sign by the Forsyth County Historic Resources Commission.*

3. *ILLUMINATION*

Any externally illuminated sign shall be shielded so as not to cast direct light onto any residential district and as not to create a safety hazard.

4. *LOCATION*

a. *PUBLIC ROW*

i. *No portion of a sign shall be located within the public right-of-way or sight distance triangles except as permitted by this Ordinance or Chapter 70 of the Code of Ordinances of the City of Winston-Salem, and with approval by the City of Winston-Salem or the NC Department of Transportation.*

ii. *This includes all above ground and below ground supports, frames, and embellishments or any portion of a sign attached to, affixed to, or painted on any utility pole, light standard, utility box or pedestal, tree, rock, or other natural object located within the public right-of-way or sight distance triangles.*

b. *TRAFFIC HAZARD*

No sign shall be located in a manner which creates a traffic hazard.

c. *INGRESS AND EGRESS*

No sign shall be located in a manner that impairs ingress and egress through windows, doors, or other means of entering or exiting from a structure or building.

5. *MAINTENANCE*

a. *Signs shall be maintained in sound and safe condition.*

b. *Any sign or supporting structure declared to be unsafe by the Director of Inspections shall be repaired or removed by the owner immediately after notice by the Director of Inspections.*

6. *ON-PREMISES SIGN AREA MEASUREMENT PROVISIONS*

a. *MEASUREMENT OF INTERNALLY ILLUMINATED SIGNS AND SIGNS CONSISTING OF A PERMANENT STRUCTURE WITH REMOVABLE PANELS*

i. *The area of internally illuminated signs and signs consisting of a permanent structure with panels designed to be removed and/or replaced for periodic maintenance or change of tenant(s) shall be computed as the smallest rectangle that will encompass the extreme limits of the illuminated or changeable panels and structure less than three (3) inches wide, regardless of sign shape and whether or not open spaces exist.*

ii. *Any cutouts or extensions shall be included in the area of the sign. In the case of separate signs sharing a common structure, the open spaces between the panels shall not count as sign area.*

b. *MEASUREMENT OF ALL OTHER SIGNS*

i. *Sign area for all other signs shall consist of the smallest rectangle or sum of contiguous rectangles which completely encompasses the sign message, including letters, words, and graphic elements.*

ii. *This method of measurement shall also apply to words and graphic elements painted onto windows, awnings, and canopies.*

c. *AREA OF A MULTI-FACED SIGN*

i. *Each face of a sign that contains two (2) faces may contain up to the maximum permitted sign area.*

ii. *Where two (2) sign faces are not attached back to back, they must be joined at an angle of no more than ninety (90) degrees.*

iii. *Each face of a sign with three (3) or more faces shall contain a minimum of fifty percent (50%) less sign area per face than the maximum permitted sign area.*

d. *AREA OF A MULTI-TENANT SIGN, CHANGEABLE COPY SIGN, OR ELECTRONIC MESSAGE BOARD*

The face and frame of a portion of a sign that includes the names of individual tenants or an area for changeable or electronic copy shall count toward the total area of the sign.

D. *PROHIBITED SIGNS OR OBJECTS*

The following signs or uses of signs are prohibited, unless otherwise provided for in this Ordinance:

1. *ABANDONED SIGN*

a. *A freestanding sign relating to or identifying an activity or establishment that is no longer conducted on the premises.*

b. *Such signs include the sign's structure if the structure cannot be used for a legal use or does not comply with the height, area, or other physical requirements of this Ordinance.*

c. *Such sign shall be in violation of the zoning ordinance if not brought into conformance or removed within three hundred sixty-five (365) days after notification of the property and sign owner(s) by the Zoning Officer.*

d. *A sign which meets the height and area requirements of this Ordinance shall not be removed from its supporting cabinet structure unless a new sign will replace that sign in the aforementioned structure.*

e. *An Abandoned sign not replaced shall be left in its cabinet structure and shall be painted or otherwise masked using a solid, uniform color covering the sign.*

2. *ROOF SIGN*

a. *A sign that extends higher than the roof of a building or is attached to or painted on a roof structure, panels or walls constructed to screen rooftop mechanical equipment or a roof top penthouse.*

b. *See **Section 6.5.1I.7, Height**.*

3. *TEMPORARY AND PORTABLE SIGN*

a. *Any sign not permanently attached to the ground or other permanent structure, unless otherwise provided for in this Ordinance.*

b. *Such signs include, but are not limited to, signs with attached wheels and signs attached or painted on vehicles parked and visible from the right-of-way, unless said vehicle is used as a vehicle in the normal day-to-day operations of the business it advertises and is parked on the same zoning lot as the business.*

c. *This provision shall not apply to sandwich board signs as set forth in **Section 6.5.1E.11, Sandwich Board Sign**.*

4. *SIGN WITH MOVING AND FLASHING LIGHTS OR PARTS*

a. *Notwithstanding the provisions of **Section 6.5.1F.2, Electronic Message Board Sign**, a sign with blinking, chasing, flashing, or moving effects; or a sign displaying intermittent or flashing lights similar to those used in governmental traffic signals or used by police, fire, ambulance, or other emergency vehicles.*

b. *Such signs include beacons, spotlights, searchlights, or reflectors and signs which revolve, rotate, or swing by mechanical means.*

c. *This prohibition shall not apply to on-premises attached neon signage with blinking, chasing, flashing, or moving effects within the Winston Overlay (WO) District.*

5. *WINDBLOWN SIGN*

*A fluttering, spinning, windblown, or inflatable device, including pennants, streamers, and propeller discs, except as set forth in **Section 6.5.1E.1, Local, State, National, Corporate, and Organizational Flags**, **Section 6.5.1E.2, Government Approved Signs**, and **Section 6.5.1F.4, Special Event Banner**.*

6. *USE OF WARNING WORDS OR SYMBOLS*

A sign using the words stop, danger, or any other word, phrase, symbol, or character similar to terms used in a public safety warning or traffic sign.

7. *SEXUALLY ORIENTED SIGNS*

A sign which exhibits matter depicting, describing, or relating to:

a. *"Specified anatomical areas," as defined in Section 14-202.10(10) of the North Carolina General Statutes;*

b. *"Specified sexual activities," as defined in Section 14-202.10(11) of the North Carolina General Statutes; and*

c. *"Sexually oriented devices," as defined in Section 14-202.10(9) of the North Carolina General Statutes.*

8. *GROUND SURFACE SIGN*

A sign composed of manmade or organic materials displayed upon the surface of the ground.

E. *SIGNS ALLOWED IN ANY DISTRICT WITHOUT A ZONING PERMIT*

The following signs or uses of signs which meet the additional provisions of this section are permitted in any zoning district, unless otherwise specified, with no zoning permit required:

1. *LOCAL, STATE, NATIONAL, CORPORATE, AND ORGANIZATIONAL FLAGS*

a. *Local, state, and national flags shall have no size limitations.*

b. *Additionally, one corporate logo flag or organizational flag may exist on premises where an American Flag is flown.*

c. *A corporate logo or organizational flag shall be no larger than the American Flag with which it is flown.*

2. *GOVERNMENT APPROVED SIGNS*

a. *A sign required by law; emergency, safety, warning, or traffic sign; or a sign installed by, at the direction of or with the approval of a governmental authority shall have no size requirements.*

b. *Such signs include signs approved by a governmental authority which promote special points of interest and events, including but not limited to decorative banners in conformance with Section 70-14 of the City of Winston-Salem Code.*

3. *HISTORICAL MARKER*

A historical marker erected or placed by a historical nonprofit corporation, the Forsyth County Historic Resources Commission or other governmental authority with a maximum area of twelve (12) square feet.

4. *CHURCH DIRECTIONAL SIGNS*

A sign in conformance with Article IV, Section 70-101 of the Code of Ordinances for the City of Winston-Salem.

5. *GASOLINE PUMP, AUTOMATIC TELLER, AND VENDING MACHINE SIGN*

A sign that displays prices or the name, trademark or logo of the company or brand it advertises provided the sign is an integral part of the permitted gasoline pump, automatic teller, or vending machine.

6. *MENU BOARD AT FAST FOOD RESTAURANT*

a. *A menu board for a permitted restaurant with drive-through service shall be located in such a way as to be viewed from a designated drive-through lane and not located within the required front, side, or rear yard.*

b. *In no case shall a menu board exceed thirty-two (32) square feet in area.*

7. *VEHICULAR ENTRANCE AND EXIT SIGNS*

a. *One vehicular entrance and one vehicular exit sign containing a maximum of six (6) square feet each and a maximum height of three (3) feet shall be permitted per driveway.*

b. *Vehicular entrance and exit signs shall contain no commercial content other than a symbol, name, or logo of the establishment it serves.*

8. *INCIDENTAL SIGN*

a. *Such on-premises signs include, but are not limited to, pedestrian entrance and exit signs, building numbers and addresses, private parking signs, no trespassing signs, or dangerous animal signs.*

b. *An incidental sign shall contain a maximum of twelve (12) square feet, be a maximum of six (6) feet in height, and shall contain no commercial content other than a symbol, name or logo of the establishment it serves.*

9. *INFORMATION, DIRECTION, AND IDENTIFICATION SIGNS*

a. *Information, direction, and identification signs installed by or at the direction of a governmental authority or with its approval shall be allowed. Such sign shall have a maximum area of thirty-six (36) square feet and a maximum height of six (6) feet except where health, safety and welfare issues require increased sign height, and shall contain no commercial content other than a symbol, name or logo of the establishment it serves.*

b. *Any symbol, name, or logo shall not comprise more than twenty percent (20%) of the sign area of the Information, direction, and identification sign it is associated with.*

10. *HOME OCCUPATION SIGN*

a. *An on-premises home occupation sign shall be limited to one sign per dwelling unit or principal use, and shall not exceed one square foot in area.*

b. *Additionally, the use of neon or illuminated signs which are visible from the exterior of buildings containing home occupations, including signs inside buildings, shall be prohibited.*

11. *SANDWICH BOARD SIGN*

A sandwich board sign shall meet the following provisions:

a. *The sign shall be used in conjunction with a nonresidential use within the CB, PB, NB, and MU-S Districts where the sidewalk is wide enough to allow for at least five (5) feet of width for unrestricted pedestrian movement with the sandwich board sign in place and as per City Code requirements.*

b. *One sandwich board sign per principal use shall be permitted.*

c. *A sandwich board sign shall not exceed eight (8) square feet in area and four (4) feet in height.*

d. *The sign shall be moveable and shall not be illuminated or permanently attached to the building, sidewalk, street furniture, other signs, street trees, landscaping, utility poles, or other appurtenances.*

12. *CONSTRUCTION, DEVELOPMENT, AND LENDER SIGN*

a. *Construction, development, and lender signs will be permitted one temporary on-premises sign per development under construction, not to exceed thirty-two (32) square feet in area and ten (10) feet in height for developments of five (5) acres or less and sixty-four (64) square feet for developments of more than five (5) acres.*

b. *Developments of five (5) acres or more with five hundred (500) feet or more of linear frontage shall be permitted an additional on-premises sign of the same dimensions.*

c. *Construction and development signs shall not be illuminated.*

13. *REAL ESTATE SIGN*

a. *An on-premises real estate sign for properties smaller than two (2) acres in the YR, AG, MH, RS, and RM Districts shall have a maximum area of six (6) square feet.*

b. *A sign in the YR, AG, MH, RS, and RM Districts for properties two (2) acres or more in size shall have a maximum area of thirty-two (32) square feet in area and ten (10) feet in height.*

c. *In all other districts, on-premises real estate signs shall not exceed thirty-two (32) square feet in area and ten (10) feet in height.*

d. *Lead-in (directional) off-premises real estate signs are permitted from Friday noon to Monday noon.*

e. *Real estate signs shall not be illuminated.*

14. *BUILDER SIGN*

a. *An on-premises sign indicating the builder(s) of individual residential units, either within the context of a larger development project or as an individually constructed unit, shall be permitted.*

b. *A builder sign shall have a maximum area of six (6) square feet and a maximum height of six (6) feet in all zoning districts.*

c. *A builder sign shall be removed upon sale of the property it is associated with.*

d. *Fence wraps displaying the name(s) and logo(s) of the companies involved in the construction project affixed to the perimeter fencing at a construction site until the certificate of occupancy is issued for the final portion of any construction at that site.*

15. *AGRICULTURAL SIGN*

A maximum of two (2) off-premises directional signs are permitted for agricultural produce grown and sold on the premises.

16. *POLITICAL SIGN*

a. *A political sign shall not exceed two (2) square feet in size.*

b. *Within the City of Winston-Salem, additional provisions of Section 38-25 of the Code of Ordinances of the City of Winston-Salem shall apply.*

17. *YARD SALE SIGN*

a. *An on-premises sign advertising a yard or garage sale shall not exceed two (2) square feet in size and shall be limited to one sign per lot.*

b. *Such signs may be erected seven (7) days prior to the event and shall be removed within two (2) days after the event.*

c. *Lead-in (directional) off-premises yard sale signs are permitted from Friday noon to Monday noon.*

18. *ON-PREMISES TEMPORARY SPECIAL EVENT SIGNS OR BANNERS FOR RELIGIOUS, CHARITABLE, CIVIC, EDUCATIONAL, FRATERNAL, GOVERNMENTAL, OR SIMILAR NON-PROFIT ORGANIZATIONS*

Temporary signage for the previously stated groups is allowed provided:

a. *No more than one sign per street frontage shall be permitted per event.*

b. *The sign/banner shall be located on the property on which the event will occur.*

c. *The sign/banner shall be erected no sooner than fourteen (14) days before and removed three (3) days after the event.*

d. *A period of no fewer than seven (7) days shall exist between the removal of one sign/banner and the installation of another.*

e. *The specific date or time period of the event being advertised shall be present on the sign/banner.*

19. *SIGNS INSIDE BUILDINGS*

Signs, including electronic message board signs, located inside buildings which are visible through doors or windows shall not be regulated by this Ordinance, except for signs prohibited by ***Section 6.5.1D, Prohibited Signs or Objects****.*

F. *SIGNS ALLOWED WITH A ZONING PERMIT*

The following signs are allowed with a zoning permit in any zoning district where the specified uses are permitted:

1. *ELECTRONIC TIME, DATE, TEMPERATURE SIGN*

a. *An electronic time, date and temperature sign may be applied to a freestanding or attached sign of any permitted nonresidential use.*

b. *An electronic time, date, and temperature sign shall be included in the calculation of total sign area permitted for freestanding and attached signs.*

c. *Electronic time, date, and temperature signs shall not display any image, text, or graphic other than the time, date, and temperature if separate from an electronic message board sign.*

2. *ELECTRONIC MESSAGE BOARD SIGN*

a. *Electronic message board signs shall be allowed in all nonresidential zoning districts except that, within the Winston Overlay (WO) District, electronic message board signs shall only be allowed on the premises of stadiums, coliseums, or exhibition buildings in accordance with the provisions of* ***Section 6.5.1H.6.c, Stadium, Coliseum, or Exhibition Building****.*

b. *A development may have either attached or freestanding electronic message signage, but not both, unless otherwise provided for in this Ordinance.*

c. *The following conditions shall apply to electronic message board signs:*

i. ***CALCULATION OF AREA***

An electronic message board sign which is included within a larger sign shall be included in the calculation of the total permitted sign area.

ii. ***CHANGES PER DAY***

1. *An electronic message board sign for which a permit has been lawfully issued as of the effective date of this Ordinance (1) may display a message that scrolls and (2) shall have a maximum change rate of once every eight (8) seconds until June 30, 2024. Beginning July 1, 2024, such signs shall not display a message that scrolls and shall have a maximum change rate of once every two (2) minutes.*

2. *All electronic message board signs for which a permit has been lawfully issued on or after July 1, 2007 shall have a maximum change rate of once every two (2) minutes and shall not display a message that scrolls.*

3. *Changes shall be complete and shall not contain any scrolling, flashing, or similar transitional effects between static messages.*

iii. ***BRIGHTNESS***

1. *Maximum brightness levels for electronic message board signs shall not exceed 5,000 nits during daylight hours and shall not exceed 500 nits between sunset and sunrise, as measured from the sign face. For purposes of enforcement of this section, the terms "sunset" and "sunrise" shall be determined by and based on the times for those events published daily by the National Oceanographic and Aeronautics Association of the U.S. Department of Commerce.*

2. *All electronic message board signs shall have a light sensing device that will adjust the brightness in real-time as ambient light conditions change, so that the sign does not exceed the maximum brightness levels allowed by this section.*

3. *Prior to issuance of a sign permit, the applicant shall provide written certification from the sign contractor that the light intensity of the electronic message board sign has been pre-set not to exceed 5,000 nits.*

4. *Prior to the final sign inspections, the sign contractor shall provide written certification that the sign meets all requirements of this section.*

iv. ***ATTACHED SIGNS***

Attached electronic message signs shall have a maximum area of twenty-four (24) square feet, unless otherwise provided for in this Ordinance.

v. ***AREA BONUS***

Electronic message board signs six (6) feet in height and lower containing electronic messages shall be allowed a ten percent (10%) increase in maximum sign area.

3. ***CHANGEABLE COPY SIGN***

a. *A changeable copy sign may be applied to a freestanding sign for any permitted nonresidential use.*

b. *Attached changeable copy signs are prohibited unless otherwise provided for in this Ordinance.*

c. *A changeable copy sign shall be included in the calculation of permitted sign area.*

4. ***SPECIAL EVENT BANNER***

A temporary on-premises banner for uses not addressed in ***Section 6.5.1E.18, On-Premises Temporary Special Event Signs or Banners for Religious, Charitable, Civic, Educational, Fraternal, Governmental, or Similar Non-Profit Organizations****, shall be allowed in any zoning district, excluding AG, YR, RS, and RM districts, subject to the following requirements:*

a. ***NUMBER***

i. *Three (3) special event signs shall be permitted per establishment, per twelve (12) month period.*

ii. *Each twelve (12) month period shall begin with the issuance of the first permit and shall expire twelve (12) months from that date.*

b. *DISPLAY PERIOD*

The sign shall not be displayed for more than thirty (30) consecutive days.

c. *LOCATION*

A special event banner shall be attached to a building wall or canopy.

5. *HISTORIC SIGN*

A historic sign shall be approved by the Forsyth County Historic Resources Commission prior to issuance of a zoning permit, and is subject to the following additional provisions:

a. *CRITERIA FOR CLASSIFICATION*

To be classified as a historic sign, an application for classification shall be filed with the Historic Resources Commission staff, and the commission must find that the sign bears a close resemblance to its appearance when originally installed, that the original sign was erected twenty-five (25) years prior to application for classification, and that the sign meets at least three (3) of the following criteria:

i. *Bears a national or local emblem, logo, or other graphic that is unique to the property or the establishment, or that it is a remnant of an advertising program that is no longer used by the parent company;*

ii. *Is significant as reflecting the history of the building, structure, object, property or the development of the area, or recognized as important to the culture or history of Winston-Salem and Forsyth County;*

iii. *Possesses unique characteristics or incorporates materials, design or craftsmanship not commonly found in newer signs;*

iv. *Is unique, notably aesthetic or creative, so as to make a significant contribution as a work of art;*

v. *Is recognized as a popular focal point within the community;*

vi. *Is associated with historical individuals, events or places;*

vii. *Is characteristic of a specific historic period;*

viii. *Exhibits unique or rare characteristics that enhance the streetscape or the community at large.*

b. *PRIVILEGES*

A sign classified as a historic sign is exempt from the following provisions of this Ordinance:

i. *ROOF SIGNS*

A historic sign may remain as a roof sign.

ii. *DIMENSIONAL REQUIREMENTS*

A historic sign may exceed dimensional requirements found elsewhere in this Ordinance.

iii. *OBSOLETE SIGN*

A historic sign may refer to an establishment or product which is not related to the existing establishment or products sold on the premises.

iv. *ILLUMINATION AND MATERIALS*

A historic sign may retain its original lighting patterns and materials.

v. *REMOVAL*

The voluntary removal of a Historic Sign by an owner shall be permitted without Forsyth County Historic Resources Commission review.

vi. *MAINTENANCE*

Reasonable maintenance, repair, and restoration of a historic sign are permitted without Forsyth County Historic Resources Commission review.

c. *ALTERATIONS*

Alterations to a historic sign shall not be allowed without prior approval by the Forsyth County Historic Resources Commission staff.

G. *ON-PREMISES SIGNS ADVERTISING A NONCONFORMING USE*

A nonconforming use shall be permitted [for] on-premises freestanding and attached signs, provided the following additional provisions are met:

1. *FREESTANDING SIGNS*

a. *EXISTING SIGNS*

i. *An existing on-premises freestanding sign which advertises a nonconforming use may be replaced or may be replaced and increased in area by a maximum of twenty-five percent (25%) provided that such increase will not result in a sign area greater than thirty-six (36) square feet and a sign height of greater than six (6) feet.*

ii. *There shall be only one such expansion permitted, regardless of the size of the expansion.*

b. *NEW SIGNS*

A nonconforming use which does not have an existing on-premises freestanding sign shall be allowed one on-premises freestanding sign which shall not exceed thirty-six (36) square feet in area and six (6) feet in height.

2. *ATTACHED SIGNS*

a. *EXISTING SIGNS*

i. *Existing on-premises attached signage which advertises a nonconforming use may be replaced or may be replaced and increased in area by a maximum of twenty-five percent (25%) provided that such increase would not result in a sign area greater than fifteen percent (15%) of the building wall area per wall.*

ii. *There shall be only one such expansion permitted, regardless of the size of the expansion.*

b. *NEW SIGNS*

A nonconforming use which does not have existing on-premises attached signage shall be allowed a maximum attached sign area of fifteen percent (15%) per building wall.

H. *ON-PREMISES FREESTANDING SIGNS*

Unless otherwise provided for in this Ordinance, an on-premises freestanding sign shall meet the following additional provisions:

1. *ZONING DISTRICTS AND USES*

a. *On-premises, freestanding signs shall be permitted in the zoning districts for the permitted uses as shown in **Table 6.5.1H, On-Premises Freestanding Sign Provisions**.*

b. *Number, height, and area provisions ae also indicated in **Table 6.5.1H,** unless otherwise provided for in this Ordinance.*

2. *SETBACK*

All parts of an on-premises freestanding sign shall be set back at least one and a half (1.5) feet from a street right-of-way.

3. *SIGN HEIGHT*

a. *The height of an on-premises freestanding sign shall be measured from the road to which the sign is oriented or average grade of the site where the sign is located, whichever is higher, to the top of the highest attached component of the sign, including the sign face, sign structure and any other appurtenance, excluding religious icons.*

b. *Any change in a site's grades specifically designed to increase a sign's height shall be included as part of the sign's height.*

4. *IRREGULAR SHAPES*

a. *A sign consisting of irregular, non-rectangular shapes shall be allowed to exceed its respective area requirements by thirty percent (30%) in situations where thirty percent (30%) or more of a sign's area consists of open space and/or cutouts.*

b. *Irregular sign height shall be calculated using the method described in **Section 6.5.1H.3, Sign Height**, and irregular sign area shall be calculated using the methods described in **Section 6.5.1C.6, On-Premises Sign Area Measurement Provisions**.*

5. *MULTI-TENANT BUILDING*

*Tenants in a multi-tenant development shall not be permitted to have individual freestanding signs, unless otherwise provided for in this Ordinance (See **Section 6.5.1H.6, Exceptions to On-Premises Freestanding Sign Provisions**).*

TABLE 6.5.1.H: ON-PREMISE FREESTANDING SIGN PROVISIONS

Zoning Districts [3]	Uses (See Table< >: Table of Principal Uses	Maximum Height (ft.)	Maximum Area (sq. ft.)	Maximum Number of Signs per Street Frontage	
				<300 ft.	>300 ft.
NSB, HB, GB, LI, GI, C, MRB-S	All permitted uses [1]	15	75	1	2 [4], [7], [8]
LB, CI, GO, CPO, IP	All permitted uses [1]	8	50	1	2 [4], [7], [8], [9]
LO, CB, PB, E	All permitted uses [1]	6	36	1	2 [4], [8], [9]
NB [5]	All permitted uses [1]	4	20	1	1
NO [5]	All permitted uses [1]	6	Total freestanding & attached signs: 8	1	1
MU-S [2]	All permitted uses [1], [2]	[2]	[2]	[2]	
All RS and RM Districts, MH, YR, AG [5]	- Church or religious institution, community or neighborhood; -School, private or public	6	Lot frontage < 100 ft: 36 Lot frontage ≥100 ft: 50	1	2 [4]
	All recreational uses	6	36	1	2 [4]
	- Residential subdivision - Multifamily development - Planned residential development - Manufactured housing development - Congregate care facility - Life-care community	6	36	2 signs at each principal entrance, not to exceed 2 per street frontage [6]	
	All individual residential uses	Attached freestanding sign not permitted unless provided for elsewhere in the Ordinance			
	All other permitted uses	6	18	1	1

TABLE 6.5.1.H: ON-PREMISE FREESTANDING SIGN PROVISIONS					
ZONING DISTRICTS [3]	USES (SEE TABLE< >: TABLE OF PRINCIPAL USES	MAXIMUM HEIGHT (FT.)	MAXIMUM AREA (SQ. FT.)	MAXIMUM NUMBER OF SIGNS PER STREET FRONTAGE	
				<300 FT.	>300 FT.
NOTES: *[1] See Section 6.5.1H.6, Exceptions to On-Premises Freestanding Sign Provisions.* *[2] Provisions for the MU-S District will be determined on an individual project basis.* *[3] Additional provisions may apply in the NCO, H, HO, TO and AO zoning districts. See applicable district provisions.* *[4] An on-premises freestanding sign is permitted only at a primary entrance, with a minimum separation of two hundred (200) feet between any two (2) permitted on-premises freestanding signs on the lot.* *[5] No Internal Illumination.* *[6] In situations where two (2) signs are used, each sign shall have a single face.* *[7] Where two (2) signs are permitted, one sign shall be a maximum of six (6) feet high and have a maximum area of thirty-six (36) square feet.* *[8] A pair of single-faced signs located at a primary development entrance may be used as an alternative to a single two-faced sign. Where a pair of signs is used, each sign shall be permitted fifty percent (50%) of the total sign area allowed for a single two-faced sign and each sign shall have a maximum height of eight (8) feet.* *[9] In the LO, GO, and CPO Districts, one freestanding sign shall be allowed per building or per three hundred (300) linear feet of frontage, whichever is greater. In situations where more than one sign per street frontage is utilized, each additional sign shall be a maximum of six (6) feet high and have a maximum area of thirty-six (36) square feet.*					

6. *EXCEPTIONS TO ON-PREMISES FREESTANDING SIGN PROVISIONS*

a. *SHOPPING CENTER*

i. *Freestanding signs shall be permitted for any shopping center in accordance with the maximum number provisions found in **Table 6.5.1H, On-Premises Freestanding Sign Provisions,** and with provisions for height, area and number of signs as shown in **Table 6.5.1H.6, Shopping center On-premise Freestanding Sign Provisions.***

ii. *An individual tenant in a shopping center shall not be permitted an individual freestanding sign, with the exception of outparcel sites.*

TABLE 6.5.1.H.6: SHOPPING CENTER ON-PREMISE FREESTANDING SIGN PROVISIONS [1]		
ZONING DISTRICT	MAX. HEIGHT (FT.)	MAX. AREA (SQ. FT.)
HB, GB, CB, CI, MRB-S	18	100
PB, LB, NSB, E, MU-S [2]	16	80

Outparcels: 800 square feet or greater [2]	***6***	***36***
NOTES: ***[1] An on-premises freestanding sign is permitted only at a primary entrance, with a minimum separation of two hundred (200) feet between any two (2) permitted on-premises freestanding signs on the lot.*** ***[2] Provisions for the MU-S District will be determined on an individual project basis.***		

b. *INDOOR OR DRIVE-IN THEATER, OR RECREATIONAL SERVICES, INDOOR, LIMITED TO SIC 792 (THEATRICAL PRODUCERS)*

*All provisions of **Table 6.5.1H, On-Premises Freestanding Sign Provisions,** shall apply except as follows:*

i. *One freestanding sign shall be permitted per theater establishment.*

ii. *When a freestanding sign is utilized, the maximum permitted freestanding sign area shall be increased to two hundred (200) square feet.*

iii. *A changeable copy and/or electronic message sign may be applied to freestanding and/or attached signage, with the total area of freestanding and attached changeable copy and/or electronic message signage not to exceed two hundred (200) square feet.*

c. *STADIUM, COLISEUM, OR EXHIBITION BUILDING*

i. *A changeable copy and/or electronic message sign may be applied to freestanding and/or attached signage, with the total area of freestanding and attached changeable copy and/or electronic message signage not to exceed two hundred (200) square feet.*

ii. *When a stadium, coliseum, or exhibition building has a maximum seating capacity of fifteen thousand (15,000) or less, the maximum permitted freestanding sign area shall be increased to two hundred (200) square feet, and the maximum height shall be twenty-two (22) feet.*

iii. *When the building has a maximum seating capacity of greater than fifteen thousand (15,000), the maximum permitted sign area shall be three hundred fifty (350) square feet and the maximum height shall be increased to thirty-five (35) feet.*

d. *SIGNS ADJACENT TO A CONTROLLED ACCESS ROAD*

Signs located on property zoned HB, GB, MRB-S, CI, and CB and located within four hundred (400) feet of the centerline of a controlled access road as defined by NCDOT and within one-quarter (¼) of one mile of an interchange with a non-controlled access road may display additional sign area up to a maximum of one hundred fifty (150) square feet and a maximum height of fifty (50) feet.

e. *PARKS AND RECREATION AREAS OPEN TO THE PUBLIC WITH ONE THOUSAND (1,000) ACRES OR MORE*

i. *A freestanding sign shall not exceed eighty-five (85) square feet in area.*

ii. *Maximum height shall be fifteen (15) feet.*

iii. *Signs shall be spaced at least four hundred (400) feet apart.*

iv. *Exempt from this spacing requirement are signs located within fifty (50) feet of the centerline of the main entrance to the park or recreation area.*

v. *The main entrance shall be defined as the one major controlled access point from a major or minor thoroughfare to the park or recreation area.*

vi. *The nearest sign located to the main entrance signs shall meet the four hundred (400) foot spacing requirement.*

f. *CPO, LI, AND GI ENTRANCE SIGNS*

i. *Development in the CPO, LI, and GI districts consisting of multiple parcels or a single parcel greater than five (5) acres in size shall be allowed one two-faced sign or a pair of single-faced signs located at the primary development entrance(s).*

ii. *Each sign face shall have a maximum area of seventy-five (75) square feet and a maximum height of fifteen (15) feet.*

iii. *All other signs in the aforementioned CPO, LI, or GI development shall meet the requirements specified in* ***Table 6.5.1H, On-Premises Freestanding Sign Provisions.***

I. ON-PREMISES ATTACHED SIGNS

Unless otherwise provided for in this Ordinance, an on-premises attached sign shall meet the following additional provisions:

1. ZONING DISTRICTS

On-premises attached signs shall be permitted in the zoning districts and in conformance with the provisions as shown in ***Table 6.5.1I, On-premise Attached Sign Provisions****.*

2. PERMITTED SIGN AREA

a. *Any type or combination of types of attached sign(s) may be used to meet the permitted area for attached signs, unless otherwise provided for in this Ordinance.*

b. *The maximum total attached sign area permitted per establishment shall be the area calculation shown in* ***Table 6.5.1I, On-premise Attached Sign Provisions****.*

c. *Projecting signage square footage counts toward the total maximum allowed on-premises sign square footage.*

i. TOTAL SIGN AREA – ALL SIGNS EXCEPT PROJECTING SIGNS

1. *The maximum wall area that may be covered with attached signage shall be calculated by multiplying the vertical dimension of a building wall by the length of its frontage in linear feet, then by the appropriate percentage from* ***Table 6.5.1I, On-premise Attached Sign Provisions****.*
2. *The standard vertical measurement of a building shall be fourteen (14) feet per story for the purposes of calculating attached signage.*
3. *Where multiple establishments share one building, each establishment's portion of building frontage shall be calculated separately.*
4. *Sign area shall be calculated separately for each building wall.*

ii. TOTAL SIGN AREA - PROJECTING SIGNS

1. *The maximum size of a projecting sign shall be twenty-four (24) square feet for a one (1) to two (2) story building.*
2. *For buildings with three (3) stories or more the maximum size shall be fifty-six (56) square feet.*

3. JOINT IDENTIFICATION SIGN

a. *A multiple tenant building or development may erect an attached development identification or joint identification sign.*

b. *No additional sign area beyond the maximum permitted is provided for a development or joint identification sign.*

4. LOCATION

An attached sign may be located on any wall of a building, including those walls that do not have street frontage.

5. CLEARANCE

An attached sign, with the exception of wall and window signs, shall maintain a clearance of nine (9) feet above a sidewalk and thirteen and one-half (13.5) feet above a street, alley, or driveway.

6. PROJECTION AND SETBACK

An attached sign may project into the right-of-way, as long as the sign is setback at least two (2) feet from the curb line of any street and an encroachment agreement has been approved by the City of Winston-Salem or NCDOT.

7. HEIGHT

a. *An attached sign shall not extend above the roofline of a building or structure, except where a wall sign is attached to a parapet wall which extends above a flat roof.*

b. *In which case, the wall sign may extend to the top of the parapet wall or a maximum of two (2) feet above the roofline, whichever is less.*

TABLE 6.5.1.I: ON-PREMISE ATTACHED SIGN PROVISIONS

ZONING DISTRICTS	USES (SEE TABLE< >: TABLE OF PRINCIPAL USES	MAX. AREA (SQ. FT.) [1], [2], [3], [4], [5]	CONDITIONS [4]
RS, RM, MH, YR, AG	Individual residential units or manufactured homes	[6]	[6]
	All other residential uses and nonresidential uses	5% of wall	- Internally illuminated signs are prohibited. - Only one freestanding or attached sign is permitted.
NO	All permitted uses	Total for freestanding and attached signs: 8	Internally illuminated signs are prohibited.
NB	All permitted uses	5% of wall [7]	Internally illuminated signs are prohibited.
LO, GO, CPO, IP	All permitted uses	10% of wall	Theater, recreational services, indoor, limited to SIC 792 (Theatrical Producers), Stadium, Coliseum, and Exhibition Building. A theater, stadium, coliseum, or exhibition building may apply a changeable copy and/or an electronic message sign to a freestanding and/or attached sign, with the total area of freestanding and attached changeable copy and/or electronic message signage not to exceed two hundred (200) square feet.
PB, LB, CB, HB, GB, E, NSB, LI, GI, CI, C, MRB-S	All permitted uses	15% of wall	
MU-S	All permitted uses	Individual basis	Individual basis

NOTES:
[1] Total square footage for all attached signs, unless otherwise noted in chart.
[2] Multiple Tenant Buildings. The total permitted attached sign area shall be allocated to tenants based on the building frontage of each individual tenant. See Section 6.5.1I.2, Permitted Sign Area.

TABLE 6.5.1.I: ON-PREMISE ATTACHED SIGN PROVISIONS			
ZONING DISTRICTS	USES (SEE TABLE< >: TABLE OF PRINCIPAL USES	MAX. AREA (SQ. FT.) [1], [2], [3], [4], [5]	CONDITIONS [4]
[3] For the purpose of calculating the percentage of a building wall that may be covered with attached signage, fourteen (14) feet per story shall be the standard measurement used to calculate the vertical surface of a building wall. See Section 6.5.1I.2, Permitted Sign Area. *[4] See Section 6.5.1I.8, Additional Requirements for Specific Types of Attached Signs.* *[5] Maximum sign area per building wall shall be calculated according to the standards above for buildings of three (3) stories or less. Buildings of four (4) or more stories shall follow the requirements of Section 6.5.1I.9, Exceptions.* *[6] An attached sign is not permitted unless provided for elsewhere in the Ordinance.* *[7] An attached sign is only permitted on street-facing façades.*			

8. *ADDITIONAL REQUIREMENTS FOR SPECIFIC TYPES OF ATTACHED SIGNS*

a. *AWNING, CANOPY, AND PERMANENT WINDOW SIGNS*

i. *AREA*

The copy area of an awning, canopy, or permanent window sign shall not exceed thirty percent (30%) of the awning; canopy; or window pane, section, door, or grouping of such.

ii. *ILLUMINATION*

No internal illumination of an awning sign shall be permitted.

b. *PROJECTING SIGN*

i. *NUMBER*

Only one (1) projecting sign shall be permitted per building frontage.

ii. *PROJECTION*

A projecting sign shall not extend more than five (5) feet from the building wall on which it is attached or two-thirds ($^2/_3$) the width of sidewalk (whichever is less) and in no case shall extend any closer than two (2) feet from the curb line of any street.

iii. *HEIGHT*

A building shall not be permitted to have the top of a projecting sign located higher than the third story, or forty-two (42) feet.

c. *SUSPENDED SIGN*

One suspended sign shall be permitted per primary public entrance.

d. *WALL SIGN*

i. *ATTACHMENT*

1. *A wall sign shall be attached to a rigid backing of no less than one-quarter (¼) inch in thickness.*

2. *The sign shall be permanently attached to a solid surface such as a building wall.*

ii. *PROJECTION*

A wall sign shall not extend horizontally more than fifteen (15) inches beyond the surface to which it is attached.

9. *EXCEPTIONS*

a. *WALL SIGNS FOR TALL BUILDINGS*

i. *The maximum sign area per wall for the first three (3) stories of a building which is four (4) stories or greater in height shall be calculated using the standards of* ***Table 6.5.1I, On-premise Attached Sign Provisions****.*

ii. *In addition, five percent (5%) of the wall area for each additional story above the first three (3) stories may be added to the total permitted sign area of the first three (3) stories.*

b. *THEATER, RECREATIONAL SERVICES, INDOOR, LIMITED TO SIC 792 (THEATRICAL PRODUCERS), STADIUM, COLISEUM, OR EXHIBITION BUILDING SIGN*

See ***Table 6.5.1I, On-premise Attached Sign Provisions****.*

J. *OFF-PREMISES FREESTANDING SIGNS*

1. *ZONING DISTRICTS*

Freestanding signs (off-premises) are permitted only in the HB, LI, GI, and CI zoning districts and only along designated roads per ***Section 6.5.1J.3, Designated Roads****, except along section of these roads designated as view corridors per* ***Section 6.5.1J.2, View Corridors****.*

2. *VIEW CORRIDORS*

No off-premises sign shall be permitted in any view corridor as described in ***Table 6.5.1J, View Corridors****, and shown on the View Corridor Map located in the office of the Planning Board.*

TABLE 6.5.1.J: VIEW CORRIDORS

DESIGNATION	*LOCATION*
A	*The north side of Business 40 from Peters Creek Parkway on the west to Cameron Avenue on the east*
B	*The south side of Business 40 from Peters Creek Parkway on the west to US 52 on the east*
C	*The west side of US 52 from 16th Street on the north to the Southern Railroad line on the south*
D	*The west side of US 52 from the Southern Railroad line on the north to Mock Street on the south*
E	*The east side of US 52 from Business 40 on the north to Mock Street on the south*
F	*The south side of Business 40 from US 52 on the west to US158 (Reidsville Road) on the east*
G	*Both sides of I-40 from Jonestown Road on the west to the City zoned jurisdiction on the east*
H	*Both sides of US 311 from I-40 on the west to the Forsyth County line on the east*
I	*Both sides of US 311 connector from Business 40 on the north to I-40 on the south*
J	*Both sides of the Northern Beltway from Stratford Road (US 158) on the south to US 52 on the north*
K	*Both sides of the Northern Beltway from US 52 on the west to the southern terminus of the beltway on the east*
L	*Both sides of I-40 in the unincorporated area of Forsyth County*
M	*Both sides of US 421 from I-40 on the east to the Winston-Salem City limits on the west*

3. *DESIGNATED ROADS*

a. *PERMITTED AREAS*

Freestanding signs (off-premises) are permitted only along roads identified on the Winston-Salem Billboard Roadways Map located in the office of the Planning Board.

4. *LOCATION AND SETBACKS*

a. *DISTANCE FROM THE CENTERLINE*

Freestanding signs (off-premises) shall be located within six hundred sixty (660) feet of the centerline of the roadway to which they are oriented.

b. *SPACING*

Freestanding signs (off-premises) shall be located no closer than one thousand (1,000) feet from other off-premises signs on the same side of the road.

c. *SETBACK*

Freestanding signs (off-premises) shall be set back from each property line a minimum of one-half (½) the distance required for principal structures as defined in ***Section 4.4, General Zoning Districts Established, Section 4.5, General Residential Zoning District Standards****, and* ***Section 4.6, General Commercial Zoning Districts.***

d. *DISTANCE FROM RESIDENTIAL ZONES*

Freestanding signs (off-premises) shall be located no closer than the following distances from residentially zoned property:

i. *FREEWAYS/EXPRESSWAYS IN THE INTERSTATE SYSTEM*

On freeways/expressways in the interstate system:

1. *Twenty-five (25) feet from any residence;*
2. *Fifty (50) feet from any residential zone abutting the permitted zone away from the roadway; and*
3. *One hundred (100) feet from any residential zone abutting the permitted zone parallel to the roadway.*

ii. *OTHER ROADS IN THE NATIONAL HIGHWAY SYSTEM*

On other roads in the national highway system:

1. *Twenty-five (25) feet from any residence;*
2. *One hundred (100) feet from any residential zone abutting the permitted zone away from the roadway; and*
3. *One hundred (100) feet from any residential zone abutting the permitted zone parallel to the roadway.*

5. *SIZE MEASUREMENT*

a. *AREA CALCULATION*

i. *The sign area for freestanding signs (off-premises) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof, which will encompass the entire sign designated to attract attention, including any molding, trim, border, or frame.*

ii. *Any such measurements shall be taken on only one face of the sign; however, informational or advertising matter may be displayed on both sides of any permitted sign.*

b. *MAXIMUM SIGN AREA*

The maximum sign area of an off-premises freestanding sign shall be limited, depending on location, as follows:

i. *On freeways/expressways in the interstate system outside the center city area, maximum sign size shall be six hundred seventy-two (672) square feet plus one hundred (100) square feet for extensions.*

ii. *On freeways/expressways in the Interstate System inside the center city area maximum sign size shall be four hundred fifty (450) square feet.*

iii. *On other roads in the National Highway System outside the center city area maximum sign size shall be three hundred (300) square feet.*

c. *HEIGHT*

i. *Off-premises freestanding signs shall be limited to a maximum height of thirty-five (35) feet above the roadway to which it is oriented or grade of the site on which the sign is located, whichever is higher.*

ii. *Sign height shall be measured to the highest portion of the sign, including any molding, trim, border, or frame designed to attract attention, excluding any extensions.*

d. *EXISTING SIGNS WHICH HAVE BEEN PHYSICALLY SEPARATED FROM THE LOT*

i. *Signs which were originally constructed as legal on-premises signs and continue to serve their original purpose of advertising a use, but, are subsequently, through division of land which occurred prior to April 1, 2001, located on a different zoning lot or otherwise separated from and no longer have any physical or recorded connection with the original use for which they were originally constructed, are permitted to remain as long as the use remains active.*

ii. *If the sign is damaged or destroyed, it can be replaced with no increase in size.*

e. *NUMBER OF FACES*

Off-premises freestanding signs shall be permitted to have a maximum of two (2) faces, provided, however, that stacked and/or rooftop locations of off-premises signs shall not be permitted.

K. *AMORTIZATION OF NONCONFORMING ON-PREMISES SIGNS*

1. *ON-PREMISES FREESTANDING SIGNS*

a. *SCHEDULE*

i. *On-premises freestanding signs made nonconforming by the provisions of this Ordinance shall be removed or brought into compliance by June 30, 2024.*

ii. *Nonconforming freestanding signs required to be moved as a result of governmental action beyond the control of the sign owner may be reinstalled.*

iii. *Additionally, nonconforming freestanding signs destroyed or damaged may be reinstalled or rebuilt to their original documented specifications as provided by the sign owner.*

iv. *In all other situations, any change to the height, area, or structure of a nonconforming sign requiring a sign permit shall require the sign to conform to the standards of this Ordinance.*

v. *Replacing the removable face of a cabinet-type sign shall not require conformance with the standards of this Ordinance. These provisions shall be applicable for the duration of the amortization period.*

b. *SIGN AREA*

An unmodified on-premises freestanding sign existing prior to July 1, 2007 shall be considered conforming by this Ordinance unless it exceeds the area requirements of its respective zoning district by more than twenty-five percent (25%).

c. *SIGN HEIGHT*

i. *An unmodified on-premises freestanding sign existing prior to July 1, 2007 shall be considered conforming by this Ordinance unless it exceeds the height requirements of its respective zoning district by more than two (2) feet.*

ii. *Architectural embellishments shall not be included when calculating height for signs subject to the amortization provisions of this Ordinance.*

2. *ON-PREMISES ATTACHED SIGNS*

a. *Any establishment with on-premises attached signs made nonconforming by the provisions of this Ordinance shall be allowed to retain the existing sign(s) and sign structure(s).*

b. *Panel change-outs will be permitted in existing nonconforming attached sign structures.*

c. *Existing sign(s) and sign structure(s) being replaced must conform to the provisions of* ***Section 6.5.1I, On-Premises Attached Signs****.*

3. *TEMPORARY, NONPERMANENT ON-PREMISES SIGNS*

Any temporary, nonpermanent sign, including overhead streamers and all banners not conforming with the provisions of Section 70 of the City Code of Winston-Salem, made nonconforming by the provisions of this Ordinance shall be brought in conformance or be removed within six (6) months of July 1, 2007.

L. *AMORTIZATION OF NONCONFORMING OFF-PREMISES SIGNS*

1. *OFF-PREMISES SIGNS*

a. *NONCONFORMING SIGNS*

All nonconforming off-premises signs shall be removed or brought into compliance with all requirements except ***Section 6.5.1J.4.c, Setback****, if applicable, within seven (7) years of the date of April 15, 1985.*

b. *VIEW CORRIDORS*

i. *The seven (7) year amortization of off-premises signs provided in this section shall not apply to view corridors "L" (I-40 in the unincorporated area of Forsyth County) and "M" (both sides of US 421 west of I-40), as identified in* ***Table 6.5.1J, View Corridors****.*

ii. *Off-premises signs, existing or for which a valid permit has been issued in these view corridors prior to February 6, 1989, may remain and be maintained and repaired.*

iii. *Such signs may not, however, be expanded or replaced in any manner with regard to their support structure, decking, sign face structure, lighting or any other component or group of components of their structure or foundation.*

6.5.2 FORSYTH COUNTY SIGNAGE STANDARDS (F)

A. GENERAL REQUIREMENTS

1. APPLICABILITY

Signs, in the districts where they are permitted, shall hereafter be erected or placed only in compliance with the provisions of this section, provided that any sign permitted by this Ordinance, regardless of location on- or off-premises, orientation, sign structure, or subject matter, may display noncommercial messages.

2. ZONING PERMIT REQUIRED

A zoning permit shall be secured from the Director of Inspections prior to the construction, reconstruction, erection, enlargement, relocation, or structural alteration.

3. PROHIBITED SIGNS

The following signs or use of signs is prohibited:

a. FLASHING LIGHTS

Signs displaying intermittent or flashing lights similar to those used in governmental traffic signals or used by police, fire, ambulance, or other emergency vehicles.

b. USE OF WARNING WORDS OR SYMBOLOGY

Signs using the words stop, danger, or any other word, phrase, symbol, or character similar to terms used in a public safety warning or traffic signs.

c. TEMPORARY, NONPERMANENT SIGNS

Temporary, nonpermanent signs, including over-head streamers, are not permitted in any zoning district, unless otherwise specified in these regulations.

d. MOVING AND FLASHING SIGNS (EXCLUDES ELECTRONIC TIME, TEMPERATURE, AND MESSAGE SIGNS)

i. Moving and flashing signs, excluding electronic time, temperature, and message signs, are not permitted in any zoning district.

ii. This includes pennants, streamers, banners, spinners, propellers, discs, any other moving objects; strings of lights outlining sales area, architectural features, or property lines; beacons, spots, searchlights, or reflectors visible from adjacent property or rights-of-way.

4. ILLUMINATION

Illuminated signs shall be so shielded as not to cast direct light onto any residential district.

B. PERMITTED SIGNS

1. SIGNS PERMITTED IN ANY DISTRICT

a. ENTRANCE AND EXIT SIGNS

i. One entrance and one exit sign containing a maximum of six (6) square feet each and a maximum height of three (3) feet shall be permitted per driveway.

ii. Entrance and exit signs shall contain no commercial content other than a symbol, name or logo of the establishment it serves.

b. EMERGENCY, SAFETY, WARNING, OR TRAFFIC SIGNS

Emergency, safety, warning, or traffic signs installed by or at the direction of a governmental authority or with its approval shall be permitted without size limitations.

c. LOCAL, STATE, AND NATIONAL FLAGS

Local, state, and national flags shall have no size limitations.

d. REAL ESTATE SIGNS

i. In all RS and RM Districts, a real estate sign is limited to six (6) square feet.

ii. In all other districts, real estate signs shall not exceed eighteen (18) square feet.

iii. Lead-in (directional) signs are allowed from Friday noon to Monday noon.

e. POLITICAL SIGNS

Political signs shall not exceed two (2) square feet in size.

f. RELIGIOUS INSTITUTION BULLETIN BOARDS

On-premises bulletin boards for religious institutions shall not exceed fifty (50) square feet in size.

g. RELIGIOUS INSTITUTION DIRECTIONAL SIGNS

i. Only two (2) directional signs are permitted for each religious institution, provided the signs shall not exceed six (6) square feet each and are located on the same street as the religious institution the signs identify.

ii. Lettering on the signs shall consist only of the name of the religious institution and a directional arrow.

h. OCCUPANCY SIGNS

Occupancy signs shall be limited to one sign per dwelling unit or principal use, and no such sign shall exceed one square foot in area.

i. HISTORICAL MARKERS

Historical markers shall be erected or placed by a bona fide historical association or by a governmental agency and shall not exceed twelve (12) square feet in area.

j. LANDMARK INDICATORS

i. Landmark indicators including signs, banners or streamers displayed in the downtown, center city, or other limited areas, which promote special points of interest and events and do not exceed fourteen (14) square feet in area are permitted.

ii. Said signs shall be installed by the jurisdiction, its agents, or employees, at the direction of, or with the approval of, the Elected Body.

k. INFORMATION, DIRECTION, AND IDENTIFICATION SIGNS

Information, direction, and identification signs installed by or at the direction of a governmental authority or with its approval and institutional use signs:

i. On-premises ground and projecting signs not to exceed thirty-six (36) square feet.

ii. Signs shall be so located to not obstruct the vision of drivers of motor vehicles.

iii. Wall and roof signs shall also be permitted.

l. AGRICULTURAL SIGNS

Up to two (2) off-premises directional signs are permitted for agricultural produce grown and sold on the premises.

m. BUILDER SIGN

i. An on-premises sign indicating the builder(s) of individual residential units, either within the context of a larger development project or as an individually constructed unit, shall be permitted.

ii. A builder sign shall have a maximum area of six (6) square feet and a maximum height of six (6) feet in all zoning districts.

iii. A builder sign shall be removed upon sale of the property it is associated with.

iv. Fence wraps displaying the name(s) and logo(s) of the companies involved in the construction project affixed to the perimeter fencing at a construction site until the certificate of occupancy is issued for the final portion of any construction at that site.

2. APPLICATION OF TABLE OF PERMITTED DISTRICTS FOR SIGNS

The following signs shall be permitted in the zoning districts as indicated in **Table 6.5.2B, Permitted Districts for Signs**, and shall comply with all regulations of the applicable district unless otherwise regulated by specific regulations of this section.

TABLE 6.5.2.B: PERMITTED DISTRICTS FOR SIGNS																					
Type of Sign	YR	AG	MH	RS	RM	NO	LO	CPO	GO	NB	PB	LB	NSB	HB	GB	CB	LI	GI	CI	IP	C	MUS
Off-Premise Signs																						
Ground Sign														Z			Z	Z	Z			
On-Premise Signs																						
Ground Sign	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Awning						Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Projecting Sign	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z		Z	Z	Z	Z	Z	Z
Roof Sign							Z	Z	Z		Z	Z	Z	Z	Z		Z	Z	Z	Z	Z	Z
Wall Sign	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z		Z	Z	Z	Z	Z	Z

C. OFF-PREMISES GROUND SIGNS

1. ZONING DISTRICTS

Ground signs (off-premises) are permitted only in the districts as shown in **Table 6.5.2B, Permitted Districts for Signs,** and only along designated roads which are not identified as view corridors listed in **Section 6.5.2C.2, View Corridors**.

2. VIEW CORRIDORS

No off-premises sign shall be permitted in any view corridor as described in **Table 6.5.2C, View Corridors**, and shown on the View Corridor Map located in the office of the Planning Board.

TABLE 6.5.2.C: VIEW CORRIDORS	
DESIGNATION	LOCATION
A	The north side of Business 40 from Peters Creek Parkway on the west to Cameron Avenue on the east
B	The south side of Business 40 from Peters Creek Parkway on the west to US 52 on the east
C	The west side of US 52 from 16th Street on the north to the Southern Railroad line on the south
D	The west side of US 52 from the Southern Railroad line on the north to Mock Street on the south
E	The east side of US 52 from Business 40 on the north to Mock Street on the south
F	The south side of Business 40 from US 52 on the west to US158 (Reidsville Road) on the east
G	Both sides of I-40 from Jonestown Road on the west to the City zoned jurisdiction on the east

TABLE 6.5.2.C: VIEW CORRIDORS	
DESIGNATION	**LOCATION**
H	Both sides of US 311 from I-40 on the west to the Forsyth County line on the east
I	Both sides of US 311 connector from Business 40 on the north to I-40 on the south
J	Both sides of the Northern Beltway from Stratford Road (US 158) on the south to US 52 on the north
K	Both sides of the Northern Beltway from US 52 on the west to the southern terminus of the beltway on the east
L	Both sides of I-40 in the unincorporated area of Forsyth County
M	Both sides of US 421 from I-40 on the east to the Yadkin County line to the west, with the exception of three properties all zoned Highway Business (HB) located at the northeast corner of the interchange of US 421 (Salem Parkway) and Styers Ferry Road: a 4.86-acre property located at 5090 Styers Ferry Road currently developed with Lewisville Crossing shopping center (Tax PIN 5895-00-4117); a 0.53-acre property located at 5076 Styers Ferry Road currently developed with an outparcel building (Tax PIN 5885-90-9375); and a 0.61-acre currently undeveloped property (Tax PIN 5894-09-5930).
N	Along Lewisville-Clemmons Road from US 421 to I-40 within the Clemmons municipal Limits
O	Along I-40 within the Clemmons municipal Limits
P	Both sides of US 158 (Reidsville Road) in the unincorporated area of Forsyth County from the Winston-Salem municipal limits (northeast of Old Belews Creek Road) to the southwest and the Guilford County line to the northeast, excluding any intervening areas within the Walkertown municipal limits.

3. DESIGNATED ROADS

a. PERMITTED AREAS

Ground signs (off-premises) are permitted only along roads in the interstate system or the national highway system.

4. LOCATION AND SETBACKS

a. DISTANCE FROM THE CENTERLINE

Ground signs (off-premises) shall be located within six hundred sixty (660) feet of the centerline of the roadway to which they are oriented.

b. SPACING

Ground signs (off-premises) shall be located no closer than one thousand (1,000) feet from other off-premises signs on the same side of the road.

c. SETBACK

Ground signs (off-premises) shall be set back from each property line a minimum of one-half the distance required for principal structures as defined in **Section 4.4, General Zoning Districts Established Section 4.5, General Residential Zoning District Standards**, and **Section 4.6, General Commercial Zoning Districts.**

d. DISTANCE FROM RESIDENTIAL ZONES

Ground signs (off-premises) shall be located no closer than the following distances from residentially zoned property:

i. FREEWAYS/EXPRESSWAYS IN THE INTERSTATE SYSTEM

On freeways/expressways in the interstate system:

1. Twenty-five (25) feet from any residence;
2. Fifty (50) feet from any residential zone abutting the permitted zone away from the roadway; and
3. One hundred (100) feet from any residential zone abutting the permitted zone parallel to the roadway.

ii. OTHER ROADS IN THE NATIONAL HIGHWAY SYSTEM

On other roads in the national highway system:

1. Twenty-five (25) feet from any residence;
2. One hundred (100) feet from any residential zone abutting the permitted zone away from the roadway; and
3. One hundred (100) feet from any residential zone abutting the permitted zone parallel to the roadway.

5. SIZE MEASUREMENT

a. AREA CALCULATION

i. The sign area for ground signs (off-premises) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof, which will encompass the entire sign designated to attract attention, including any molding, trim, border, or frame.

ii. Any such measurements shall be taken on only one face of the sign; however, informational or advertising matter may be displayed on both sides of any permitted sign.

b. MAXIMUM SIGN AREA

The maximum sign area of an off-premises ground sign shall be limited, depending on location, as follows:

i. On freeways/expressways in the interstate system outside the center city area, maximum sign size shall be six hundred seventy-two (672) square feet plus one hundred (100) square feet for extensions.

ii. On freeways/expressways in the interstate system inside the center city area maximum sign size shall be four hundred fifty (450) square feet.

iii. On other roads in the national highway system outside the center city area maximum sign size shall be three hundred (300) square feet.

c. HEIGHT

i. Off-premises ground signs shall be limited to a maximum height of thirty-five (35) feet above the roadway to which it is oriented or grade of the site on which the sign is located, whichever is higher.

ii. Sign height shall be measured to the highest portion of the sign, including any molding, trim, border, or frame designed to attract attention, excluding any extensions.

6. NUMBER OF FACES

Off-premises ground signs shall be permitted to have a maximum of two (2) faces, provided, however, that stacked and/or rooftop locations of off-premises signs shall not be permitted.

D. ON-PREMISES SIGNS - AWNING SIGNS

1. ZONING DISTRICTS

Awning signs are permitted only in the districts as shown in **Table 6.5.2B, Permitted Districts for Signs**.

2. ILLUMINATION

No background illumination of an awning sign is permitted.

3. CB DISTRICT RESTRICTION

a. In the CB District, printed information, limited to the name, street number, and address, or logo of the establishment(s) occupying the building to which the awning is attached, may be printed on the outside surface area of the awning.

b. Printed information and/or logo shall not exceed one square foot per linear foot of building frontage on the street or thirty percent (30%) of the total outside surface area of the awning, whichever is less.

4. NO DISTRICT RESTRICTION

In the NO District, only one (1) of the following signs is permitted for each business: awning, ground (on-premises), projecting, or wall.

5. NB DISTRICT RESTRICTION

a. In the NB District, one (1) ground sign (on-premises) and one (1) of the following attached signs is permitted for each business: awning, projecting, or wall.

b. Attached signs are permitted only for street-facing façades.

E. ON-PREMISES SIGNS - GROUND SIGNS, PROJECTING SIGNS

1. ZONING DISTRICTS

Ground signs (on-premises) and projecting signs are permitted only in the districts as shown in **Table 6.5.2B, Permitted Districts for Signs,** or as specified in **Section 6.5.2E, On-Premises Signs - Ground Signs, Projecting Signs**.

2. LOCATION AND SETBACKS

a. All parts of ground signs (on-premises) must be completely out of the right-of-way.

b. A projecting sign may extend a maximum of eighteen (18) inches into the right-of-way.

c. Ground signs (on-premises) shall be set back a minimum of one linear foot per square foot of sign area from any structure used exclusively as a residence.

3. SIGN MEASUREMENT

a. AREA CALCULATION

i. Sign area shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof, which will encompass the entire advertising copy excluding architectural embellishments or structural supports.

ii. Any such measurements shall be taken on only one face of the sign; however, informational or advertising matter may be displayed on both faces of any permitted sign.

b. MAXIMUM SIGN AREA

The maximum sign area of ground (on-premises) and projecting signs shall be limited in area to two and a half (2.5) square feet of sign area per linear foot of lot frontage for each type of sign with the following maximums:

i. In the HB, LI, GI, and NSB Districts, sign size shall be limited to one hundred fifty (150) square feet;

ii. In the LB, PB, GB, CI, CPO, C, and MU-S Districts, sign size shall be limited to seventy-five (75) square feet, except that in the LB District in GMAs 4 and 5, sign size shall be limited to thirty-six (36) square feet;

iii. In the CB District, no projecting signs are allowed and ground signs are limited to a maximum of fifty (50) square feet;

iv. In the GO, LO and IP Districts, sign size shall be limited to thirty-six (36) square feet;

v. In the NO District, sign size shall be limited to eight (8) square feet;

vi. In the NB District, sign size shall be limited to twenty (20) square feet for ground signs (on-premises) and a maximum area of five percent (5%) of the building wall for the following attached signs: awning, projecting and wall signs;

vii. In any RM District, sign size shall be limited to eighteen (18) square feet; and

viii. In any RS, AG, MH or YR District, sign size shall be in accordance with **Section 6.5.2E.8, On-Premises Ground and Projecting Signs in the YR, AG, MH, and RS Districts**, and **Section 6.5.2FOn-Premises Signs - Roof Signs, Wall Signs.**

c. HEIGHT

i. The maximum height of a ground (on-premises) or projecting sign shall be thirty-five (35) feet, except fifteen (15) feet maximum in any RM, YR, AG, MH, or RS District, measured from the road to which the sign is oriented or grade of the site, whichever is higher.

ii. Where a sign interferes with pedestrian clearance or sight distance, the lowest part of the sign shall be a minimum of nine (9) feet from the grade of the site on which the sign is located.

iii. Sign height shall be measured from the highest portion of the sign, including any molding, trim, border, or frame designed to attract attention, excluding any extensions.

4. NUMBER OF FACES

a. Ground signs (on-premises) which contain two (2) faces may contain up to the maximum sign area as computed under size requirements in this section.

b. Signs with three (3) faces shall contain a minimum of fifteen percent (15%) less sign area for each face than the standard maximum.

c. A sign with four (4) faces shall contain a minimum of thirty percent (30%) less sign area for each face than the standard maximum.

5. NUMBER

a. MAXIMUM

i. Each zoning lot frontage of less than two hundred fifty (250) feet shall be limited to one ground (on-premises) and one projecting sign per street or right-of-way frontage.

ii. If the lot frontage contains more than two hundred fifty (250) feet, then two (2) signs of each type may be used on that street frontage, except in any RM District, with a minimum separation of one hundred twenty-five (125) feet between these two (2) signs or between them and any other ground signs on the lot.

iii. The maximum number of signs for any zoning lot in the YR, AG, MH, or RS zoning districts shall be determined by the requirements of **Section 6.5.2E.8, On-Premises Ground and Projecting Signs in the YR, AG, MH, and RS Districts.**

b. NO DISTRICT RESTRICTION

In the NO District, only one (1) of the following signs is permitted for each business: awning, ground (on-premises), projecting, and wall.

c. NB DISTRICT RESTRICTION.

i. In the NB District, only one (1) ground sign (on-premises) and one (1) of the following attached signs is permitted for each business: awning, projecting, or wall.

ii. Attached signs are permitted only for street-facing façades.

6. EXCEPTIONS

a. CORNER LOTS AND LOTS WITH TWO HUNDRED FIFTY (250) FEET OF FRONTAGE

Corner lots and lots with two hundred fifty (250) or more feet of frontage are permitted a fifty percent (50%) addition in maximum ground and projecting sign size for using one sign where two (2) would be allowed, except for lots located in YR, AG, MH, or RS zoning.

b. LOTS ON FREEWAYS/EXPRESSWAYS IN THE INTERSTATE SYSTEM

i. Signs located within four hundred (400) feet of the centerline of a freeway/expressway in the interstate system, except in any RM, YR, AG, MH, or RS District, may display additional sign area up to a maximum of two hundred (200) square feet and a maximum height of fifty (50) feet.

ii. This exception will become void along any highway which installs a government sponsored highway logo sign system.

c. LOTS OF THREE (3) ACRES OR MORE

On zoning lots containing three (3) acres or more, the maximum size of ground and projecting signs shall be that permitted in the zoning district where the sign is permitted, regardless of the amount of road frontage of the lot.

d. SHOPPING CENTERS

i. NUMBER AND SIZE

1. Any shopping center or multiple proprietorship in one building or connected buildings occupied by four (4) or more tenants shall be permitted a fifty percent (50%) increase in ground sign (on-premises) area provided that such signs shall be of the marquee type.

2. If the lot frontage is greater than one hundred fifty (150) feet, two (2) ground signs may be used with seventy-five (75) feet separation between signs and the fifty percent (50%) addition applies to both signs.

ii. FREESTANDING BUILDING SIGNS

A freestanding building located within designated shopping center parking lots and containing eight hundred (800) square feet or more shall be permitted one additional ground sign (on-premises) not to exceed thirty-six (36) square feet.

7. MOVIE THEATERS AND PERFORMANCE HALLS

A changeable copy marquee may apply to either a ground or projecting sign with a fifty percent (50%) addition to the maximum size permitted in the district.

8. ON-PREMISES GROUND AND PROJECTING SIGNS IN THE YR, AG, MH, AND RS DISTRICTS

a. PERMITTED DISTRICTS AND USES

On-premises ground and projecting signs are allowed with the following uses in the YR, AG, and MH Districts, and in any RS District:

i. Agriculture production;

ii. Cemetery;

iii. Church or religious institution, neighborhood or community;

iv. Child day care center accessory to a church or school;

v. Fish hatchery;

vi. Golf course;

vii. Manufactured housing development;

viii. Park and shuttle lot;

ix. Planned residential development and subdivision;

x. Riding stable;

xi. Shooting range, outdoor;

xii. Utilities;

xiii. Recreation facility, public;

xiv. School, public or private;

xv. Police or fire station;

xvi. Library, public; and

xvii. Campground.

b. NUMBER AND SIZE

i. Only one sign per use with a maximum of eighteen (18) square feet per zoning lot per street or right-of-way frontage.

ii. If a zoning lot is permitted more than one sign, there shall be at least fifty (50) feet of spacing between each sign.

c. HEIGHT

Fifteen (15) feet maximum, measured from the road or grade of the site to which the sign is oriented, whichever is higher.

d. ILLUMINATION

Internally illuminated signs are not permitted for these uses, except such internally illuminated signs which existed as of April 26, 1993.

F. ON-PREMISES SIGNS - ROOF SIGNS, WALL SIGNS

1. ZONING DISTRICTS

Roof and wall signs are permitted only in the districts as shown in **Table 6.5.2B, Permitted Districts for Signs**, or as specified in **Section 6.5.2F.2.e, Wall Signs in the YR, AG, MH, and RS Districts**.

2. SIZE

a. MAXIMUM SIZE

There shall be no maximum size restriction, but in no case shall a wall sign extend horizontally beyond the main wall of a building more than twelve (12) inches.

b. RESTRICTIONS IN NO AND NB DISTRICTS

In the NO District, sign size shall be limited to eight (8) square feet; in the NB District, sign area shall be limited to five percent (5%) of the wall.

c. HEIGHT

i. FLAT ROOF BUILDING

1. On a flat roof building, no roof signs are allowed.

2. No wall sign shall project more than fifty percent (50%) of its height above the wall on which it is placed, but in no case shall extend more than two (2) feet above the wall.

ii. PEAKED ROOF BUILDING

Signs on a peaked roof building shall not extend above the peak of the roof.

d. NUMBER

i. MAXIMUM NUMBER

There shall be no restriction on the number of roof and wall signs.

ii. NO DISTRICT RESTRICTION

In the NO District, only one (1) of the following signs is permitted for each business: awning, ground (on-premises), projecting, and wall.

iii. NB DISTRICT RESTRICTION

1. In the NB District, one (1) of the following attached signs is permitted for each business: awning, projecting, or wall.

2. Attached signs are permitted only for street-facing façades.

e. WALL SIGNS IN THE YR, AG, MH, AND RS DISTRICTS

Wall signs are allowed with the following uses in the YR, AG, and MH Districts, and in any RS District:

i. Agriculture production;

ii. Cemetery, licensed or unlicensed;

iii. Church or religious institution, neighborhood or community;

iv. Child day care center accessory to a church or school;

v. Fish hatchery;

vi. Golf course;

vii. Manufactured housing development;

viii. Park and shuttle lot;

ix. Planned residential development;

x. Riding stable;

xi. Shooting range, outdoor;

xii. Utilities;

xiii. Recreation facility, public;

xiv. School, public or private;

xv. Police or fire station;

xvi. Library, public; and

xvii. Campground.

3. ROOFTOP PENTHOUSES OR UNENCLOSED SCREENING

No signage is permitted on either roof top penthouses or unenclosed screening of roof top mechanical equipment.

G. OTHER SIGN REGULATIONS

1. MENU BOARDS, FAST FOOD RESTAURANTS

Menu boards for fast food restaurants must be located in such a way as to be viewed from a designated drive-through lane and not located within the required front, side, or rear yards.

2. ADULT ESTABLISHMENT ADVERTISEMENTS

Adult establishments shall not be permitted to display promotional materials visible to the public from pedestrian sidewalks or walkways; nor shall any signage contain lewd or offensive language, or any sort of sexually explicit graphics.

3. NONCONFORMING USES

Nonconforming uses shall be permitted on-premises ground, projecting, roof, or wall signs, provided such signs are on the premises of the use and provided:

a. Existing signs as of April 26, 1993 which advertise a nonconforming use on a site shall comply with the requirements of any zoning district which would permit such use.

b. These existing signs may be replaced, or may be replaced and increased by a maximum of twenty-five percent (25%) provided that such increase would not exceed the requirements of any zoning district which would permit such use.

c. Existing signs meeting these requirements may be replaced due to deterioration or destruction.

d. Signs existing as of April 26, 1993 which advertise a nonconforming use on a site that do not comply with the requirements of any zoning district which would permit such use, shall have one hundred eighty (180) days after April 26, 1993 to come into compliance or the signs shall be removed.

e. Nonconforming uses which do not have ground (on-premises) signs on the site as of April 26, 1993 shall not be permitted to install such signs.

4. PARKS AND RECREATION AREAS OPEN TO THE PUBLIC WITH ONE HUNDRED (100) ACRES OR MORE

a. On-premises ground and projecting signs not to exceed seventy-five (75) square feet.

b. Maximum height of signs shall be fifteen (15) feet. Signs shall be spaced at least four hundred (400) feet apart.

c. Exempt from this spacing requirement are signs located within fifty (50) feet of the centerline of the main entrance to the park or recreation area.

d. The main entrance shall be defined as the one major controlled access point from a major or minor thoroughfare to the park or recreation area.

e. The nearest sign located to the main entrance signs shall meet the four hundred (400) foot spacing requirement.

f. Signs shall be so located as to not obstruct the vision of drivers of motor vehicles.

H. AMORTIZATION SCHEDULE

1. ON-PREMISES SIGNS

a. NONCONFORMING SIGNS

i. One on-premises sign per zoning lot or business not conforming to these standards may be allowed to remain in its present location provided that the sign was legally erected in compliance with all laws existing prior to October 14, 1985, and provided that the owner filed notice with the Inspections Division within ninety (90) days of that date.

ii. Said notice shall contain documentation on the location, height, size, and dimensions of the sign to remain, as well as a photograph showing the entire sign and its supporting structure.

iii. Said sign shall be allowed to remain at its present location for the remaining life of the sign, and any such sign removed, renovated, altered, destroyed, or damaged by fifty percent (50%) or more of its value shall not be rebuilt or replaced except in compliance with this Ordinance.

b. OTHER NONCONFORMING SIGNS

All other nonconforming signs shall be removed or brought into compliance with the requirements of this Ordinance within seven (7) years from October 14, 1985, or until removed, renovated, altered, destroyed, or damaged as specified in this section, whichever is earlier.

2. OFF-PREMISES SIGNS

a. SETBACKS

All nonconforming off-premises signs shall be removed or brought into compliance with all requirements, except **Section 6.5.2C.4.c, Setback**, within seven (7) years of October 14, 1985.

b. VIEW CORRIDORS

i. The seven (7) year amortization of off-premises signs provided in this section shall not apply to the view corridors listed in **Table 6.5.2C, View Corridors**.

ii. Off-premises signs, existing or for which a valid permit has been issued in these view corridors prior to February 6, 1989, may remain and be maintained and repaired.

iii. Such signs may not, however, be expanded or replaced in any manner with regard to their support structure, decking, sign face structure, lighting or any other component or group of components of their structure or foundation.

6.6 EXTERIOR LIGHTING

6.6.1 APPLICABILITY

A. GENERALLY

The standards in this section shall apply to lighting for principal buildings submitted for permitting after January 7, 2019 on zoning lots that are adjacent to a public street or to residential zoning, or lighting for outdoor recreation uses and stadiums as described in **Section 6.6.3, Lighting for Outdoor Recreation Uses and Stadiums**, below.

B. EXEMPTIONS

This section shall not apply to:

1. The uses residential building, single family; residential building, duplex; residential building, twin home; and residential building townhouse;

2. Street lights in the public right-of-way;

3. Airport runway and aviation safety lights required by the FAA; or

4. Temporary lighting.

C. CONFLICT

Where these standards conflict with the standards of the H (Historic) or HO (Historic Overlay) zoning districts, the standards for those districts shall take precedence.

6.6.2 GENERAL REQUIREMENTS

A. LIGHTING PLAN

1. A lighting plan prepared by a lighting certified (LC) lighting professional or a professional engineer licensed in the State of North Carolina shall demonstrate that all exterior lighting is designed, located, and installed in such a manner that light levels measured at the residential property line and the public right-of-way do not exceed one-half (1/2) footcandle.

2. Prior to the issuance of a certificate of occupancy, the LC lighting professional or professional engineer shall certify in writing that that lighting was installed per the approved plans.

B. LIGHT LEVEL MEASUREMENT

1. Light levels are specified, calculated, and measured in footcandles.

2. All values are initial footcandles.

3. Measurements shall be made at ground level with the light-registering portion of the meter held horizontally pointing up.

C. PARKING LOT LIGHTING

1. Parking lot lighting shall utilize fixtures certified as full cutoff or LED BUG-rated fixtures with an uplight rating of U0 and a maximum glare rating of G3.

2. Lights mounted on poles shall have a maximum pole height of thirty (30) feet and shall not be mounted greater than thirty-two feet (32) feet above grade including any base or mounting structure.

3. Non-shielded wall packs and high-intensity light beams, such as outdoor searchlights, lasers, or strobe lights are prohibited.

4. Routine maintenance of existing lighting, including changing the lamp, ballast, starter, photo control, fixture housing, lens, and other required components is allowed for all existing fixtures. A lighting plan is not required for such changes.

6.6.3 LIGHTING FOR OUTDOOR RECREATION USES AND STADIUMS

A. In addition to the standards above, the following shall apply to the following uses:

1. Entertainment facility, large;

2. Fishing, fee charged;

3. Golf driving range;

4. Recreation services, outdoor;

5. Recreation facility, public;

6. Stadium, coliseum, or exhibition building;

7. New accessory athletic fields and courts submitted for permitting after January 7, 2019; and

8. Lighting added to existing outdoor recreation uses, stadiums, and accessory athletic fields and courts that did not have lighting before January 7, 2019.

B. *Fixtures shall be fitted with the manufacturer's glare control package. If the manufacturer does not have a glare control package, the fixture specification shall be changed to a manufacturer that offers a glare control package.*

Fixtures shall be fitted with the manufacturer's glare control package, except where the Planning Board determines the absence of glare control elements will not have a negative impact on surrounding property through the site plan review process (Planning Board Review). Where such a determination is made, the requirements of subsection (E) below shall not apply.

C. Fixtures shall be designed with a sharp cutoff and aimed so that their beams fall within the primary playing area and immediate surroundings, so that off-site direct illumination and glare are significantly restricted.

D. *The maximum pole height for a new outdoor recreation lighting source shall be eighty (80) feet unless approved by the Assistant City Manager or Public Works or a designee after being determined that the lighting will have no significant adverse effect on surrounding property. Existing poles for outdoor recreation lighting sources with a height greater than eighty (80) feet may be used for new lighting if approved by the Assistant City Manager for Public Works or a designee after being determined that the lighting will have no significant adverse effect on surrounding property.*

The maximum pole height for a new outdoor recreation lighting source shall be eighty (80) feet unless approved by the Planning Board after being determined that the lighting will have no significant adverse effect on surrounding property. Existing poles for outdoor recreation lighting sources with a height greater than eighty (80) feet may be used for new lighting if approved by the Planning Board through the site plan review process (Planning Board Review) after being determined that the lighting will have no significant adverse effect on surrounding property.

E. The lighting plan shall demonstrate that the maximum candela per fixture does not exceed 7,500 candela at a distance of 150 feet from the edge of the playing field.

F. *Except as authorized by Assistant City Manager or Public Works or a designee, new lighting fixtures for existing outdoor recreation uses, stadiums, and accessory athletic fields and courts installed after January 7, 2019 shall follow the standards above only if they change from conventional lighting fixtures to LED fixtures.*

Except as otherwise approved by the Planning Board as set forth in subsection (D) above, new lighting fixtures for existing outdoor recreation uses, stadiums, and accessory athletic fields and courts installed after February 14, 2019 shall follow the standards above only if they change from conventional lighting fixtures to LED fixtures.

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7.1 GENERAL PROVISIONS AND ADMINISTRATION

7.1.1 STATUS OF SUBDIVISION REQUIREMENTS

These subdivision requirements are adopted as regulations by the Planning Board for the City of Winston-Salem and Forsyth County jurisdictions.

7.1.2 PURPOSE AND ADOPTION

A. The purpose of these regulations is to provide for:

1. The orderly development of Forsyth County;

2. The coordination of streets within proposed subdivisions with existing or planned streets and other public facilities;

3. The dedication or reservation of rights-of-way or easements for street utility and other public purposes;

4. The avoidance of congestion and overcrowding through adequate population distribution and the development of efficient circulation patterns; and

5. The creation of conditions essential to public health, safety, and general welfare of the community.

B. By adopting these rules and regulations, the Planning Board and Elected Bodies can administer land subdivision approvals vested by Chapter 677, 1947 Session Laws of North Carolina, as revised by Chapter 777, 1953 Session Laws.

C. The Planning Board hereby adopts these rules and regulations to govern the subdivision of land in Winston-Salem and Forsyth County this the 11th day of March, 1993 and subsequent amendments thereto in accordance with **Section 3.2.15, UDO Text Amendment** .

7.1.3 APPLICABILITY

These rules and regulations shall apply to the subdivision of land anywhere in Forsyth County within the zoning jurisdiction of Forsyth County and the City of Winston-Salem.

7.1.4 GENERAL DEFINITION OF A SUBDIVISION

For the purpose of these regulations, subdivision shall mean all divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose of a gift, sale, or development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets. This general definition will be further defined in these regulations as:

A. Subdivisions exempt by State law or court judgments;

B. Minor subdivisions;

C. Major subdivisions; and

D. Industrial or commercial subdivisions.

7.1.5 APPROVING AUTHORITY AND AUTHORIZED PLANNING STAFF

A. The Planning Board and authorized Planning staff shall be the approving authorities for various sections of these regulations.

B. The Planning Board is authorized to approve preliminary subdivisions.

C. Planning staff authorized to approve extensions of preliminary subdivision approvals, revised preliminary subdivision approvals, and final plat approvals shall include the Director of Planning, Assistant Directors of Planning, the Principal Planner of the Land Use Administration Section, and any other designee of the Director of Planning.

D. Planning staff authorized to approve deeds shall include the same Planning staff and all the planner positions in the Land Use Administration Section, and any other designee of the Director of Planning.

E. No subdivision shall be created anywhere in Winston-Salem or applicable areas of Forsyth County until said plat or deed has been approved by the Planning Board or Planning staff.

F. Authorized Planning staff shall hereafter be referred to as Planning Staff.

7.1.6 PENALTIES FOR TRANSFERRING LOTS IN UNAPPROVED SUBDIVISIONS

A. Any owner or agent of any owner of land located within a subdivision controlled under any section of these regulations who transfers or sells land by reference to, or exhibition of, or by other use of a deeded parcel of land or parcel of land on a plat before the deed or plat has been approved by the Planning Board or Planning staff in accordance with these regulations, shall forfeit and pay a penalty as provided by law for each lot which has been duly recorded or filed in the office of the Register of Deeds.

B. The description of the lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or remedies herein provided.

C. Any jurisdiction exercising subdivision authority may enjoin the transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction or may recover the penalty by civil action in any court of competent jurisdiction.

D. Building permits required pursuant to G.S. 160D-1110 may be denied for lots that have been illegally subdivided.

7.1.7 PRE-EXISTING SUBDIVISIONS

None of the provisions of these regulations shall apply to subdivision plats recorded prior to March 3, 1948 or deeds recorded prior to October 10, 1985 in the office of the Register of Deeds provided the lots met the requirements of this Ordinance or any other local or State land regulatory ordinances which were in effect at the time the lots were recorded.

7.1.8 ADMINISTRATION

A. The Planning Board is the administering authority for any regulations contained in these regulations.

B. These provisions shall be considered the minimum requirements for the protection of the public health, safety, welfare, and convenience.

C. The Planning Board reserves the right to modify or to extend these regulations as may be deemed necessary to provide reasonable service to the public.

D. If, however, the owner or owner's agent can demonstrate to the satisfaction of the Planning Board that, because of peculiar conditions pertaining to the land, the literal enforcement of these regulations would exact undue hardship, then the Planning Board may permit such variations from the literal interpretation of these regulations as may be deemed reasonable.

7.1.9 AMENDMENTS

A. Before the adoption of any amendment to these regulations, the Planning Board shall hold a public hearing.

B. Notice of the public hearing by the Planning Board to amend the subdivision regulations shall be given once at least ten (10) days prior to the date scheduled for the public hearing.

C. The required notice in the newspaper shall consist of a reference to the section(s) of the regulations which will change and a general description of the proposed amendment.

7.1.10 DENIAL OF SUBDIVISION

The reason(s) for the denial of any subdivision controlled under any section of these regulations shall be stated to the owner or the owner's agent by either the Planning staff or the Planning Board.

7.1.11 APPEAL OF PLANNING STAFF DENIAL OF SUBDIVISION

A. The denial of any subdivision controlled under any section of these regulations by Planning staff as an administrative decision may be appealed to the Board of Adjustment.

B. Appeal requirements shall be the same requirements specified in **Section 3.2.1, Appeals and Interpretations**.

7.1.12 OTHER APPLICABLE DEFINITIONS

Any terms not defined in these regulations will be assumed to have the same or similar definition(s) found in the UDO or any other local ordinances, codes, or State law.

7.1.13 VIOLATION OF THE SUBDIVISION REGULATIONS

Violations of these regulations shall be enforced through the provisions established in **Section 10.2.5, Subdivision Regulations**.

7.1.14 SUPPLEMENTARY STANDARDS FOR RESIDENTIAL DEVELOPMENT IN GMA 2

In GMA 2, all subdivisions shall be subject to the requirements of **Section 6.4.2, Supplementary Standards For Residential Development In GMA 2 (W)**.

7.1.15 PLATTING EXCEPTION FOR FINANCING/REFINANCING

For the purposes of financing or refinancing development projects, it is sometimes necessary to subdivide a previously approved project (for a use other than single family residential) originally located on a single zoning lot into two (2) or more lots under different ownership.

The Director of Planning/Plat Review Officer may approve such a subdivision without respect to the minimum dimensional, parking, landscaping, buffering, and density requirements otherwise specified in the UDO for newly subdivided lot(s); provided the following findings have been satisfied:

A. The subdivision is located within a development project that has been previously approved by the appropriate Elected Body, Planning Board, or is part of a common plan of development approved through the issuance of a zoning permit by the Inspections Division;

B. The overall project satisfies all ordinance requirements or is considered legally nonconforming; and

C. Each final plat created shall contain a note stating that the owner(s) acknowledge that the individual parcel is a part of the named development project and that deeds of easement, restrictive covenants, and/or other legal documents necessary for the perpetual functioning of the development project, approved as a whole, will be executed and recorded with the final plat; and

D. The following note shall be placed on the face of the plat prior to approval: "The property shown on this plat is a single part of a larger development project, and independently does not meet minimum UDO requirements. Prior to any modifications to this property, the petitioner should contact the City/County Planning Department."

7.2 SUBDIVISIONS EXEMPTED BY STATE LAW OR COURT JUDGEMENTS

7.2.1 DEFINITION

A. A subdivision exempted by State law or court judgments is a division of a tract or parcel of land into two (2) or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of a gift, sale, or building development, whether immediate or future.

B. All lots must comply with the size and area requirements of this Ordinance or any other applicable local or State land regulatory ordinances and meet any one of the following definitions:

1. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the local government subdivision regulations;

2. The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;

3. The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation corridors. The transfer of pieces of property between developed lots where the transfer of property does not create a substandard lot or any setback violations on either lot. (These subdivisions are not required to comply with the size and area requirements of Chapter 4: Zoning Districts, nor the provisions in **Section 3.2.4B, Approval Process**, and **Section 3.2.4C, Application Requirements**.

4. The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no public or private street right-of-way dedication is involved and the resultant lots are equal to or exceed the standards of the local government subdivision regulations; or

5. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with interstate succession under Chapter 29 or the General Statutes.

7.2.2 APPROVAL PROCESS

A. A subdivision exempted by State law or court judgments shall be presented to Planning staff at least five (5) working days prior to offering any portion for recording in the office of the Register of Deeds.

B. Additional information may be needed by Planning staff to evaluate the proposed subdivision to see if the subdivision meets the requirements of this section.

C. Once the additional information is received by Planning staff, the five (5) day review period will begin.

D. If the subdivision complies with this section, Planning staff shall provide the approval in writing on the face of the deed or plat.

E. Once the deed or plat has been approved, the owner or owner's agent may record the deed or plat in the office of the Register of Deeds.

7.2.3 APPLICATION REQUIREMENTS

The following are the application requirements for approval of subdivisions exempted by State law or court judgments:

A. PRELIMINARY REVIEW

1. The proposed final plat shall be submitted in the appropriate electronic plan review system to the office of the Planning Board for preliminary review by Planning staff at least five (5) working days prior to the desired recording date.

2. After the preliminary review, Planning staff will return to the applicant the proposed plat with any changes marked along with any other information needed to approve the final plat in the appropriate electronic plan review system (see **Section 3.2.5, Final Plat**).

3. The applicant shall return the marked copy to Planning staff when the final plat is brought in for recording to ensure all necessary corrections have been made.

4. Verification that all necessary corrections have been made and stamping and signing of the verified final plat shall occur within one working day.

B. FINAL PLAT

1. Two (2) archival mylar copies of the final plat shall be submitted for approval to the Planning staff.

2. The final plat shall contain all the changes, corrections, and information required by Planning staff and shall conform to all the requirements of these regulations and any other recording requirements of local or State law.

C. APPLICATION FEE

Application fee as adopted by the Planning Board payable to the City of Winston-Salem shall be paid prior to Planning staff signing the final plat.

7.2.4 RECORDING MINOR SUBDIVISION PLATS

Plat(s) will be signed by Planning staff when all the following requirements have been met:

A. STATEMENT

1. No subdivision shall be granted final approval until Planning staff has received a statement duly acknowledged before some officer authorized to take acknowledgment of deeds and signed and executed by each owner of the property and the owner's spouse, if any, (the word owner used herein is defined to include private corporations) to the effect that the subdivision plan and land shown on the final plat is made with the owner's free consent and in accordance with the owner's desires.

2. Such statements shall, after examination by Planning staff, be recorded on a separate document with the final plat or shall be shown on the face of the final plat which is recorded in the office of the Register of Deeds (see Planning staff for copies of appropriate dedication statements).

B. FLOODWAY AND FLOODWAY FRINGE

All floodway or floodway fringe areas and base flood elevations shall be accurately delineated and identified on the final plats according to the Federal Emergency Management Agency (FEMA) maps, where available.

C. WETLANDS

Any areas delineated by the United States Army Corps of Engineers as Wetlands shall be accurately identified on the final plat.

D. UTILITY OR OTHER EASEMENTS

All public or private utility easements, drainage easements, sight distance easements, and, if contemplated in the development, sign easements for subdivision markers shall be shown on the final plat.

E. GREENWAY OR OTHER PUBLIC EASEMENTS OR DEDICATION OF PUBLIC LANDS

Any greenway or other public easements or fee simple dedication of public lands or public right-of-way required as a condition of preliminary subdivision approval shall be accurately delineated on the final plat.

F. ADDRESSES

Street addresses must be shown on the final plat.

7.2.5 ENDORSEMENT OF APPROVAL

Upon approval of a final plat such approval shall be indicated by a statement to that effect on the print of the final plat with the signature of Planning staff. The approval statement shall read as follows:

MINOR SUBDIVISION PLAT APPROVAL

This is to certify that this plat meets the recording requirements of the Unified Development Ordinance for Winston-Salem/Forsyth County.

I _____ , Review Officer of Forsyth County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Approved _____

Director of Planning/Review Officer

This the _____ day of _____ , 20 _____ .

Forsyth County, North Carolina

7.3 INDUSTRIAL AND COMMERCIAL SUBDIVISIONS

7.3.1 DEFINITION

A. An industrial or commercial subdivision of land whether in single or multiple ownership shall mean all divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose of a gift, sale, or industrial or commercial building development.

B. These subdivisions may construct new public or private streets to access new lots.

C. All lots must comply with the size and area requirements of Chapter 4: Zoning Districts or any other applicable local or state land regulatory ordinances.

7.3.2 PUBLIC STREET SUBDIVISIONS

A. Preliminary subdivision approval of a plat of the Planning Board is required if new public streets are proposed.

B. The subdivision must follow the same process and procedures as in **Section 3.2.9, Preliminary Plat**, however, only the applicable development standards and other requirements in that section will apply to industrial or commercial subdivisions.

C. Final plats must be recorded in the office of the Register of Deeds when all the requirements have been met for the subdivision in accordance with **Section 3.2.5, Final Plat**.

7.3.3 PRIVATE STREET SUBDIVISIONS

A. Private street industrial or commercial subdivisions shall follow the same process and procedures as in **Section 3.2.8, Minor Subdivision**.

B. These subdivisions will not be limited to the requirement of no more than three (3) lots per tract which do not front on a public street found in **Section 3.2.8, Minor Subdivision**.

7.4 STREETS STANDARDS GOVERNING VEHICLE AND PEDESTRIAN CIRCULATION

7.4.1 PEDESTRIAN TRANSIT AND BICYCLE MOBILITY

A. GENERAL

1. Sidewalk, walkway, on-road improvements, greenway easements, and trail systems sufficient to serve both existing and projected pedestrian, transit, and cyclist needs shall be indicated on all site and subdivision plans approved by the Planning Board or Elected Body.

2. Such systems may include sidewalks along public or private streets, wide outside travel lanes, bike lanes on roadways, and walkways and trails in alternative locations as appropriate.

3. Design, location, dimensions, dedications, easements, and reservations shall conform to applicable jurisdictional policies and adopted plans for sidewalks, bicycle routes, greenways and trails.

4. Such plans include the *Winston-Salem Urban Area Sidewalk and Pedestrian Facilities Plan (W); the Winston-Salem Urban Area Comprehensive Bicycle Master Plan (W)*; the Greenway Plan, Winston-Salem and Forsyth County; and the Transportation Plan.

5. Walkways and trails shall be designed to maximize the safety of users and the security of adjoining properties with respect to location, visibility, and landscaping.

B. SIDEWALK REQUIREMENT FOR PLANNING BOARD OR ELECTED BODY APPROVALS

1. APPLICABILITY

a. ***CITY OF WINSTON-SALEM***

The following requirements shall apply to single family residential and nonresidential preliminary subdivision approvals, pursuant to ***Section 10.1.2, City-County Joint Planning Board****, and* ***Section 3.2.19D, Special Use Districts,*** *in Winston-Salem and unincorporated areas of Forsyth County identified as outside Forward 2045 GMA 5. (W)*

b. **FORSYTH COUNTY**

i. The following requirements shall apply to single family residential and nonresidential preliminary subdivision approvals, Planning Board Review items, pursuant to **Section 10.1.2, City-County Joint Planning Board** and special use district zoning items pursuant to **Section 3.2.19D, Special Use Districts** in Winston-Salem and unincorporated areas of Forsyth County identified as outside Forward 2045 GMA 5.

ii. Also, the following requirements shall apply in portions of Forward 2045 GMA 5 that are located within the town limits of incorporated municipalities under Forsyth County zoning and subdivision jurisdiction and are otherwise not exempt from sidewalks as specified in **Section 7.4.3, Streets**, of this Ordinance. (F)

2. REQUIREMENTS

a. Unless the Planning Board or Elected Body approves an alternate walkway location, a conventional sidewalk shall be provided within the right-of-way along all new public streets with required curb and gutter as shown in the table below in accordance with the Winston-Salem Infrastructure Development Standards or NCDOT standards as applicable.

TABLE 7.4.1.B: SIDEWALK REQUIREMENTS

TYPE OF STREET	SIDEWALK LOCATION
Cul-de-sac	One Side
Local Street	One Side
Collector	One Side
Minor Thoroughfare	Both sides

b. *Sidewalks shall also be required along existing streets where subdivisions, Planning Board review items, or special use district zoning items abut streets proposed for sidewalks as identified in the adopted Winston-Salem Urban Area Sidewalk and Pedestrian Facilities Plan, subject to the limitations of* ***Section 7.4.1C, Sidewalk Requirements for Nonresidential Developments and Other Multifamily Developments not requiring approval by the Planning Board or Elected Body (W)***

c. Except for sidewalks as required on approved site plans, additional sidewalks in accordance with this section shall not be required for properties with vested site plans in accordance with **Section 2.7, Vested Rights**.

3. EXEMPTIONS

a. Sidewalks are not required in locations where curb and gutter is not required for new public streets.

b. This subsection shall not apply to developments approved prior to *January 1, 2006 in the City of Winston-Salem (W),* or March 12, 2007 in Forsyth County (F).

4. ALTERNATE SIDEWALK REQUIREMENT

a. A pedestrian walkway may be provided outside the right-of-way within a public access easement when the Planning Board or Elected Body determines the walkway will have the same functionality as a conventional sidewalk required in **Section 7.4.1B, Sidewalk Requirement for Planning Board or Elected Body Approvals**.

b. A pedestrian walkway may be provided outside the right-of-way within a public access easement when the Planning Board or Elected Body determines that the construction of a conventional sidewalk within the right-of-way is impractical due to impending road widening or other physical limitations.

c. A developer may propose a sidewalk layout which varies from the strict application of the provisions of **Section 7.4.1B, Sidewalk Requirement for Planning Board or Elected Body Approvals,** in order to accommodate the unique character of the site or to utilize innovative design.

d. Alternative compliance may be granted by the Planning Board or Elected Body only upon a finding that the proposed alternative fulfills the intent of sidewalks to provide a logical and functional pedestrian network as well as or better than would strict compliance with the requirements of this Ordinance.

C. *SIDEWALK REQUIREMENTS FOR NONRESIDENTIAL DEVELOPMENTS AND OTHER MULTIFAMILY DEVELOPMENTS NOT REQUIRING APPROVAL BY THE PLANNING BOARD OR ELECTED BODY (W)*

Sidewalks shall be required for all nonresidential developments and multifamily developments not subject to approval by the Planning Board or Elected Body and where located along streets identified on the adopted Winston-Salem Urban Area Sidewalk and Pedestrian Facilities Plan, subject to the following criteria or exceptions:

1. *Sidewalks shall be required along the entire frontage of the property under the following circumstances:*

a. *New construction sites.*

b. *On existing developed zoning lots, construction of ten thousand (10,000) square feet or more gross square feet in new buildings or additions of ten thousand (10,000) square feet or more gross square feet to existing buildings on existing developed zoning lots.*

c. *In all situations where sidewalks are required the developer shall be obligated to build no more than one linear foot of sidewalk per ten (10) square feet of gross building area.*

d. *The location of sidewalks shall be determined through the construction permitting process in accordance with the adopted Winston-Salem Urban Area Sidewalk and Pedestrian Facilities Plan.*

2. *Sidewalks shall only be required on streets which have existing curb and gutter paving or where the subject street is being widened with curb and gutter as required by the approval of a driveway permit.*

3. *Construction of the sidewalk shall be approved by the Engineering Division of the City of Winston-Salem Public Works Department prior to the issuance of occupancy permits.*

4. *Exceptions and exemptions:*

a. *Sidewalk requirements may be located either totally or partially within a public easement outside the right-of-way, or may be waived altogether, if the Assistant City Manager for Public Works or designee determines that sidewalk construction either within or outside the right-of-way is impractical due to physical limitations if the site.*

b. *Sidewalks shall not be required for any interior up-fit of existing buildings that does not involve any new outside construction meeting the requirements in this section.*

c. *Phased projects not covering the entire zoning lot shall only be required to construct sidewalks through the frontage of the site development or construction on the zoning lot provided phasing is logical with respect the viability of future development as determined by the City-County Inspections Division.*

d. *Sidewalk construction shall not be required if the street meets the provisions of* ***Section 7.4.1F, Payment In-Lieu (W)****, as determined by the Engineering Division of the City of Winston-Salem Public Works Department. This determination shall be made prior to the issuance of building permits.*

e. *If a payment in-lieu determination is made, the payment shall be made to the City of Winston-Salem prior to the issuance of occupancy permits. If other construction in the vicinity or a combination of sidewalk and alternative walkway is approved, the construction shall be completed and approved by the Engineering Division of the City of Winston-Salem Public Works Department prior to the issuance of occupancy permits.*

D. *STANDARDS FOR BICYCLE AND PEDESTRIAN FACILITIES FOR PLANNING BOARD OR ELECTED BODY APPROVALS (W)*

1. *Any required bicycle and pedestrian facilities in accordance with the adopted Winston-Salem Urban Area Sidewalk and Pedestrian Facilities Plan and/or the Winston-Salem Urban Area Comprehensive Bicycle Master Plan shall be clearly marked using NCDOT standard markings, or shall be based on the Manual on Uniform Traffic Control Devices.*

2. *Adjacent existing public greenways shall be connected to bicycle and pedestrian facilities on the site.*

3. *Bicycle and pedestrian connections shall be made to any existing or proposed off-site bicycle or pedestrian facilities contiguous to the site.*

E. DIMENSIONS AND LOCATIONS

1. SIDEWALKS

a. In general, sidewalks shall be a minimum of five (5) feet in width and shall be constructed of concrete as per the City Public Works Department or NCDOT construction standards unless another material is approved by the Assistant City Manager for Public Works or a designee.

b. For conventional sidewalks approved by the Planning Board or other approving authority, sufficient right-of-way shall be dedicated to ensure that on roads with curb and gutter, a planting strip can be constructed in accordance with the City of Winston-Salem infrastructure development standards.

c. Where street trees are installed between the sidewalk and the curb edge, additional planting strip width shall be required in accordance with City of Winston-Salem infrastructure development standards.

d. If a sidewalk must be placed adjacent to the back of curb due to topographic constraints or other hardships as approved by the Assistant City Manager for Public Works, or designee, the width of the sidewalk shall be increased in accordance with City of Winston-Salem Infrastructure Development Standards.

e. Sidewalks on nonresidential developments and other multifamily developments not subject to approval by the Planning Board or other approving authority may be installed directly behind the curb if sufficient right-of-way does not exist in accordance with **Section 7.4.1E, Dimensions and Locations**.

2. BICYCLE FACILITIES APPROVED BY THE PLANNING BOARD

Either wide outside travel lanes or bicycle lanes, as determined by the Assistant City Manager for Public Works, or designee, or NCDOT, shall be part of any road improvement made on roadways which are indicated as bicycle routes on the approved Winston-Salem Urban Area Comprehensive Bicycle Master Plan. (W)

F. *PAYMENT IN-LIEU (W)*

1. *When the Engineering Division of the City of Winston-Salem Public Works Department determines that the construction of a required conventional sidewalk or alternative walkway is unfeasible due to special circumstances, including but not limited to: existing ribbon pavement, impending road widening, significant street trees, utility problems, grade problems or other construction difficulties, the City of Winston-Salem shall require either:*

- **a.** *A payment in-lieu of sidewalk construction;*
- **b.** *Construction of sidewalks in the general vicinity of the project site; or*
- **c.** *A combination of a conventional sidewalk, alternative walkway, or payment of a fee in-lieu.*

2. *Payment in-lieu shall only be required in cases where a sidewalk is likely to be built within five (5) years from the date of plan approval.*

3. *For payment in-lieu, the cost of the sidewalk construction shall be approved by the Engineering Division of the City of Winston-Salem Public Works Department and the payment for the sidewalk construction shall be made to the City of Winston-Salem prior to the issuance of occupancy permits or recording of final plats whichever is applicable.*

4. *If the sidewalk is not built within five (5) years, the City of Winston-Salem Engineering Division shall determine whether to construct the sidewalk without the planned street improvement, delay installation further to coincide with a scheduled street improvement which has been delayed, or construct the sidewalk in the vicinity of the site where it can be feasibly constructed.*

7.4.2 INGRESS AND EGRESS REQUIREMENTS

A. GENERAL

Upon completion, all public and private streets, utilities, and drainage infrastructure shall be certified and the record construction drawings and certifications shall be submitted and accepted by the Engineering Division of the City of Winston-Salem Public Works Department.

B. DEDICATED AND PUBLICLY MAINTAINED STREETS

1. Dedicated and publicly maintained streets shall be required for developments in all zoning districts except as described in this section and **Section 7.4.2C, Other Forms of Access**.

2. An unlimited number of building permits may be conditionally issued for land parcels adjacent to a public street that is not maintained by either the City of Winston-Salem or NCDOT.

3. However no occupancy permits shall be issued unless the street has been completed or substantially constructed in accordance with **Section 3.2.5, Final Plat**, including posting of an appropriate surety to the satisfaction of the Assistant City Manager of Public Works, NCDOT, or appropriate designees.

4. For streets outside the corporate limits of the City of Winston-Salem, the applicant shall request NCDOT maintenance as soon as the NCDOT occupancy requirement is met, and not more than twice the minimum number of units required for maintenance by the NCDOT may be issued Certificates of Occupancy prior to acceptance for maintenance by NCDOT.

C. OTHER FORMS OF ACCESS

No building shall be erected or enlarged on a parcel in any zoning district unless such parcel abuts upon or has access to a publicly-accepted and maintained street, except in the following circumstances:

1. PRIVATE STREETS OR ROADS

Such streets shall be designed and constructed according to City of Winston-Salem public works standards.

a. RESIDENTIAL

i. For single family residences in accordance with subdivisions approved as a minor subdivision.

ii. For an approved multifamily development not requiring publicly maintained streets.

iii. For an approved planned residential development (PRD) not requiring publicly maintained streets as deemed appropriate by the Planning Board.

1. With the exception of GMAs 1 and 2, all private streets within an approved PRD shall be constructed and designed as per all public street dimensional and construction method standards.

2. Within GMAs 1 and 2, the Planning Board, in consultation with the Assistant City Manager for Public Works, or a designee, may waive the dimensional requirements in order to facilitate appropriately designed in-fill development as per the goals and objectives of Forward 2045.

3. Such waiver shall be in writing and shall specifically state the item to be waived.

b. NONRESIDENTIAL

For any nonresidential development in a nonresidential zoning district

D. *ACCEPTANCE BY THE CITY OF WINSTON-SALEM OF PRIVATE STREETS*

Prior to the acceptance by the City of Winston-Salem, any private street not constructed and maintained to public standards shall be improved to City of Winston-Salem standards by the petitioner to the satisfaction of the Assistant City Manager of Public Works.

7.4.3 STREETS

A. STREET DESIGN

Within any proposed subdivision, the proposed street design (layout) shall be coordinated with the existing and planned street system of the surrounding area with respect to location, alignment, and cross-section. Street design shall satisfy the minimum requirements of the City of Winston-Salem Infrastructure Development Standards or NCDOT as applicable. The following street standards may be modified or varied by the approving authority in order to accommodate unique conditions:

1. RIGHT-OF-WAY

a. A proposed right-of-way shall be of sufficient width to accommodate the required cross section of the roadway.

b. In no case shall the proposed right-of-way be less than the currently adopted standards unless the approving authority determines that special circumstances exists which make the dedication or reservation of the full right-of-way unnecessary or impractical.

c. Right-of-way shall be dedicated and/or reserved and improvements installed to City of Winston-Salem or NCDOT standards for each class of street as follows:

i. Proposed freeways with defined rights-of-way approved by the NCDOT and the Federal Highway Administration shall have the entire right-of-way reserved for future acquisition and improvement by the public.

ii. All other public streets in accordance with the following:

1. NEW STREETS

1.01. The right-of-way required to accommodate the proposed development shall be dedicated, with the remainder reserved.

1.02. The applicant shall be required to install improvements sufficient to service traffic demands of the proposed development.

2. EXISTING STREETS

2.01. The applicant shall dedicate or reserve additional right-of-way and install improvements as required to serve the proposed development.

2.02. Other improvements shall be installed according to Winston-Salem infrastructure development standards or NCDOT standards as applicable.

2. STREET WIDTHS

Proposed street widths and other design elements shall be in accordance with the Winston-Salem infrastructure development standards or NCDOT standards as applicable.

3. GRADES AND CURVES

Proposed streets shall be designed in accordance with Winston-Salem infrastructure development standards or NCDOT standards as applicable.

4. CURB AND GUTTER

a. APPLICABILITY

i. Single family residential subdivisions located within the City of Winston-Salem and single family residential subdivisions located in unincorporated areas of Forsyth County in Forward 2045 GMAs other than the Rural GMA shall be constructed with thirty (30) inch wide standard or valley curb and gutter in accordance with Winston-Salem infrastructure development standards or NCDOT standards as applicable.

ii. Additionally, said curb and gutter and associated sidewalks shall be required within all property located within the Town limits of incorporated municipalities under Forsyth County's zoning and subdivision jurisdiction currently existing or hereafter extended by annexation. (F)

b. EXCEPTIONS

i. Single family residential subdivisions located outside of the City of Winston-Salem corporate limits and further identified as located within the Forward 2045 Rural GMA in unincorporated areas of Forsyth County may use conventional ribbon pavement in accordance with NCDOT standards.

ii. Provisions of this subsection do not apply to property located within the Town limits of incorporated municipalities under Forsyth County's zoning and subdivision jurisdiction currently existing or hereafter extended by annexation. (F)

iii. Single family residential subdivisions located within the City of Winston-Salem or in unincorporated areas of Forsyth County may use conventional ribbon pavement, according to NCDOT standards, provided no single lot in the subdivision is less than one acre in size.

iv. Single family residential subdivisions located within the City of Winston-Salem or within unincorporated areas of the county, where a pattern of existing ribbon streets makes new curb and gutter streets impracticable with the approval of the Assistant City Manager for Public Works, or designee, or appropriate municipal authority, or NCDOT.

5. INTERSECTIONS

a. Street intersections shall be as nearly at right angles as possible with no intersection angle less than the minimum established by the Assistant City Manager for Public Works, or designee, or NCDOT, as applicable.

b. Offset intersections shall be avoided.

c. Intersections on residential streets which cannot be aligned shall be separated by a minimum distance determined by the Assistant City Manager for Public Works, or designee, or NCDOT, as applicable. For higher level streets, this distance shall be determined after considering possible signalization, necessary storage, and sight distance, as well as other design constraints.

d. Adequate sight distances shall be provided at all intersections between streets and at driveway intersections with streets in accordance with Winston-Salem infrastructure development standards or NCDOT standards as applicable.

e. Property lines at corners of all intersecting streets shall be platted in accordance with Winston-Salem infrastructure development standards or NCDOT standards as applicable.

6. SIGHT TRIANGLES

Sight triangles for corner lots and driveways shall be shown on recorded plats in accordance with Winston-Salem infrastructure development standards or NCDOT standards as applicable.

7. CUL-DE-SAC STREETS

Except in unusual circumstances such as terrain constrains or other hardships and as provided in this section, cul-de-sac streets shall not be longer than eight hundred (800) feet (one thousand two hundred (1,200) feet for developments approved prior to *January 1, 2006 (W)*/March 12, 2007 (F)) and shall be terminated by a circular right-of-way or an approved alternative turnaround in accordance with Winston-Salem infrastructure development standards or NCDOT standards as applicable.

a. The length of cul-de-sac streets shall be measured from the centerline of the bulb to the edge of pavement of the nearest through street intersection.

b. Cul-de-sac streets may be longer than eight hundred (800) feet where the number of lots served by a cul-de-sac is fifteen (15) lots or fewer. This subsection shall not apply to developments approved prior to *January 1, 2006 (W)*/March 12, 2007 (F).

8. STUB STREETS

a. Unless exempted below, stub streets shall be required on each side of a development to allow for future interconnectivity to adjacent tracts of land when they develop.

b. Depending on the length of a side, more than one stub street may be required.

c. Stub streets shall be located in places where topography and other features on and off the site will be conducive to future street extension.

d. Stub streets shall not be required on sides where terrain features or existing development would make a future connection prohibitive.

9. ALLEYS

a. Alleys may be required along the rear lot line of commercial or industrial property, along the rear lot line of lots fronting on thoroughfares, or where the lots are less than fifty (50) feet wide.

b. Alley widths shall be established by their proposed use.

10. PROHIBITION OF RESERVE STRIPS CONTROLLING ACCESS

The reservation of private property strips of too narrow a depth to permit development as a means of prohibiting access to public ways shall not be permitted.

11. FRONTAGE ROADS AND MARGINAL ACCESS STREETS

Where a subdivision abuts or contains a controlled or limited access street or thoroughfare, whether existing or proposed, a marginal access street or frontage road may be required.

B. STREET CONNECTIVITY REQUIREMENTS

An interconnected street system is necessary in order to promote orderly and safe development, ensure that streets function in an interdependent manner, provide adequate access for emergency and service vehicles, allow for alternate transportation routes, disperse traffic and thereby lessen traffic congestion, and provide continuous and comprehensible traffic routes.

1. CONNECTIVITY DEFINED

Connectivity shall be defined by the ratio of links to nodes in any subdivision.

a. The connectivity ratio shall be the number of street lengths divided by the number of nodes or end links, including cul-de-sac heads.

b. A link shall be any portion of a street, other than an alley, defined by a node at either end.

c. Stub-outs to adjacent property shall be considered links.

d. For the purpose of determining the number of links in a development, boulevards, median-divided roadways, and divided entrances shall be treated the same as conventional two-way roadways.

e. A node shall be the terminus of a street or the intersection of two (2) or more streets.

i. Any location where a street name changes (as reviewed and approved by the Director of Planning) shall be considered a node.

ii. A divided entrance shall only count as a single node.

f. This shall not apply to developments approved prior to *January 1, 2006 (W)*/March 12, 2007 (F).

2. REQUIRED RATIO

a. The street network for any subdivision with internal roads or access to any public road shall achieve a connectivity index of not less than 1.2, measured within the subdivision.

b. Street links and nodes along a minor thoroughfare or higher classification street providing access to a proposed subdivision shall not be considered in computing the connectivity ratio.

c. The Connectivity Index requirement of 1.2 may be waived by the approving authority upon a finding that there is no practical alternative due to significant topographic constraints, existing development patterns, or other substantial physical limitation.

d. This shall not apply to developments approved prior to *January 1, 2006 (W)*/March 12, 2007 (F).

3. EXTERNAL ACCESS REQUIRED

a. All subdivisions shall be designed to have interconnecting streets to adjoining developed and undeveloped properties outside the subdivision for a consistent development pattern.

b. Interconnecting streets to adjacent public streets shall be required only where such adjacent streets have a minimum pavement width of eighteen (18) feet, or where the developer or the jurisdictional entity improves said streets to a minimum width of eighteen (18) feet.

c. If a new subdivision would potentially connect to a street less than eighteen (18) feet in width, the Planning Board will consider technical input prior to deciding whether a connection is required.

d. The technical input would include recommendations from the Director of Transportation concerning whether the additional traffic would create a safety or operational problem on the existing street system or nearby intersections.

e. Additionally, a street connection shall not be required if the Director of Transportation determines that the connection would result in the traffic-carrying capacity of the street being exceeded. Additional traffic alone is not a criterion for disallowing said connections.

f. A street connection is not required where a planned or funded roadway would result in a severed connection in the future, or where a connected street would not serve a practical value due to an existing transportation facility (limited access highway or railroad) which would prevent the continuation of the street.

g. In cases where major streams or other physical barriers must be crossed to provide for interconnecting streets exemptions from this regulation shall be based on the length, costs, and construction difficulties of connecting streets and shall be decided by the Planning Board.

C. OTHER STANDARDS

1. STREET NAMES

a. Street names shall not duplicate nor closely approximate existing street names within the City of Winston-Salem or Forsyth County.

b. Extensions of existing, named streets shall bear the existing street name.

c. A complete list of previously used names shall be maintained by Planning staff.

d. Street names shall be approved by the Planning staff and shall be shown on the preliminary subdivision plat.

e. To change the street names after preliminary or construction plan approval, a request must be submitted to the Planning staff.

f. Application requirements include a fee established by the Planning Board.

2. STREET SIGN AND MARKERS

a. Standard street name signs shall be installed at the corner of all streets intersections, including private streets.

b. The size, design, materials, location, and installation of the signs shall be in accordance with City Public Works Department or NCDOT standards, as applicable.

c. Signs denoting the beginning and ending of public maintenance shall also be erected and maintained on private streets.

3. STREET LIGHTS

a. Street lighting, as required for traffic safety and property security, may be required to be installed in conformance with City Public Works Department or NCDOT policies, as applicable.

b. The design, materials, location, and installation shall conform to all applicable City Public Works Department or NCDOT standards, and applicable public utility standards, including appropriate separation from street trees.

4. *STREET TREES FOR NEW RESIDENTIAL SUBDIVISIONS (W)*

a. *A minimum of one deciduous, Large Variety Tree as specified under* ***Section 6.2.1, Landscaping and Tree Preservation Standards – Winston-Salem,*** *or as otherwise permitted or restricted by the City Director of Vegetation Management, shall be planted per lot prior to the issuance of a Certificate of Occupancy.*

b. *For cul-de-sac, local residential, and collector streets having sidewalks, trees may be planted between the curb edge and the sidewalk a minimum distance of four (4) feet away from the back of curb.*

c. *In all instances required street trees shall be planted in a manner not to conflict with safety or functional operations of the street in accordance with Winston-Salem Infrastructure Development Standards.*

d. *Required Street Trees shall be a minimum of ten (10) feet high at installation and shall have a caliper of at least two (2) inches measured six (6) inches above ground.*

e. *This subsection shall not apply to developments approved prior to January 1, 2006 (W), nor to streets approved exclusively by the North Carolina Department of Transportation.*

7.5 WATER SUPPLY AND SEWAGE DISPOSAL

7.5.1 APPROVAL

A. Wherever the water supply and sewage disposal facilities of the City of Winston-Salem or of Forsyth County or of a sanitary district are not available, application for a zoning permit or a special use permit shall not be deemed acceptable unless the proposed methods of water supply and sewage disposal have been specifically approved in writing by an authorized officer of the appropriate agency indicated in **Section 7.5.3, System Approval.**

B. Written approval shall be provided along with three (3) schematic drawings showing the proposed development and the proposed water and sewerage connections or facilities.

C. One copy shall be retained by the Public Health Department, one copy by the Director of Inspections, and one by the applicant.

D. No excavation or construction for any building or use of land shall be commenced until such approval is noted on the plan of proposed development and a zoning permit is issued.

7.5.2 METHOD TO BE SPECIFIED

Any such approval shall specify the method or methods approved and shall describe any special conditions to be met. Such methods, and the approvals required, may include the following:

A. PUBLIC SEWER

Connection to community sewerage and water systems operated by a responsible person, firm, or corporation other than a governmental agency, where the proposed connection is approved by an authorized officer of each system.

B. PRIVATE SEWER

Installation of facilities other than public or community sewerage systems, for which design approval by the Public Health Department has been obtained.

7.5.3 SYSTEM APPROVAL

The sewerage and water systems to which connections are to be made shall be only those systems approved as follows:

A. WATER SUPPLY

1. For ten (10) to twenty-five (25) dwelling units, approval by the State Board of Health.

2. For twenty-five (25) or more dwelling units, approval by the State Board of Health and the State Utilities Commission.

B. SEWAGE COLLECTION AND TREATMENT

1. For a septic tank, approval by the Public Health Department.

2. For a sewerage system serving facilities regulated by the State Board of Health, i.e., institutions, restaurants, motels, etc., approval by the Public Health Department.

3. For a sewerage system serving all other uses, i.e., industry, commerce, communities, etc., approval by the North Carolina Department of Water and Air Resources when applicable.

7.5.4 COMMUNITY WATER SYSTEM

The person, firm, or corporation operating a community water system for twenty-five (25) or more customers or a sewerage system for which a rate is charged shall hold a certificate of public convenience and necessity from the State Utilities Commission, and there shall be recorded with a plat of the property the written affidavit of a registered engineer, engaged in the independent practice of civil engineering, that water and sewer mains and laterals comply with pertinent standards of the City, as existing on the date of the affidavit, and that such mains and laterals are installed in accordance with plans and specification which have been submitted to and approved in writing by the

Director of Public Works of the City of Winston-Salem; and a bond or bonds, or other form of written assurance, satisfactory to the Planning Board, assuring the continuous proper maintenance and operation of such sewerage and water systems.

7.6 OPEN SPACE AND DEDICATION

7.6.1 COMMON RECREATION AREAS

A. APPLICABILITY

1. All multifamily developments containing forty (40) or more units, and all manufactured home developments, shall provide on-site common recreation area as required in this section.

2. Elderly housing, life care communities, and other developments occupied exclusively by persons who are at least fifty-five (55) years old or disabled are exempt from the requirements of this section.

B. MINIMUM SIZE

1. A minimum of one hundred (100) square feet per unit shall be devoted to common recreation areas. (F)

2. *A minimum of one hundred (100) square feet per unit shall be devoted to common recreation areas. (W)*

3. *However, multifamily developments located within GMA 1 with densities greater than twenty (20) dwelling units per acre may reduce the area devoted to common recreation areas to fifty (50) square feet per unit. (W)*

4. *Multifamily developments located within GMA 2 with densities greater than twenty (20) dwelling units per acre may reduce the area devoted to common recreation areas to fifty (50) square feet per unit, provided that said development is located within one-half (½) mile of a public park or public recreation center and is connected by a public sidewalk or multipurpose trail. (W)*

C. COMBINING AREAS

The total common recreation area may be divided into areas not less than four thousand (4,000) square feet each where the average length of the space does not exceed twice the average width.

D. ACCESS

Common recreation areas shall be easily accessible by pedestrian walkways so they can be conveniently and safely reached and used.

E. FINISHED GRADE

Common recreation areas shall be constructed on land where the average finished grade of the slope does not exceed five percent (5%), is well drained, and is otherwise capable of serving the purposes intended.

F. LANDSCAPING

1. Common recreation areas shall be attractively landscaped and provided with sufficient natural or constructed screening to minimize any negative impacts upon adjacent residences within the development. (F)

2. *Common recreation areas shall be attractively landscaped and provided with sufficient natural or constructed screening to minimize any negative impacts upon adjacent residences within the development. Additionally, one large variety tree shall be required for every two thousand five hundred (2,500) square feet of common recreation area. (W)*

G. EXCLUSIONS

Common recreation areas shall not include streets, access easements, rights-of-way, parking areas, required perimeter bufferyards or streetyards or required building setbacks; shall be closed to motor vehicle traffic except for maintenance and service vehicles; and shall not be located over a septic system drainage field.

H. MAINTENANCE

Common recreation areas shall be improved and maintained for the purposes intended.

7.6.2 PROTECTION OF PUBLIC RIGHTS-OF-WAY AND GREENWAYS

A. PUBLIC RIGHTS-OF-WAY

1. DEDICATION OF RIGHT-OF-WAY WITH DENSITY TRANSFER

a. DEDICATION

Whenever a tract of land is proposed for subdivision or for use pursuant to a zoning or building permit, and a portion of it is located within a corridor for a street or highway on a plan established and adopted pursuant to State law for a street or highway that is included in the Department of Transportation's transportation improvement program, the right-of-way within that corridor shall be dedicated to the appropriate agency.

b. REQUIRED FINDINGS

No dedication of right-of-way shall be required pursuant to this section unless the Planning Board or Elected Body granting final subdivision plat approval, the special use permit, or other approval or permission finds prior to the grant that the dedication does not result in the deprivation of a reasonable use of the original tract and that the dedication is either reasonably related to the traffic generated by the proposed subdivision or use of the remaining land or the impact of the dedication is mitigated by measures provided in this Ordinance.

c. TRANSFER OF DENSITY CREDITS

i. The applicant may transfer density credits attributable to the dedicated right-of-way to contiguous land owned by the applicant.

ii. If the dedication of right-of-way is not required, an applicant for subdivision plat approval on a zoning or building permit, or any other permission pursuant to this Ordinance elects to dedicate the right-of-way, the applicant may transfer density credits attributable to the dedicated right-of-way to contiguous land that is part of a common development plan.

d. DEFINITION OF DENSITY CREDIT

As used in **Section 7.6.2A.1.c, Transfer of Density Credits,** the term density credit means the potential for the improvement or subdivision of part or all of a parcel of real property, as permitted by this Ordinance or the subdivision regulations, as set forth in **Section 7.6.2A.1.e, Transferable Percentage.**

e. TRANSFERABLE PERCENTAGE

One hundred percent (100%) of the density credit or development potential of the property dedicated pursuant to **Section 7.6.2A.1.d, Definition of Density Credit,** may be transferred to contiguous land that is part of a common development plan as identified in **Section 7.6.2A.1.e, Transferable Percentage.**

2. TRANSPORTATION PLAN CORRIDORS

a. LIMITS ON APPROVALS

i. Whenever a tract of land is proposed for subdivision or for use pursuant to a zoning or building permit, and a portion of it is located within a corridor for a thoroughfare identified on the Transportation Plan, no building permit shall be issued for any building or structure or part thereof located within the roadway corridor, nor shall approval of a subdivision be granted with respect to property within the roadway corridor.

ii. The City Traffic Engineer and/or the North Carolina Department of Transportation district engineer shall be notified within ten (10) days of all such requests for building permits or subdivision approvals within the roadway corridor.

b. EXEMPTIONS

i. The provisions of this section shall not apply to valid building permits issued prior to the effective date of this Ordinance, or to building permits for buildings and structures which existed prior to the filing of the roadway corridor, provided the size of the building or structure is not increased and the type of building code occupancy as set forth in the North Carolina Building Code is not changed.

ii. If, within one year following the establishment of a roadway corridor official map or amendment, work shall not have begun on an environmental impact statement or preliminary engineering, the corridor shall be deemed abandoned, and the provisions of this section shall no longer apply to properties or portions of properties located within the roadway corridor.

c. TIME LIMITS

No application for building permit issuance or subdivision plat approval shall be delayed by the provisions of this section for more than three (3) years from the date of the original building permit or subdivision plat submittal.

d. WAIVER OF REQUIREMENTS

i. The Board of Adjustment shall hear and decide requests to waive the requirements of this section.

ii. A variance may be granted by the Board of Adjustment upon a showing that:

1. Even with the tax benefits provided as authorized by State Law, no reasonable return may be earned from the land; and

2. The requirements of this section result in practical difficulties or unnecessary hardships.

B. GREENWAYS

1. Before any zoning permit is approved for a lot which lies within fifty (50) feet of a stream identified for a greenway in the adopted Greenway Plan, the Director of Inspections shall notify the County Manager/City Manager.

2. The adopting jurisdiction will assess the potential impact of the development on future greenway construction and may then offer to purchase or undertake other action to protect the potential greenway corridor.

3. The Director of Inspections shall not approve any permit which would authorize disturbance of the potential greenway corridor, nor shall the property owner or his/her agent disturb the potential greenway corridor, until the County Manager/City Manager formally responds to the Director of Inspections regarding the intent of the adopting jurisdiction.

4. If no response is received within fifteen (15) days, the Director of Inspections may issue the requested permit.

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8.1 FLOODWAY AND FLOODWAY FRINGE REGULATIONS

8.1.1 GENERAL

A. FINDINGS OF FACT

1. The flood-prone areas within the jurisdictions of Winston-Salem and Forsyth County are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

2. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood-prone areas of uses vulnerable to floods or other hazards.

B. STATEMENT OF PURPOSE

It is the purpose of these standards to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood-prone areas by provisions designed to:

1. Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;

2. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;

3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;

4. Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and

5. Prevent or regulate the construction of flood barriers that will unnaturally divert floodwaters or which may increase flood hazards to other lands.

C. OBJECTIVES

The objectives of these standards are to:

1. Protect human life, safety, and health;

2. Minimize expenditure of public money for costly flood control projects;

3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

4. Minimize prolonged business losses and interruptions;

5. Minimize damage to public facilities and utilities (i.e., water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood-prone areas;

6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas; and

7. Ensure that potential buyers are aware that property is in a special flood hazard area.

D. LANDS TO WHICH THESE STANDARDS APPLY

These standards shall apply to all special flood hazard areas within the jurisdiction of Forsyth County and within the jurisdiction of any other community whose governing body agrees, by resolution, to such applicability.

E. BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS

1. The special flood hazard areas are those identified under the Cooperating Technical State (CTS) Agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM) for Forsyth County dated June 10, 2026, which are adopted by reference and declared to be a part of this Ordinance, and any subsequent changes to the maps therein.

2. The initial Flood Insurance Rate Maps are as follows for the jurisdictional areas at the initial date:

a. Forsyth County Unincorporated Area, dated September 1, 1972;

b. The City of Winston-Salem, dated August 31, 1972;

c. The Town of Bethania, dated October 20, 1998;

d. The Town of Rural Hall, dated September 1, 1972; and

e. The Village of Tobaccoville, dated September 1, 1972.

F. ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT

A floodplain development permit shall be required in conformance with the provisions of these standards prior to the commencement of any development activities within special flood hazard areas determined in accordance with the provisions of **Section 3.2.6, Floodplain Development Permit**.

G. COMPLIANCE

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this Ordinance and other applicable regulations.

H. ABROGATION AND GREATER RESTRICTIONS

1. This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions.

2. However, where this Ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

I. INTERPRETATION

In the interpretation and application of these standards, all provisions shall be:

1. Considered as minimum requirements;

2. Liberally construed in favor of the Elected Body; and

3. Deemed neither to limit nor repeal any other powers granted under State statutes.

J. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by these standards is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. These standards do not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. These standards shall not create liability on the part of Forsyth County or by any officer or employee thereof for any flood damages that result from reliance on these standards or any administrative decision lawfully made hereunder.

K. PENALTIES FOR VIOLATION

Penalties for violation of any provision of these standards shall be as set out in **Section 8.1.2C, Corrective Procedures**, and **Section 10.2, Enforcement**.

8.1.2 ADMINISTRATION

A. DESIGNATION OF FLOODPLAIN ADMINISTRATOR

The Stormwater Director or a designee, hereinafter referred to as the "Floodplain Administrator," is hereby appointed to administer and implement the provisions of these standards (see **Section 10.1.6, Stormwater Director**).

B. FLOODPLAIN DEVELOPMENT PERMIT

Development subject to these standards shall obtain a floodplain development permit in accordance with **Section 3.2.6, Floodplain Development Permit**.

C. CORRECTIVE PROCEDURES

1. VIOLATIONS TO BE CORRECTED

a. When the Floodplain Administrator finds violations of applicable State and local laws, it shall be their duty to notify the owner or occupant of the building of the violation.

b. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.

2. ACTIONS IN EVENT OF FAILURE TO TAKE CORRECTIVE ACTION

If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:

a. That the building or property is in violation of the floodplain management regulations;

b. That a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and

c. That following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.

3. ORDER TO TAKE CORRECTIVE ACTION

a. If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of these standards, they shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than one hundred eighty (180) calendar days.

b. Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.

4. APPEAL

a. Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten (10) days following issuance of the final order.

b. In the absence of an appeal, the order of the Floodplain Administrator shall be final.

c. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

5. FAILURE TO COMPLY WITH ORDER

If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

D. VARIANCE PROCEDURES

Variance to these provisions shall be in accordance with **Section 3.2.16H, Variance from the Floodway and Floodway Fringe Regulations**.

8.1.3 STANDARDS FOR FLOOD DAMAGE REDUCTION

A. GENERAL STANDARDS

In all special flood hazard areas, the following provisions are required:

1. All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.

2. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

3. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.

4. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to the regulatory flood protection elevation. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.

5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

7. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

8. Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this Ordinance, shall meet the requirements of new construction as contained in this Ordinance.

9. Nothing in these standards shall prevent the repair, reconstruction, or replacement of a building or structure existing on December 1, 2008 and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of these standards.

10. New solid waste disposal facilities and sites, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in **Section 3.2.16H.5.f**.

11. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a special flood hazard area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified in accordance with the provisions of **Section 3.2.6C, Certification Requirements**.

12. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.

13. All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

14. All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

15. All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

16. When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.

17. When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest base flood elevation

(BFE) shall apply.

B. SPECIFIC STANDARDS

In all special flood hazard areas where base flood elevation (BFE) data has been provided, as set forth in **Section 8.1.1E, Basis for Establishing the Special Flood Hazard Areas**, or **Section 8.1.3C, Standards For Floodplains Without Established Base Flood Elevations**, the following provisions, in addition to the provisions of **Section 8.1.3, Standards for Flood Damage Reduction**, are required:

1. LIMITS OF ENCROACHMENT

a. Encroachments which include fifty percent (50%) or less of the area of the floodway fringe on the zoning lot where such encroachments are located, and which do not extend toward the stream channel more than one-half (½) the distance between the outer edge of the floodway fringe and the outer edge of the floodway at any point, may be approved without a certified engineering study, provided the encroachment meets all other standards of this Ordinance.

b. Encroachments which include more than fifty percent (50%) of the area of the floodway fringe on the zoning lot where such encroachments are located, and/or which extend toward the stream channel more than one-half (½) the distance between the outer edge of the floodway fringe and the outer edge of the floodway at any point may only be approved if a certified engineering study demonstrates that such encroachments result in no more than a one-half foot rise in flood elevation.

c. Encroachments into the floodway fringe resulting from utilities maintenance projects, or greenway projects identified in the "Greenway Plan" or other plans or policies adopted by the City-County Planning Board, Winston-Salem City Council and/or the Forsyth County Board of Commissioners, may exceed the one-half (½) foot rise in elevation if said project also meets the requirements of **8.1.3E, Floodways and Non-Encroachment Areas**.

d. Measurement of the fifty percent (50%) area and one-half distance of floodway fringe encroachment are calculated from each outside edge of the floodway to the edge of the floodway fringe.

2. RESIDENTIAL CONSTRUCTION

New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in **Section 11.2, Definitions**.

3. NONRESIDENTIAL CONSTRUCTION

a. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in **Section 11.2, Definitions**.

b. Structures located in A, AE, AO, and A1-30 Zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the regulatory flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

c. For AO Zones, the floodproofing elevation shall be in accordance with **Section 8.1.3F, Standards for Areas Of Shallow Flooding (Zone AO)**.

d. A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied.

e. Such certification shall be provided to the Floodplain Administrator as set forth in **Section 3.2.6C, Certification Requirements,** along with the operational plan and the inspection and maintenance plan.

4. MANUFACTURED HOMES

a. New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, as defined in **Section 11.2, Definitions**.

b. Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to Section 143-143.15 of the North Carolina General Statutes.

c. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.

d. All enclosures or skirting below the lowest floor shall meet the requirements of **Section 8.1.3B.5, Elevated Buildings**.

e. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood-prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management Coordinator.

5. ELEVATED BUILDINGS

Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:

a. Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises.

b. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator).

c. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;

d. The area shall be constructed entirely of flood resistant materials at least to the regulatory flood protection elevation; and

e. The area shall include, in Zones A, AO, AE, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:

i. A minimum of two (2) flood openings on different sides of each enclosed area subject to flooding;

ii. The total net area of all flood openings must be at least one square inch for each square foot of enclosed area subject to flooding;

iii. If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;

iv. The bottom of all required flood openings shall be no higher than one foot above the adjacent grade;

v. Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and

vi. Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

6. ADDITIONS/IMPROVEMENTS

a. Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

i. Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more nonconforming than the existing structure.

ii. A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

b. Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.

c. Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

i. Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.

ii. A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

7. RECREATIONAL VEHICLES

Recreational vehicles shall either:

a. Be on site for fewer than one hundred eighty (180) consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or

b. Meet all the requirements for new construction.

8. TEMPORARY NONRESIDENTIAL STRUCTURES

Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood, or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

a. A specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one year;

b. The name, address, and phone number of the individual responsible for the removal of the temporary structure;

c. The time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);

d. A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and

e. Designation, accompanied by documentation, of a location outside the special flood hazard area, to which the temporary structure will be moved.

9. ACCESSORY STRUCTURES

a. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

i. Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);

ii. Accessory structures shall not be temperature-controlled;

iii. Accessory structures shall be designed to have low flood damage potential;

iv. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

v. Accessory structures shall be firmly anchored in accordance with the provisions of **8.1.3A, General Standards**;

vi. All service facilities such as electrical shall be installed in accordance with the provisions of **8.1.3A, General Standards**; and

vii. Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with the provisions of **Section 8.1.3B.5.e**.

b. An accessory structure with a footprint less than one hundred fifty (150) square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with **Section 3.2.6C, Certification Requirements.**

C. STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS

Within the special flood hazard areas designated as Approximate Zone A and established in **Section 8.1.1E, Basis for Establishing the Special Flood Hazard Areas**, where no base flood elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of **8.1.3A, General Standards**, shall apply:

1. No encroachments, including fill, new construction, substantial improvements, or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five (5) times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

2. The BFE used in determining the regulatory flood protection elevation shall be determined based on the following criteria:

a. When base flood elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this Ordinance and shall be elevated or floodproofed in accordance with standards in **8.1.3A, General Standards,** and **Section 8.1.3B, Specific Standards.**

b. When floodway or non-encroachment data is available from a federal, State, or other source, all new construction and substantial improvements within floodway and non-encroachment areas shall also comply with the requirements of **Section 8.1.3B, Specific Standards**, and **8.1.3E, Floodways and Non-Encroachment Areas.**

c. All subdivision, manufactured home park, and other development proposals shall provide base flood elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such base flood elevation (BFE) data shall be adopted by reference in accordance with **Section 8.1.1E, Basis for Establishing the Special Flood Hazard Areas**, and utilized in implementing this Ordinance.

d. When base flood elevation (BFE) data is not available from a federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the regulatory flood protection elevation, as defined in **Section 11.2, Definitions**. All other applicable provisions of **Section 8.1.3B, Specific Standards,** shall also apply.

D. STANDARDS FOR RIVERINE FLOODPLAINS WITH BASE FLOOD ELEVATIONS BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS

Along rivers and streams where base flood elevation (BFE) data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a special flood hazard area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

1. Standards of **8.1.3A, General Standards,** and **Section 8.1.3B, Specific Standards**; and

2. Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half (.5) foot at any point within the community.

E. FLOODWAYS AND NON-ENCROACHMENT AREAS

Areas designated as floodways or non-encroachment areas are located within the special flood hazard areas established in **Section 8.1.1E, Basis for Establishing the Special Flood Hazard Areas.** The floodways and non-

encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in **8.1.3A, General Standards,** and **Section 8.1.3B, Specific Standards**, shall apply to all development within such areas:

1. No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:

a. It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit, or

b. A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.

2. If **Section 8.1.3E.1** is satisfied, all development shall comply with all applicable flood hazard reduction provisions of these standards.

3. No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:

a. The anchoring and the elevation standards of **Section 8.1.3B.4, Manufactured Homes**; and

b. The no encroachment standard of **Section 8.1.3E, Floodways and Non-Encroachment Areas**.

F. STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AO)

Located within the special flood hazard areas established in **Section 8.1.1E, Basis for Establishing the Special Flood Hazard Areas**, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to **8.1.3A, General Standards,** and **Section 8.1.3B, Specific Standards,** all new construction and substantial improvements shall meet the following requirements:

1. The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of four (4) feet, above the highest adjacent grade; or at least four (4) feet above the highest adjacent grade if no depth number is specified.

2. Nonresidential structures may, in lieu of elevation, be floodproofed to the same level as required in **Section 8.1.3F, Standards for Areas Of Shallow Flooding (Zone AO),** so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with **Section 3.2.6C, Certification Requirements,** and **Section 8.1.3B.3, Nonresidential Construction**.

3, Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

8.2 SALEM LAKE WATERSHED PROTECTION

8.2.1 AUTHORITY AND GENERAL PROVISIONS

A. SHORT TITLE

These standards shall be known and may be cited as the Salem Lake Watershed Protection Standards, except as referred to herein, where it shall be known as "this section."

B. PURPOSE

1. The purpose of these standards is to promote the health, safety, and general welfare of the citizens and residents of the State of North Carolina, including residents of the City of Winston-Salem and Forsyth County, and residents who live within the Salem Lake Watershed, a public water supply watershed, as established by the North Carolina Environmental Management Commission.

2. An additional purpose of these standards is to establish regulations which protect drinking water quality in the Salem Lake Watershed and which meet or exceed the minimum regulations established by the North Carolina Environmental Management Commission under the provisions of the Water Supply Watershed Protection Act of 1989.

3. A further purpose of these standards is to implement the goals, objectives, and policies of Forward 2045, the comprehensive plan for Forsyth County, North Carolina, as amended, including any specifically related land use plans, development guides, and the Transportation Plan.

C. JURISDICTION

1. The provisions of these standards shall apply to that land that drains into Salem Lake which has been designated as a public water supply watershed by the North Carolina Environment Management Commission.

2. This area shall be defined and established on a map entitled, "Salem Lake Watershed Protection Map of Winston-Salem/Forsyth County, North Carolina," herein after referred to as the Watershed Map, which is adopted simultaneously herewith.

3. The Watershed Map, and all explanatory matter set out thereon, is hereby made a part of this section.

4. These standards and the Watershed Map shall be permanently kept on file in the office of the Planning Board.

D. AUTHORITY

These standards are adopted pursuant to the General Police Power as authorized by the North Carolina General Assembly in Chapter 579 of the 1991 Session Laws.

E. EFFECTIVE DATE

The effective date of these standards shall be December 31, 1994, at 12:01 a.m. local time, and the same shall take and be in full force and effect thereon and thereafter.

F. APPLICABILITY AND COMPLIANCE

1. COMPLIANCE WITH PROVISIONS; EXEMPTIONS

No subdivision of land shall be approved nor erosion control, building, or other development permit issued for any development or land disturbing activities in the Salem Lake Watershed unless certified to be in conformance with the provisions of these standards by the Stormwater Director or a designee, with the following exemptions:

a. AGRICULTURAL ACTIVITIES

Agricultural activities undertaken on agricultural land for the production of plants and animals and which are conducted in accordance with best management practices required by the North Carolina Environmental Management Commission and administered by the Forsyth Soil and Water Conservation District;

b. FORESTRY ACTIVITIES

Forestry activities undertaken on forestland for the production and harvesting of timber and timber products and which are conducted in accordance with Forest Practice Guidelines Related to Water Quality (best management practices) as adopted by the North Carolina Department of Environmental Quality (DEQ);

c. EXISTING RESIDENTIAL LOTS

Construction or expansion of an individual single family residential building or placement of a manufactured home on a lot which was a lot of record or which had received final approval pursuant to the subdivision regulations as of the effective date of these standards;

d. DEVELOPMENTS WITH PRIOR APPROVAL

i. Developments with a valid outstanding building permit or developments that have expended substantial resources towards completion of a project based on a valid local government approval to proceed with the project as of the effective date of these standards, so long as that approval is complied with.

ii. Local governmental approvals shall include, but are not limited to preliminary subdivisions approval and conditional or special use permits; and

e. DEVELOPMENTS WITH ESTABLISHED VESTED RIGHTS

Developments which have established a vested right under the vested rights provisions of this Ordinance as of the effective date of these standards and have expended substantial resources (time, labor, money) on the development.

2. MULTIPLE USES

In cases of two (2) or more principal uses on the same zoning lot, the regulations for each use shall apply to that portion of the structure or land so used.

G. ENFORCEMENT

The following procedures may be undertaken by the Stormwater Director or a designee to enforce provisions of these standards.

1. CRIMINAL PENALTIES

a. Any person, firm, or corporation violating any provisions of these standards shall be guilty of a misdemeanor.

b. Upon conviction thereof, such violator shall be subjected to a fine not to exceed five hundred dollars ($500.00) or imprisoned for not more than thirty (30) days, except that no such violation shall be punishable until the expiration of ten (10) days after notice shall have been issued by the Stormwater Director or a designee and served upon such violator.

c. Each and every day beyond the initial ten (10) day notice period during which such violation continues shall be deemed a separate offense.

2. CIVIL PENALTIES

a. ASSESSMENT OF CIVIL PENALTIES

i. In addition to criminal penalties, any person, firm, or corporation violating any provisions of these standards shall be subject to a civil penalty of one hundred dollars ($100.00) to be recovered by the jurisdiction in a civil action in the nature of a debt.

ii. No civil penalty shall be assessed until the person alleged to be in violation has been notified of the violation by the Stormwater Director or a designee.

iii. Failure to correct the violation within ten (10) days of the date of service of the notice, or the end of the period of any extension, will result in the assessment of a civil penalty or other enforcement action.

iv. For good cause determined by the Stormwater Director or a designee, the correction period may be extended by him.

v. Each day of continuing violation shall constitute a separate violation.

b. REFERRAL TO ATTORNEYS

If payment is not received within thirty (30) days after written demand for payment is made, the Stormwater Director or a designee may refer the matter to the jurisdiction's attorney who is authorized to institute a civil action in the name of the jurisdiction in the appropriate division of the General Court of Justice for recovery of the penalty.

3. INJUNCTIVE OR OTHER RELIEF

Whenever the Stormwater Director or a designee has reasonable cause to believe that any person is violating or threatening to violate these standards, the Stormwater Director or a designee, may refer the matter to the jurisdiction's attorney who is authorized in addition to other remedies provided by law to institute injunction, mandamus, abatement, or any other appropriate action or actions, proceeding or proceedings to prevent, enjoin, abate, or remove such unlawful erection, construction, reconstruction, alteration, maintenance, or use.

8.2.2 ADMINISTRATION, PERMITS, AND APPEALS

A. WATERSHED PROTECTION PERMITS

Watershed protection permits shall be reviewed and decided in accordance with the standards in **3.2.17A, Watershed Protection Permits in Salem Lake WaterShed Protection Area**.

B. VARIANCES TO SALEM LAKE WATERSHED PROTECTION STANDARDS

Variances to the Salem Lake Watershed Protection standards shall be reviewed and decided in accordance with the standards in **Section 3.2.16I, Variance from the Salem Lake Watershed Protection Standards**.

C. STORMWATER QUALITY MANAGEMENT PERMIT REQUIREMENTS

Development subject to this section shall comply with the requirements in **Section 3.2.12, Stormwater Quality Management Permit**.

D. APPEALS

Appeals of decisions made in accordance with these standards shall be in accordance with the standards in **3.2.1, Appeals and Interpretations**.

8.2.3 WATERSHED SUBAREAS ESTABLISHED

The following watershed subareas are established within the Salem Lake Watershed. The exact boundaries of each subarea are shown on the Watershed Map. Boundaries are also indicated on the Official Zoning Maps.

A. LAKE BUFFER AREA

All City-owned land surrounding Salem Lake and other land within approximately five hundred (500) feet of the normal pool elevation of Salem Lake.

B. RESERVOIR PROTECTION AREA

Land within approximately one mile of the normal pool elevation of Salem Lake, including land within the Lake Buffer Area.

C. BALANCE OF THE WATERSHED

All land in the Salem Lake Watershed outside the Reservoir Protection Area.

D. RULES GOVERNING THE INTERPRETATION OF WATERSHED AREA BOUNDARIES

Where uncertainty exists or where a person disputes the boundaries of the watershed or any watershed subareas, as shown on the Watershed Map, the following rules shall apply:

1. CONSTRUCTED FEATURES

a. Where area boundaries are indicated as following either street, alley, railroad or highway lines or centerlines thereof, such lines shall be construed to be said boundaries.

b. However, a topographic survey prepared by a registered land surveyor or engineer may be submitted to the Stormwater Director or a designee as evidence that one or more properties or portions of properties along these boundaries do not lie within the watershed.

2. LOT LINES

a. Where area boundaries are indicated as following lot lines, such lot lines shall be construed to be said boundaries.

b. However, a topographic survey prepared by a registered land surveyor or engineer may be submitted to the Stormwater Director or a designee as evidence that one or more properties along these boundaries do not lie within the watershed area.

3. DETERMINATION BY THE STORMWATER DIRECTOR OR A DESIGNEE

a. Where other uncertainty exists, the Stormwater Director or a designee shall interpret the Watershed Map as to location of such boundaries.

b. This decision may be appealed to the Watershed Review Board.

8.2.4 PROHIBITED USES AND ACTIVITIES

A. TABLE OF RESTRICTED OR PROHIBITED USES AND ACTIVITIES

The following uses and activities can be potentially detrimental to the quality of water in the watershed and are, therefore, prohibited in the Lake Buffer Area, the Reservoir Protection Area, or the Balance of the Watershed, as indicated in **Table 8.2.4, Uses Prohibited in the Salem Lake Watershed**.

TABLE 8.2.4: USES PROHIBITED IN THE SALEM LAKE WATERSHED [1]

TYPE OF USE	LAKE BUFFER	RESERVOIR PROTECTION	BALANCE OF THE WATERSHED
Hazardous Waste Management Facility	*	*	*
Mining, Quarry, or Extractive Industry	*	*	*
Sanitary Landfill	*	*	*
Bulk Storage of Petroleum Products	*	*	
Golf Course	*	*	
Land Application of Sludge/Residuals or Petroleum Contaminated Soils	*	*	
Land Clearing and Inert Debris Landfill	*	*	
Motor Vehicle Dismantling Operations or Storage Yard	*	*	
Open Storage of Deicing Chemicals	*	*	
Recycling Plant	*	*	
Use, Storage, or Manufacture of Hazardous Materials by Non-residential Development	*	*	
Wastewater Treatment Plant	*	*	
Disturbance of Reservoir Shoreline	*		
Wastewater Pumping Stations	*		

NOTES:
[1] * = Prohibited.

B. EXPANSION OF EXISTING USERS OF HAZARDOUS MATERIALS

1. HAZARDOUS MATERIALS REDUCTION AND RECYCLING PLAN REQUIRED

Uses existing in the Reservoir Protection Area as of December 31, 1994 which use, store, or manufacture hazardous materials may continue and expand subject to other provisions of these standards, including the requirements for spill containment structures in **Section 8.2.4C, Spill Containment Structures Required**, and providing that the user has a hazardous materials reduction and recycling plan approved by the Forsyth County Environmental Affairs Board prior to the issuance of watershed occupancy permits.

2. PLAN REQUIREMENTS FOR TRI REPORTING FACILITIES

a. For facilities that are required to report toxic release inventory (TRI) data to the Environmental Protection Agency, the hazardous materials reduction and recycling plan shall show how the user will achieve no increase in the release of toxic materials.

b. The user will annually submit the toxic release inventory reporting data to the Forsyth County Department of Environmental Affairs by July 1 for the previous calendar year.

c. If the Forsyth County Environmental Affairs Board determines that a user is not in compliance with its approved hazardous materials reduction and recycling plan, the Environmental Affairs Board may recommend to the Stormwater Director or a designee that the user be deemed in violation of these standards.

C. SPILL CONTAINMENT STRUCTURES REQUIRED

1. RESERVOIR PROTECTION AREA

a. In the Reservoir Protection Area, adequately designed, constructed, and maintained spill containment structures must be incorporated for existing hazardous materials utilized, stored, or manufactured on the premises of non-residential development when the lot, or any portion thereof, on which such hazardous materials are utilized, stored, or manufactured is redeveloped.

b. Adequately designed, constructed, and maintained shall mean that measures are taken to contain any and all spilled materials to ensure no adverse environmental impacts occur.

c. Certification from a registered professional engineer that adequate spill containment structures are in place is required prior to the issuance of a watershed protection occupancy permit.

2. BALANCE OF THE WATERSHED

a. In the Balance of the Watershed, new nonresidential development shall incorporate adequately designed, constructed, and maintained spill containment structures for the hazardous materials utilized, stored, or manufactured on the premises.

b. Adequately designed, constructed, and maintained shall mean that measures are taken to contain any and all spilled materials to ensure no adverse environmental impacts occur.

c. Certification from a registered professional engineer that appropriate spill containment structures are in place is required prior to the issuance of watershed protection occupancy permits.

8.2.5 DEVELOPMENT OPTIONS

A. DEVELOPMENT OPTIONS

All subdivisions of land and development in the Salem Lake Watershed shall meet either:

1. The low density option;

2. The stormwater quality management option;

3. The special intense development allocation provisions; or

4. The paired-parcel averaged-density provision in combination with the low density or storm water quality management option of these standards.

B. LOW DENSITY OPTION

Unless a stormwater quality management permit is obtained, all development and subdivisions of land shall be subject to the following low density option provisions:

1. RESERVOIR PROTECTION AREA

The following provisions apply in the reservoir protection area:

a. NEW DEVELOPMENT

The following are requirements for development of lots that have not been developed with impervious surface cover as of December 31, 1994.

i. RESIDENTIAL DEVELOPMENT

The following are requirements for all new residential development and subdivisions:

1. RESIDENTIAL DEVELOPMENT ALTERNATIVES

1.01. MINIMUM LOT SIZE

The minimum lot size shall be at least forty thousand (40,000) square feet per residential dwelling unit; or

1.02. MAXIMUM AVERAGE DENSITY

The average density shall not exceed one (1) unit per forty thousand (40,000) square feet; or

1.03. MAXIMUM BUILT-UPON AREA

The built-upon area shall not exceed twelve percent (12%) of the site.

2. RECORDING AND OWNERSHIP REQUIREMENTS

2.01. UNDER AVERAGE DENSITY ALTERNATIVE

If the developer chooses to utilize the maximum average density alternative, a note restricting all lots from further subdivision and all common space/open space lots from residential development shall be included on all deeds or on the preliminary and final plats.

2.02. UNDER BUILT-UPON AREA ALTERNATIVE

If the developer chooses to utilize the maximum built-upon alternative, the maximum square footage of built-upon area for roads, common areas, multifamily buildings and each single family residential lot shall be included on the site plan, deeds, and the preliminary and final plats.

2.03. OWNERSHIP OF COMMON AND OPEN SPACE

<u>Except as required in other sections of this Ordinance, common space and open space may be retained in private ownership or may be transferred to a homeowner's association, a governmental unit, a conservation organization, or similar entity. (F)</u>

Except as required in other sections of this Ordinance, common space and open space may be retained in private ownership or may be transferred to a homeowner's association, a governmental unit, a conservation organization or similar entity with acceptance by the receiving entity. (W)

3. REVIEW REQUIREMENTS

In approving site plans and subdivisions for residential developments in the Salem Lake Watershed, the Planning Board shall determine the following:

3.01. Areas with impervious surface cover are designed and sited to minimize storm water runoff and limited concentrated storm water flow; and

3.02. Land disturbance is minimized, existing vegetated areas are retained to the maximum degree possible, and all undeveloped areas of the site will be revegetated to promote storm water infiltration.

4. In approving site plans for planned residential developments and multifamily developments in the Salem Lake Watershed, the Planning Board shall determine the following:

4.01. Areas with impervious surface cover are designed and sited to minimize stormwater runoff and limit concentrated stormwater flow; and

4.02. Land disturbance is minimized, existing vegetated areas are retained to the maximum degree possible, and all undeveloped areas of the site will be revegetated to promote stormwater infiltration.

ii. NONRESIDENTIAL DEVELOPMENT

Built-upon area shall not exceed twelve percent (12%) of the site.

b. REDEVELOPMENT OF EXISTING USES

i. The redevelopment of uses existing as of December 31, 1994 shall not result in a built-upon area coverage of more than twelve percent (12%) of the site.

ii. Redevelopment means increases in the built-upon area, but shall not include changes of use or renovations of existing structures or built-upon areas.

2. BALANCE OF THE WATERSHED

The following provisions apply in the balance of the watershed:

a. NEW DEVELOPMENT

The following are requirements for development of lots that have not been developed with impervious surface cover as of December 31, 1994.

i. RESIDENTIAL DEVELOPMENT

The following are requirements for all new residential development and subdivisions:

1. RESIDENTIAL DEVELOPMENT ALTERNATIVES

1.01. MINIMUM LOT SIZE

The minimum lot size shall be at least twenty thousand (20,000) square feet per residential dwelling unit; or

1.02. MAXIMUM AVERAGE DENSITY

The average density shall not exceed one (1) unit per twenty thousand (20,000) square feet; or

1.03. MAXIMUM BUILT-UPON AREA

The built-upon area shall not exceed twenty-four percent (24%) of the site.

2. RECORDING AND OWNERSHIP REQUIREMENTS

2.01. UNDER AVERAGE DENSITY ALTERNATIVE

If the developer chooses to utilize the maximum average density alternative, a note restricting all lots from further subdivision and all common space/open space lots from residential development shall be included on all deeds or on the preliminary and final plats.

2.02. UNDER BUILT-UPON AREA ALTERNATIVE

If the developer chooses to utilize the maximum built-upon area alternative, the maximum square footage of built-upon area for roads, common areas, multifamily buildings and each single family residential lot shall be included on the site plan, deeds, and the preliminary and final plats.

2.03. OWNERSHIP OF COMMON AND OPEN SPACE

Except as required in other sections of this Ordinance, common space and open space may be retained in private ownership or may be transferred to a homeowner's association, a governmental unit, a conservation organization, or similar entity.

3. REVIEW REQUIREMENTS

In approving site plans and subdivisions for residential developments in the Salem Lake Watershed, the Planning Board shall determine the following:

3.01. Areas with impervious surface cover are designed and sited to minimize storm water runoff and limited concentrated storm water flow; and

3.02. Land disturbance is minimized, existing vegetated areas are retained to the maximum degree possible, and all undeveloped areas of the site will be revegetated to promote storm water infiltration.

4. ITEMS FOR DETERMINATION

In approving site plans for planned residential developments and multifamily developments in the Salem Lake Watershed, the Planning Board shall determine the following:

4.01. Area with impervious surface cover are designed and sited to minimize stormwater runoff and limit concentrated stormwater flow; and

4.02. Land disturbance is minimized, existing vegetated areas are retained to the maximum degree possible, and all undeveloped areas of the site will be revegetated to promote stormwater infiltration.

ii. NONRESIDENTIAL DEVELOPMENT

Built-upon area shall not exceed twenty-four percent (24%) of the site.

b. REDEVELOPMENT OF EXISTING USES

i. The redevelopment of uses existing as of December 31, 1994 shall not result in a built-upon area coverage of more than twenty-four percent (24%) of the site.

ii. Redevelopment means increases in the built-upon area, but shall not include changes of use or renovations of existing structures or built-upon areas.

C. STORMWATER QUALITY MANAGEMENT OPTION

1. STORMWATER QUALITY MANAGEMENT PERMIT REQUIRED

If proposed development or subdivisions of land exceeds the low density option provisions of this section, a stormwater quality management permit, as described in **Section 3.2.12, Stormwater Quality Management Permit**, must be obtained from the Stormwater Director or a designee prior to any development activity.

2. DEVELOPMENT CONDITIONS

In addition to the stormwater quality management requirements of **Section 3.2.12, Stormwater Quality Management Permit**, development under the stormwater quality management option in the reservoir protection area and the balance of the watershed shall be subject to the following provisions:

a. NEW DEVELOPMENT

The following are requirements for development of lots that have not been developed with impervious surface cover as of December 31, 1994.

i. RESIDENTIAL DEVELOPMENT

The following are requirements for all new residential development and subdivisions:

1. All residential development shall be developed in accordance with the planned residential development or multifamily residential development provisions of this Ordinance.

2. The built-upon area of residential development shall not exceed thirty percent (30%) of the site.

3. The site plan shall include the proposed built-upon area of roads and other common areas and the maximum built-upon area, in terms of square footage, for each lot.

4. This maximum square footage of built upon area for common areas and for each lot shall be included on the site plan and preliminary and final plats.

5. The maximum square footages may be changed by amendment of the site plan or plats.

6. In approving site plans for planned residential developments and multifamily developments in the Salem Lake Watershed, the Planning Board shall determine the following:

6.01. Area with impervious surface cover are designed and sited to minimize stormwater runoff and limit concentrated stormwater flow; and

6.02. Land disturbance is minimized, existing vegetated areas are retained to the maximum degree possible, and all undeveloped areas of the site will be revegetated to promote stormwater infiltration.

ii. NONRESIDENTIAL DEVELOPMENT

Built-upon area shall not exceed thirty percent (30%) of the site.

b. REDEVELOPMENT OF EXISTING USES

i. Redevelopment of uses existing as of December 31, 1994 shall not result in a built-upon area coverage exceeding the greater of the built-upon area existing as of December 31, 1994 or thirty percent (30%).

ii. Redevelopment means increases in the built-upon area, but shall not include changes of use or renovations of existing structures or built-upon areas.

D. SPECIAL INTENSE DEVELOPMENT ALLOCATION

1. GENERAL PROVISIONS

a. SPECIAL INTENSE DEVELOPMENT ALLOCATION

i. The Elected Body may grant a special intense development allocation (SIDA) to permit development of up to seventy percent (70%) built upon area on a project by project basis.

ii. A maximum of five percent (5%) of each jurisdiction's portion of the watershed outside the one-half (½) mile critical area delineated as of July 1, 1993, may be developed with seventy percent (70%) built upon surface area.

b. ACREAGE ALLOCATION FOR COMMUNITY NEEDS IN MUNICIPALITIES WITHIN FORSYTH COUNTY'S ZONING JURISDICTION

i. To meet community needs, a portion of Forsyth County's SIDA acreage is designated to be allocated in each municipality in Forsyth County's zoning jurisdiction in the Salem Lake Watershed.

ii. The number of SIDA acres designated for each municipality is equal to five percent (5%) of the municipality's land area in the watershed as of January 1, 1994.

iii. The designated SIDA acreage will be allocated to specific projects in the municipality based on approval criteria in **Section 8.2.5D.3, Criteria for Approval**, and other requirements of this section.

iv. The Board of Commissioners may allocate SIDA acreage in municipalities in excess of the designated number of acres and may grant a SIDA in the municipality for other than community needs.

c. ALLOCATION AND AVERAGING

i. The Elected Body may grant a SIDA of up to seventy percent (70%) built upon area on all or part of the land area of a project.

ii. With approval from the Elected Body, the SIDA may be averaged throughout the project.

d. TRANSFER OF SIDA ACREAGE TO OTHER JURISDICTIONS

i. The Elected Body may transfer a portion of the acreage available under the SIDA to another local government having jurisdiction in the Salem Lake Watershed for projects that meet a countywide need or that provide a significant economic benefit to the County.

ii. The acreage shall be transferred by adoption of a joint resolution of the giving and receiving jurisdictions.

iii. The joint resolution shall be submitted to the Environmental Management Commission for review.

2. APPLICATION REQUIREMENTS

a. APPLICATION AND SITE PLAN

i. Applications for a SIDA shall be submitted to the Planning Board and shall include a site plan in conformance with **Section 3.2.11, Site Plan**. In addition to other site plan requirements, the following information shall be provided by the applicant:

1. Project timetable;

2. Anticipated addition to the property tax base;

3. Anticipated number of new jobs created or retained; and

4. The percentage of undisturbed land area in trees or woody vegetation.

ii. Planning staff may request additional information from the applicant in order to adequately review the application.

iii. The application shall also include a fee for site plan review as established by the Elected Body.

b. STORMWATER CONTROLS REQUIRED

Applicants who request a SIDA must submit applications that utilize engineered stormwater controls based on the stormwater quality management permit requirements of **Section 3.2.12, Stormwater Quality Management Permit**.

c. SITE DESIGN REQUIREMENTS

Each project granted a SIDA must to the maximum extent practicable minimize built upon surface area, direct stormwater runoff away from surface waters, and incorporate best management practices to minimize water quality impacts.

d. STAFF REVIEW

Planning staff will review the application and prepare a report with recommendations for the Planning Board and Elected Body.

e. PLANNING BOARD REVIEW

Prior to consideration by the Elected Body, the application will be reviewed by the Planning Board which shall consider its merit and make a recommendation to the Elected Body.

3. CRITERIA FOR APPROVAL

a. POINT SYSTEM

All projects must have a point score of at least three hundred (300) based on the point system in **Section 8.2.5D.5, Special Intense Development Allocation Point System**, to qualify for the SIDA.

b. ELECTED BODY APPROVAL

The Elected Body shall approve or deny the request for a SIDA based upon the project meeting **8.2.5D.3.a, Point System**, and meeting all the following criteria:

i. The proposed project is in conformance with the adopted Forward 2045;

ii. The proposed project land use and site design are compatible with the general character of the area and surrounding land uses;

iii. The proposed project provides a significant economic benefit to the community by creating or retaining jobs, increasing the property tax base, or assisting an existing industry to grow and or remain in Forsyth County; or, the project meets an identified community need such as the provision of community facilities, retail business or personal services, or affordable housing;

iv. The proposed project does not pose a threat to the environment, especially water quality, and appropriate steps have been taken to minimize any potential negative environmental impacts; and

v. The proposed project has good transportation access, including proximity to major roads or rail lines.

4. OTHER PROVISIONS

a. PERMITS FOLLOWING APPROVAL OF SIDA

i. If a SIDA request is approved by the Elected Body, the Watershed Administrator may grant watershed permits subject to the other requirements of this section.

ii. All necessary permits, including a stormwater quality management permit, must be obtained prior to the issuance of occupancy permits.

b. RESUBMITTAL OF REQUEST

If a request is denied, the applicant may resubmit the request two years following the date of original submission of the application.

c. EXPIRATION OF ALLOCATION

i. The SIDA shall expire if watershed occupancy permits are not obtained for the project and the stormwater management structure within three (3) years of approval of the SIDA by the elected body.

ii. If occupancy permits are issued for a portion of the project within the three (3) year period, the SIDA will be extended for one additional three (3) year period.

iii. Applicants may resubmit requests for expired allocations.

d. MAINTENANCE OF RECORDS

i. The Planning Board staff shall keep a record of all allocations under the SIDA provisions.

ii. The Watershed Administrator shall keep a record of all permits issued.

5. SPECIAL INTENSE DEVELOPMENT ALLOCATION POINT SYSTEM

TABLE 8.2.5.D: SIDA POINT ALLOCATION SYSTEM POINT AMOUNTS

ACTIVITY, SITE FEATURE, OR ATTRIBUTE	POINTS
Zoning	
Property located in commercial or industrial district as of *July 1, 1993 (W)* or as of January 1, 1994 (F)	75
Special use district zoning application	50
Project Site Size	
Five to 10 acres	50
More than 10 acres	75
Tax Base Added	
$500,000 or less	25
$500,001 to 1,000,000	50
$1,000,001 to 2,000,000	75
Over $2 million	100
Tax-Exempt/Institutional Use	

TABLE 8.2.5.D: SIDA POINT ALLOCATION SYSTEM POINT AMOUNTS	
ACTIVITY, SITE FEATURE, OR ATTRIBUTE	**POINTS**
Includes church or religious institution, community; church or religious institution, neighborhood; government offices; library, public; police or fire station; post office; school, private; school, public; and utilities	125
Access	
Located on a major thoroughfare	25
Has direct rail access	25
Located within 300 feet of an interchange of a limited access US highway	25
Public Sewer	
Project utilizes public sewer system	50
Undisturbed Land in Trees or Woody Vegetation	
>50% vegetated	50
25-50% vegetated	25
Landscaping	
One step increase in required bufferyard type	25
Greenway Easements	
Dedication along streams included in the Comprehensive Greenway Plan	25
Right-of-Way	
Dedication of street right-of-way in excess of sixty feet as required in Thoroughfare Plan	25
Building Structure and Parking	
Multiple story building	25
Parking decks or parking under building	25
LEED (Leadership in Energy and Environmental Design)	
Certification	50
Silver Certification	75
Gold or Platinum Certification	75

E. PAIRED-PARCEL AVERAGED-DENSITY DEVELOPMENT

1. GENERAL DESCRIPTION

a. Paired-parcel averaged-density involves the use of two (2) noncontiguous parcels and is based on the idea that the development plans for a pair of parcels can be submitted together and treated as a single development project for the purpose of these watershed regulations.

b. The amount of development allowed for the paired parcels taken in tandem cannot exceed the amount of development that would be allowed if the parcels were developed and reviewed separately for compliance with these provisions.

2. GENERAL REQUIREMENTS

a. WATERSHED DEVELOPMENT

The development proposal for the parcel pair shall be consistent adopted plans and with the orderly and planned distribution of development throughout the watershed.

b. DENSITY/BUILT UPON AREA

Overall density of the paired-parcel averaged-density development, calculated either by dwelling units per acre or built upon area, shall not exceed the density that would be allowed if the parcels were developed separately. In no case shall the built upon area on either parcel exceed seventy percent (70%).

c. PERMITTED USES

The paired parcels in a paired-parcel averaged-density development may include or be developed for single-family or multi-family residential development or non-residential development.

d. LOCATION

i. The developed parcel and the undeveloped parcel shall be located so as to preserve open space in more sensitive areas of the watershed such as the Critical Area and the Reservoir Protection Area.

ii. The parcel pair shall be located in the same water supply watershed, preferably in the same drainage area of the watershed.

iii. A parcel pair may include land located in the Critical Area, the Reservoir Protection Area, or in the Balance of the Watershed.

iv. Both parcels cannot be located in the Critical Area. If one of the parcels is located in the Critical Area, it must be the undeveloped parcel.

v. If one of the parcels is located in the Reservoir Protection Area outside the Critical Area and one is located in the Balance of the Watershed, the parcel in the Reservoir Protection Area shall not be developed beyond those densities otherwise allowed in the Reservoir Protection Area provisions of this section.

e. WATERSHED VARIANCES

No parcel for which a watershed variance has been granted or would be required may be included as part of a parcel pair.

3. REVIEW AND APPROVAL PROCESS

a. APPLICATION

i. Parcel pairs being submitted for approval under this provision shall be submitted for development approval as a single unitary proposal.

ii. An application for approval of a paired-parcel averaged-density development shall be submitted to the Planning Board and shall include a site plan for both parcels in conformance with **Section 3.2.11, Site Plan.**

iii. Only the owner(s) of both the paired parcels may submit an application for approval.

b. PLANNING BOARD REVIEW AND APPROVAL

i. Approval of paired-parcel averaged-density application and site plan shall be obtained from the Planning Board in accordance with the requirements in **Section 10.1.2, City-County Joint Planning Board**.

ii. The Planning Board shall review the project to ensure that both parcels considered together meet these standards and that potential buyers have notice of how the watershed regulations were applied to the parcel pair.

iii. If an approval is granted, no change in the development proposal authorized for either parcel shall be made except by a revision of the application and amendment of the site plan.

c. FINDINGS

When approving a paired-parcel development, the Planning Board shall make written findings supported by appropriate calculations and documentation that the paired-parcel averaged-density development plan as a whole conforms to the intent and requirements of these standards and that the proposed agreement assures protection of the public interest and achievement of the objectives of these standards.

d. CONSERVATION EASEMENT REQUIRED

i. The undeveloped parcel(s) or portion(s) thereof shall remain in a vegetated or natural state and be placed in a permanent conservation easement granted under Section 121-35 of the North Carolina General Statutes to the governmental unit or a land conservation organization.

ii. If an easement is granted to the governmental unit, the property owner shall retain responsibility for ongoing maintenance of the undeveloped property.

e. RECORDATION

i. The conservation easement shall be recorded in the deed for the parcel to which it applies.

ii. The paired-parcel averaged-density development approval shall be recorded in the deed for each of the parcels in the parcel pair.

iii. Both the easement and the approval shall be noted on the subdivision plat or site plan that applies to each of the parcels.

f. DOCUMENTATION SUBMITTED TO NC DIVISION OF WATER QUALITY

i. Following approval of a paired-parcel averaged-density development, one copy of the approval shall be forwarded to the Local Government Assistance Unit of the NC Division of Water Quality.

ii. Included with the approval shall be the site plan, registered plats for both properties, a description of both properties, and documentation reflecting the development restrictions to the parcel pair that will remain undeveloped.

iii. The applicant shall be responsible for recording the required documents and providing documentation and materials to Planning staff for submission to the State.

4. SITE DESIGN REQUIREMENTS

a. BUILT UPON AREAS

Sufficient information shall be submitted with the site plan so that it may be determined that the parcels are designed to:

i. Minimize stormwater runoff impact to the receiving waters by minimizing concentrated stormwater flow;

ii. Maximize the use of sheet flow through vegetated areas;

iii. Minimize impervious surface areas; and

iv. Locate development away from surface waters and drainage ways to the maximum extent practicable.

b. UNDEVELOPED AREAS

The undeveloped parcel(s) or portion(s) thereof shall remain in a vegetated or natural state.

c. STORMWATER RUNOFF

i. Stormwater runoff from a paired-parcel averaged-density development that meets the low density option development requirements shall be transported from development by vegetated conveyances to the maximum extent practicable.

ii. Stormwater runoff from paired-parcel averaged-density developments which meet the stormwater management (high density) option or SIDA requirements shall be controlled on the parcel(s) where the higher density development is occurring in accordance with the stormwater management requirements of **Section 8.2.5C, Stormwater Quality Management Option**.

d. STREAM BUFFERS

Buffers shall at least meet the appropriate minimum water supply watershed protection requirements for stream buffers as required in **Section 8.2.6, Stream Buffers**, of these standards on both parcels in the parcel pair according to the density of development occurring on each parcel.

F. STORMWATER CONTROL STRUCTURE STANDARDS

1. DESIGNER REQUIREMENTS

a. All stormwater control structures shall be designed by either a North Carolina registered professional engineer or landscape architect, to the extent allowed by Chapter 89A of the North Carolina General Statutes.

b. Other stormwater systems shall be designed by a North Carolina registered professional with qualifications appropriate for the type of system required; these registered professionals are defined as professional engineers, landscape architects, to the extent allowed by Chapter 89A of the North Carolina General

Statutes and land surveyors, to the extent that the design represents incidental drainage within a subdivision, as provided in Section 89C-3.7 of the North Carolina General Statutes.

2. STORMWATER CONTROL METHODS

All stormwater controls shall use wet detention ponds as a primary treatment means or shall use an alternative stormwater management system consisting of other treatment options, or a combination of treatment options, approved by the Director of the North Carolina Department of Environmental Quality (DEQ).

a. WET DETENTION PONDS

Wet detention ponds shall be designed for specific pollutant removal according to modeling techniques approved by the Division of Water Quality of the North Carolina Department of Environmental Quality (DEQ). Specific requirements for these systems shall be in accordance with the following design criteria:

i. PERFORMANCE STANDARDS

Wet detention ponds shall be designed to remove eighty-five percent (85%) of total suspended solids in the permanent pool and storage runoff from a one inch rainfall from the site above the permanent pool.

ii. VOLUME

The designed storage volume shall be above the permanent pool.

iii. DISCHARGE RATE

The discharge rate from these systems following the one inch rainfall design storm shall be such that the runoff does not draw down to the permanent pool level in less than two (2) days and that the pond is drawn down to the permanent pool level within at least five (5) days.

iv. MEAN POOL DEPTH

The mean permanent pool depth shall be a minimum of three (3) feet.

v. INLET STRUCTURE

The inlet structure shall be designed to minimize turbulence using baffles or other appropriate design features.

vi. VEGETATIVE FILTERS

1. Vegetative filters shall be constructed for the overflow and discharge of all stormwater wet detention ponds and shall be at least thirty (30) feet in length.

2. The slope and width of the vegetative filter shall be determined so as to provide a non-erosive velocity of flow through the filter for a ten (10) year, twenty-four (24) hour storm with a ten (10) year, one hour intensity.

3. Vegetative filters shall have a slope of five percent (5%) or less.

4. Vegetation in the filter shall be natural vegetation, grasses or artificially planted wetland vegetation appropriate for the site characteristics.

b. ALTERNATIVE STORMWATER MANAGEMENT SYSTEMS

Alternative stormwater management systems consisting of treatment options other than exclusive use of wet detention ponds may be permitted under the following provisions:

i. APPROVAL BY THE STATE

Alternative stormwater management systems must be approved by the Director of the North Carolina Department of Environmental Quality (DEQ) by either being included in the Stormwater Best Management Practices Manual of the North Carolina Department of Environment and Natural Resources, November 1995, as updated, or by being individually reviewed and approved by the Director of the DEQ.

ii. DESIGN CRITERIA

Alternative stormwater management systems must meet the following design criteria:

1. PERFORMANCE STANDARDS

Alternative stormwater management systems shall be designed to have an eighty-five percent (85%) average annual removal of total suspended solids.

2. DISCHARGE RATE

The discharge rate for an alternative stormwater management system shall meet one of the following criteria:

2.01. The discharge rate following the 1-inch design storm shall be such that the runoff draws down to the pre-storm design stage within five (5) days, but not less than two (2) days; or

2.02. The post development peak discharge rate shall equal the predevelopment rate for the one year twenty-four (24) hour storm.

iii. ADDITIONAL APPLICATION AND REVIEW REQUIREMENTS

If the alternative stormwater management system is not included in the Stormwater Best Management Practices Manual and therefore, must be individually reviewed and approved by the Director of DEQ, the following shall apply:

1. ADDITIONAL PLANS AND JUSTIFICATION

The applicant shall submit one additional set of plans and specifications, along with a brief narrative discussing why an alternative method is proposed and is appropriate for the site.

2. REVIEW REQUIREMENTS

2.01. The Stormwater Director or a designee shall review the proposed alternative system and upon finding that it is consistent with the applicable standards shall submit it to the Division of Water Quality of the North Carolina Department of Environmental Quality (DEQ).

2.02. No stormwater quality management permit shall be issued until the alternative system is approved by the State.

3. REVIEW PERIOD

Due to the requirement for State approval, the thirty (30) day review period for a stormwater quality management permit as provided in **Section 3.2.12, Stormwater Quality Management Permit,** shall not apply.

3. VEGETATION AND GROUND COVER

a. In addition to the vegetative filters required in **Section 8.2.5F.2, Stormwater Control Methods**, all land areas outside of the pond shall be provided with a ground cover sufficient to restrain erosion within thirty (30) days after any land disturbance.

b. Upon completion of the stormwater control structure, a permanent ground cover shall be established and maintained as part of the maintenance agreement required in **Section 8.2.5G.2, Operation and Maintenance Agreement.**

4. BUILT-UPON AREA OF STORMWATER CONTROL STRUCTURE(S)

Qualifying areas of the stormwater control structure may be considered pervious when computing total built-upon area under the requirements of **Section 8.2.5C, Stormwater Quality Management Option**. However, if the structure is used to compute the percent built-upon area for one site, it shall not be used to compute the built-upon area for any other site or area.

G. POSTING OF FINANCIAL SECURITY AND ASSURANCE OF ONGOING MAINTENANCE

Adequate financial assurance in the form of a performance bond and/or other cash security, together with a contractual lien upon the property granted by the applicant unto the jurisdiction shall be provided by the applicant for the purpose of assuring construction, continued maintenance, repairs, or reconstruction necessary for adequate completion and continued maintenance of any stormwater control structures.

1. PERFORMANCE BOND AND DEFAULT

a. PERFORMANCE BOND OR OTHER SECURITY REQUIRED

i. The applicant shall file with the City Treasurer or the County Treasurer one of the following:

1. A performance bond, satisfactory in form to the jurisdiction's attorney as valid, sufficient, and enforceable;

2. An irrevocable letter of credit issued by a bank in a form approved by the jurisdiction's attorney; or

3. A deposit of funds in escrow under the same terms and conditions applicable to bonds.

ii. The performance bond or other security instrument shall be in amount adequate to cover the total cost of construction of the approved stormwater management control structure(s).

iii. The total cost of the stormwater control structure(s) shall include the value of all materials and piping and other structures; seeding and soil stabilization; design and engineering; and grading, excavation, fill, or other work.

iv. The costs shall be computed upon the assumption of an independent mobilization.

v. The applicant shall submit unit cost information pertaining to all stormwater control structures and/or bids from contractors hired to perform the work as a method to determine the basis for the cost of the work.

vi. The final determination for construction cost and necessary performance security shall be made by the Stormwater Director or a designee.

b. DEFAULT UNDER THE PERFORMANCE BOND OR OTHER SECURITY

i. Upon default of the applicant to complete and/or maintain the stormwater control structure(s) as spelled out in the performance bond or other security, the jurisdiction may obtain and use all or any portion of the funds necessary to complete the improvements.

ii. The jurisdiction shall return any funds not spent in completing the improvements to the applicant.

iii. The jurisdiction may also assess the applicant for any additional funds needed to complete said improvements which assessment may be enforced by the contractual lien granted unto the jurisdiction provided for in **Section 8.2.5G.3, Contractual Lien Granted the Jurisdiction**.

2. OPERATION AND MAINTENANCE AGREEMENT

a. The permit applicant shall enter into a binding operation and maintenance agreement between the jurisdiction and all interests in the development in accordance with the provisions of **Section 8.2.5H, Maintenance and Upkeep**.

b. This agreement shall require the applicant to maintain, repair, or reconstruct the stormwater control structure(s) in accordance with the approved operation and management plan provided by the applicant.

c. After approval by the Stormwater Director or a designee, the applicant shall file the operation and maintenance agreement, and any revisions to the agreement with the office of the Register of Deeds.

3. CONTRACTUAL LIEN GRANTED THE JURISDICTION

a. Prior to the issuance of a stormwater quality management permit, the applicant shall grant a contractual lien to the jurisdiction on all land subject to the stormwater quality management permit for the purposes of construction maintenance, repair, or reconstruction of the stormwater control structure(s) in the event of failure of the owners to maintain said structure(s) as set forth by the operation and maintenance agreement.

b. Said lien shall be subordinate only to any first deed of trust recorded for the property.

c. The applicant shall cause the lien to be recorded by the office of the Register of Deeds and shall deliver a copy to the Stormwater Director or a designee after recordation.

4. INSPECTION ACCESS EASEMENTS

a. Prior to the issuance of a watershed occupancy permit, the applicant shall convey unto the jurisdiction, or its successors or assigns, an easement or right-of-way establishing the right of ingress, egress, and regress over the property for the purpose of inspection, repair, or maintenance of the stormwater control structure(s).

b. A description of the area containing the stormwater control structure(s) within a drainage easement shall be contained within the deed filed with the office of the Register of Deeds together with any dedication necessary for access to and from the stormwater control structure(s) and a public street.

c. The stormwater control structure, vegetative filters, all pipes and water control structures, including berms and dikes, and sufficient area to perform inspections, maintenance, repairs and reconstruction together with all easements and rights-of-way applying thereto shall be indicated on the application.

5. RESTRICTIVE COVENANTS

a. Prior to the issuance of occupancy permits, restrictive covenants shall be recorded establishing the obligation of all future transferees of the property under the stormwater quality management permit to maintain the stormwater control structure in conformance with the operation and maintenance plan.

b. The restrictive covenants shall run in favor of the jurisdiction and shall provide that the jurisdiction shall have the right to enforce the restrictive covenants.

c. Failure to comply with the restrictive covenants shall be deemed a violation of these standards.

6. TRANSFER OF APPLICANT'S RESPONSIBILITIES

a. In lieu of having each property owner having individual responsibility under the stormwater quality management permit and the operation and maintenance agreement, the applicant may transfer such responsibilities to another entity, including a homeowner's or property owner's association, with approval of the Stormwater Director or a designee.

b. The restrictive covenants or other recorded documents creating the homeowner's or property owner's association shall include provisions to assure fulfillment of the responsibilities under the stormwater quality management permit and operation and maintenance agreement.

c. The Stormwater Director or a designee shall determine whether the restrictive covenants are adequate to fulfill the responsibilities of the permit and the agreement.

H. MAINTENANCE AND UPKEEP

1. OPERATION AND MAINTENANCE PLAN REQUIRED

a. An operation and maintenance plan shall be provided by the applicant for each stormwater control structure, indicating what operation and maintenance actions are needed, what specific quantitative criteria will be used for determining when those actions are to be taken and, consistent with the operation and maintenance agreement, who is responsible for those actions.

b. The plan shall clearly indicate the steps that will be taken for restoring a stormwater control structure to design specifications if a failure occurs.

2. MAINTENANCE OF VEGETATION

a. Landscaping and grounds management shall be the responsibility of the applicant.

b. However, vegetation shall not be established or allowed to mature to the extent that the integrity of the control structure is diminished or threatened, or to the extent of interfering with any easement or access to the stormwater control structure.

3. NOTIFICATION OF REPAIR OR RECONSTRUCTION

a. Except for general landscaping and grounds management, the applicant shall notify the Stormwater Director or a designee prior to any repair or reconstruction of the stormwater control structure.

b. All improvements shall be made consistent with the approved plans and specifications of the stormwater control structure(s) and the operation and maintenance plan.

c. After notification by the applicant, the Stormwater Director or a designee shall inspect the completed improvements and shall inform the applicant of any required additions, changes or modifications and of the time period to complete said improvements.

4. AMENDMENTS TO PLANS AND STRUCTURES

a. Amendments to the plans and specifications of the stormwater control structure and/or the operation and maintenance plan shall be approved by the Stormwater Director or a designee.

b. Proposed changes shall be prepared by a North Carolina registered professional engineer or landscape architect (to the extent allowed by Chapter 89A, of the North Carolina General Statutes) and submitted to and reviewed by the Stormwater Director or a designee.

i. STORMWATER DIRECTOR OR DESIGNEE APPROVAL

If the Stormwater Director or a designee approves the proposed changes, the applicant of the stormwater control structure shall file sealed copies of the revisions with the office of the Stormwater Director or a designee.

ii. STORMWATER DIRECTOR OR DESIGNEE DENIAL

1. If the Stormwater Director or a designee disapproves the changes, the proposal may be reviewed and resubmitted as a new proposal.

2. If the proposal has not been revised and is essentially the same as that already reviewed, it shall be returned to the applicant.

5. REQUIRED CHANGES TO PLAN

a. If the Stormwater Director or a designee finds that the operation and maintenance plan is inadequate for any reason, the Stormwater Director or a designee shall notify the applicant of any required changes in writing.

b. Changes shall be prepared and approved in manner described in **Section 8.2.5H.4, Amendments to Plans and Structures**.

6. DISCLOSURE STATEMENT

a. The continuous ongoing obligation of all subsequent property owners to operate, maintain, and re-construct the stormwater control structure(s) shall be disclosed in all deeds of conveyance.

b. The deed for the property or any part there of subsequently presented for recording to the office of the Register of Deeds shall contain a full disclosure regarding the stormwater control structure(s) together with any restrictive covenants and liens pertaining to maintenance of said structure(s).

c. The following statement shall appear on all deeds recorded for property developed under the stormwater quality management provisions of this section.

NOTICE: THIS PROPERTY IS LOCATED IN A PUBLIC WATER SUPPLY WATERSHED. DEVELOPMENT RESTRICTIONS APPLY. THIS PROPERTY IS SUBJECT TO RESTRICTIVE COVENANTS AND A CONTRACTUAL LIEN REQUIRING MAINTENANCE OF A STORMWATER CONTROL STRUCTURE.

I. APPLICATION AND INSPECTION FEES

1. FEES REQUIRED

a. Application and inspection fees shall be paid in the form of a check or money order made payable to the City of Winston-Salem.

b. Applications not accompanied by the required fee shall not be accepted.

c. Application and inspection fees shall be valid for sixty (60) days.

2. APPLICATION FEE

An application fee for the stormwater quality management permit as established by the Elected Body shall be required and shall include review of the application and inspection upon completion of the stormwater control structure.

3. INSPECTION FEE

A fee shall be required for annual inspection of each stormwater control structure as established by the Elected Body.

J. INSPECTIONS AND RELEASE OF PERFORMANCE SECURITY

1. INSPECTION UPON COMPLETION

The stormwater control structure shall be inspected by the Stormwater Director or a designee after notification by the applicant that all work has been completed. At this inspection, the applicant shall provide:

a. LEGAL DOCUMENTS AND RECORDATIONS

The required easements, restrictive covenants, and contractual lien as required in **Section 8.2.5G, Posting of Financial Security and Assurance of Ongoing Maintenance**, and the survey plan for the stormwater control structure and the maintenance agreement ready for filing with the office of the Register of Deeds; and

b. SEALED CERTIFICATION

A certification sealed by an engineer or landscape architect, to the extent allowed by Chapter 89A of the North Carolina General Statutes, stating that the stormwater control structure(s) is complete and consistent with the approved plans and specifications.

2. INSPECTION AND APPROVALS

The Stormwater Director or a designee shall inspect the stormwater control structure(s) and review the submitted materials.

a. CONFORMANCE

If the stormwater control structures have been constructed in conformity with these standards and consistent with the approved plans and specifications, the Stormwater Director or a designee shall approve filing of the items listed in **8.2.5E.3.a, Application**; release up to fifty percent (50%) of the value of the performance bond or other security; and issue a watershed occupancy permit for the stormwater control structure(s) consistent with **Section 3.2.17, Watershed Permits**.

b. DEFICIENCIES

If deficiencies are found, the Stormwater Director or a designee shall direct that improvements and inspections be made and/or documents corrected and resubmitted.

3. RELEASE OF REMAINDER OF PERFORMANCE SECURITY AND REQUIRED MAINTENANCE SECURITY DEPOSIT

a. No sooner than one year after the recording date of the deed(s), easements, and maintenance agreement, the applicant may request release of the remaining value of the performance bond or other security.

b. Upon request by the owner, the Stormwater Director or a designee shall inspect the stormwater control structure to determine whether the controls are performing as designed and intended.

c. If the Stormwater Director or a designee determines that the stormwater controls are performing as required, the Stormwater Director or a designee shall release the remaining performance bond or other performance security.

4. WATERSHED OCCUPANCY PERMIT FOR OTHER STRUCTURES

A watershed occupancy permit shall not be issued for any structure within the permitted development until the Stormwater Director or a designee has approved the stormwater control structure(s), as provided in **8.2.5J.2, Inspection and Approvals**.

5. ANNUAL INSPECTION

a. All stormwater control structures shall be inspected at least on an annual basis to determine that the controls are performing as required by these standards.

b. Records of inspection shall be maintained by the Stormwater Director or a designee.

c. Annual inspections shall begin within one year of the recordation of any deed(s) showing stormwater control structure(s).

d. A fee shall be required for annual inspection of each stormwater control structure as established by the Elected Body.

6. NOTIFICATION OF NECESSARY IMPROVEMENTS

a. The Stormwater Director or a designee shall notify the owner of any repair or reconstruction necessary to meet the requirements of these standards.

b. All repair or reconstruction shall be in accordance with the plans and specifications for the stormwater control structure and the operation and maintenance plan and shall be completed within thirty (30) days after notification by the Stormwater Director or a designee.

c. Upon request of the owner, the Stormwater Director or a designee shall inspect and approve the completed repairs.

7. APPEALS

Appeals of any order, requirement, decision or determination made by the Stormwater Director or a designee may be made to, and decided by, the Watershed Review Board as set forth in **Section 8.2.2B, Variances to Salem Lake Watershed Protection Standards**.

8.2.6 STREAM BUFFERS

A. PURPOSE

1. The purpose of these standards is to establish vegetated buffer areas along all perennial waters to protect water quality by trapping and filtering pollutants before they reach a watercourse.

2. A further purpose of these standards is to meet or exceed the stream buffer requirements of the minimum watershed regulations established by the North Carolina Management Commission pursuant to Section 143-21 of the North Carolina General Statutes.

B. APPLICABILITY

1. REQUIREMENT

a. Stream buffers shall be required along all perennial streams within the Salem Lake Watershed as shown as a solid blue line on the most recent version of USGS 7.5 minute (1:24,000 scale) topographic maps.

b. Said streams shall also be indicated on the Watershed Map and Official Zoning Maps.

2. EXEMPTIONS

a. A property owner, subdivider, or developer may submit evidence to the Stormwater Director or a designee that a perennial stream has been incorrectly mapped.

b. Certification by a registered professional engineer may also be submitted certifying that a stream does not have a perennial base flow.

3. INDICATED ON SITE PLANS AND PLATS

Required stream buffers shall be indicated on all site plans and subdivision plats approved within the Salem Lake Watershed.

C. STREAM BUFFER STANDARDS

1. WIDTH

The width of the required buffer shall be the greater of:

a. One hundred (100) feet measured from the bank defining the edge of the stream channel on each side of a stream and from the normal pool elevation of other watercourses; or

b. The outer edge of the Federal Emergency Management Agency (FEMA) designated floodplains.

2. DEVELOPMENT IN THE STREAM BUFFER

a. No development is permitted in the buffer except for the following where there is no practicable alternative to their location in the stream buffer.

b. These permitted activities shall minimize built-upon area, direct runoff away from surface waters, and maximize the utilization of stormwater best management practices:

- **i.** Water dependent structures;
- **ii.** Utilities;
- **iii.** Transportation facilities, such as bridges and roads; and
- **iv.** Passive recreation uses, such as greenways and open spaces.

3. LIMITED REMOVAL OF VEGETATION

In the twenty-five (25) feet closest to and on each side of a perennial stream, land disturbing activity is prohibited and removal of vegetation shall be limited to clearance of undergrowth, except as necessary for the construction of uses permitted in **8.2.6C.2, Development in the Stream Buffer**.

4. STREAMBANK STABILIZATION

Desirable artificial streambank or shoreline stabilization is permitted in the stream buffer.

8.2.7 PUBLIC HEALTH

A. PUBLIC HEALTH, IN GENERAL

1. No activity, situation, structure or land use shall be allowed within the watershed which poses a threat to water quality and the public health, safety, and welfare.

2. Such conditions may arise from inadequate on-site sewage systems which utilize ground absorption; inadequate sedimentation and erosion control measures; the improper storage or disposal of junk, trash or other refuse within a buffer area; the absence or improper implementation of a spill containment plan for hazardous materials; the improper management of stormwater runoff; or any other situation found to pose a threat to water quality.

B. ABATEMENT

1. IDENTIFICATION OF SITUATIONS

The Stormwater Director or a designee shall monitor land use activities within the watershed areas to identify situations that may pose a threat to water quality.

2. REPORT CONCERNING SITUATIONS

a. The Stormwater Director or a designee shall report all findings to the Director of Planning.

b. The Director of Planning may consult with any public agency or official and request recommendations.

c. The Director of Planning shall prepare a report and make recommendations to the Planning Board.

3. PLANNING BOARD AND ELECTED BODY ACTION

Where the Planning Board finds a threat to water quality and the public health, safety and welfare, the Planning Board shall make recommendations to the Elected Body who may institute any appropriate action or proceeding to restrain, correct or abate the condition and/or violation.

8.3 WATERSHED PROTECTION (F)

8.3.1 AUTHORITY AND GENERAL PROVISIONS

A. PURPOSE

1. The purpose of these standards is to promote the health, safety and general welfare of the citizens and residents of the State of North Carolina, including residents of the Forsyth County, and residents who live within areas designated as public water supply watersheds, as established by the North Carolina Environmental Management Commission.

2. An additional purpose is to establish regulations which protect drinking water quality in Forsyth County and which meet the minimum regulations established by the North Carolina Environmental Management Commission under the provisions of the Water Supply Watershed Protection Act of 1989.

3. A further purpose is to implement the goals, objectives, and policies of Forward 2045, the comprehensive plan for Forsyth County, North Carolina, as amended, including any specifically related land use plans, development guides, and the Transportation Plan.

B. JURISDICTION

1. The provisions of this section shall apply to those areas in Forsyth County which are public water supply watersheds as designated and classified by the North Carolina Environmental Management Commission excluding the Salem Lake Watershed and are not within either the corporate limits or the extraterritorial zoning jurisdiction of the City of Winston-Salem, the Town of Kernersville, Town of Lewisville, Town of Walkertown, or the Village of Clemmons.

2. Designated water supply watersheds areas are:

- **a.** Abbotts Creek watershed;
- **b.** Lake Brandt watershed;
- **c.** Kernersville Lake watershed;
- **d.** Randleman Lake watershed; and
- **e.** The designated protected areas for water supply intakes on the Yadkin River and the Dan River.

3. These areas shall be defined and established on a map entitled, Watershed Protection Map of Forsyth County, North Carolina, herein after referred to as the Watershed Map, which is adopted simultaneously herewith.

4. The Watershed Map, and all explanatory matter set out thereon, is hereby made a part of this Ordinance.

5. This Ordinance and the Watershed Map shall be permanently kept on file in the Office of the Planning Board of Forsyth County and Winston-Salem and the Office of the Forsyth County Commissioners.

C. AUTHORITY

1. STATE LAW
This Ordinance is adopted as authorized by Section 143-214.5 of the North Carolina General Statutes and other applicable laws.

2. INTENT
The intent of Forsyth County is to exercise its available power as authorized in the law cited in **Section 8.3.1C.1, State Law**.

D. APPLICABILITY

1. No subdivision of land shall be approved nor erosion control, building, or other development permit issued for any development or land disturbing activities in a designated water supply watershed unless certified to be in conformance with the provisions of this Ordinance by the Stormwater Director or a designee.

2. In cases of two (2) or more principal uses on the same zoning lot, the regulations for each use shall apply to that portion of the structure or land so used.

E. EXEMPTIONS

The following development activities are exempted from these standards

1. AGRICULTURAL ACTIVITIES

Agricultural activities undertaken on agricultural land for the production of plants and animals and which are conducted in accordance with best management practices required by the North Carolina Environmental Management Commission and administered by the Forsyth Soil and Water Conservation District;

2. FORESTRY ACTIVITIES

Forestry activities undertaken on forest land for the production and harvesting of timber and timber products and which are conducted in accordance with Forest Practice Guidelines Related to Water Quality (best management practices) as adopted by the North Carolina Department of Environmental Quality (DEQ), except in the Randleman Lake Watershed where such activities are regulated by the State of North Carolina;

3. EXISTING RESIDENTIAL LOTS

Construction or expansion of an individual single family residential building or placement of a manufactured home on a lot which was a lot of record or which had received final approval pursuant to the subdivision regulations as of the effective date of this Ordinance;

4. EXISTING DEVELOPMENT

Existing development is not subject to the requirements of this Ordinance. Except for expansions to individual single family homes or manufactured homes, only expansions to structures and other built-upon areas classified as existing development must meet the requirements of this Ordinance. The built-upon area of the existing development is not required to be included in the built-upon area calculations.

5. IN WS-IV WATERSHEDS

In addition to the exemptions listed in **Section 8.3.1D, Applicability**, development activities in WS-IV watersheds which do not require a submission of a plan under the provisions of **Section 8.4, Erosion Control**, shall be exempted from these provisions.

F. EFFECTIVE DATE

The effective date of these standards shall be January 1, 1994, and the same shall take and be in full force and effect thereon and thereafter.

G. SEVERABILITY

1. INVALIDATION OF PORTIONS OF ORDINANCE

Should any section, sentence, clause, phrase, or word of these standards be held invalid by a court of final competent jurisdiction, such decision shall not affect, impair, or invalidate the remaining parts of these standards. The remaining parts shall remain in effect without the invalid provision, and to that extent they are severable.

2. INVALIDATION OF APPLICATION

The invalidation of the application of any provision of these standards to any particular property or structure, or to any particular properties or structures, by any court of final competent jurisdiction, shall not affect the application of such provision to any other property or structure not specifically included in such invalidation.

H. CONFLICTING PROVISIONS

1. CONFLICT WITHIN ORDINANCE

Where a conflict exists between any limitations or requirements within these standards, the more restrictive limitation or requirements shall prevail.

2. CONFLICT WITH OTHER ORDINANCE OR LAW

Where a conflict exists between the provisions of these standards and any other ordinance, law, or regulation, or where the provisions of these standards impose overlapping or contradictory regulations with respect to another ordinance, law, or regulation, the most restrictive provision or the one which imposes the highest standards or requirements shall prevail.

I. CUMULATIVE REQUIREMENTS

The requirements of these standards are cumulative.

J. ENFORCEMENT

The following procedures may be undertaken by the Stormwater Director or a designee to enforce provisions of these standards.

1. CRIMINAL PENALTIES

a. Any person, firm, or corporation violating any of these provisions shall be guilty of a misdemeanor.

b. Upon conviction thereof, such violator shall be subjected to a fine not to exceed five hundred dollars ($500.00) or imprisoned for not more than thirty (30) days, except that no such violation shall be punishable until the expiration of ten (10) days after notice to such violator.

c. Each and every day beyond the initial ten (10) day notice period during which such violation continues shall be deemed a separate offense.

2. CIVIL PENALTIES

a. ASSESSMENT OF CIVIL PENALTIES

i. In addition to criminal penalties, any person, firm, or corporation violating any of these provisions shall be subject to a civil penalty of one hundred dollars ($100.00) to be recovered by jurisdiction in a civil action in the nature of a debt.

ii. No civil penalty shall be assessed until the person alleged to be in violation has been notified of the violation by the Stormwater Director or a designee.

iii. Failure to correct the violation within ten (10) days of the date of service of the notice, or the end of the period of any extension, will result in the assessment of a civil penalty or other enforcement action.

iv. For good cause determined by the Stormwater Director or a designee, the correction period may be extended by him.

v. Each day of continuing violation shall constitute a separate violation.

b. REFERRAL TO ATTORNEYS

If payment is not received within thirty (30) days after written demand for payment is made, the Stormwater Director or a designee may refer the matter to the jurisdiction's attorney who is authorized to institute a civil action in the name of Forsyth County in the appropriate division of the General Court of Justice for recovery of the penalty.

3. INJUNCTIVE OR OTHER RELIEF

Whenever the Stormwater Director or a designee has reasonable cause to believe that any person is violating or threatening to violate these standards, the Stormwater Director or a designee may refer the matter to the jurisdiction's attorney who is authorized in addition to other remedies provided by law to institute injunction, mandamus, abatement, or any other appropriate action or actions, proceeding or proceedings to prevent, enjoin, abate, or remove such unlawful erection, construction, reconstruction, alteration, maintenance, or use.

K. CHANGES AND AMENDMENTS

1. AMENDMENTS

The Elected Body may, on its own motion or on petition, amend, supplement, change, or modify these standards.

2. RECOMMENDATION OF THE PLANNING BOARD OF THE JURISDICTION

No amendment shall be made until the proposal has been submitted to the Planning Board of the jurisdiction for review and recommendations. If no recommendation has been received from the Planning Board of the jurisdiction within forty-five (45) days after submission of the proposal to the Planning Board, the Elected Body may proceed as though a favorable report had been received.

8.3.2 ADMINISTRATION, PERMITS AND APPEALS

A. WATERSHED PROTECTION PERMITS

Watershed protection permits shall be reviewed and decided in accordance with the standards in **Section 3.2.17, Watershed Permits**.

B. VARIANCES TO WATERSHED PROTECTION STANDARDS

Variances to these watershed protection standards shall be reviewed and decided in accordance with the standards in **Section 3.2.16J, Variance from the Watershed Protection Standards**.

C. APPEALS

Appeals of decisions made in accordance with these standards shall be in accordance with the standards in **Section 3.2.1, Appeals and Interpretations**.

8.3.3 WATERSHED CLASSIFICATIONS AND SUBAREAS ESTABLISHED

The following watershed classifications and subareas are established for designated public water supply watersheds in Forsyth County. The boundaries of each subarea are shown on the Watershed Map.

A. WATERSHED CLASSIFICATIONS

The following watershed classifications are established for designated water supply watersheds and protected areas in Forsyth County:

1. **WS-III WATERSHEDS**
   The Abbotts Creek Watershed and the Lake Brandt Watershed; and
2. **WS-IV WATERSHEDS**
   The Randleman Lake Watershed, the Kernersville Lake Watershed, and the designated protected areas for water supply intakes on the Yadkin River and the Dan River.

B. WATERSHED SUBAREAS

The following subareas are established for designated watershed area. The boundaries of each subarea are shown on the Watershed Map:

1. **RESERVOIR PROTECTION AREA**
   Land within approximately one-half (½) mile of either the normal pool elevation of water supply reservoirs of the Salem Lake and Kernersville Lake watershed or the water supply intakes on the Yadkin River as indicated on the Watershed Map.
2. **BALANCE OF THE WATERSHED**
   All land area in the designated watershed or protected area outside the Reservoir Protection Area.

C. RULES GOVERNING THE INTERPRETATION OF WATERSHED AREA BOUNDARIES

Where uncertainty exists or where a person disputes the boundaries of the watershed or any watershed subareas, as shown on the Watershed Map, the following rules shall apply:

1. **CONSTRUCTED FEATURES**
   Where area boundaries are indicated as following either street, alley, railroad or highway lines or centerlines thereof, such lines shall be construed to be said boundaries. However, a topographic survey prepared by a registered land surveyor or engineer may be submitted to the Stormwater Director or a designee as evidence that one or more properties or portions of properties along these boundaries do not lie within the watershed.
2. **LOT LINES**
   Where area boundaries are indicated as following lot lines, such lot lines shall be construed to be said boundaries. However, a topographic survey prepared by a registered land surveyor or engineer may be submitted to the Stormwater Director or a designee as evidence that one or more properties along these boundaries do not lie within the watershed area.
3. **DETERMINATION BY THE STORMWATER DIRECTOR OR A DESIGNEE**
   a. Where other uncertainty exists, the Stormwater Director or a designee shall interpret the Watershed Map as to location of such boundaries.
   b. This decision may be appealed to the Watershed Review Board.

8.3.4 PROHIBITED AND RESTRICTED USES AND ACTIVITIES

A. PROHIBITED USES

1. RESERVOIR PROTECTION AREA OF WS-III AND WS-IV WATERSHEDS

In the Reservoir Protection Areas of WS-III and WS-IV watersheds, new landfills and new sites for land application of sludge residuals or petroleum contaminated soils shall be prohibited.

2. BALANCE OF THE WATERSHED OF WS-III WATERSHEDS

In the Balance of the Watershed in WS-III watersheds, new discharging landfills shall be prohibited.

B. SPILL CONTAINMENT STRUCTURES REQUIRED

1. New nonresidential development must incorporate adequately designed, constructed, and maintained spill containment structures for the hazardous materials used, stored, or manufactured on the premises.

2. Adequately designed, constructed, and maintained shall mean that measures are taken to contain any and all spilled materials to ensure no adverse environmental impacts occur.

3. Certification from a registered professional engineer that adequate spill containment structures are in place is required prior to the issuance of a watershed protection occupancy permit.

8.3.5 DEVELOPMENT STANDARDS

A. GENERAL PROVISIONS

1. PLANNING BOARD REVIEW

When approving subdivision plats or site plans as required under this Ordinance in designated watersheds, the Planning Board shall find that the following provisions have been met:

a. Areas with impervious surface cover are designed and sited to minimize stormwater runoff and limit concentrated stormwater flow; and

b. Land disturbance is minimized, existing vegetated areas are retained to the maximum degree possible, and all undeveloped areas of the site will be revegetated to promote stormwater infiltration.

B. DEVELOPMENT STANDARDS

Unless specifically exempted in **8.3.1D, Applicability**, all subdivisions of land and development in designated watersheds shall meet the provisions below.

1. GENERAL PROVISIONS FOR RESIDENTIAL DEVELOPMENT

a. MINOR SUBDIVISIONS

Except in minor subdivisions with summary approval, lots in minor subdivisions must meet the minimum lot size requirements for the respective watershed subarea as required below.

b. MINOR SUBDIVISIONS WITH SUMMARY APPROVAL, MAJOR SUBDIVISIONS, PLANNED RESIDENTIAL DEVELOPMENTS, AND MULTIFAMILY DEVELOPMENTS

New residential development in minor subdivisions with summary approval, major subdivisions, planned residential developments, and multifamily developments must meet the minimum lot size, the maximum average density, or the maximum built-upon area requirements of the respective watershed subarea as required below.

c. RECORDING AND OWNERSHIP REQUIREMENTS

i. UNDER AVERAGE DENSITY ALTERNATIVE

If the developer chooses to utilize the maximum average density alternative, a note restricting all lots from further subdivision and all common space/open space lots from residential development shall be included on all deeds or on the preliminary and final plats.

ii. UNDER BUILT-UPON AREA ALTERNATIVE

If the developer chooses to utilize the maximum built-upon area alternative, the maximum square footage of built-upon area for roads, common areas, multi-family buildings and each single family residential lot shall be included on the site plan, deeds, and the preliminary and final plats.

iii. OWNERSHIP OF COMMON AND OPEN SPACE

Except as required in other sections of this Ordinance, common space and open space may be retained in private ownership or may be transferred to a homeowner's association, a governmental unit, a conservation organization or similar entity.

2. REQUIREMENTS FOR WS-III WATERSHEDS

a. RESERVOIR PROTECTION AREA

The following provisions apply in the Reservoir Protection Area of WS-III watersheds:

i. RESIDENTIAL DEVELOPMENT REQUIREMENTS

1. MINIMUM LOT SIZE

The minimum lot size shall be at least forty thousand (40,000) square feet per residential dwelling unit; or

2. MAXIMUM AVERAGE DENSITY

The average density shall not exceed one unit per forty thousand (40,000) square feet; or

3. MAXIMUM BUILT-UPON AREA

The built-upon area shall not exceed twelve percent (12%) of the site.

ii. NONRESIDENTIAL DEVELOPMENT REQUIREMENTS

The built-upon area of nonresidential development shall not exceed twelve percent (12%) of the site.

b. BALANCE OF THE WATERSHED

The following provisions apply in the Balance of the Watershed in WS-III watersheds:

i. RESIDENTIAL DEVELOPMENT REQUIREMENTS

1. MINIMUM LOT SIZE

The minimum lot size shall be at least twenty thousand (20,000) square feet per residential dwelling unit; or

2. MAXIMUM AVERAGE DENSITY

The average density shall not exceed two (2) units per forty thousand (40,000) square feet; or

3. MAXIMUM BUILT-UPON AREA

The built-upon area shall not exceed twenty-four percent (24%) of the site.

ii. NONRESIDENTIAL DEVELOPMENT REQUIREMENTS

The built-upon area of nonresidential development shall not exceed twenty-four percent (24%) of the site.

iii. SPECIAL INTENSE DEVELOPMENT ALLOCATION

In Forsyth County's zoning jurisdiction, non-single family residential uses may seek a special intense development allocation (SIDA) in accordance with the provision of **8.3.5B.4, Forsyth County Special Intense Development Allocation**.

c. SPECIAL PROVISIONS FOR THE LOWER ABBOTTS CREEK WATERSHED

i. LOWER ABBOTTS CREEK WATERSHED DEFINED

The Lower Abbotts Creek Watershed is defined as that portion of the Lower Abbotts Creek basin under the planning jurisdiction of Forsyth County that can be served by the extended sewer service as illustrated in the 201 Facilities Plan Amendment dated February 2002 and shown as the Lower Abbotts Creek Area on the Watershed Protection Map of Forsyth County, North Carolina.

ii. RIPARIAN AREAS REQUIRED

The riparian areas provisions of **8.3.6, Stream Buffers and Riparian Areas**, shall apply in the Lower Abbotts Creek Watershed.

iii. CONNECTIVITY OF VEGETATED AREAS

Where practical, connectivity of undisturbed and revegetated areas shall be incorporated into land planning and final land use designs.

iv. STORMWATER DEVICES AND FLOODPLAIN PROTECTION

1. Stormwater control devices shall not be placed in the one hundred-year floodplain unless no practical alternatives exist to their location in the floodplain.
2. Fill material shall not encroach more than that allowed in **Section 8.1, Floodway and Floodway Fringe Regulations.**

3. REQUIREMENTS FOR WS-IV WATERSHEDS

a. RESERVOIR PROTECTION AREA

The following provisions apply in the Reservoir Protection Area of WS-IV watersheds:

i. RESIDENTIAL DEVELOPMENT REQUIREMENTS

1. MINIMUM LOT SIZE

The minimum lot size shall be at least twenty thousand (20,000) square feet per residential dwelling unit; or

2. MAXIMUM AVERAGE DENSITY

The average density shall not exceed two (2) units per forty thousand (40,000) square feet; or

3. MAXIMUM BUILT-UPON AREA
The built-upon area shall not exceed twenty-four percent (24%) of the site.

ii. NONRESIDENTIAL DEVELOPMENT REQUIREMENTS
The built-upon area of nonresidential development shall not exceed twenty-four percent (24%) of the site.

b. BALANCE OF THE WATERSHED
The following provisions apply in the Balance of the Watershed in WS-IV watersheds:

i. FOR PROJECTS WITHOUT A CURB AND GUTTER STREET SYSTEM
For subdivisions and development without a curb and gutter street system, the following provisions shall apply:

1. RESIDENTIAL DEVELOPMENT REQUIREMENTS

1.01. MINIMUM LOT SIZE
The minimum lot size shall be at least thirteen thousand five hundred (13,500) square feet per residential dwelling unit; or

1.02. MAXIMUM AVERAGE DENSITY
The average density shall not exceed three (3) units per forty thousand (40,000) square feet; or

1.03. MAXIMUM BUILT-UPON AREA
The built-upon area shall not exceed thirty-six percent (36%) of the site.

2. NONRESIDENTIAL DEVELOPMENT
The built-upon area of nonresidential development shall not exceed thirty-six percent (36%) of the site.

ii. FOR PROJECTS WITH A CURB AND GUTTER STREET SYSTEM
For subdivisions and development with a curb and gutter street system, the following provisions shall apply:

1. RESIDENTIAL DEVELOPMENT REQUIREMENTS

1.01. MINIMUM LOT SIZE
The minimum lot size shall be at least twenty thousand (20,000) square feet per residential dwelling unit; or

1.02. MAXIMUM AVERAGE DENSITY
The average density shall not exceed two (2) units per forty thousand (40,000) square feet; or

1.03. MAXIMUM BUILT-UPON AREA
The built-upon area shall not exceed twenty-four percent (24%) of the site.

2. NONRESIDENTIAL DEVELOPMENT
The built-upon area of nonresidential development shall not exceed twenty-four percent (24%) of the site.

iii. SPECIAL INTENSE DEVELOPMENT ALLOCATION
In Forsyth County's zoning jurisdiction, non-single residential family uses may seek a special intense development allocation (SIDA) in accordance with the provisions of **8.3.5B.4, Forsyth County Special Intense Development Allocation.**

4. FORSYTH COUNTY SPECIAL INTENSE DEVELOPMENT ALLOCATION

a. GENERAL PROVISIONS

i. SPECIAL INTENSE DEVELOPMENT ALLOCATION ESTABLISHED

This section establishes a special intense development allocation (SIDA) to permit development of up to seventy percent (70%) built upon area on a project by project basis in the designated WS-III and WS-IV watershed areas regulated by these standards in Forsyth County's zoning jurisdiction.

ii. ESTABLISHED PURSUANT TO NC WATER SUPPLY PROTECTION RULES

1. These provisions are established pursuant to the North Carolina Water Supply Watershed Protection Rules which permit up to ten percent (10%) of the land area in each jurisdiction's portion of the designated watershed area outside the ½ (one-half) mile critical area delineated as of July 1, 1995 to be developed with seventy percent (70%) built upon surface area.

2. This section provides for allocation of five percent (5%) of the land area in each jurisdiction's land area, with the remaining five percent (5%) to be held in reserve for future allocation by the Forsyth County Board of Commissioners.

iii. AVAILABLE ACREAGE

Based on the land area in the designated watershed area in Forsyth County delineated as of July 1, 1995, the following acreage is designated to be allocated under this SIDA provision to be transferred to other local governments having jurisdiction in the watershed:

1. Abbotts Creek, five hundred twenty (520) acres;

2. Lake Brandt, eight (8) acres;

3. Dan River/Madison Intake, one hundred ten (110) acres;

4. Kernersville Lake, twenty-five (25) acres;

5. Randleman Lake, one hundred fifteen (115) acres;

6. Yadkin River/King Intake, one hundred seventy (170) acres;

7. Yadkin River, Winston-Salem #2 Intake, four hundred fifty (450) acres;

8. Yadkin River/Davie County Intake, seven hundred ten (710) acres;

9. Yadkin River/Idols Dam Intake, six hundred eighty-five (685) acres; and

10. Yadkin River/Davidson County Intake, ninety-five (95) acres.

iv. ALLOCATION AND AVERAGING

1. The Forsyth County Board of Commissioners may grant a SIDA of up to seventy percent (70%) built upon area on all or part of the land area of a project.

2. With approval from the Forsyth County Board of Commissioners, the SIDA may be averaged throughout the project.

v. TRANSFER OF ACREAGE TO OTHER LOCAL GOVERNMENTS

1. The Forsyth County Board of Commissioners may transfer any portion of the available acreage to another local government having jurisdiction in the respective watershed area for projects that meet a countrywide need or that provide a significant economic benefit to the County.

2. The acreage shall be transferred by adoption of a joint resolution of the Forsyth County Board of Commissioners and the elected body of the receiving jurisdiction.

3. The joint resolution shall be submitted to the Environmental Management Commission for review.

b. APPLICATION AND SUBMITTAL REQUIREMENTS

i. APPLICATION AND SITE PLAN

1. Applications for a SIDA shall be submitted to the Planning Board and shall include a site plan in conformance with the Form 1 Submittal Requirements of **Section 3.2.11, Site Plan**.

2. In addition to other side plan requirements, the following information shall be provided by the applicant:

2.01. Project timetable;

2.02. Anticipated addition to the property tax base; and

2.03. Anticipated number of jobs created or retained.

3. Planning staff may request additional information from the applicant in order to assess whether the application meets the approval criteria listed at **8.3.5B.4.c, Criteria for Approval**.

4. The application shall also include a fee for site plan review as established by the Elected Body.

ii. STORMWATER CONTROLS REQUIRED

Stormwater controls shall be required for developments granted a SIDA as follows:

1. FOR ALL PROJECTS IN WS-III WATERSHEDS

1.01. Developments granted a SIDA in WS-III watersheds must utilize stormwater controls based on the stormwater quality management permit requirements of **Section 3.2.17, Watershed Permits**.

1.02. The required site plan shall include the proposed location of the stormwater control structures.

2. FOR MAJOR PROJECTS IN WS-IV WATERSHEDS

2.01. Developments granted a SIDA in WS-IV watersheds with existing and proposed built upon area which exceeds two hundred thousand (200,000) square feet must utilize stormwater controls which meet the Stormwater quality management permit requirements of **Section 3.2.17, Watershed Permits,** except that alternative stormwater control management systems as provided in **Section 8.2.5F.2.b, Alternative Stormwater Management Systems**, are not subject to approval by the North Carolina Department of Environmental Quality (DEQ).

2.02. The required site plan shall include the proposed location of the stormwater control structures.

iii. SITE DESIGN REQUIREMENTS

1. As required by the State of North Carolina under the water supply protection rules, each project granted a SIDA must to the maximum extent practicable minimize built-upon surface area, direct stormwater runoff from surface waters and incorporate best management practices to minimize water quality impacts.

2. The Forsyth County Board of Commissioners may impose site plan conditions in order to meet these requirements.

iv. STAFF REVIEW

Planning staff will review the application and prepare a report with recommendations for the Planning Board and Forsyth County Board of Commissioners.

v. PLANNING BOARD REVIEW

Prior to consideration by the Forsyth County Board of Commissioners, the application will be reviewed by the Planning Board which shall consider its merit and make a recommendation to the Forsyth County Board of Commissioners.

c. CRITERIA FOR APPROVAL

The Forsyth County Board of Commissioners shall approve the application for a SIDA based upon the project meeting all the following criteria:

i. The proposed project is in conformance with the adopted Forward 2045.

ii. The proposed project land use and site design are compatible with the general character of the area and surrounding land uses.

iii. The proposed project provides a significant economic benefit to the community by creating or retaining jobs, increasing the property tax base, or assisting an existing industry to grow and remain in Forsyth

County; or the project meets an identified community need such as the provision of community facilities, retail business or personal services, or affordable housing.

iv. The proposed project does not pose a threat to the environment, especially water quality, and appropriate measures will be taken to minimize any potential negative environmental impacts.

v. The proposed project has good transportation access, including proximity to major roads and/or rail lines.

d. OTHER PROVISIONS

i. PERMITS FOLLOWING APPROVAL OF SIDA

1. If a SIDA request is approved by the Forsyth County Board of Commissioners, the Watershed Administrator may grant watershed permits subject to the approved site plan and other requirements of this Ordinance.

2. All necessary permits must be obtained prior to the issuance of occupancy permits.

ii. RESUBMITTAL OF REQUEST

If a request is denied by the Forsyth County Board of Commissioners, the applicant may resubmit the SIDA request for the same project no earlier than two years following the date of original submission of the first application.

iii. EXPIRATION OF ALLOCATION

1. The SIDA shall expire if watershed occupancy permits are not obtained for the project within three years of approval of the SIDA by the Forsyth County Board of Commissioners.

2. If occupancy permits are issued for a portion of the project within the three (3) year period, the SIDA will be extended for one additional three (3) year period.

3. Applicants may resubmit requests for expired allocations.

iv. MAINTENANCE OF RECORDS

1. The Planning Board staff shall keep a record of all allocations under the SIDA provisions.

2. The Watershed Administrator shall keep a record of all permits issued.

8.3.6 STREAM BUFFERS AND RIPARIAN AREAS

A. PURPOSE

1. The purpose of these standards are to establish vegetated areas along watercourses in water supply watersheds designated in **Section 8.3.1B, Jurisdiction**, in order to protect water quality by trapping and filtering pollutants before they reach the watercourse.

2. A further purpose is to meet or exceed the minimum stream buffer requirements of the minimum watershed regulations established by the North Carolina Environmental Management Commission pursuant to Section 143-214.5 of the North Carolina General Statutes.

3. Riparian buffers required by the Environmental Management Commission for the Randleman Lake Watershed are regulated by **Section 8.6, Randleman Riparian Buffer Protection (F)**.

B. STREAM BUFFERS

1. APPLICABILITY

a. REQUIREMENT

Stream buffers shall be required in all public water supply watersheds designated in **Section 8.3.1B, Jurisdiction,** along perennial streams as shown as a solid blue line on the most recent version of the USGS 7.5 minute (1:24,000 scale) topographic maps.

b. EXEMPTIONS

i. A property owner, subdivider, or developer may submit evidence to the Stormwater Director or a designee that a perennial stream has been incorrectly mapped.

ii. Certification by a registered professional engineer may also be submitted certifying that a stream does not have a perennial base flow.

c. INDICATED ON SITE PLANS AND PLATS

Required stream buffers shall be indicated on all site plans and subdivision plats approved within public water supply watersheds.

2. STANDARDS

a. MEASUREMENT

Buffers measured landward from the top of the bank defining the edge of the stream channel are required on each side of a perennial stream and from the normal pool elevation of other watercourses.

b. WIDTH

i. A minimum thirty (30) foot buffer is required except under the special intense development allocation (SIDA) provisions of **Section 8.3.5B.3.b, Balance of the Watershed**, and **Section 8.3.5B.4, Forsyth County Special Intense Development Allocation**.

ii. A minimum one-hundred (100) foot buffer is required for development under the SIDA provisions.

c. DEVELOPMENT IN THE STREAM BUFFER

No development is permitted in the buffer except for the following permitted activities where there is no practicable alternative to their location in the stream buffer. These permitted activities shall minimize built-upon area, direct stormwater runoff away from surface waters, and maximize the utilization of stormwater best management practices.

i. Water dependent structures;

ii. Utilities;

iii. Transportation facilities, such as bridges and roads; and

iv. Passive recreation uses, such as greenways and open spaces.

d. STREAMBANK STABILIZATION

Desirable artificial streambank or shoreline stabilization is permitted in the stream buffer.

C. RIPARIAN AREAS

1. GENERAL PROVISIONS

a. APPLICABILITY

The riparian area protection provisions of **Section 8.3.6C, Riparian Areas**, shall apply in the Oak Hollow/Randleman Lake Watershed, a sub-basin of the Randleman Lake Watershed which has been designated as a Critical Water Supply Watershed by the North Carolina Environmental Management Commission and in the Lower Abbotts Creek Watershed as defined in **Section 8.3.5B.2.c, Special Provisions for the Lower Abbotts Creek Watershed**.

b. CONFLICT WITH OTHER REGULATIONS

i. The riparian area provisions of this section are in addition to the stream buffer requirements of **Section 8.3.6B, Stream Buffers**.

ii. Where the standards and management requirements for riparian areas are in conflict with other laws, regulations, and permits regarding streams, steep slopes, erodible soils, wetlands, floodplains, forest harvesting, surface mining, land disturbance activities, or other environmental protection areas, the more protective shall apply.

c. RIPARIAN AREAS ESTABLISHED

A minimum fifty (50) foot riparian area for all new development activities is required on all sides of surface waters, such as intermittent streams, perennial streams, lakes, and ponds, as indicated on the most recent versions of either the USGS 1:24,000 scale (7.5 minute) topographic maps or the soil survey maps developed by USDA-Natural Resource Conservation Service, or other site-specific evidence that indicates the presence of waters not shown on either of these two (2) maps.

d. GENERAL REQUIREMENTS

i. Maintenance of the riparian areas shall be such that, to the maximum extent possible, sheet flow of surface water is achieved.

ii. Required riparian protection areas shall be shown on all new or modified site plans and subdivision plats approved within the Lower Abbotts Creek Watershed as defined in **Section 8.3.5B.2.c, Special Provisions for the Lower Abbotts Creek Watershed.**

iii. No building permits shall be issued and no new development shall take place in violation of these standards.

e. EXEMPTIONS

The following waterbodies and land uses are exempt from the riparian area protection requirements:

i. Existing ditches and manmade conveyances, other than modified natural streams, which under normal conditions do not receive drainage from any tributary ditches, canals, or streams, unless the ditch or manmade conveyance delivers runoff directly to waters classified in accordance with 15A NCAC 2B.0100;

ii. Areas mapped as intermittent streams, perennial streams, lakes, ponds, or estuaries on the most recent versions of USGS 1:24,000 scale (7.5 minute quadrangle) topographic maps or soil survey maps where no perennial waterbody, intermittent waterbody, lake, pond, or estuary actually exists on the ground;

iii. Ponds and lakes created for animal watering, irrigation, or other agricultural uses that are not part of a natural drainage way that is classified in accordance with 15A NCAC 2B.0100;

iv. Water dependent structures as defined in 15A NCAC 2B.0202, provided they are located, designed, constructed and maintained to provide maximum nutrient removal, to have the least adverse effects on aquatic life and habitat and to protect water quality;

v. The following uses where no practical alternative exists.

vi. A lack of practical alternatives may be shown by demonstrating that, considering the potential for a reduction in size, configuration or density of the proposed activity and all alternative designs, the basic project purpose cannot be practically accomplished in a manner which would avoid or result in less adverse impact to surface waters.

vii. Also, these structures shall be located, designed, constructed, and maintained to have minimal disturbance, to provide maximum nutrient removal and erosion protection, to have the least adverse effects on aquatic life and habitat, and to protect water quality to the maximum extent practical through the use of best management practices:

1. Road crossings, railroad crossings, bridges, airport facilities, and utility crossings if the conditions of **8.3.6C.1.e, Exemptions**, are met.
2. Stormwater management facilities and ponds, and utility construction and maintenance corridors for utilities such as water, sewer or gas, in Zone 2 of the riparian area as long as the conditions specified in **8.3.6C.1.e, Exemptions,** are met and they are located at least thirty (30) feet from the top of bank or mean high water line.
3. Additional requirements for utility construction and maintenance corridors are listed in **8.3.6C.1.e, Exemptions.**

viii. A corridor for the construction and maintenance of utility lines, such as water, sewer or gas (including access roads and stockpiling of materials) running parallel to the stream and located within Zone 2 of the riparian area, as long as no practical alternative exists, as defined in **8.3.6C.1.e, Exemptions,** and best management practices are installed to minimize runoff and maximize water quality protection to the maximum extent practicable.

ix. Permanent, maintained access corridors shall be restricted to the minimum width practicable and shall not exceed 10 feet in width except at manhole locations.

x. A ten (10) feet by ten (10) feet perpendicular vehicle turnaround shall be allowed provided they are spaced at least five hundred (500) feet apart along the riparian area;

xi. Stream restoration projects scientific studies, stream gauging, water wells, passive recreation facilities such as boardwalks, trails, pathways, historic preservation and archaeological activities, provided that they are located in Zone 2 and are at least thirty (30) feet from the top of bank or mean high water line and are designed, constructed and maintained to provide the maximum nutrient removal and erosion protection, to have the least adverse effects on aquatic life and habitat and to protect water quality to the maximum extent practical through the use of best management practices.

xii. Activities that must cross the steam or be located within Zone 1, are allowed as long as all other requirements of this item are met; and

xiii. Stream crossings associated with timber harvesting, if performed in accordance with the Forest Practices Guidelines Related to Water Quality (15A NCAC 1J.0201-.0209).

2. RIPARIAN AREA STANDARDS

a. ZONES ESTABLISHED

The protected riparian area shall have two (2) zones as follows:

i. ZONE 1

Zone 1 is intended to be an undisturbed area of vegetation.

1. LOCATION OF ZONE 1

1.01. Zone 1 begins at the top of bank for intermittent streams and perennial streams and extends landward a distance of thirty (30) feet on all sides of the waterbody, measured horizontally on a line perpendicular to the waterbody. For all other waterbodies,

1.02. Zone 1 begins at the top of bank or mean high water line and extends landward a distance of thirty (30) feet, measured horizontally on a line perpendicular to the waterbody.

2. ALLOWED ACTIVITIES

The following practices and activities are allowed in Zone 1:

2.01. Natural regeneration of forest vegetation and planting vegetation to enhance the riparian area if disturbance is minimized, provided that any plantings shall primarily consist of locally native trees and shrubs;

2.02. Horticulture or silvicultural practices to maintain the health of individual trees;

2.03. Removal of individual trees which are in danger of causing damage to dwellings, other structures or the stream channel;

2.04. Removal of dead trees and other timber cutting techniques necessary to prevent extensive pest or disease infestation if recommended by the Director, Division of Forest Resources and approved by the Director, Division of Water Quality; and

2.05. Ongoing agricultural operations provided that existing forest vegetation is protected.

3. PROHIBITED ACTIVITIES

The following practices are not allowed in Zone 1:

3.01. Land-disturbing activities and placement of fill and other materials, other than those allowed in **8.3.6C.1.e, Exemptions,** and **Section 8.3.6C.2.a, Zones Established**;

3.02. New development, except as provided in **8.3.6C.1.e, Exemptions;**

3.03. New on-site sanitary sewage systems which use ground adsorption;

3.04. The application of fertilizer; and

3.05. Any activity that threatens the health and function of the vegetation including, but not limited to, application of chemicals in amount exceeding the manufacturer's recommended rate, uncontrolled sediment sources on adjacent lands, and the creation of any areas with bare soil.

ii. ZONE 2

Zone 2 is intended to provide protection through a vegetated riparian zone which provides for diffusion and infiltration of runoff and filtering of pollutants.

1. LOCATION OF ZONE 2

1.01. Zone 2 begins at the outer edge of Zone 1 and extends landward a minimum of twenty (20) feet as measured horizontally on a line perpendicular to the waterbody.

1.02. The combined minimum width of Zones 1 and 2 shall be fifty (50) feet on all sides of the waterbody.

2. ALLOWED ACTIVITIES

The following practices and activities are allowed in Zone 2, in addition to those allowed in Zone 1:

2.01. Periodic mowing and removal of plant products such as timber, nuts, and fruit is allowed provided the intended purpose of the riparian area is not compromised by harvesting, disturbance, or loss of forest or herbaceous ground cover; and

2.02. Grading and timber harvesting provided that vegetated ground cover be established immediately following completion of the land-disturbing activity.

3. PROHIBITED ACTIVITIES

The following practices and activities are not allowed in Zone 2:

3.01. New development, except as provided in **8.3.6C.1.e, Exemptions;**

3.02. New on-site sanitary sewage systems which use ground absorption;

3.03. Any activity that threatens the health and function of the vegetation including, but not limited to, application of chemicals in amounts exceeding the manufacturer's

recommended rate, uncontrolled sediment sources on adjacent lands, and the creation of any areas with bare soil.

b. TIMBER REMOVAL

i. Timber removal and skidding of trees shall be directed away from the water course or waterbody.

ii. Skidding shall be done in a manner to prevent the creation of ephemeral channels perpendicular to the water body.

iii. Any tree removal must be performed in a manner that does not compromise the intended purpose of the riparian area and is in accordance with the Forest Practices Guidelines Related to Water Quality (15A NCAC 1J.0201-.0209).

c. MAINTENANCE OF SHEET FLOW

Maintenance of sheet flow in Zones 1 and 2 is required in accordance with the following:

i. Sheet flow must be maintained to the maximum extent practical through dispersing concentrated flow and re-establishment of vegetation to maintain the effectiveness of the riparian area.

ii. Concentrated runoff from new ditches or manmade conveyances must be dispersed into sheet flow before the runoff enters Zone 2 of the riparian area.

iii. Existing ditches and manmade conveyances, as specified in **8.3.6C.1.e, Exemptions,** are exempt from this requirement; however, care shall be taken to minimize pollutant loading through these existing ditches and manmade conveyances from fertilizer application or erosion.

iv. Periodic corrective action to restore sheet flow shall be taken by the landowner if necessary to impede the formation of erosion gullies which allow concentrated flow to bypass treatment in the riparian area.

d. MAINTENANCE OF STREAM CHANNELS

i. Periodic maintenance of modified natural streams such as canals is allowed provided that disturbance is minimized and the structure and function of the riparian area is not compromised.

ii. A grassed travelway is allowed on one side of the waterbody when alternative forms of maintenance access are not practical.

iii. The width and specifications of the travelway shall be only that needed for equipment access and operation.

iv. The travelway shall be located to maximize stream shading.

8.3.7 WATER QUALITY AND SUPPLY

A. IN GENERAL

1. No activity, situation, structure, or land use shall be allowed within the watershed which poses a threat to water quality.

2. Such conditions may arise from inadequate on-site sewage systems which utilize ground absorption; inadequate sedimentation and erosion control measures; the improper storage or disposal of junk, trash or other refuse within a buffer area; the absence or improper implementation of a spill containment plan for hazardous materials; the improper management of stormwater runoff; or any other situation found to pose a threat to water quality.

B. ABATEMENT

1. IDENTIFICATION OF SITUATIONS

The Stormwater Director or a designee shall monitor land use activities within the watershed areas to identify situations that may pose a threat to water quality.

2. REPORT CONCERNING SITUATIONS

a. The Stormwater Director or a designee shall report all findings to the Director of Planning of the Planning Boards of the applicable jurisdictions.

b. The Director of Planning may consult with any public agency or official and request recommendations.

c. The Director of Planning shall prepare a report and make recommendations to the Planning Boards of the applicable jurisdictions.

3. PLANNING BOARD AND ELECTED BODY ACTION

Where the Planning Board of the jurisdiction finds a threat to water quality, the Planning Board of the jurisdiction shall make recommendations to the elected body who may institute any appropriate action or proceeding to restrain, correct or abate the condition and/or violation.

8.4 EROSION CONTROL

8.4.1 GENERAL

This section is adopted for the purposes of:

A. Regulating certain land disturbing activities to control accelerated erosion and sedimentation in order to prevent the pollution of water and other damage to lakes, watercourses, and other public and private property by sedimentation; and

B. Establishing procedures through which these purposes can be fulfilled.

8.4.2 ADMINISTRATION AND INTERPRETATION

A. ADMINISTRATION

The Stormwater Director or a designee shall be responsible for the administration of this section of the Ordinance.

B. MINIMUM REQUIREMENTS; EXCEPTION

In their interpretation and application, the provisions of this section shall be held to be minimum requirements, except where they are expressly stated to be maximum requirements.

C. CONFLICTS WITH OTHER ORDINANCES AND LAWS

Whenever any provisions of this section and any other ordinance or law impose overlapping or contradictory regulations, the provision which is more restrictive or imposes higher standards or requirements shall govern.

D. CIVIL REMEDIES

It is not intended that any provision of this section shall restrict or impair the right of any private or public person to bring any legal or equitable action for redress against nuisances, hazards, or injuries to persons or property.

E. LIABILITY FOR DAMAGES

Failure of the Stormwater Director or a designee to observe or recognize conditions which violate the intent and purpose of this section to deny a development permit applied for under this section shall not relieve the property owner from responsibility for the condition or damages resulting therefrom and shall not result in the City/County or its officers or agents being responsible for conditions or damages resulting therefrom.

F. REMOVAL OF COVER AND CHANGE OF ELEVATIONS

The holder of a development permit may remove existing cover or change existing elevations of the land only in accordance with the purposes of this section and within the time schedules and methods for such changes set forth in this section.

8.4.3 SCOPE AND EXCLUSIONS

This section shall apply to land disturbing activity undertaken by any person, with the following exclusions:

A. AGRICULTURAL ACTIVITIES

Those undertaken on agricultural land for the production of plants and animals useful to humans, including but not limited to:

1. Forage and sod crops, grain and feed crops, tobacco, cotton and peanuts;

2. Dairy animals and dairy products;

3. Poultry and poultry products;

4. Livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, including the breeding and grazing of all such animals;

5. Bees and apiary products; and

6. Fur producing animals.

B. FORESTRY ACTIVITIES

1. Those undertaken on forest land for the production and harvesting of timber and timber products and which are conducted in accordance with Forest Practice Guidelines Related to Water Quality (best management practices) as adopted by the North Carolina Department of Environmental Quality (DEQ).

2. If land disturbing activity undertaken on forest land for the production and harvesting of timber and timber products is not conducted in accordance with Forest Practice Guidelines Related to Water Quality, these provisions shall apply to such activity and any related land disturbing activity on the tract.

C. MINING

Activity undertaken by persons as defined in Section 113A-52(8) of the North Carolina General Statutes who are otherwise regulated by the provisions of the Mining Act of 1971, Sections 74-46—74-68 of the North Carolina General Statutes.

D. STATE OF NORTH CAROLINA JURISDICTION

Land disturbing activity over which the State has exclusive regulatory jurisdiction as provided in Section 113A-56 of the North Carolina General Statutes.

E. EMERGENCIES

Any activity which is essential to protect human life during an emergency.

8.4.4 GENERAL REQUIREMENTS

A. PLAN AND PERMIT REQUIRED

No person shall initiate any land disturbing activity upon a tract which requires a permit under **Section 8.4.15, Permits**, without having an erosion control plan approved by the Stormwater Director or a designee and without having purchased the applicable permit through the Inspections Division office.

B. PROTECTION OF PROPERTY

Persons conducting land disturbing activity shall take all reasonable measures to protect all public and private property from damage caused by such activity, including protected floodway fringe areas specified in **Section 8.1, Floodway and Floodway Fringe Regulations.**

C. CONFLICTING PROVISIONS

Whenever conflicts exist between federal, State or local laws, ordinances or rules, the more restrictive provision shall apply.

8.4.5 BASIC CONTROL OBJECTIVES

An erosion and sedimentation control plan may be disapproved pursuant to **Section 8.4.17, Erosion and Sedimentation Control Plans**, if the plan fails to address the following control objectives:

A. IDENTIFY CRITICAL AREAS

On-site areas which are subject to severe erosion and off-site areas which are especially vulnerable to damage from erosion and/or sedimentation are to be identified and receive special attention;

B. LIMIT TIME OF EXPOSURE

All land disturbing activity is to be planned and conducted to limit exposure to the shortest feasible time;

C. LIMIT EXPOSED AREA

All land disturbing activity is to be planned and conducted to minimize the size of the area to be exposed at any one time;

D. CONTROL SURFACE WATER

Surface water runoff originating upgrade of exposed areas should be controlled to reduce erosion and sediment loss during the period of exposure;

E. CONTROL SEDIMENTATION

All land disturbing activity is to be planned and conducted so as to prevent off-site sedimentation damage;

F. MANAGE STORMWATER RUNOFF

When the increase in the velocity of stormwater runoff resulting from a land disturbing activity is sufficient to cause accelerated erosion of the receiving watercourse, plans are to include measures to control the velocity at the point of discharge so as to minimize accelerated erosion of the site and increased sedimentation of the stream; and

G. PROTECTION OF FLOODWAY AND FLOODWAY FRINGE AREAS

All land disturbing activity is to be planned and conducted so as to protect floodway and floodway fringe areas in accordance with **Section 8.1.3, Standards for Flood Damage Reduction**.

8.4.6 MANDATORY STANDARDS FOR LAND DISTURBING ACTIVITY

No land disturbing activity subject to the control of this section shall be undertaken except in accordance with the following mandatory standards:

A. BUFFER ZONE

1. LAKE OR NATURAL WATERCOURSE

a. No land disturbing activity during periods of construction or improvement to land shall be permitted in proximity to a lake or natural watercourse unless a buffer zone is provided along the margin of the watercourse of sufficient width to confine visible siltation within the twenty-five percent (25%) of the buffer zone nearest the land disturbing activity.

b. This subdivision shall not apply to a land disturbing activity in connection with the construction of facilities to be located on, over or under a lake or natural watercourse.

2. WIDTH OF BUFFER ZONE

Unless otherwise provided, the width of a buffer zone is measured from the edge of the water to the nearest edge of the disturbed area, with the twenty-five percent (25%) of the strip nearer the land disturbing activity containing natural or artificial means of confining visible siltation.

B. GRADED SLOPES, MECHANICALLY STABILIZED SLOPES AND FILLS

(RESERVED)

C. FILL MATERIAL

Unless a permit from the Department's Division of Waste Management to operate a landfill is on file for the official site, acceptable fill material shall be free of organic or other degradable materials, masonry, concrete and

brick in sizes exceeding twelve (12) inches, and any materials which would cause the site to be regulated as a landfill by the State of North Carolina.

D. GROUND COVER AND REVEGETATION OF SLOPES

1. DEADLINES FOR ESTABLISHING GROUND COVER

a. Whenever land disturbing activity is undertaken on a tract requiring a permit under **Section 8.4.15, Permits**, the person conducting the land disturbing activity shall install such sedimentation and erosion control devices and practices as are sufficient to retain the sediment generated by the land disturbing activity within the boundaries of the tract during construction upon and development of said tract, and shall plant or otherwise provide a permanent ground cover and slope revegetation sufficient to restrain erosion after completion of construction or development.

b. Except as provided in **Section 8.4.7B.5, Ground Cover**, provisions for a ground cover sufficient to restrain erosion must be accomplished within twenty-one (21) calendar days of completion of any phase of grading.

2. REVEGETATION OF SLOPES

a. All cut and fill slopes in excess of three (3) to one (3:1) slope and greater than ten (10) feet in height and intervening terraces required in **Section 8.4.6B, Graded Slopes, Mechanically Stabilized Slopes and Fills**, *except mechanically stabilized slopes (W)*, shall be revegetated to provide plant cover over the entire area.

b. Said revegetation shall include a minimum of one tree per two hundred (200) square feet of surface area.

c. The trunk of any required tree shall be no closer than ten (10) feet from any other required tree.

d. Said trees may be a mixture of evergreen and deciduous, a minimum of twelve (12) inches high at planting with a minimum height at maturity of twenty-five (25) feet.

3. *REVEGETATION OF MECHANICALLY STABILIZED SLOPES (W)*

a. *All mechanically stabilized slopes with intervening terraces required in **Section 0, (RESERVED)**, shall be revegetated to provide plant cover over the entire terrace area.*

b. *The trunk of any required tree shall be no further than ten (10) feet from any other required tree.*

c. *Said trees shall be a minimum of thirty-six (36) inches high at planting with a minimum height at maturity of ten (10) feet.*

4. *SUGGESTED PLANT MATERIALS FOR REVEGETATION OF SLOPES (W)*

The following plant materials are acceptable for the revegetation of slopes. Due to individual site soil, moisture, and microclimate conditions, professional expertise should be sought to determine the appropriate plant materials for any particular development project:

a. *Crepe Myrtle;*

b. *Wax Myrtle;*

c. *Star Magnolia;*

d. *Dwarf Burford Holly;*

e. *Mugo Pine;*

f. *Viburnum;*

g. *Oakleaf Hydrangea;*

h. *Hetz Junipers;*

i. *Ligustrum;*

j. *Cherry Laurel;*

k. *Althea;*

l. *Red Twig Dogwood;*

m. *Buddleia;*

n. *Camellia;*

o. *Cleyera;*

p. *Winged Euonymus;*

q. *Filbert;*

r. *Washington Hawthorn;*

s. *Inkberry;*

t. *Fortune's Osmanthus;*

u. *Pawpaw; and*

v. *Chinese Witchhazel.*

E. FLOODWAY AND FLOODWAY FRINGE AREAS

1. LIMITS OF ENCROACHMENT

Cut or fill or other activities shall meet the limits of encroachment specified in **Section 8.1.3, Standards for Flood Damage Reduction.**

2. DESIGNATION IN THE FIELD

The limit of grading and encroachment according to **Section 8.1.3B.1, Limits of Encroachment,** consisting of a line delineating one-half the distance of these standards, consisting of a line delineating one-half the distance between the outer edge of the floodway fringe and the outer edge of the floodway for the zoning lot in question, or other line provided by a certified engineering study in accordance with **Section 8.1.3B.1, Limits of Encroachment,** shall be designated in the field by the applicant or property owner by means of highly visible and durable plastic material or other means acceptable to the Erosion Control Officer, prior to the issuance of the grading permit.

3. SUBDIVISIONS

a. For subdivisions, the designation of limits of grading or encroachment into the floodway fringe area required in **Section 8.1.3B.1, Limits of Encroachment,** shall be provided by the property owner or developer for the entire zoning lot being subdivided prior to the issuance of grading permits and construction of streets or other improvements.

b. The Erosion Control Officer shall review the proposed encroachment prior to the issuance of permits for the development of individual lots created through the subdivision process.

F. TOP OF SLOPE

The top or toe of any slope steeper than a ratio of one and one-half (1.5) horizontal units to one vertical unit (1.5:1) shall be no less than two (2) feet from any neighboring property line or from any public right-of-way, parking lot, drive, or walk intended for public use, unless a retaining wall is built.

G. PRIOR PLAN APPROVAL

No person shall initiate any land disturbing activity upon a tract requiring a permit under **Section 8.4.15, Permits,** unless, thirty (30) or more days prior to initiating the activity, an erosion and sedimentation control plan for such activity is filed with and approved by the Stormwater Director or a designee, the associated fees are paid, and the permit is issued by the Stormwater Director or a designee.

H. PRIOR TO LAND DISTURBING ACTIVITIES

1. NOTIFICATION

No person may initiate a land-disturbing activity before notifying the agency that issued the plan approval of the date that the land-disturbing activity will begin.

2. PRECONSTRUCTION CONFERENCE

When deemed necessary by the approving authority a preconstruction conference may be required.

8.4.7 DESIGN AND PERFORMANCE STANDARDS

A. DESIGN STANDARDS

1. Except as provided in these standards, erosion and sedimentation control measures, structures and devices, shall be so planned, designed, and constructed as to provide protection from the calculated maximum peak of runoff from the ten-year storm.

2. Runoff rates shall be calculated using the procedures in the USDA, Soil Conservation Service's National Engineering Field Manual for Conservation Practices, or other acceptable calculation procedures.

B. HIGH QUALITY WATER ZONES

In high quality water zones, the following design standards shall apply:

1. UNCOVERED AREAS

a. Uncovered areas in high quality water zones shall be limited at any time to a maximum total area within the boundaries of the tract of twenty (20) acres.

b. Only the portion of the land disturbing activity within a high quality water zone shall be governed by this section.

c. Larger areas may be uncovered within the boundaries of the tract with the written approval of the Director.

2. EROSION AND SEDIMENTATION CONTROL MEASURES, STRUCTURES, AND DEVICES

Erosion and sedimentation control measures, structures, and devices within high quality water zones shall be so planned, designed, and constructed to provide protection from the runoff of the twenty-five-year storm which produces the maximum peak rate of runoff as calculated according to the procedures in the United States Department of Agriculture Soil Conservation Service's National Engineering Field Manual for Conservation Practices or according to procedures adopted by any other agency of this State or the United States or any generally recognized organization or association.

3. SEDIMENT BASINS

Sediment basins within high quality water zones shall be designed and constructed such that the basin will have a settling efficiency of at least seventy percent (70%) for the forty (40) micron (0.04mm) size soil particle transported into the basin by the runoff of that five-year storm which produces the maximum peak rate of runoff as calculated according to procedures in the United States Department of Agriculture Soil Conservation Service's National Engineering Field Manual for Conservation Practices or according to the procedures adopted by any other agency of this State or the United States or any generally recognized organization or association.

4. OPEN CHANNELS

a. Newly constructed open channels in high quality water zones shall be designed and constructed with side slopes no steeper than two (2) horizontal to one vertical (2:1) if a vegetative cover is used for stabilization, unless soil conditions permit a steeper slope or where the slopes are stabilized by using mechanical devices, structural devices or other acceptable ditch liners.

b. In any event, the angle for side slopes shall be sufficient to restrain accelerated erosion.

5. GROUND COVER

Ground cover sufficient to restrain erosion must be provided for any portion of a land disturbing activity in a high quality water zone within fifteen (15) working days or sixty (60) calendar days following completion of construction or development, whichever period is shorter.

8.4.8 STORMWATER OUTLET PROTECTION

A. POST CONSTRUCTION VELOCITY

1. Stream banks and channels downstream from any land disturbing activity shall be protected from increased degradation by accelerated erosion caused by increased velocity of runoff from the land disturbing activity.

2. Persons shall conduct land disturbing activity so that the post construction velocity of the ten-year storm runoff in the receiving watercourse to the discharge point does not exceed the greater of:

a. MAXIMUM PERMISSIBLE VELOCITIES
The velocity established by **Table 8.4.8C, Maximum Permissible Velocities for Stormwater Discharges**; or

b. VELOCITY PRIOR TO DEVELOPMENT
The velocity of the ten-year storm runoff in the receiving watercourse prior to development.

3. If conditions in **Section 8.4.8A, Post Construction Velocity**, and **Section 8.4.8B, Acceptable Management Measures**, cannot be met, then the receiving watercourse to and including the discharge point shall be designed and constructed to withstand the expected velocity anywhere the velocity exceeds the prior to development velocity by ten percent (10%).

B. ACCEPTABLE MANAGEMENT MEASURES

1. Measures applied alone or in combination to satisfy the intent of this section are acceptable if there are no objectionable secondary consequences.

2. It is recognized that the management of stormwater runoff to minimize or control downstream channel and bank erosion is a developing technology.

3. Innovative techniques and ideas will be considered and may be used when shown to have the potential to produce successful results. Some alternatives are to:

a. INFILTRATION
Avoid increases in surface runoff volume and velocity by including measures to promote infiltration to compensate for increased runoff from areas rendered impervious.

b. VEGETATED OR ROUGHENED SWALES AND WATERWAYS
Avoid increases in stormwater discharge velocities by using vegetated or roughened swales and waterways in lieu of closed drains and high velocity paved sections.

c. ENERGY DISSIPATORS
Provide energy dissipators at outlets of storm drainage facilities to reduce flow velocities to the point of discharge. These may range from simple riprapped sections to complex structures.

d. CROSS SECTIONS; EROSION RESISTANT LINING
Protect watercourses subject to accelerated erosion by improving cross sections and/or providing erosion-resistant lining.

e. IMPROVEMENT OF RECEIVING DEVICES OR WATERCOURSE
Upgrade or replace the receiving device structure, or watercourse such that it will receive and conduct the flow to a point where it is no longer subject to degradation from the increased rate of flow or increased velocity.

C. EXCEPTIONS

This rule shall not apply where it can be demonstrated that stormwater discharge velocities will not create an erosion problem in the receiving watercourse.

D. MAXIMUM PERMISSIBLE VELOCITIES

The following is a table for maximum permissible velocities for stormwater discharges:

TABLE 8.4.8.D: MAXIMUM PERMISSIBLE VELOCITIES FOR STORMWATER DISCHARGES		
MATERIAL	MAXIMUM PERMISSIBLE VELOCITIES	
	F.P.S.	M.P.S.
Fine sand (noncolloidal)	2.5	0.8
Sandy loam (noncolloidal)	2.5	0.8
Silt loam (noncolloidal)	3.0	0.9
Ordinary firm loam	3.5	1.1
Fine gravel	5.0	1.5
Stiff clay (very colloidal)	5.0	1.5
Graded, loam to cobbles (noncolloidal)	5.0	1.5
Graded, silt to cobbles (colloidal)	5.5	1.7
Alluvial silts (noncolloidal)	3.5	1.1
Alluvial silts (colloidal)	5.0	1.5
Coarse gravel (noncolloidal)	6.0	1.8
Cobbles and shingles	5.5	1.7
Shales and hard pans	6.0	1.8
NOTES: Source - Adopted from recommendation by Special Committee on Irrigation Research, American Society of Civil Engineers, 1926, for channels with straight alignment. For sinuous channels, multiply velocity by 0.95 for slightly sinuous, by 0.9 for moderately sinuous channels, and by 0.8 for highly sinuous channels.		

8.4.9 BORROW AND WASTE AREAS

A. When the person conducting the land disturbing activity is also the person conducting the borrow or waste disposal activity, areas from which borrow is obtained and which are not regulated by the provisions of the Mining Act of 1971; and waste areas for surplus materials other than landfills regulated by the Department's Division of Waste Management, shall be considered as part of the land disturbing activity where the borrow material is being used or from which the waste material originated.

B. When the person conducting the land disturbing activity is not the person obtaining the borrow and/or disposing of waste, these areas shall be considered a separate land disturbing activity.

8.4.10 ACCESS AND HAUL ROADS

Temporary access and haul roads, other than public roads, constructed or used in connection with any land disturbing activity shall be considered a part of such activity.

8.4.11 OPERATIONS IN LAKES OR NATURAL WATERCOURSES

A. Land disturbing activity in connection with construction in, on, over, or under a lake or natural watercourse shall be planned and conducted in such a manner as to minimize the extent and duration of disturbance of the stream channel.

B. The relocation of a stream, where relocation is an essential part of the proposed activity, shall be planned and executed so as to minimize changes in the stream flow characteristics.

C. The United States Army Corps of Engineers should be notified of any planned operation in lakes or natural watercourses, including their adjacent wetlands, for possible issuance of Section 404 or other permits.

8.4.12 RESPONSIBILITY FOR MAINTENANCE

A. During the development of a site, the person conducting the land disturbing activity shall install and maintain all temporary and permanent erosion and sedimentation control measures as required by the approved plan or any provision of this section, the Act, or any order adopted pursuant to this section or the Act.

B. After site development, the landowner or person in possession or control of the land shall install and/or maintain all necessary permanent erosion and sediment control measures, except those measures installed within a road or street right-of-way or easement accepted for maintenance by a governmental agency.

8.4.13 ADDITIONAL PROTECTIVE MEASURES

Whenever the Stormwater Director or a designee determines that significant erosion and sedimentation is occurring as a result of land disturbing activity, despite application and maintenance of protective practices, the person conducting the land disturbing activity shall be required to and shall take additional protective action.

8.4.14 EXISTING UNCOVERED AREAS

A. SITES SUBJECT TO CONTINUED ACCELERATED EROSION

All uncovered areas which exist on the effective date of this section as a result of land disturbing activity on a tract requiring a permit, which are subject to continued accelerated erosion, and which are causing off-site damage from sedimentation, shall be provided with a groundcover or other protective measures, structures, or devices sufficient to restrain accelerated erosion and control off-site sedimentation.

B. NOTICE OF VIOLATION

1. The Stormwater Director or a designee will serve upon the land owner or other person in possession or control of the land a written notice of violation by registered or certified mail, return receipt requested, or other means reasonably calculated to give actual notice.

2. The notice will set forth the measures needed to comply with the Act, this Ordinance, or a rule or order adopted or issued pursuant to the Act by the Commission or Local Government and will state the time within which such measures must be completed.

3. In determining the measures required and the time allowed for compliance, the authority serving notice shall take into consideration the economic feasibility, technology, and quantity of work required, and shall set reasonable and attainable time limits of compliance.

C. EROSION CONTROL PLAN

The Stormwater Director or a designee reserves the right to require preparation and approval of an erosion control plan in any instance where extensive control measures are required.

D. PLANNED RESERVOIR

This rule shall not require groundcover on cleared land forming the future basin of a planned reservoir.

8.4.15 PERMITS

Development subject to these standards shall comply with the standards in **Section 3.2.7, Grading Permit**.

8.4.16 IMPROVEMENT SECURITY REQUIRED OF CERTAIN PERMIT APPLICANTS

A. OUTSIDE SALEM LAKE WATERSHED

1. In areas outside Salem Lake Watershed, where the Stormwater Director or a designee deems it necessary to require security in order to assure performance of the conditions of the permit, the applicant for a permit to grade or remove vegetation or other protections from an area in excess of five (5) acres shall be required to file with the Finance Director for the appropriate jurisdiction an improvement security in the form of an escrow account or other instruments satisfactory to the attorney for the appropriate jurisdiction, in an amount deemed sufficient by the Stormwater Director or a designee to cover all costs of protection or other improvements required to establish protective cover on the site in conformity with standards specified in this section.

2. Such security shall be valid until the work is completed in accordance with the permit and until the same is released by the Stormwater Director or a designee.

3. In case of a subdivision, the security required herein may be included with the security required for streets and other subdivision improvements, if any, and the instrument shall clearly specify the portion of the security applicable to the requirements of this section.

4. The applicable security shall be forfeited upon violation of this section and shall be used to establish protective cover on the site.

5. Any monies in excess of the cost of establishing protective cover shall be refunded to the developer.

6. The security shall be released when the Stormwater Director or a designee has certified that the requirements of this section have been met.

B. WITHIN SALEM LAKE WATERSHED

1. For areas located within the Salem Lake Watershed, the applicant for a permit to grade or remove vegetation or other protection from an area in excess of three (3) acres shall be required to file with the finance director for the appropriate jurisdiction an improvement security in the form of an escrow account or other instrument satisfactory to the attorney for the appropriate jurisdiction, in an amount deemed sufficient by the Stormwater Director or a designee to cover all costs of protection or other improvements required to establish protective cover on the site in conformity with the standards specified in this section.

2. Such security shall be valid until the work is completed in accordance with the permit and until the same is released by the Stormwater Director or a designee.

3. In case of a subdivision, the security required herein may be included with the security required for streets and other subdivision improvements, if any, and the instrument shall clearly specify the portion of the security applicable to the requirements of this section.

4. The applicable security shall be forfeited upon violation of this section and it shall be used to establish protective cover on the site.

5. Any moneys in excess of the cost of establishing protective cover shall be refunded to the developer.

6. The security shall be released when the Stormwater Director or a designee has certified that the requirements of this section have been met.

8.4.17 EROSION AND SEDIMENTATION CONTROL PLANS

A. PREPARATION

An erosion control plan shall be prepared for all land disturbing activities on a tract requiring a permit under these standards.

B. COPIES; REVISED PLANS

1. Persons conducting a land disturbing activity shall file three (3) copies of the erosion control plan with the Stormwater Director or a designee at least thirty (30) days prior to beginning such activity.

2. One copy of the erosion control plan will be retained by the Stormwater Director or a designee, one copy will be forwarded to the Forsyth Soil and Water Conservation District, and one copy shall be kept at the job site until all construction is complete, all permanent sedimentation and erosion control measures are installed and the site has been stabilized.

3. After approving the plan, if the Stormwater Director or a designee, either upon review of such plan or on inspection of the job site, determines that a significant risk of accelerated erosion or off-site sedimentation exists, they will require a revised plan.

4. Pending the preparation of the revised plan, work shall cease or shall continue under conditions outlined by the Stormwater Director or a designee.

5. If following commencement of a land-disturbing activity pursuant to an approved plan, it is determined that the plan is inadequate to meet the requirements of this Ordinance, the Stormwater Director or a designee may require any revision of the plan that is necessary to comply with this Ordinance.

C. STATEMENT OF FINANCIAL RESPONSIBILITY

1. Erosion control plans may be disapproved unless accompanied by an authorized statement of financial responsibility and ownership.

2. This statement shall be signed by the person financially responsible for the land disturbing activity or their attorney-in-fact.

3. The statement shall include the mailing and street addresses of the principal place of business of the person financially responsible and of the owner of the land or their registered agents.

4. If the person financially responsible is not a resident of North Carolina, a North Carolina agent must be designated in the statement for the purpose of receiving notice of compliance or noncompliance with the plan, this Ordinance, or rules or orders adopted or issued pursuant to this Ordinance.

D. REVIEW AND RECOMMENDATIONS

1. The Forsyth Soil and Water Conservation District, within twenty (20) days of receipt of any plan, or within such additional time as may be prescribed by the Stormwater Director or a designee, shall review such plan and submit its comments and recommendations to the Stormwater Director or a designee.

2. Failure of the soil and water conservation district to submit its comments and recommendations within twenty (20) days or within the prescribed additional time will not delay final action on the plan.

E. NOTICE OF APPROVAL, REJECTION, ETC.

1. The Stormwater Director or a designee will review each complete plan submitted to them and within thirty (30) days of receipt thereof will notify the person submitting the plan that it has been approved, approved with modifications, approved with performance reservations, or disapproved.

2. Failure to approve or disapprove a complete erosion and sedimentation control plan within thirty (30) days of receipt shall be deemed approval.

3. Denial of a plan must specifically state in writing the reasons for denial.

4. The Stormwater Director or a designee must approve or deny a revised plan within fifteen (15) days of receipt, or it is deemed to be approved.

5. If, following commencement of a land disturbing activity pursuant to an approved plan, the Stormwater

Director or a designee determines that the plan is inadequate to meet the requirements of this section, the Stormwater Director or a designee may require such revisions as are necessary to comply with this section.

6. The approval of an erosion control plan is conditioned on the applicant's compliance with Federal and State water quality laws, regulations, and rules.

7. A copy of the erosion control plan for any land disturbing activity that involves the utilization of ditches for the purpose of de-watering or lowering the water table must be forwarded to the Director of the Division of Water Quality.

F. ENVIRONMENTAL DOCUMENT

1. Any plan submitted for a land disturbing activity for which an environmental document is required by the North Carolina Environmental Policy Act (Section 113A-1, et seq. of the North Carolina General Statutes) shall be deemed incomplete until a complete environmental document is available for review.

2. The Stormwater Director or a designee shall promptly notify the person submitting the plan that the thirty (30) day time limit for review of the plan pursuant to **Section 8.4.17E, Notice of Approval, Rejection, etc.**, shall not begin until a complete environmental document is available for review.

G. PREPARATION, FILING AND CONTENTS OF PLAN

1. It shall be the responsibility of the property owner or developer or an agent to apply to the Stormwater Director or a designee, on a form furnished by the Stormwater Director or a designee, for any development permit required by this section.

2. No application for a development permit shall be accepted unless accompanied by a development plan including the information specified in this section.

3. Unless the Stormwater Director or a designee deems such seal and signature to be unnecessary due to the simplicity of the site situation and the limited nature of the erosion control measures required in the development plan, the development plan shall be prepared by, and shall bear the seal and signature of, a registered professional engineer, architect, landscape architect or a registered surveyor to the extent permitted by State law, and shall include maps of the site, at a scale not smaller than one inch represents one hundred (100) feet (1" to 100'), showing:

a. STANDARD DOCUMENTATION

Standard documentation, available in part from the offices of the Tax Assessor or the Register of Deeds, which shall include the outer boundaries of the site, any interior property lines or easements, the relation of the site to the nearest or abutting street intersections, scale and north arrow, total acreage, ownership, address, and tax block and lot numbers of the property;

b. EXISTING CONDITIONS

Existing conditions, available in part from the Planning Board, which shall include:

i. Structures, roads, driveways and contours at intervals of not more than four (4) feet, with elevations referred to mean sea level;

ii. Wooded areas, any intermittent or permanent springs;

iii. Any streams or other bodies of surface water; and

iv. The location, dimensions and type of any existing constructed drainageway to, from or within the site.

c. PROPOSED DEVELOPMENT PLANS

i. The proposed development plan shall contain architectural and engineering drawings, maps, assumptions, calculations, and narrative statements as needed to adequately describe the proposed development of the tract and the measures planned to comply with the requirements of this Ordinance.

ii. Plan content may vary to meet the needs of specific site requirements.

iii. The plan shall also include:

1. Any structures to be established or removed, any streets, roadways, driveways, parking or loading areas, easements or rights-of-way to be added or changed;
2. Any changes of ditches, catch basins, terraces or other devices;
3. Any non-vegetative protection or support, including paving, riprap, walls or other structures or surfaces;
4. Areas of vegetation to be removed, location of trees to be retained and proposed vegetative cover; and
5. Excepting applications for subdivision approval only, location of sewage treatment facilities, including septic tank and drain field, if public or community sewerage is not available.

d. OTHER

A statement, referenced to the map(s) if appropriate, as to whether the site will be developed in sections and any profiles, earth movement computations, drainage calculations, grading specifications, temporary and permanent protective measures, including planting, or other explanatory data necessary for the interpretation of the site preparation, protection and development plan.

H. DISAPPROVAL

1. An erosion control plan, or draft plans if implementation of the plan would result in a violation of the rules adopted by the Environmental Management Commission to protect riparian buffers along surface waters, may be disapproved upon a finding that an applicant, or a parent, subsidiary, or other affiliate of the applicant:

a. WITHOUT AN APPROVED PLAN; VIOLATION

Is conducting or has conducted land disturbing activity without an approved plan, or has received notice of violation of a plan previously approved by the Commission or a local government pursuant to the Act and has not complied with the notice within the time specified in the notice;

b. CIVIL PENALTY

Has failed to pay a civil penalty assessed pursuant to the Act or a local ordinance adopted pursuant to the Act which is due and for which no appeal is pending;

c. MISDEMEANOR OR CRIMINAL PROVISION

Has been convicted of a misdemeanor pursuant to Section 113A-64(b) of the North Carolina General Statutes or any criminal provision of a local ordinance adopted pursuant to the Act; or

d. FAILED TO COMPLY

Has failed to substantially comply with State rules or local ordinances or regulations adopted pursuant to the Act.

2. For purposes of this section, an applicant's record may be considered for only two (2) years prior to the application date.

I. AMENDMENT OF PLAN

1. Application for amendment of an erosion control plan in written and/or graphic form may be made at any time under the same conditions as the original application.

2. Until such time as said amendment is approved by the Stormwater Director or a designee, the land disturbing activities shall not proceed except in accordance with the erosion control plan as originally approved.

8.4.18 APPEALS BY PERMIT APPLICANT OR HOLDER

A. GENERAL

Except as provided in **Section 8.4.18B, Notification and Appeal to the Commission**, the appeal of a disapproval or approval with modifications of a plan shall be governed by the following provisions:

1. APPEAL TO BOARD OF ADJUSTMENT

a. Appeal from any decision of the Stormwater Director or a designee by the applicant for, or holder of, a development permit shall be to the Board of Adjustment.

b. The applicant or holder of a development permit shall have fifteen (15) calendar days from the date of written denial or revocation of a permit, or from denial of an extension of or an amendment to a permit, within which to appeal.

c. An appeal shall be perfected by filing written notice, with reasons therefor, with the Stormwater Director or a designee within the time period prescribed.

2. BOARD OF ADJUSTMENT ACTION

a. The Board of Adjustment may affirm, reverse or modify the decision of the Stormwater Director or a designee, based upon a finding or determination as to whether the applicant or permit holder has met the requirements and conditions for the issuance of a development permit, extension thereof or an amendment thereto, as specified in this section.

b. The Board of Adjustment may impose further requirements or conditions upon the issuance, extension or amendment of a permit as may reasonably be deemed necessary to accomplish the purposes declared in this section.

c. Pending appeal, grading at the site shall proceed only in accordance with a currently effective development permit and plan issued and approved by the Stormwater Director or a designee.

3. APPEAL FROM BOARD OF ADJUSTMENT

Appeal from the Board of Adjustment shall be to the North Carolina Sedimentation Control Commission as provided in Section 113A-61(c) of the North Carolina General Statutes and 15 NCAC 4B .0081(b), with notice of appeal filed within fifteen (15) days following issuance of the decision.

B. NOTIFICATION AND APPEAL TO THE COMMISSION

1. In the event that an erosion control plan is disapproved pursuant to **Section 8.4.17H, Disapproval**, the Stormwater Director or a designee shall notify the Director of the Division of Land Resources of such disapproval within ten (10) days.

2. The Stormwater Director or a designee shall advise the applicant and the Director in writing as to the specific reasons that the plan was disapproved.

3. The applicant may appeal the Stormwater Director or a designee's disapproval of the plan pursuant to **Section 8.4.17H, Disapproval,** directly to the Commission.

8.4.19 COMPLIANCE WITH PLAN REQUIREMENTS

A. VIOLATION

Any person engaged in land disturbing activities who fails to file a plan in accordance with this Ordinance, or who conducts a land disturbing activity except in accordance with provisions of an approved development plan shall be deemed in violation of this Ordinance.

B. NO BUILDING PERMITS

No building permits shall be issued until the required temporary erosion control measures are installed in accordance with the approved development plan.

C. NO CERTIFICATE OF OCCUPANCY

No certificate of occupancy shall be issued or granted where required under applicable subdivision or zoning regulations or other laws and ordinances unless and until the required erosion control measures at the site have been completed in accordance with a valid permit.

8.4.20 INSPECTIONS AND INVESTIGATIONS

A. PERIODIC INSPECTION

1. Agents, officials, or other qualified persons authorized by the Stormwater Director or a designee will periodically inspect sites of land disturbing activity to determine compliance with the Act, these standards, or rules or orders adopted or issued pursuant to these standards, and to determine whether the activity is being conducted in accordance with an approved plan, and whether the measures required in the plan are effectively controlling the erosion and sediment resulting from the land disturbing activity.

2. Notice of the right to inspect shall be included in the notification of plan approval.

B. NOTICE OF VIOLATION

1. If, through inspection, it is determined that a person engaged in land-disturbing activity has failed to comply with the Act, these standards, or rules or orders adopted or issued pursuant to these standards, or has failed to comply with an approved plan, a notice of violation shall be served upon that person by registered or certified mail or other means reasonably calculated to give actual notice.

2. The notice shall specify a date by which the person must comply with the Act, these standards, or rules or orders adopted pursuant to these standards, and inform the person of the actions that need to be taken to comply with the Act, these standards, or rules or orders adopted pursuant to these standards.

3. The notice will set forth the measures needed to comply and will state the time within which such measures must be completed.

4. In determining the measures required and the time allowed for compliance, the local government serving notice shall take into consideration the economic feasibility, technology, and quantity of work required, and shall set reasonable and attainable time limits of compliance.

5. Any person who fails to comply within the time specified is subject to additional civil and criminal penalties for a continuing violation, as provided in Section 113A-64 of the North Carolina General Statutes and this Ordinance.

6. If the person engaged in the land-disturbing activity has not received a previous notice of violation under **8.4.20B, Notice of Violation**, the local government shall deliver the notice of violation in person and shall offer assistance in developing corrective measures.

7. Assistance may be provided by referral to a technical assistance program in the North Carolina Department of Environmental Quality, referral to a cooperative extension program, or by the provision of written materials, such as North Carolina Department of Environmental Quality guidance documents.

8. If the local government is unable to deliver the notice of violation, in person, within fifteen (15) days following discovery of the violation, the notice of violation may be served in the manner prescribed for service of process by Section 1A-1, Rule 4, of the North Carolina General Statutes, and shall include information on how to obtain assistance in developing corrective measures.

C. CONDUCTING INVESTIGATIONS

1. The Stormwater Director or a designee shall have the power to conduct such investigations as they may reasonably deem necessary to carry out his duties as described in this section, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting the sites of any land disturbing activity.

2. No person shall refuse entry or access to any authorized representative or agent of the City who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper, or interfere with any such representative while in the process of carrying out his official duties.

3. An administrative search warrant may be obtained as provided in of the Forsyth County Code and other

applicable laws.

D. WRITTEN STATEMENTS OR REPORTS UNDER OATH

The Stormwater Director or a designee shall also have the power to require written statements, or the filing of reports under oath, with respect to pertinent questions relating to land disturbing activity.

E. OBSTRUCTING AGENT OR LOCAL GOVERNMENT

No person shall willfully resist, delay, or obstruct an authorized representative, employee, or agent of the Stormwater Director or a designee while that person is inspecting or attempting to inspect a land disturbing activity under this section.

F. NOTIFICATION TO STORMWATER DIRECTOR OR A DESIGNEE

The holder of a development permit shall notify the Stormwater Director or a designee when grading is to begin and again when the graded area has been protected.

8.4.21 PENALTIES

A. CIVIL PENALTIES

1. PROCEDURE

a. Any person who violates any of these provisions or rules or orders adopted or issued pursuant to these standards, or who initiates or continues a land-disturbing activity for which an erosion and sedimentation control plan is required, except in accordance with the terms, conditions, and provisions of an approved plan, shall be subject to a civil penalty of up to five thousand dollars ($5,000.00) per day, except that the fee for failure to submit an erosion and sedimentation control plan shall be as provided in **Section 3.1.1A, Fees**.

b. Each day of continuing violation shall constitute a separate violation.

c. A person may be assessed an initial civil penalty of up to five thousand dollars ($5,000.00) for the first day the violation is detected, and daily civil penalties, thereafter, for every day the violation continues.

d. Notwithstanding any of the foregoing, if the person has not previously been assessed any civil penalty under Section 113A-64(a) of the North Carolina General Statutes or this **Section 8.4.21A, Civil Penalties**, for any prior violation, and has since abated any continuing environmental damage resulting from the current violations, within one hundred eighty (180) days from the date of the notice of violation, the maximum cumulative total civil penalty assessed under this **Section 8.4.21A, Civil Penalties** for all violations associated with the land-disturbing activity for which the erosion and sedimentation control plan is required will be twenty-five thousand dollars ($25,000.00).

e. No penalty shall be assessed until the person alleged to be in violation has been notified of the violation by registered or certified mail, return receipt requested, or other means reasonably calculated to give actual notice.

f. The notice shall describe the violation with reasonable particularity, specify a reasonable time period within which the violation must be corrected, and warn that failure to correct the violation within the time period will result in the assessment of a civil penalty or other enforcement action.

g. If, after the allotted time period has expired, the violator has not completed corrective action, a civil penalty may be assessed from the day the violation is first detected.

h. However, no time period for compliance need be given for failure to submit an erosion control plan for approval or for obstructing, hampering, or interfering with an authorized representative while in the process of carrying out his official duties.

B. AMOUNT AND ENFORCEMENT

1. The Stormwater Director or a designee shall determine the amount of the civil penalty to be assessed under this **Section 8.4.21A, Civil Penalties,** and shall provide notice to the person in violation, directing the violator to either pay the assessment or contest the assessment by a written demand for a hearing within thirty (30) days after receipt of the notice of assessment.

2. The notice shall set forth, in detail:

a. The civil penalty amount;

b. A description of the violation for which the penalty has been imposed;

c. The basis for assessment;

d. The option available to the violator to request a remission of the civil penalty, under Section 113A-64.2 of the North Carolina General Statutes, and **Section 8.4.21B.12, Requests for Remission of Civil Penalties**, below;

e. The date by which the violator must make the remission request regarding the particular penalty, and

f. If the violator has not previously been assessed any civil penalty under Section 113A-64(a) of the North Carolina General Statutes or this **Section 8.4.21A, Civil Penalties,** for any prior violation, the date by which the violator must abate continuing environmental damage resulting from the violation, in order to qualify for the twenty-five thousand dollar ($25,000.00) cap on cumulative total civil penalty under **Section 8.4.21A.1, Procedure**, above.

3. In determining the amount of the penalty, the Stormwater Director or a designee shall consider the degree and extent of harm caused by the violation, the cost of rectifying the damage, the amount of money the violator saved by noncompliance, whether the violation was committed willfully, and the prior record of the violator in complying or failing to comply with this Ordinance.

4. Notice of the assessment shall be by registered or certified mail or other means reasonably calculated to give actual notice.

5. If payment is not made within thirty (30) days after it is "due," as that term is used below, or if demand for hearing to contest the assessment is not received or equitable settlement reached within thirty (30) days after demand for payment is made, the matter shall be referred to the City/County Attorney for institution of a civil action in the name of the City of Winston-Salem/Forsyth County in the Superior Court of the county where the violation occurred or the violator's residence or principle place of business is located, for recovery of the penalty.

6. Any sums recovered shall be used to carry out the purposes and requirements of these standards.

7. Such actions must be filed within three (3) years of the date the assessment was due.

8. An assessment that is not contested is due when the violator is served with a notice of assessment.

9. An assessment that is contested is due at the conclusion of the administrative or judicial review of the assessment, as the case may be.

10. CONTEST OF ASSESSMENT

a. A hearing on a civil penalty shall be conducted by the Stormwater Director or a designee within thirty (30) days after the date of receipt of the written demand for hearing.

b. The Stormwater Director or a designee shall render his or her decision on the civil penalty at the conclusion of the hearing.

c. Appeal from the final decision of the Stormwater Director or a designee shall be to the Superior Court of the county where the violation occurred.

11. DISBURSAL OF PENALTIES

Civil penalties collected pursuant to these standards shall be used or disbursed as directed by Section 113A-64(a)(5) of the North Carolina General Statutes.

12. REQUESTS FOR REMISSION OF CIVIL PENALTIES

a. A request for remission of a civil penalty imposed under Section 113A-64 of the North Carolina General Statutes or this **Section 8.4.21A, Civil Penalties,** may be filed with the North Carolina Sedimentation Control Commission within sixty (60) days of receipt of the notice of assessment.

b. A remission request must be accompanied by a waiver of the right to a contested case hearing, pursuant to Chapter 150B, of the North Carolina General Statutes and a stipulation of the facts on which the assessment was based.

c. The following factors shall be considered by the North Carolina Sedimentation Control Commission in determining whether a civil penalty remission request will be approved:

i. Whether one (1) or more of the civil penalty assessment factors in Section 113A-64(a)(3) of the North Carolina General Statutes were wrongly applied, to the detriment of the petitioner;

ii. Whether the petitioner promptly abated continuing environmental damage resulting from the violation;

iii. Whether the violation was inadvertent or the result of an accident;

iv. Whether the petitioner has been assessed civil penalties for any previous violations;

v. Whether payment of the civil penalty will prevent payment for necessary remedial actions or would otherwise create a significant financial hardship; and

vi. The property tax value of the petitioner's property, upon which the violation occurred, excluding the value of any structures located on the property.

d. The petitioner shall have the burden of establishing that the civil penalty imposes financial hardship and of providing supporting information and documentation.

e. The North Carolina Sedimentation Control Commission may remit the entire amount of the penalty only when the petitioner has not been assessed civil penalties for previous violations and payment of the current civil penalty will prevent payment for necessary remedial actions.

f. The North Carolina Sedimentation Control Commission will not impose a penalty under Section 113A-64.2 of the North Carolina General Statutes that exceeds the civil penalty imposed by the North Carolina Department of Environmental Quality.

C. CRIMINAL PENALTIES

Any person who knowingly or willfully violates any provision of this section, or rule or order adopted or issued pursuant to this section, or who knowingly or willfully initiates or continues a land disturbing activity for which an erosion control plan is required except in accordance with the terms, conditions, and provisions of an approved plan, shall be guilty of a Class 2 misdemeanor which may include a fine not to exceed five thousand dollars ($5,000.00).

8.4.22 INJUNCTIVE RELIEF

A. VIOLATION OF THE ORDINANCE

1. Whenever the Stormwater Director or a designee has reasonable cause to believe that any person is violating or threatening to violate this Ordinance, or any rule or order adopted or issued pursuant to this Ordinance, or any term, condition, or provision of an approved erosion control plan, he/she may, either before or after the institution of any other action or proceeding authorized by this Ordinance, institute a civil action in the name of the City of Winston-Salem/Forsyth County for injunctive relief to restrain the violation or threatened violation.

2. The action shall be brought in the Superior Court of Forsyth County.

B. ORDER TO ABATE VIOLATION

1. Upon determination by a court that an alleged violation is occurring or is threatened, it shall enter such orders or judgments as are necessary to abate the violation or to prevent the threatened violation.

2. The institution of an action for injunctive relief under this section shall not relieve any party to such proceedings from any civil or criminal penalty prescribed for violations of this section.

8.4.23 PERMITS AND DEVELOPMENT PLANS PRESENTLY IN EFFECT TO REMAIN IN EFFECT

All permits and development plans approved by the Stormwater Director or a designee and other corrective measures required pursuant to the previous erosion control ordinance shall remain in full force and effect as if they had been approved pursuant to this section of the Ordinance; provided, however, any renewals or amendments of the permits and development plans previously approved shall be controlled by this section.

8.4.24 RESTORATION AFTER NONCOMPLIANCE

A. The Stormwater Director or a designee may require a person who engaged in a land disturbing activity and failed to retain sediment generated by the activity, as required by Section 113A-57(3) of the North Carolina General Statutes to restore the waters and land affected by the failure so as to minimize the detrimental effects of the resulting pollution by sedimentation.

B. The authority is in addition to any other civil or criminal penalty or injunctive relief authorized under this Ordinance.

8.4.25 SEVERABILITY

If any section or sections of this Ordinance is/are held to be invalid or unenforceable, all other sections shall nevertheless continue in full force and effect.

8.4.26 EFFECTIVE DATE

This Ordinance shall become effective upon adoption.

8.5 DAM BREACH HAZARD AREAS

8.5.1 PURPOSE OF REGULATION

A. Dam breach hazard areas are those areas located downstream of certain dams designated by the United States Soil Conservation Service, which may be flooded in case of a dam breach.

B. The risks to life and property in such areas are similar to those in floodways and floodway fringes, although the frequency of the risk may be less and the predictability of the risk is considerably less.

8.5.2 MAPS

A. Dam breach hazard areas subject to regulation shall be only those areas identified on Dam Breach Hazard Area Maps adopted by the Planning Board and maintained in the office of the Planning Board.

B. The North Carolina Office of the United States Soil Conservation Service has been requested to map the areas in Forsyth County which may be susceptible to damage from dam breaches.

C. Administration and enforcement of the development standards in this Section will be deferred until completion of the maps.

8.5.3 DEVELOPMENT STANDARDS

The development standards applicable to floodways, in accordance with **Section 8.1.3, Standards for Flood Damage Reduction**, shall apply to dam breach hazard areas.

8.6 RANDLEMAN RIPARIAN BUFFER PROTECTION (F)

8.6.1 AUTHORITY

These standards are adopted pursuant to the authority vested in Forsyth County by the Session Laws and the General Statutes of North Carolina, particularly Chapter 160D of the North Carolina General Statutes.

8.6.2 PURPOSE AND INTENT

A. The purpose of Forsyth County in adopting these standards is to protect and preserve existing riparian buffers throughout the Randleman Lake Watershed as generally described in Rule 15A NCAC 02B .0250 (Randleman Lake Water Supply Watershed: Nutrient Management Strategy), in order to maintain their nutrient removal and stream protection functions.

B. Additionally, these standards will help protect the water supply uses of Randleman Lake Reservoir and of designated water supplies throughout the Randleman Lake Watershed.

C. Buffers adjacent to streams provide multiple environmental protection and resource management benefits. Forested buffers enhance and protect the natural ecology of stream systems, as well as water quality through bank stabilization, shading, and nutrient removal. They also help to minimize flood damage in flood prone areas. Well-vegetated streamside riparian areas help to remove nitrogen and prevent sediment and sediment-bound pollutants such as phosphorous from reaching the streams.

8.6.3 JURISDICTION

These standards shall be applied to all land in the planning jurisdiction of Forsyth County that is located within the Randleman Lake Reservoir Watershed.

8.6.4 APPLICABILITY

A. These standards apply to all landowners and other persons conducting activities in the area described in **Section 8.6.3, Jurisdiction**, with the exception of activities conducted under the authority of the State, the United States, multiple jurisdictions, or local units of government, and forest harvesting and agricultural activities.

B. The NC Division of Water Quality shall administer the requirements of Rule 15A NCAC 02B .0250 and .0252 (Randleman Lake Water Supply Nutrient Strategy: Protection of Existing Riparian Buffers and Mitigation of Existing Riparian Buffers, respectively) for activities conducted under the authority of the State, the United States, multiple jurisdictions, or local units of government, and forest harvesting and agricultural activities.

8.6.5 RELATION TO OTHER ORDINANCES

A. The requirements of these standards shall supersede all locally implemented buffer requirements stated in Rules 15A NCAC 02B .0214 through .0216 as applied to WS-II, WS-III, and WS-IV waters in the Randleman Lake Watershed and shall be in addition to the requirements of **Section 8.3, Watershed Protection (F)**.

B. If the provisions of these standards otherwise conflict with the provisions of any other validly enforceable ordinance(s) or laws, the most stringent provisions shall control.

C. These standards are not intended to interfere with, abrogate, or annual any other ordinance, rule, regulation, or other provision of law.

8.6.6 EFFECTIVE DATE

This Ordinance shall become effective on August 15, 2011.

8.6.7 SEVERABILITY

If any one or more sections of these standards are held to be invalid or unenforceable, all other sections and portions thereof shall nevertheless continue in full force and effect.

8.6.8 REVISIONS TO THESE STANDARDS

A. The Director of Planning shall review any revisions to the Model Local Riparian Buffer Protection Ordinance made by the Division of Water Quality and, within sixty (60) days of receipt of the recommended revisions, submit draft amendments to the DWO for its consideration and comments.

B. Within ninety (90) days after receipt of the DWO's comments, the Forsyth County Board of Commissioners will incorporate amendments into these standards.

8.6.9 RIPARIAN AREA PROTECTION WITH THE RANDLEMAN LAKE RESERVOIR WATERSHED

A. BUFFERS PROTECTED

The following minimum criteria shall be used for identifying regulated buffers:

1. These standards shall apply to activities conducted within fifty (50) foot wide riparian buffers directly adjacent to surface waters in the Randleman Lake Watershed (intermittent streams, perennial streams, lakes, reservoirs, ponds and specified ditches), excluding wetlands.

2. Wetlands adjacent to surface waters or within fifty (50) feet of surface waters shall be considered as part of the riparian buffer but are regulated pursuant to Rules 15A NCAC 2B .0230 and .0231, Rules 15A NCAC 2H .0500, 15A NCAC 2H .1300, and Sections 401 and 404 of the Federal Water Pollution Control Act.

3. For the purpose of these standards, surface waters shall be subject to these requirements if they are approximately shown on any of the following references, or if there is other site specific evidence that indicates to the Stormwater Director or a designee the presence of waters not shown on any of these maps:

a. The most recent version of the hardcopy soil survey maps prepared by the Natural Resources Conservation Service of the United States Department of Agriculture.

b. The most recent version of the United States Geologic Survey (USGS) 1:24,000 scale (7.5 minute) quadrangle topographic maps.

c. A map approved by the Geographic Information Coordinating Council and by the NC Environmental Management Commission. Prior to approving a map under this Item, the Commission shall provide a thirty (30) day public notice and opportunity for comment.

d. A map developed by the local government and approved by the NC Environmental Management Commission per 15A NCAC 02B .0250(4)(c).

4. Where the specific origination point of a stream regulated under this Item is in question, upon request of the NC Division of Water Quality or another party, the Stormwater Director or a designee shall make an on-site determination. A person designated by the Stormwater Director or a designee who has successfully completed the Division's Surface Water Identification Training Certification course, its successor, or other equivalent training curriculum approved by the Division, shall establish that point using the latest version of the Division publication, Identification Methods for the Origins of Intermittent and Perennial Streams, v 3.1 or its successor.

5. The Stormwater Director or a designee may accept the results of a site assessment made by another party who meets these criteria. Any disputes over on-site determinations made according to this Item shall be referred to the Director of the Division of Water Quality c/o the 401 Oversight Express Permitting Unit, or its successor, in writing. The Director's determination is subject to review as provided in Articles 3 and 4 of Chapter 150B of the North Carolina General Statutes.

6. Riparian buffers protected by these standards shall be measured pursuant to **Section 8.6.9D, Zones of the Riparian Buffer**.

7. Parties subject to these standards shall abide by all State rules and laws regarding waters of the state including but not limited to Rules 15A NCAC 2B .0230 and .0231, Rules 15A NCAC 2H .0500, 15A NCAC 2H .1300, and Sections 401 and 404 of the Federal Water Pollution Control Act.

B. EXEMPTION BASED ON ON-SITE DETERMINATION

1. When a landowner or other affected party including the Division believes that the maps have inaccurately

depicted surface waters, they shall consult the Stormwater Director or a designee.

2. Upon request, a person designated by the Stormwater Director or a designee who has successfully completed the Division of Water Quality's Surface Water Identification Training Certification course, its successor, or other equivalent training curriculum approved by the Division, shall make an on-site determination.

3. The Stormwater Director or a designee may also accept the results of site assessments made by other parties who have successfully completed such training.

4. Any disputes over on-site determinations shall be referred to the Director of the Division of Water Quality c/o the 401 Oversight Express Permitting Unit, or its successor, in writing.

5. A determination by the Director as to the accuracy or application of the maps is subject to review as provided in Articles 3 and 4 of Chapter 150B of the North Carolina General Statutes.

6. Surface waters that appear on the maps shall not be subject to these buffer requirements if a site evaluation reveals any of the following cases:

a. Ditches and manmade conveyances, to include manmade stormwater conveyances, other than modified natural streams, unless the ditch or manmade conveyance delivers untreated stormwater runoff from an adjacent source directly to an intermittent or perennial stream.

b. Areas mapped as intermittent streams, perennial streams, lakes, ponds, or estuaries on the most recent versions of the United States Geological Survey 1:24,000 scale (7.5 minute quadrangle) topographic maps, hard-copy soil survey maps, or other EMC approved stream maps where no perennial waterbody, intermittent waterbody, lake, pond or estuary actually exists on the ground.

c. Ephemeral streams.

d. Ponds and lakes created for animal watering, irrigation, or other agricultural uses that are not part of a natural drainage way that is classified in accordance with 15A NCAC 02B .0100. Ponds are part of the natural drainage way when they are hydrologically connected (i.e. the pond is fed by an intermittent or perennial stream) or when they have a direct discharge point to an intermittent or perennial stream.

C. EXEMPTION WHEN EXISTING USES ARE PRESENT AND ONGOING

These standards shall not apply to uses that are existing and ongoing; however, these standards shall apply at the time an existing, ongoing use is changed to another use. Change of use shall involve the initiation of any activity that does not meet either of the following criteria for existing, ongoing activity:

1. EXISTING USES

a. It was present within the riparian buffer as of January 1, 2000, the effective date of these standards.

b. Existing uses shall include agriculture, buildings, industrial facilities, commercial areas, transportation facilities, maintained lawns, utility lines and on-site sanitary sewage systems, any of which involve either specific, periodic management of vegetation or displacement of vegetation by structures or regular activity.

c. Only the portion of the riparian buffer occupied by the footprint of the existing use is exempt from these standards.

d. Change of ownership through purchase or inheritance is not a change of use.

e. Activities necessary to maintain uses are allowed provided that the site remains similarly vegetated, no impervious surface is added within fifty (50) feet of the surface water where it did not previously exist as of August 15, 2011, and existing diffuse flow is maintained.

f. Grading and revegetating Zone Two is allowed provided that the health of the vegetation in Zone One is not compromised, the ground is stabilized and existing diffuse flow is maintained.

g. Projects or proposed development that are determined by the Stormwater Director or a designee to meet at least one of the following criteria:

i. Project requires a 401 Certification/404 Permit and these were issued prior to August 15, 2011.

ii. Projects that require a state permit, such as landfills, NPDES wastewater discharges, land application of residuals and road construction activities, have begun construction or are under contract to begin construction and had received all required state permits and certifications prior to August 15, 2011;

iii. Projects that are being reviewed through the Clean Water Act Section 404/National Environmental Policy Act Merger 01 Process (published by the US Army Corp of Engineers and Federal Highway Administration, 2003) or its immediate successor and that have reached agreement with DEQ on avoidance and minimization by August 15, 2011; or

h. Projects that are not required to be reviewed by the Clean Water Act Section 404/National Environmental Policy Act Merger 01 Process (published by the US Army Corp of Engineers and Federal Highway Administration, 2003) or its immediate successor if a Finding of No Significant Impact has been issued for the project and the project has the written approval of the Stormwater Director or a designee prior to August 15, 2011.

D. ZONES OF THE RIPARIAN BUFFER

The protected riparian buffer shall have two (2) zones as follows:

1. Zone One shall consist of a vegetated area that is undisturbed except for uses provided for in the **Table 8.6.10, Table of Uses in Randleman Riparian Buffer Table of Uses**, The location of Zone One shall be as follows:

a. For intermittent and perennial streams, Zone One shall begin at the top of the bank and extend landward a distance of thirty (30) feet on all sides of the surface water, measured horizontally on a line perpendicular to a vertical line marking the top of the bank.

b. For ponds, lakes, and reservoirs located within a natural drainage way, Zone One shall begin at the normal water level and extend landward a distance of thirty (30) feet, measured horizontally on a line perpendicular to a vertical line marking the normal water level.

2. Zone Two shall consist of a stable, vegetated area that is undisturbed except for uses provided for in the **Table 8.6.10, Table of Uses in Randleman Riparian Buffer Table of Uses**.

3. Grading and revegetating in Zone Two is allowed provided that the health of the vegetation in Zone One is not compromised.

4. Zone Two shall begin at the outer edge of Zone One and extend landward twenty (20) feet as measured horizontally on a line perpendicular to the surface water.

5. The combined width of Zones One and Two shall be fifty (50) feet on all sides of the surface water.

E. DIFFUSE FLOW REQUIREMENTS

Diffuse flow of runoff shall be maintained in the riparian buffer by dispersing concentrated flow prior to its entry into the buffer and reestablishing vegetation as follows:

1. Concentrated runoff from new ditches or man-made conveyances shall be converted to diffuse flow at non-erosive velocities before the runoff enters Zone Two of the riparian buffer;

2. Periodic corrective action to restore diffuse flow shall be taken as necessary and shall be designed to impede the formation of erosion gullies; and

3. As set out in **Section 8.6.9D, Zones of the Riparian Buffer,** and **Table 8.6.10, Table of Uses in Randleman Riparian Buffer Table of Uses,** of these standards, no new stormwater conveyances are allowed through the buffers except for those specified in the **Section 8.6.10, Potential Uses and Associated Requirements**, addressing stormwater management ponds, drainage ditches, roadside ditches, and stormwater conveyances.

8.6.10 POTENTIAL USES AND ASSOCIATED REQUIREMENTS

A. APPROVAL FOR NEW DEVELOPMENT

The Stormwater Director or a designee shall issue an approval for new development only if the development application proposes to avoid impacts to riparian buffers defined in **Section 8.6.9A, Buffers Protected**, of these standards, or where the application proposes to impact such buffers, it demonstrates that the applicant has done the following, as applicable:

1. Determined the activity is exempt from these requirements;

2. Received an Authorization Certificate from the Stormwater Director or a designee pursuant to **Section 8.6.11A, Determination of No Practical Alternatives/Request for Authorization Certificate**;

3. For uses designated as allowable with mitigation in **Section 8.6.10, Potential Uses and Associated Requirements,** received approval of mitigation plan pursuant to **8.6.11C, Mitigation**; and

4. Received a variance pursuant to **Section 8.6.11B, Variances**.

B. TABLE OF USES

1. The following table sets out potential new uses within the buffer and categorizes them as exempt, allowable, or allowable with mitigation.

2. All uses not categorized as exempt, allowable, or allowable with mitigation are considered prohibited and may not proceed within the riparian buffer or outside the buffer if the use would impact the buffer, unless a variance is granted pursuant to **8.6.11C, Mitigation**.

3. The requirements for each category are given in **Section 8.6.10C, Requirements for Categories of Uses**.

TABLE 8.6.10: TABLE OF USES IN RANDLEMAN RIPARIAN BUFFER

USE	EXEMPT [1]	ALLOWABLE [1]	ALLOWABLE WITH MITIGATION [1]
Access trails: Pedestrian access trails leading to the surface water, docks, fishing piers, boat ramps and other water dependent activities:			
• Pedestrian access trails that are restricted to the minimum width practicable and do not exceed 4 feet in width of buffer disturbance, and provided that installation and use does not result in removal of trees as defined in this Ordinance and no impervious surface is added to the riparian buffer	X		
• Pedestrian access trails that exceed 4 feet in width of buffer disturbance, the installation or use results in removal of trees as defined in this Ordinance or impervious surface is added to the riparian buffer		X	
Airport facilities:			
• Airport facilities that impact equal to or less than 150 linear feet or one-third of an acre of riparian buffer		X	
• Airport facilities that impact greater than 150 linear feet or one-third of an acre of riparian buffer			X
• Activities necessary to comply with FAA requirements (e.g. radar uses or landing strips) [2]		X	
Archaeological activities: In Zones 1 and 2 and are designed, constructed and maintained to provide the maximum sediment removal and erosion protection, to have the least adverse effects on aquatic life and habitat, and to protect water quality to the maximum extent practical	X		
Bridges		X	

TABLE 8.6.10: TABLE OF USES IN RANDLEMAN RIPARIAN BUFFER

USE	EXEMPT [1]	ALLOWABLE [1]	ALLOWABLE WITH MITIGATION [1]
Canoe access provided that installation and use does not result in removal of trees as defined in this Ordinance and no impervious surface is added to the buffer	X		
Dam maintenance activities:			
• Dam maintenance activities that do not cause additional buffer disturbance beyond the footprint of the existing dam or those covered under the U.S. Army Corps of Engineers Nationwide Permit	X		
• Dam maintenance activities that do cause additional buffer disturbance beyond the footprint of the existing dam or those not covered under the U.S. Army Corps of Engineers Nationwide Permit		X	
Drainage ditches, roadside ditches and stormwater conveyances through riparian buffers:			
• New stormwater flows to existing drainage ditches, roadside ditches, and stormwater conveyances provided flows do not alter or result in the need to alter the conveyance and are managed to minimize the sediment, nutrients and other pollution that convey to waterbodies	X		
• Realignment of existing roadside drainage ditches retaining the design dimensions, provided that no additional travel lanes are added and the minimum required roadway typical section is used based on traffic and safety considerations		X	
• New or altered drainage ditches, roadside ditches and stormwater outfalls provided that a stormwater management facility is installed to control nutrients and attenuate flow before the conveyance discharges through the riparian buffer		X	
• New drainage ditches, roadside ditches and stormwater conveyances applicable to linear projects that do not provide a stormwater management facility due to topography constraints provided that other practicable BMPs are employed			X
Drainage of a pond in a natural drainage way provided that a new riparian buffer that meets the requirements of Section 8.6.9D, Zones of the Riparian Buffer, and Section 8.6.9E, Diffuse Flow Requirements, of this Ordinance is established adjacent to the new channel	X		
Driveway crossings of streams and other surface waters subject to this Ordinance:			
• Driveway crossings on single family residential lots that disturb equal to or less than 25 linear feet or 2,500 square feet of riparian buffer	X		
• Driveway crossings on single family residential lots that disturb greater than 25 linear feet or 2,500 square feet of riparian buffer		X	
• In a subdivision that cumulatively disturb equal to or less than 150 linear feet or one-third of an acre of riparian buffer		X	
• In a subdivision that cumulatively disturb greater than 150 linear feet or one-third of an acre of riparian buffer			X
Driveway impacts other than crossing of a stream or other surface waters subject to this Ordinance			X
Fences:			
• Fences provided that disturbance is minimized and installation does not result in removal of trees as defined in this Ordinance	X		
• Fences provided that disturbance is minimized and installation results in removal of trees as defined in this Ordinance		X	
Fertilizer application: one-time application to establish vegetation	X		

TABLE 8.6.10: TABLE OF USES IN RANDLEMAN RIPARIAN BUFFER

USE	EXEMPT [1]	ALLOWABLE [1]	ALLOWABLE WITH MITIGATION [1]
Grading and revegetation in Zone Two provided that diffuse flow and the health of existing vegetation in Zone One is not compromised and disturbed areas are stabilized until they are revegetated	X		
Greenway/hiking trails designed, constructed and maintained to maximize nutrient removal and erosion protection, minimize adverse effects on aquatic life and habitat, and protect water quality to the maximum extent practical		X	
Historic preservation: Designed, constructed and maintained to provide the maximum nutrient removal and erosion protection, to have the least adverse effects on aquatic life and habitat, and to protect water quality to the maximum extent practical	X		
Maintenance access on modified natural streams; a grassed travel way on one side of the water body when less impacting alternatives are not practical. The width and specifications of the travel way shall be only that needed for equipment access and operation. The travel way shall be located to maximize stream shading		X	
Mining activities:			
• Mining activities that are covered by the Mining Act provided that new riparian buffers that meet the requirements of Section 8.6.9D, Zones of the Riparian Buffer, and Section 8.6.9E, Diffuse Flow Requirements, of this Ordinance are established adjacent to the relocated channels		X	
• Mining activities that are not covered by the Mining Act OR where new riparian buffers that meet the requirements of Sections Section 8.6.9D, Zones of the Riparian Buffer, and Section 8.6.9E, Diffuse Flow Requirements, of this Ordinance are not established adjacent to the relocated channels			X
• Wastewater or mining dewatering wells with approved NPDES permit	X		
Playground equipment:			
• Playground equipment on single family lots provided that installation and use does not result in removal of vegetation	X		
• Playground equipment installed on lands other than single-family lots or that requires removal of vegetation		X	
Ponds in natural drainage ways, excluding dry ponds:			
• New ponds provided that a riparian buffer that meets the requirements of Section 8.6.9D, Zones of the Riparian Buffer, and Section 8.6.9E, Diffuse Flow Requirements, of this Ordinance is established adjacent to the pond		X	
• New ponds where a riparian buffer that meets the requirements of Sections Section 8.6.9D, Zones of the Riparian Buffer, and Section 8.6.9E, Diffuse Flow Requirements, of this Ordinance is NOT established adjacent to the pond			X
Protection of existing structures, facilities and stream banks when this requires additional disturbance of the riparian buffer or the stream channel		X	
Railroad impacts other than crossings of streams and other surface waters subject to this Ordinance			X
Railroad crossings of streams and other surface waters subject to this Ordinance:			
• Railroad crossings that impact equal to or less than 40 linear feet of riparian buffer	X		

TABLE 8.6.10: TABLE OF USES IN RANDLEMAN RIPARIAN BUFFER

USE	EXEMPT [1]	ALLOWABLE [1]	ALLOWABLE WITH MITIGATION [1]
• Railroad crossings that impact greater than 40 linear feet but equal to or less than 150 linear feet or one-third of an acre of riparian buffer		X	
• Railroad crossings that impact greater than 150 linear feet or one-third of an acre of riparian buffer			X
Recreational and accessory structures: Sheds and gazebos in Zone Two, provided they are not prohibited under local water supply ordinance:			
• Total footprint less than or equal to 150 square feet per lot		X	
• Total footprint greater than 150 square feet per lot			X
Recreational and accessory structures: Wooden slatted decks and associated steps, provided the use meets the requirements of Section 8.6.9D, Zones of the Riparian Buffer, and Section 8.6.9E, Diffuse Flow Requirements, of this Ordinance:			
• Deck at least eight feet in height and no vegetation removed from Zone One		X	
• Deck less than eight feet in height or vegetation removed from Zone One			X
Removal of previous fill or debris provided that diffuse flow is maintained and vegetation is restored	X		
Road impacts other than crossings of streams and other surface waters subject to this Ordinance			X
Road crossings of streams and other surface waters subject to this Ordinance :			
• Road crossings that impact equal to or less than 40 linear feet of riparian buffer	X		
• Road crossings that impact greater than 40 linear feet but equal to or less than 150 linear feet or one-third of an acre of riparian buffer		X	
• Road crossings that impact greater than 150 linear feet or one-third of an acre of riparian buffer			X
Road relocation: Relocation of existing private access roads associated with public road projects where necessary for public safety:			
• Less than or equal to 2,500 square feet of buffer impact		X	
• Greater than 2,500 square feet of buffer impact			X
Stormwater BMPs :			
• Wet detention, bioretention, and constructed wetlands in Zone Two if diffuse flow of discharge is provided into Zone One		X	
• Wet detention, bioretention, and constructed wetlands in Zone One			X
Scientific studies and stream gauging: In Zones One and Two if they are designed, constructed and maintained to protect water quality to the maximum extent practical.	X		
Streambank or shoreline stabilization		X	
Temporary roads, provided that the disturbed area is restored to pre-construction topographic and hydrologic conditions immediately after construction is complete and replanted immediately with comparable vegetation, except that tree planting may occur during the dormant season. A one-time application of fertilizer may be used to establish vegetation. At the end of five years the restored buffer shall comply with the restoration criteria in Section 8.6.11C.6, Riparian Buffer Restoration or Enhancement, of this Ordinance:			
• Less than or equal to 2,500 square feet of buffer disturbance	X		
• Greater than 2,500 square feet of buffer disturbance		X	
• Associated with culvert installation or bridge construction or replacement.		X	

TABLE 8.6.10: TABLE OF USES IN RANDLEMAN RIPARIAN BUFFER

USE	EXEMPT [1]	ALLOWABLE [1]	ALLOWABLE WITH MITIGATION [1]
Temporary sediment and erosion control devices, provided that the disturbed area is restored to preconstruction topographic and hydrologic conditions immediately after construction is complete and replanted immediately with comparable vegetation, except that tree planting may occur during the dormant season. At the end of five years the restored buffer shall comply with the restoration criteria in Section 8.6.11C.6, Riparian Buffer Restoration or Enhancement, of this Ordinance:			
• In Zone Two provided ground cover is established within timeframes required by the Sedimentation and Erosion Control Act, vegetation in Zone One is not compromised, and runoff is released as diffuse flow in accordance with Section 8.6.9, Riparian Area Protection with the Randleman Lake Reservoir Watershed, of this Ordinance.	X		
• In Zones One and Two to control impacts associated with uses approved by Stormwater Director or his/her designee or that have received a variance, provided that sediment and erosion control for upland areas is addressed, to the maximum extent practical, outside the buffer.		X	
• In-stream temporary erosion and sediment control measures for work within a stream channel that is authorized under Sections 401 and 404 of the Federal Water Pollution Control Act.	X		
• In-stream temporary erosion and sediment control measures for work within a stream channel.		X	
Utility, electric, aerial, perpendicular crossings of streams and other surface waters subject to this Ordinance [3], [4], [5]			
• Disturb equal to or less than 150 linear feet of riparian buffer	X		
• Disturb greater than 150 linear feet of riparian buffer		X	
Utility, electric, aerial, other than perpendicular crossings: [6]			
• Impacts in Zone Two		X	
• Impacts in Zone One [3] [4]			X
Utility, electric, underground, perpendicular crossings: [4], [5], [6]			
• Disturb less than or equal to 40 linear feet of riparian buffer	X		
• Disturb greater than 40 linear feet of riparian buffer		X	
Utility, electric, underground, other than perpendicular crossings: [5]			
• Impacts in Zone Two	X		
• Impacts in Zone One [2]	X		
Utility, non-electric, perpendicular crossings of streams and other surface waters subject to this Ordinance: [5], [6]			
• Disturb equal to or less than 40 linear feet of riparian buffer with a maintenance corridor equal to or less than 10 feet in width	X		
• Disturb equal to or less than 40 linear feet of riparian buffer with a maintenance corridor greater than 10 feet in width		X	
• Disturb greater than 40 linear feet but equal to or less than 150 linear feet of riparian buffer with a maintenance corridor equal to or less than 10 feet in width		X	
• Disturb greater than 40 linear feet but equal to or less than 150 linear feet of riparian buffer with a maintenance corridor greater than 10 feet in width			X
• Disturb greater than 150 linear feet of riparian buffer			X
Utility, non-electric, other than perpendicular crossings: [5], [6]			
• Impacts in Zone Two		X	
• Impacts in Zone One [2]			X
Vegetation management:			

TABLE 8.6.10: TABLE OF USES IN RANDLEMAN RIPARIAN BUFFER

USE	EXEMPT [1]	ALLOWABLE [1]	ALLOWABLE WITH MITIGATION [1]
• Emergency fire control measures provided that topography is restored	X		
• Mowing or harvesting of plant products in Zone Two	X		
• Planting vegetation to enhance the riparian buffer	X		
• Pruning forest vegetation provided that the health and function of the forest vegetation is not compromised	X		
• Removal of individual trees that are in danger of causing damage to dwellings, other structures or human life, or are imminently endangering stability of the streambank	X		
• Removal of individual trees which are dead, diseased or damaged	X		
• Removal of poison ivy	X		
• Removal of invasive exotic vegetation as defined in: Smith, Cherri L. 1998. Exotic Plant Guidelines. Dept. of Environment and Natural Resources. Division of Parks and Recreation. Raleigh, NC. Guideline #30	X		
Vehicular access roads leading to water-dependent structures as defined in 15A NCAC 02B .0202, provided they do not cross the surface water and have minimum practicable width not exceeding ten feet		X	
Water dependent structures as defined in 15A NCAC 02B .0202 where installation and use result in disturbance to riparian buffers		X	
Water supply reservoirs:			
• New reservoirs where a riparian buffer that meets the requirements of Section 8.6.9D, Zones of the Riparian Buffer, and Section 8.6.9E, Diffuse Flow Requirements, of this Ordinance is established adjacent to the reservoir		X	
• New reservoirs where a riparian buffer that meets the requirements of Section 8.6.9D, Zones of the Riparian Buffer, and Section 8.6.9E, Diffuse Flow Requirements, of this Ordinance is not established adjacent to the reservoir			X
Water wells:			
• Single family residential water wells	X		
• All other water wells		X	
Wetland, stream and buffer restoration that results in impacts to the riparian buffers:			
• Wetland, stream and buffer restoration that requires NC Division of Water Quality approval for the use of a 401 Water Quality Certification	X		
• Wetland, stream and buffer restoration that does not require Division of Water Quality approval for the use of a 401 Water Quality Certification		X	
Wildlife passage structures		X	

NOTES:
[1] To qualify for the designation indicated in the column header, an activity must adhere to the limitations defined for it in a given listing as well as the requirements established in Section 8.6.10C, Requirements for Categories of Uses, of this Ordinance.
[2] Provided that:

- No heavy equipment is used in Zone One.
- Vegetation in undisturbed portions of the buffer is not compromised.
- Felled trees are removed by chain.
- No permanent felling of trees occurs in protected buffers or streams.
- Stumps are removed only by grinding.

TABLE 8.6.10: TABLE OF USES IN RANDLEMAN RIPARIAN BUFFER			
USE	**EXEMPT [1]**	**ALLOWABLE [1]**	**ALLOWABLE WITH MITIGATION [1]**

- At the completion of the project the disturbed area is stabilized with native vegetation.
- Zones one and two meet the requirements of Section 8.6.9D, Zones of the Riparian Buffer, and Section 8.6.9E, Diffuse Flow Requirements.

[3] Provided that, in Zone One, all of the following BMPs for overhead utility lines are used. If all of these BMPs are not used, then the overhead utility lines shall require a no practical alternative evaluation by the Stormwater Director or a designee, as defined in Section 8.6.11A, Determination of No Practical Alternatives/Request for Authorization Certificate.

- A minimum zone of 10 feet wide immediately adjacent to the water body shall be managed such that only vegetation that poses a hazard or has the potential to grow tall enough to interfere with the line is removed.
- Woody vegetation shall be cleared by hand. No land grubbing or grading is allowed.
- Vegetative root systems shall be left intact to maintain the integrity of the soil. Stumps shall remain where trees are cut.
- Riprap shall not be used unless it is necessary to stabilize a tower.
- No fertilizer shall be used other than a one-time application to re-establish vegetation.
- Construction activities shall minimize the removal of woody vegetation, the extent of the disturbed area, and the time in which areas remain in a disturbed state.
- Active measures shall be taken after construction and during routine maintenance to ensure diffuse flow of stormwater through the buffer.
- In wetlands, mats shall be utilized to minimize soil disturbance.

[4] Provided that poles or aerial infrastructure shall not be installed within 10 feet of a water body unless the Stormwater Director or a designee completes a no practical alternative evaluation as defined in Section 8.6.11A, Determination of No Practical Alternatives/Request for Authorization Certificate.

[5] Provided that, in Zone One, all of the following BMPs for underground utility lines are used. If all of these BMPs are not used, then the underground utility line shall require a no practical alternative evaluation by the Stormwater Director or a designee, as defined in Section 8.6.11A, Determination of No Practical Alternatives/Request for Authorization Certificate.

- Woody vegetation shall be cleared by hand. No land grubbing or grading is allowed.
- Vegetative root systems shall be left intact to maintain the integrity of the soil. Stumps shall remain, except in the trench where trees are cut.
- Underground cables shall be installed by vibratory plow or trenching.
- The trench shall be backfilled with the excavated soil material immediately following cable installation.
- No fertilizer shall be used other than a one-time application to re-establish vegetation.
- Construction activities shall minimize the removal of woody vegetation, the extent of the disturbed area, and the time in which areas remain in a disturbed state.
- Measures shall be taken upon completion of construction and during routine maintenance to ensure diffuse flow of stormwater through the buffer.
- In wetlands, mats shall be utilized to minimize soil disturbance.

[6] Perpendicular crossings are those that intersect the surface water at an angle between 75 degrees and 105 degrees.

C. REQUIREMENTS FOR CATEGORIES OF USES

Uses designated in **Section 8.6.10B. Table of Uses**, of this section as exempt, allowable, and allowable with mitigation within a riparian buffer shall have the following requirements:

1. EXEMPT

a. Unless regulated in other provisions of this Ordinance, uses designated as exempt are permissible without authorization by the Stormwater Director or a designee provided that they adhere to the limitations of the activity as defined in **Section 8.6.10B. Table of Uses**.

b. In addition, exempt uses shall be designed, constructed and maintained to minimize soil disturbance and to provide the maximum water quality protection practicable, including construction, monitoring, and maintenance activities.

2. ALLOWABLE

a. Unless regulated in other provisions of this Ordinance, uses designated as allowable may proceed provided that there are no practical alternatives to the requested use pursuant to **Section 8.6.11A, Determination of No Practical Alternatives/Request for Authorization Certificate,** of this section.

b. This includes construction, monitoring, and maintenance activities.

c. These uses require written authorization from the Stormwater Director or a designee.

3. ALLOWABLE WITH MITIGATION

a. Unless regulated in other provisions of this Ordinance, uses designated as allowable with mitigation may proceed provided that there are no practical alternatives to the requested use pursuant to **Section 8.6.11A, Determination of No Practical Alternatives/Request for Authorization Certificate,** and an appropriate mitigation strategy has been approved pursuant to **8.6.11C, Mitigation**.

b. These uses require written authorization from the Stormwater Director or a designee.

8.6.11 PERMITS, PROCEDURES, REQUIREMENTS AND APPROVALS

A. DETERMINATION OF NO PRACTICAL ALTERNATIVES/REQUEST FOR AUTHORIZATION CERTIFICATE

1. Persons who wish to undertake uses designated as allowable or allowable with mitigation shall submit a request for a "no practical alternatives" determination to the Stormwater Director or a designee. The applicant shall certify that the project meets all the following criteria for finding "no practical alternatives":

a. The basic project purpose cannot be practically accomplished in a manner that would better minimize disturbance, preserve aquatic life and habitat, and protect water quality;

b. The use cannot practically be reduced in size or density, reconfigured or redesigned to better minimize disturbance, preserve aquatic life and habitat, and protect water quality; and

c. Best management practices shall be used if necessary to minimize disturbance, preserve aquatic life and habitat, and protect water quality.

2. The applicant shall also submit at least the following information in support of their assertion of "no practical alternatives":

a. The name, address and phone number of the applicant;

b. The nature of the activity to be conducted by the applicant;

c. The location of the activity, including the jurisdiction;

d. A map of sufficient detail to accurately delineate the boundaries of the land to be utilized in carrying out the activity, the location and dimensions of any disturbance in riparian buffers associated with the activity, and the extent of riparian buffers on the land;

e. An explanation of why this plan for the activity cannot be practically accomplished, reduced or reconfigured to better minimize disturbance to the riparian buffer, preserve aquatic life and habitat and protect water quality; and

f. Plans for any best management practices proposed to be used to control the impacts associated with the activity.

3. Within sixty (60) days of a submission that addresses **Section 8.6.11B, Variances,** the Stormwater Director or a designee shall review the entire project and make a finding of fact as to whether the criteria in **Section 8.6.11A, Determination of No Practical Alternatives/Request for Authorization Certificate,** have been met. A finding of "no practical alternatives" shall result in issuance of an authorization certificate. Failure to act within sixty (60) days shall be construed as a finding of "no practical alternatives" and an authorization certificate shall be issued to the applicant unless one of the following occurs:

a. The applicant agrees, in writing, to a longer period;

b. The Stormwater Director or a designee determines that the applicant has failed to furnish requested information necessary for the Stormwater Director or a designee's decision;

c. The final decision is to be made pursuant to a public hearing; or

d. The applicant refuses access to its records or premises for the purpose of gathering information necessary to the Stormwater Director or a designee's decision.

4. The Stormwater Director or a designee may attach conditions to the authorization certificate that support the purpose, spirit, and intent of this Ordinance.

5. Any appeals of determinations regarding authorization certificates shall be referred to the Director of the Division of Water Quality, c/o the 401 Oversight Express Permitting Unit, or its successor.

6. The Director's decision is subject to review as provided in Chapter 150B Articles 3 and 4 of the North Carolina General Statutes.

B. VARIANCES

These standards may be varied in accordance with the standards in **Section 3.2.16K, Variance From The Randleman Riparian Buffer Ordinance**.

C. MITIGATION

1. APPLICATION

This item shall apply to persons who wish to impact a riparian buffer in the Randleman Lake watershed when one of the following applies:

a. A person has received an authorization certificate pursuant to **Section 8.6.11A, Determination of No Practical Alternatives/Request for Authorization Certificate,** for a proposed use that is designated as "allowable with mitigation;" or

b. A person has received a variance pursuant to **Section 8.6.11B, Variances,** and is required to perform mitigation as a condition of a variance approval.

2. ISSUANCE OF THE MITIGATION APPROVAL

a. The Stormwater Director or a designee shall issue a mitigation approval upon determining that a proposal meets the requirements of this section.

b. The approval shall identify at a minimum the option chosen, the required and proposed areas, and either the mitigation location or the offset payment amount as applicable.

3. OPTIONS FOR MEETING THE MITIGATION REQUIREMENT

The mitigation requirement may be met through one of the following options:

a. Payment of a compensatory mitigation fee to the riparian buffer restoration fund pursuant to 15A NCAC 02B.0269 (as referenced in 15A NCAC 02B .0252(7)) contingent upon acceptance of payments by the NC Ecosystem Enhancement Program, or to a private mitigation bank that complies with banking requirements of the US Army Corp of Engineers;

b. Donation of real property or of an interest in real property pursuant to **Section 8.6.11C.6, Riparian Buffer Restoration or Enhancement**, of these standards; or

c. Restoration or enhancement of a non-forested riparian buffer pursuant to the requirements of **Section 8.6.11C.6, Riparian Buffer Restoration or Enhancement**.

4. THE AREA OF MITIGATION

The Stormwater Director or a designee shall determine the required area of mitigation, which shall apply to all mitigation options identified in **Section 8.6.11C.3, Options for Meeting the Mitigation Requirement**, and as further specified in the requirements for each option set out in this section, according to the following:

a. The impacts in square feet to each zone of the riparian buffer shall be determined by the Stormwater Director or a designee by adding the following:

i. The area of the footprint of the use causing the impact to the riparian buffer;

ii. The area of the boundary of any clearing and grading activities within the riparian buffer necessary to accommodate the use; and

iii. The area of any ongoing maintenance corridors within the riparian buffer associated with the use.

b. The required area of mitigation shall be determined by applying the following multipliers to the impacts determined in **Section 8.6.11C.4, The Area of Mitigation**, to each zone of the riparian buffer:

i. Impacts to Zone One of the riparian buffer shall be multiplied by three;

ii. Impacts to Zone Two of the riparian buffer shall be multiplied by one and one-half; and

iii. Impacts to wetlands within Zones One and Two of the riparian buffer that are subject to mitigation under 15A NCAC 2H .0506 shall comply with the mitigation ratios in 15A NCAC 2H .0506.

c. THE LOCATION OF MITIGATION

i. For any option chosen, the mitigation effort shall be located within the Randleman Lake Watershed, as defined in 15A NCAC 02B .0249, and the same distance and upstream from the Randleman Lake Reservoir as the proposed impact, or closer to and upstream of the reservoir than the impact, and as close to the location of the impact as feasible.

ii. Alternatively, the applicant may propose mitigation anywhere within the Randleman Lake Watershed, as defined in 15A NCAC 02B .0249, provided that the mitigation proposal accounts for differences in delivery of nutrients to the Randleman Lake Reservoir resulting from differences between the locations of the buffer impact and mitigation.

iii. Additional location requirements for the property donation option are enumerated in **Section 8.6.11C.5, Donation of Property**.

5. DONATION OF PROPERTY

Persons who choose to satisfy their mitigation determination by donating real property or an interest in real property shall meet the following requirements:

a. The donation of real property interests may be used to either partially or fully satisfy the payment of a compensatory mitigation fee to the Riparian Buffer Restoration Fund pursuant to 15A NCAC 02B .0252. The value of the property interest shall be determined by an appraisal performed in accordance with **Section 8.6.11C.5, Donation of Property**.

b. The donation shall satisfy the mitigation determination if the appraised value of the donated property interest is equal to or greater than the required fee. If the appraised value of the donated property interest is less than the required fee calculated pursuant to 15A NCAC 02B .0252, the applicant shall pay the remaining balance due.

c. The donation of conservation easements to satisfy compensatory mitigation requirements shall be accepted only if the conservation easement is granted in perpetuity.

d. Donation of real property interests to satisfy the mitigation determination shall be accepted only if such property meets all of the following requirements:

i. In addition to the location requirements of Section 8-9.3(E), the property shall be located within an area that is identified as a priority for restoration in, or is otherwise consistent with the goals of, the Basinwide Wetlands and Riparian Restoration Plan for the Cape Fear River Basin developed by NC Division of Water Quality pursuant to Section 143-214.10 of the North Carolina General Statutes;

ii. The property shall contain riparian buffers not currently protected by the State's riparian buffer protection program that are in need of restoration as defined in **Section 8.6.11C.6, Riparian Buffer Restoration or Enhancement**;

iii. The restorable riparian buffer on the property shall have a minimum length of one thousand (1,000) linear feet along a surface water and a minimum width of fifty (50) feet as measured horizontally on a line perpendicular to the surface water;

iv. The size of the restorable riparian buffer on the property to be donated shall equal or exceed the area of mitigation responsibility determined pursuant to **Section 8.6.11C.4, The Area of Mitigation**;

v. Restoration shall not require removal of man-made structures or infrastructure;

vi. The property shall be suitable to be successfully restored, based on existing hydrology, soils, and vegetation;

vii. The estimated cost of restoring and maintaining the property shall not exceed the value of the property minus site identification and transaction costs;

viii. The property shall not contain any building, structure, object, site, or district that is listed in the National Register of Historic Places established pursuant to Public Law 89-665, 16 U.S.C. 470 as amended;

ix. The property shall not contain any hazardous substance or solid waste;

x. The property shall not contain structures or materials that present health or safety problems to the general public. If wells, septic, water or sewer connections exist, they shall be filled, remediated or closed at owner's expense in accordance with state and local health and safety regulations;

xi. The property and adjacent properties shall not have prior, current, and known future land use that would inhibit the function of the restoration effort; and

xii. The property shall not have any encumbrances or conditions on the transfer of the property interests.

e. At the expense of the applicant or donor, the following information shall be submitted to the Stormwater Director or a designee with any proposal for donations or dedications of interest in real property:

i. Documentation that the property meets the requirements laid out in **Section 8.6.11C.5, Donation of Property**;

ii. US Geological Survey 1:24,000 (7.5 minute) scale topographic map, county tax map, USDA Natural Resource Conservation Service County Soil Survey Map, and county road map showing the location of the property to be donated along with information on existing site conditions, vegetation types, presence of existing structures and easements;

iii. A current property survey performed in accordance with the procedures of the North Carolina Department of Administration, State Property Office as identified by the State Board of Registration for Professional Engineers and Land Surveyors in "Standards of Practice for Land Surveying in North Carolina." Copies may be obtained from the North Carolina State Board of Registration for Professional Engineers and Land Surveyors, 3620 Six Forks Road, Suite 300, Raleigh, North Carolina 27609;

iv. A current appraisal of the value of the property performed in accordance with the procedures of the North Carolina Department of Administration, State Property Office as identified by the Appraisal Board in the "Uniform Standards of Professional North Carolina Appraisal Practice." Copies may be obtained from the Appraisal Foundation, Publications Department, P.O. Box 96734, Washington, D.C. 20090-6734; and

v. A title certificate.

6. RIPARIAN BUFFER RESTORATION OR ENHANCEMENT

Persons who choose to meet their mitigation requirement through riparian buffer restoration or enhancement shall meet the following requirements:

a. The applicant may restore or enhance a non-forested riparian buffer if either of the following applies:

i. The area of riparian buffer restoration is equal to the required area of mitigation determined pursuant to **Section 8.6.11C.4, The Area of Mitigation**; or

ii. The area of riparian buffer enhancement is three times larger than the required area of mitigation determined pursuant to **Section 8.6.11C.4, The Area of Mitigation**;

b. The location of the riparian buffer restoration or enhancement shall comply with the requirements in **Section 8.6.11C.4.c, The Location of Mitigation**;

c. The riparian buffer restoration or enhancement site shall have a minimum width of fifty (50) feet as measured horizontally on a line perpendicular to the surface water;

d. Enhancement and restoration shall both have the objective of establishing a forested riparian buffer according to the requirements of this item. Enhancement shall be distinguished from restoration based on existing buffer conditions. Where existing trees are sparse, that is greater than or equal to one hundred (100)

trees per acre but less than two hundred (200) trees per acre, a buffer may be enhanced. Where existing woody vegetation is absent, that is less than one hundred (100) trees per acre, a buffer may be restored;

e. The applicant shall first receive an authorization certificate for the proposed use according to the requirements of **Section 8.6.11A, Determination of No Practical Alternatives/Request for Authorization Certificate**. After receiving this determination, the applicant shall submit a restoration or enhancement plan for approval by the Stormwater Director or a designee. The restoration or enhancement plan shall contain the following:

i. A map of the proposed restoration or enhancement site;

ii. A vegetation plan that shall include a minimum of at least two native hardwood tree species planted at a density sufficient to provide three hundred twenty (320) trees per acre at maturity;

iii. A grading plan that shall be graded in a manner to ensure diffuse flow through the riparian buffer;

iv. A fertilization plan; and

v. A schedule for implementation.

f. Within one year after the Stormwater Director or a designee has approved the restoration or enhancement plan, the applicant shall present proof to the Stormwater Director or a designee that the riparian buffer has been restored or enhanced. If proof is not presented within this timeframe, then the person shall be in violation of both the State's and Forsyth County's riparian buffer protection program;

g. The mitigation area shall be placed under a perpetual conservation easement that will provide for protection of the property's nutrient removal functions; and

h. The applicant shall submit annual reports for a period of five (5) years after the restoration or enhancement showing that the trees planted have survived and that diffuse flow through the riparian buffer has been maintained. The applicant shall replace trees that do not survive and restore diffuse flow if needed during that five-year period.

8.6.12 COMPLIANCE AND ENFORCEMENT

A. SITE INSPECTIONS

1. Agents, officials, or other qualified persons authorized by the Stormwater Director or a designee may periodically inspect riparian buffers to ensure compliance with these standards. Notice of the right to inspect shall be included in the letter of approval of each variance and buffer authorization.

2. AUTHORITY TO ENTER PROPERTY AND CONDUCT INVESTIGATIONS AND INSPECTIONS

a. Authorized agents, officials or other qualified persons shall have the authority, upon presentation of proper credentials, to enter and inspect at reasonable times any property, public or private, for the purpose of investigating and inspecting the site of any riparian buffer.

b. No person shall willfully resist, delay, or obstruct an authorized representative, employee, or agent of the Stormwater Director or a designee, while that person is inspecting or attempting to inspect a riparian buffer nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out their official duties.

c. The Stormwater Director or a designee shall have the power to conduct such investigations as deemed reasonably necessary to carry out the duties as prescribed this section.

3. NOTICE OF VIOLATION

a. If it is determined that a person has failed to comply with these requirements, or rules, or orders adopted or issued pursuant to these standards, a notice of violation shall be served upon that person.

b. The notice may be served by any means authorized under Section 1A-1, rule 4 of the North Carolina General Statutes. In the event service cannot be accomplished by registered or certified mail, it may be accomplished in any manner provided in rule (4)j of the North Carolina Rules of Civil Procedure.

c. The notice shall specify the violation and inform the person of the actions that need to be taken to comply with these standards, or rules or orders adopted pursuant to these standards.

d. The notice shall direct the person to correct the violation within a specified reasonable time.

e. The notice shall inform the person that any person who violates or fails to act in accordance with any of these provisions or rules or orders adopted or issued pursuant to these provisions subject to the civil and criminal penalties and other enforcement actions as provided in this Ordinance.

B. CIVIL PENALTIES

1. ASSESSMENT OF PENALTIES

a. Any person who violates or fails to act in accordance with any of these provisions or rules or orders adopted or issued pursuant to these provisions shall be subject to a civil penalty of not more than five thousand dollars ($5,000.00).

b. The Stormwater Director or a designee shall determine the amount of the civil penalty to be assessed.

c. In determining the amount of civil penalty, the Stormwater Director or a designee shall consider the degree and extent of harm caused by the violation, the cost of rectifying the damage, the amount of money the violator saved by noncompliance, whether the violation was committed willfully, and the prior record of the violator in complying or failing to comply with these standards.

2. NOTICE OF CIVIL PENALTY ASSESSMENT

The Stormwater Director or a designee shall provide written notice of the civil penalty amount and the basis for the assessment to the person assessed and shall direct the violator to either pay the assessment or contest the assessment, within thirty (30) days after receipt of the notice of assessment by written demand for a hearing.

3. HEARING

A hearing on the civil penalty shall be conducted by the Board of Adjustment within forty-five (45) days after the date the written demand for the hearing is received by the Stormwater Director or a designee.

4. RESERVED

5. APPEAL OF DECISION

a. Appeal of the final decision of the Board of Adjustment shall be to the Superior Court of the county in which the violation occurred.

b. Any appeal must be filed with thirty (30) days of receipt of the final decision. A copy of the appeal must be served on the County Manager by any means authorized under Section 1A-1, Rule 4 of the North Carolina General Statutes.

6. DEMAND FOR PAYMENT OF PENALTY

a. An assessment that is not contested is due when the violator is served with a notice of assessment.

b. The civil penalty must be paid within thirty (30) days or the assessment, if not appealed, or within thirty (30) days after the conclusion of the administrative or judicial review of the assessment.

c. If payment is not received within thirty (30) days after demand for payment is made, the Stormwater Director or a designee may institute a civil action to recover the amount of the assessment.

d. The civil action may be brought in the Superior Court where the violation occurred, or the violator's residence or principal place of business is located.

e. Civil penalties collected pursuant to these standards shall be credited to the general fund of Forsyth County as nontax revenue.

C. RESERVED

D. INJUNCTIVE RELIEF

1. CIVIL ACTION IN SUPERIOR COURT

a. Whenever the Stormwater Director or a designee has reasonable cause to believe that any person is violating or threatening to violate these standards or any rule or order adopted or issued pursuant to these standards, it may, either before or after the institution of any other action or proceeding authorized by these standards, request that the County Attorney institute a civil action in the name of the Forsyth County for injunctive relief to restrain the violation or threatened violation.

b. The action shall be brought in the Superior Court of Forsyth County.

2. ORDER TO CEASE VIOLATION

a. Upon determination by a court that an alleged violation is occurring or is threatened, the court shall enter any order or judgment that is necessary to abate the violation, to ensure that restoration is performed, or to prevent the threatened violation.

b. The institution of an action for injunctive relief under this section shall not relieve any party to the proceedings from any civil or criminal penalty prescribed for violations of these standards.

E. COMPLIANCE WITH REQUIREMENTS

Any person engaged in new activities as defined by these standards who fails to meet these requirements shall be deemed in violation of these standards.

F. ADMINISTRATION AND ENFORCEMENT

The Stormwater Director or a designee is hereby appointed to administer and enforce these provisions.

8.7 ADMINISTRATION AND AMENDMENTS

8.7.1 ADMINISTRATION

To accomplish the purposes of these provisions and to insure compliance with these regulations, the following administrative responsibilities are assigned:

A. GENERAL RESPONSIBILITIES

1. The Stormwater Director or a designee shall enforce and administer the regulations of these standards, under the general direction of the Manager of the adopting jurisdiction, and shall serve as secretary to the Board of Adjustment.

2. The Director of Planning and the Planning Board are responsible for making recommendations to the Elected Body regarding **Section 8.1, Floodway and Floodway Fringe Regulations**, **8.2, Salem Lake Watershed Protection**, **Section 8.3,Watershed Protection (F)**, and **8.5, Dam Breach Hazard Areas**.

3. The Board of Adjustment or the Stormwater Director or a designee may seek needed legal advice of the attorney for the adopting jurisdiction and recommendations on land use matters from the Planning Board.

B. STORMWATER DIRECTOR OR A DESIGNEE

To ensure compliance with the provisions of these standards, the Stormwater Director or a designee shall:

1. ISSUE PERMITS
The Stormwater Director or a designee shall issue permits as required under these standards.

2. MAINTAIN RECORDS
Make and maintain records of all applications for permits submitted to the Stormwater Director or a designee, and records of all permits and plans submitted, which shall be available for inspection at reasonable times by any interested person.

3. INSPECT AND ENFORCE
Conduct inspections of premises and take other lawful action to obtain compliance with these provisions.

8.7.2 AMENDMENTS

A. SUBMITTAL

Petitions to amend any provisions of this chapter shall be submitted to the Planning Board.

B. ADVERTISING

1. Whenever a petition to amend the standards in this chapter is submitted to the Planning Board or the Elected Body, the respective board shall schedule a public hearing.

2. Notice of the public hearing by the Planning Board shall be advertised one time at least ten (10) days prior to the date affixed for the hearing in a newspaper of general circulation in Winston-Salem/Forsyth County.

C. PLANNING BOARD REVIEW

If applicable, the Planning Board shall submit a report and recommendation to the Elected Body within one hundred twenty (120) days after receipt by the Planning Board of the proposed amendment.

D. ELECTED BODY PUBLIC HEARING

1. A public hearing shall be held by the Elected Body on each proposed amendment to these standards, after publication of notice, as hereinabove provided.

2. Said proposed amendment shall be placed on the agenda of a regularly scheduled public hearing of the Elected Body within sixty (60) days of receipt of the proposed amendment or the report and recommendations of the Planning Board.

E. ELECTED BODY AUTHORITY

The Elected Body has the authority to approve, deny, or approve with modifications any proposed amendments, except that such action may not violate any provision of State or federal law.

F. FEES

1. To defray a portion of the cost of advertising, as required by law, technical services necessitated by the issuance of permits, review of proposed amendments to these standards, or other requests for services in connection with administration and enforcement of these standards, fees shall be charged.

2. Said fees shall be established and modified by the Elected Body.

3. Lists of said fees shall be maintained on file and available to the public in the office of the Stormwater Director or a designee.

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9.1 PURPOSE

The purpose of these standards is to regulate and limit the continued existence of nonconforming uses, nonconforming lots, and nonconforming structures, buildings and improvements. Nothing in this section shall limit the right of any person, firm, or corporation to complete construction of any project or use of any property, pursuant to a valid building permit or a special use permit approved by an Elected Body, which permit or site plan was in effect upon the effective date of this Ordinance.

9.2 NONCONFORMING USES

9.2.1 APPLICABILITY

A. DEFINITION

Any use of land or a building is considered nonconforming if:

1. NOT PERMITTED IN ZONING DISTRICT
The use is not permitted in the zoning district in which it is located; and

2. EXISTED AS OF EFFECTIVE DATE
The use existed on in Forsyth County on April 3, 1967, or in *the City of Winston-Salem on September 16, 1968,* and continues to exist, the use legally existed as of the effective date of this Ordinance, or the use legally existed as of the effective date of subsequent amendments thereto.

B. H DISTRICT

1. In any H District, the provision of this section shall not apply.

2. Regulations governing nonconforming uses in the H District are contained in **Section 4.9.5, H Historic and HO Historic Overlay Districts**.

9.2.2 CONTINUATION

Nonconforming uses as defined in **Section 9.2.1A, Definition**, may continue under these provisions, except as provided in ***Section 9.2.8, Loss of Nonconforming Use Status***, and Section B.5-2.9.

9.2.3 EXPANSION OF A NONCONFORMING USE

A. PURPOSE

The purpose of the following requirements is to authorize a limited expansion of nonconforming uses.

B. SPECIAL USE PERMIT

1. A special use permit from the Board of Adjustment is required for any expansion of a nonconforming use.

2. Application shall be made in accordance with the requirements of **Section 10.1.3, Board of Adjustment**.

C. INTERNAL EXPANSION OF A NONCONFORMING USE

1. IN FORSYTH COUNTY

a. Any nonconforming use may be extended throughout the same building; provided, however, that the building itself may not be enlarged or expanded.

b. Except with regard to nonconforming uses affected by **Section 9.2.3D.2, Expansion Limitations, Large Site (F)**, the nonconforming use may not be extended into any other building not already being used for the nonconforming use; nor may the nonconforming use be moved completely from one building into any other building not already being used for the nonconforming use.

2. *IN WINSTON-SALEM*

a. *Any nonconforming use may be extended throughout the same building; provided, however, that the building itself may not be enlarged or expanded.*

b. *The nonconforming use may not be extended into any other building not already being used for the nonconforming use; nor may the nonconforming use be moved completely from one building into any other building not already being used for the nonconforming use.*

D. EXTERNAL EXPANSION INCLUDING DEMOLITION AND EXPANDED RECONSTRUCTION

Except with respect to those uses specified in **Section 9.2.3D.7, Nonconforming Uses Which May Not Be Expanded**, and **Section 9.2.9, Amortization of Nonconforming Uses**, the Board of Adjustment shall have authority to issue a special use permit for the expansion, which may include demolition and expanded reconstruction, of a building which contains a nonconforming use or the expansion of a nonconforming use of open land; provided, under the following circumstances, the following limitations, conditions, and provisions are met:

1. EXPANSION LIMITATIONS, GENERAL

a. Except with regard to nonconforming uses affected by **Section 9.2.3D.2, Expansion Limitations, Large Site (F)**, with or without demolition and reconstruction, of a building which contains a nonconforming use, shall be permitted which would result in any increase in the size of the building in excess of: (F)

i. Twenty-five percent (25%) of the floor area lawfully existing as of the effective date establishing the nonconforming status of the use; or

ii. Twenty-five percent (25%) of the cubical content of the building lawfully existing as of the effective date of establishing the nonconforming status of the use.

iii. There shall be only one such expansion permitted, regardless of the size of the expansion.

b. *No expansion, with or without demolition and reconstruction, of a building which contains a nonconforming use, shall be permitted which would result in any increase in the size of the building in excess of: (W)*

i. *Twenty-five percent (25%) of the floor area lawfully existing as of the effective date establishing the nonconforming status of the use; or*

ii. *Twenty-five percent (25%) of the cubical content of the building lawfully existing as of the effective date of establishing the nonconforming status of the use.*

iii. *There shall be only one such expansion permitted, regardless of the size of the expansion.*

2. EXPANSION LIMITATIONS, LARGE SITE (F)

a. For nonconforming uses located on sites in excess of fifty (50) acres, no expansion, with or without demolition and reconstruction, of a building which contains a nonconforming use; or no new construction of a building intended to contain one or more of the existing nonconforming uses, shall be permitted which would result in an increase in the grand total square footage of buildings containing nonconforming uses on the zoning lot in excess of:

i. A maximum twenty-five percent (25%) of the floor area of all buildings lawfully existing on the zoning lot as of the effective date establishing the nonconforming status of the use; or

ii. A maximum twenty-five percent (25%) of the cubical content of all buildings lawfully existing on the zoning lot as of the effective date of establishing the nonconforming status of the use.

b. There shall be no time limit during which said expansion authorized under this subsection may be completed.

c. Applicant shall file a master plan meeting the site plan requirements for expansion of nonconforming uses of this section at the time of initial application to the Board of Adjustment for expansion of the nonconforming use showing all intended improvements to be completed according to this subsection.

d. Said plan shall include locations and total area of proposed uses.

e. Once the plan is approved, subsequent expansions meeting the provisions of the master plan may be approved administratively by the Director of Inspections.

f. Subsequent deviations from the master plan in terms of different uses, size or locations of structures, must be submitted to and approved by the Board of Adjustment.

3. UNENCLOSED CANOPY

a. The intent of this section is to permit one expansion of a canopy in addition to one expansion of the structure.

b. Where the proposed expansion consists of the construction of an unenclosed canopy at a service station, drive-through bank, or other similar use, said canopy shall not be limited to the twenty-five percent (25%) of floor area standard referred to herein, but shall be limited to an expansion of three (3) times the enclosed floor area of the structure which lawfully existed at 12:01 a.m. on the effective date of this Ordinance or September 16, 1968, whichever is applicable; provided the expansion shall not exceed one thousand (1,000) square feet.

c. The unenclosed canopy shall not later be enclosed.

4. INCREASE IN LAND AREA

a. No expansion of a nonconforming use of open land shall be permitted which would result in any increase in the land area of such nonconforming use in excess of twenty-five percent (25%) of the land area of such nonconforming use lawfully existing as of the effective date of this Ordinance or September 16, 1968, whichever is applicable.

b. There shall be only one such expansion.

5. EXPANSION ONTO LOT NOT CURRENTLY USED FOR NONCONFORMING USE

No expansion of either a building which contains a nonconforming use or a nonconforming use of open land may extend onto any lot no part of which is being used for the nonconforming use proposed for expansion.

6. BURDEN OF PROOF

Each applicant for a special use permit to expand a building which contains a nonconforming use and/or to expand a nonconforming use of open land shall have the burden of proving the floor area and cubical content of the building and/or the land area occupied by the nonconforming use to which the application applies, as it lawfully existed as of the effective date establishing the nonconforming status of the use.

7. NONCONFORMING USES WHICH MAY NOT BE EXPANDED

The following uses, if they are or become nonconforming by virtue of the adoption of this Ordinance or subsequent amendments, may not be expanded:

a. Motor vehicle dismantling and wrecking yard;

b. Building materials supply;

c. Implement sales and service;

d. Storage and salvage yard; or

e. Signs.

8. PROHIBITIONS ON VARIANCES

The Board of Adjustment may not grant variances of any yard requirements, off-street parking requirements, or any other applicable provisions of this Ordinance so as to allow for the expansion of a nonconforming use.

E. COLLOCATION OF TRANSMISSION TOWERS

1. COLLOCATION PERMITTED

a. There shall be no limitation as to the number of such additional antennas and ground buildings at existing nonconforming transmission tower sites as long as the collocation does not increase the existing fenced in area on the ground for the tower and equipment.

b. Any increase in the fenced in ground area must be approved by a special use permit from the Board of Adjustment and shall be subject to the expansion limitations set forth in **Section 9.2.3, Expansion of a Nonconforming Use**.

2. ADDITIONAL BUILDINGS AND EQUIPMENT

All additional buildings and equipment must comply with the setback, buffering, and other requirements of **5.2.92, *Transmission Tower (W)***, and **Section 5.2.93, Transmission Tower (F)**, as appropriate, the use conditions for transmission towers.

3. EXISTING IMPROVEMENTS

a. Prior to granting any permits for collocation on a transmission tower site, the current fencing, signage, bufferyard, and control of land provisions of **5.2.92, *Transmission Tower (W)***, and **Section 5.2.93, Transmission Tower (F)**, as appropriate, must be met, except that where the size of the site, the existing location of improvements currently on the site, or other physical features of the site or adjacent property prevent the applicant from complying with the full dimensional requirements of the Ordinance, then Planning and Inspection staffs may in consultation approve a site plan which attempts to meet the intent of the Ordinance but does not meet the full requirements of the use conditions (such as a reduced width of a bufferyard, use of fencing in lieu of some or all plant material, or use of adjacent property for part or all of the bufferyard).

b. The width and condition of access easements must also be reviewed and approved.

4. HEIGHT

No collocation proposed under this section shall result in an increase in the height of a transmission tower.

5. STRUCTURAL INTEGRITY

Prior to issuance of any permits approving a collocation, written verification certifying that the host tower is structurally and mechanically capable of supporting the proposed additional antenna or configuration of antennas must be submitted by a qualified engineer.

F. CONDITIONS

1. In approving an application for the issuance of a special use permit, the Board of Adjustment may impose additional reasonable and appropriate conditions and safeguards to protect the public health and safety, the value of neighborhood properties, and the health and safety of neighboring residents.

2. Among other things, the Board of Adjustment may include in the permit conditions or restrictions to insure that the permitted expansion will not result in a change from the existing nonconforming use to another nonconforming use.

3. If the Board of Adjustment denies the application for the issuance of a special use permit, it shall enter the reasons for the denial in the minutes of the meeting at which the action was taken.

G. FAILURE TO COMPLY

Any special use permit issued pursuant to the provisions of this section shall become void as specified in **Section 9.2.3H, Permitted Time**, for failure to comply with any conditions or restrictions which are incorporated in or made a part of the permit.

H. PERMITTED TIME

1. Any special use permit issued pursuant to the provisions of this section shall become void if the terms of such permit, in the judgment of the Director of Inspections, are not exercised within a period of two (2) years from the date of approval.

2. Special use permits are also subject to the provisions in **Section 2.7, Vested Rights**.

9.2.4 CONVERSION OF CERTAIN NONCONFORMING USES PERMITTED

A. SPECIAL USE PERMIT REQUIRED

1. A special use permit from the Board of Adjustment is required for conversion of nonconforming uses.
2. Application shall be made in accordance with the requirements of **Section 10.1.3, Board of Adjustment**.

B. CONVERSION OF NONCONFORMING USE TO ANOTHER USE

The Board of Adjustment may authorize the conversion of a nonconforming use to another use which, in the judgment of the Board of Adjustment, is less intensive in character or is essentially of the same character as the original nonconforming use, except that no nonconforming use shall be changed to any of the following uses:

1. Motor vehicle dismantling and wrecking yard;
2. Building materials supply;
3. Reserved;
4. Storage and salvage yard; or
5. Signs.

9.2.5 APPLICATION PROCEDURE

A. SITE PLAN REQUIREMENTS

Each application for a special use permit to expand or convert a nonconforming use according to the provisions of this Ordinance shall be submitted in the appropriate electronic plan review system and shall be accompanied by a legible site plan at a reasonable scale satisfactory to the Board of Adjustment and shall illustrate all existing conditions of the site and all proposed improvements to be made on the site, including:

1. Parking spaces;
2. Loading areas;
3. Screening and landscaping;
4. Driveways, walkways, courts;
5. Buildings and additions;
6. Easements or rights-of-way;
7. Adjacent property lines and ownership; and
8. Zoning of all adjacent properties.

B. SITE PLAN REVIEW

Copies of each site plan shall be reviewed by the Planning staff and other personnel as determined by the Director of Inspections for recommendation before any action is taken by the Board of Adjustment.

9.2.6 REQUIRED ALTERATIONS OR REMODELING

A. In the interest of the public safety and health, structural alterations or remodeling required by any public law, and so ordered by a public officer in authority, shall be permitted.

B. This shall not be construed to permit any structural alterations that will increase the floor area or cubicle content of the structure.

9.2.7 RECONSTRUCTION AFTER DEMOLITION OR DESTRUCTION

A. RECONSTRUCTION PERMITTED

Any structure maintained as a nonconforming use may be reconstructed on the same lot, provided such reconstruction shall be accomplished pursuant to all of the following requirements:

1. **PERMIT**

a. A valid building permit must be issued within one (1) year of the demolition or destruction of the structure.

b. In the event a demolition is preceded by a partial destruction, a valid building permit must be issued within one (1) year of the partial destruction of the structure.

2. AREA
No increase in the cubical content or floor area shall be permitted, except that an increase in the cubical content or floor area not to exceed twenty-five percent (25%) may be permitted with issuance of a special use permit by the Board of Adjustment, and if the one time twenty-five percent (25%) expansion has not previously been permitted.

3. LOCATION
No change in location shall be permitted, except to provide greater front, side, or rear yard areas.

4. TIME
A certificate of occupancy must be issued within two (2) years of the issuance of a building permit.

B. NO CONVERSION OF NONCONFORMING USE PERMITTED

The use to which a structure is put after reconstruction may not result in a change from the nonconforming use which existed immediately prior to reconstruction, except to conform to current zoning.

C. FINDINGS

No such permit shall be issued unless the Board of Adjustment shall find that the proposed expansion of the nonconforming use:

1. Will not materially adversely affect the use, enjoyment, or value or surrounding properties;

2. Will not create undue traffic congestion;

3. Will not result in any significant increase in lighting, offensive odors, noise, vibration, smoke, dust, or fumes; and

4. Will not violate or result in the violation of any dimensional requirements, off-street parking requirements, sign regulations or any other applicable provisions of this Ordinance.

9.2.8 LOSS OF NONCONFORMING USE STATUS

A. Subject to the exceptions contained in subsections **B** and **C** below, a nonconforming use that discontinues, for any reason, for a continuous period of more than one (1) year may not be reestablished. Intent shall not be a factor in determining whether a use has been discontinued.

B. Any subsequent use of such site must be a use permitted in the underlying zoning district.

C. Notwithstanding the foregoing, nonconforming use status shall not be lost during the period when there is a validly issued active building permit existing for a structure that has been maintained as a nonconforming use, provided the building permit is issued within one (1) year of the discontinuance of the nonconforming use and a certificate of occupancy is issued within two (2) years of the issuance of the building permit.

D. Moreover, in the event a previous validly issued building permit becomes inactive, nonconforming use status shall be lost if all periods during which operations have discontinued without the existence of a validly issued active building permit exceed one (1) year, collectively, and the continuous requirement of subsection **A** above shall not apply.

E. In the event a nonconforming use is vested pursuant to **Section 2.7.2B.1, Site Specific Development Plan**, nonconforming use status shall not be lost prior to the establishment of the nonconforming use, so long as the nonconforming use is established within two (2) years of the approval of said nonconforming use.

F. The resumption of a nonconforming use is not permitted if the nonconforming use is replaced by a permitted use for any period of time.

G. A use that is accessory to a principal nonconforming use on a site may not be continued after the principal use has lost its nonconforming use status, unless the use is also an accessory use to other principal uses on said site permitted in the subject zoning district.

9.2.9 AMORTIZATION OF NONCONFORMING USES

A. AMORTIZATION OF NONCONFORMING SIGNAGE

For Forsyth County, see **Section 6.5.2H, Amortization Schedule**, and for Winston-Salem, see ***Section 6.5.1K, Amortization of Nonconforming On-Premises Signs***, and ***Section 6.5.1L, Amortization of Nonconforming Off-Premises Signs***, for the amortization schedule of nonconforming signs.

B. *AMORTIZATION OF RESIDENTIAL BUILDING, CONVERTED IN ALL RS (SINGLE FAMILY) AND RSQ ZONING DISTRICTS (W)*

1. *Any residential building modified, expanded, reconfigured or reconstructed before July 6, 2004 which meets the definition of residential building, converted and is located in any RS (single-family) or RSQ District, shall be required to register with the City of Winston-Salem between January 1, 2008 and January 1, 2009.*

2. *Registration will require information regarding the owner's name, address, and phone number; the zoning of the property; a description of the living arrangements including the number of kitchens and bathrooms; all interior and exterior access to the units; the number of electrical meters; the number of separately occupied living units per floor; the current number of occupants; and the maximum number of occupants.*

3. *Unless the time period is lengthened or eliminated by the City Council after review of the information on registered properties, within three (3) years after the end of the registration period (January 1, 2012), all these registered residential buildings, converted shall be discontinued or brought into compliance with the definitions of family and residential building, single family.*

4. *Failure to register an existing residential building, converted by January 1, 2009 shall constitute a violation of this Ordinance and subject to the zoning enforcement provisions of* ***Section 10.2, Enforcement****.*

5. *Any residential building modified, expanded, reconfigured or reconstructed after July 6, 2004 which meets the definition of residential building, converted and is located in a RS (single family) or RSQ District, shall constitute a violation of this Ordinance and subject to the zoning enforcement provisions of* ***Section 10.2, Enforcement****.*

C. COMPLIANCE SCHEDULE FOR RESIDENTIAL BUILDING, CONVERTED IN ALL RS (SINGLE FAMILY) OR RSQ DISTRICTS (F)

1. Any residential building modified, expanded, reconfigured, or reconstructed before the effective date of this Ordinance which meets the definition of residential building, converted and is located in any RS (single-family) or RSQ District, shall be required to register with the City of Winston-Salem between January 1, 2008 and January 1, 2009.

2. Registration will require information regarding the owner's name, address, and phone number; the zoning of the property; a description of the living arrangements including the number of kitchens and bathrooms; all interior and exterior access to the units; the number of electrical meters; the number of separately occupied living units per floor; the current number of occupants; and the maximum number of occupants.

3. Unless the time period is lengthened or eliminated by the County Commissioners after review of the information on registered properties, within three (3) years after the end of the registration period (January 1, 2012), all these registered residential buildings, converted shall be discontinued or brought into compliance with the definitions of family and residential building, single family.

4. Failure to register an existing residential building, converted by January 1, 2009 shall constitute a violation of this Ordinance and subject to the zoning enforcement provisions of **Section 10.2, Enforcement**.

5. Any residential building modified, expanded, reconfigured or reconstructed after January 1, 2009 which would meet the definition of residential building, converted and is located in any RS (single family) or RSQ District, shall constitute a violation of this Ordinance and subject to the zoning enforcement provisions of **Section 10.2, Enforcement**.

D. *AMORTIZATION OF CERTAIN RESIDENTIAL BUILDINGS IN ALL RS (SINGLE FAMILY) OR RSQ DISTRICTS (W)*

1. *Any residential building, single family located in any RS (single family) or RSQ Districts, whose residents or occupants number more than four (4) unrelated persons eighteen (18) years or older and their children or stepchildren shall be required to register with the City of Winston-Salem between January 1, 2008 and January 1, 2009.*

2. *Within three (3) years after the end of the registration period (January 1, 2012), all these registered residential buildings shall be discontinued or lowered to four (4) or fewer unrelated persons eighteen (18) years or older and their children or stepchildren.*

3. *Failure to register an existing residential building that meets these provisions by January 1, 2009 shall constitute a violation of this Ordinance and subject to the zoning enforcement provisions of* ***Section 10.2, Enforcement****.*

E. COMPLIANCE SCHEDULE FOR CERTAIN RESIDENTIAL BUILDINGS IN ALL RS (SINGLE FAMILY) OR RSQ DISTRICTS (F)

1. Any residential building, single family located in any RS (single family) or RSQ Districts, whose residents or occupants number more than four (4) unrelated persons eighteen (18) years or older and their children or stepchildren shall be required to register with the City of Winston-Salem between January 1, 2008 and January 1, 2009.

2. Within three (3) years after the end of the registration period (January 1, 2012), all these registered residential buildings shall be discontinued or lowered to four (4) or fewer unrelated persons eighteen (18) years or older and their children or stepchildren.

3. Failure to register an existing residential building that meets these provisions by January 1, 2009 shall constitute a violation of this Ordinance and subject to the zoning enforcement provisions of **Section 10.2, Enforcement**.

9.3 NONCONFORMING VACANT LOTS

9.3.1 DEFINITION

Any vacant lot is considered nonconforming if:

A. NOT MEET DIMENSIONAL REQUIREMENTS

The lot does not meet all the dimensional requirements of the zoning district in which it is located; and

B. EXISTED AS OF EFFECTIVE DATE

The lot existed on April 3, 1967 in Forsyth County or *September 16, 1968 in Winston-Salem*; the lot legally existed as of the effective date of this Ordinance; or the lot legally existed as of the effective date of subsequent amendments.

9.3.2 COMBINATION OF NONCONFORMING VACANT LOTS AND NONCONFORMING VACANT LOTS APPROVED PRIOR TO 12/31/1994

A. COMBINATION OF NONCONFORMING LOTS

This section shall not be construed as prohibiting the erection of a use on a lot which was in existence on April 3, 1967 in Forsyth County, or *September 15, 1968 in Winston-Salem*; and even though the lot is nonconforming, provided that:

1. **SAME OWNERSHIP**
   Such lot does not abut upon one or more unoccupied lots in the same ownership with which it could be combined; and
2. **WATER AND SEWAGE DISPOSAL**
   Water supply and sewage disposal facilities for such lot are approved in accordance with **Section 7.5, Water Supply and Sewage Disposal**.

B. NONCONFORMING LOTS APPROVED PRIOR TO DECEMBER 31, 1994

Notwithstanding the provisions of **Section 9.3.2, Combination of Nonconforming Vacant Lots and Nonconforming Vacant Lots Approved Prior to 12/31/1994**, the following categories of nonconforming vacant lots may be issued a zoning permit in accordance with the uses permitted in the zoning district:

1. **FINAL PLAT APPROVAL**
   Any lot which has received final plat approval as of December 31, 1994, under the major subdivision process;
2. **APPROVAL PURSUANT TO EFFECTIVE DATE**
   Any lot which has received final plat approval pursuant to a subdivision granted preliminary approval prior to December 31, 1994, according to the provisions of **Section 3.2.9E.2, Effective Date of the Unified Development Ordinance**; or
3. **MINOR SUBDIVISION**
   Any lot legally created by deed or a minor subdivision process after April 3, 1967 in Forsyth County, or *September 16, 1968 in Winston-Salem,* and prior to December 31, 1994, which met the standards of the zoning ordinance in effect at the time of its creation.

C. NONCONFORMING LOTS IN THE AG AND YR DISTRICTS

Any nonconforming lot meeting the requirements of **Section 9.3, Nonconforming Vacant Lots,** and located in the YR or AG Districts must meet the minimum setback requirements of the RS-20 District.

9.3.3 H DISTRICT

A. In any H District, the provisions of **Section 9.3, Nonconforming Vacant Lots** shall not apply.

B. Regulations governing nonconforming vacant lots in the H District are contained in **Section 4.9.5, H Historic and HO Historic Overlay Districts**.

9.4 NONCONFORMING STRUCTURES AND IMPROVEMENTS

9.4.1 APPLICABILITY

A. DEFINITION

Any structure or improvement to real property is considered nonconforming in any of the following circumstances:

1. The location of any structure or improvement on the lot results in a violation of the dimensional requirements or other applicable requirements of this Ordinance provided:

a. The structures or improvements existed on April 3, 1967 in Forsyth County, or *September 16, 1968 in Winston-Salem,* and continue to exist; or

b. The structures or improvements legally existed as of the effective date of this Ordinance and continue to exist; or

c. The structures or improvements legally existed as of the effective date of subsequent amendments of this Ordinance and continue to exist.

2. If, as the result of the acquisition or condemnation of property for a public purpose by an entity having the power of eminent domain, the location of any structure or improvement on a lot thereby violates the dimensional requirements or other applicable requirements of this Ordinance.

B. H DISTRICT

1. In any H District, the provisions of this section shall not apply.

2. Regulations governing nonconforming structures or improvements in the H District are contained in **Section 4.9.5, H Historic and HO Historic Overlay Districts**.

9.4.2 CONTINUATION

Nonconforming structures and improvements devoted to a use permitted in the zoning district in which it is located may continue to be used and occupied in compliance with this section.

9.4.3 MAINTENANCE, RENOVATION, EXPANSION, RECONSTRUCTION AND PARKING

A. MAINTENANCE

Normal repair and maintenance may be performed to allow the continuation of nonconforming structures or improvements.

B. RENOVATION

Renovation of nonconforming structures or improvements is permitted if the renovation does not increase the floor area or cubical content of the structure or the area of any improvement.

C. EXPANSION

Expansion of nonconforming structures or improvements is permitted under the following provisions:

1. EXPANSION COMPLIES WITH ORDINANCE

The proposed expansion of the nonconforming structure or improvement conforms to the dimensional requirements and other standards of this Ordinance; and

2. OTHER

a. The proposed expansion of the nonconforming structure or improvement conforms to the parking requirements of **Section 6.1, Off-Street Parking and Loading,** the bufferyard requirements of **Section 6.3, Bufferyard Standards**, and the TO District provisions of **Section 4.9.3, TO Thoroughfare Overlay District**.

b. The bufferyard standards shall apply to the entire zoning lot, not to remaining vacant land existing as of the effective date of this Ordinance.

D. RECONSTRUCTION

Any nonconforming structure or improvement which is demolished or destroyed may be reconstructed on the same lot, provided such reconstruction shall be accomplished:

1. **PERMIT**
   Pursuant to a validly issued permit within two (2) years of demolition or destruction of the structure or improvement;
2. **AREA**
   Without any increase in the cubical content or floor area;
3. **LOCATION**
   Without any change in location except to provide greater front, side, or rear yard areas; and
4. **TIME**
   Within two (2) years from issuance of a building permit.

E. *PARKING FOR NONRESIDENTIAL STRUCTURES BUILT PRIOR TO MARCH 7, 1988 (W)*

1. *Nonresidential structures that are nonconforming as to off-street parking requirements in GMA 1 and GMA 2 may change uses within the building without any requirement to increase existing off-street parking on the zoning lot, including zoning lots without any off-street parking.*

2. *RESERVED*

3. *RESERVED*

4. *Additions to these nonresidential structures shall be permitted in accordance with* ***Section 9.4.3, Maintenance, Renovation, Expansion, Reconstruction And Parking****; however, no new additions shall be permitted which would eliminate any existing off-street parking on the zoning lot unless the number of parking spaces remaining meets the number required by this Ordinance for the zoning lot.*

F. PARKING FOR NONRESIDENTIAL STRUCTURES BUILT PRIOR TO SEPTEMBER 16, 1968 (F)

1. Nonresidential structures that are nonconforming as to off-street parking requirements in GMA 1 and GMA 2 may change uses within the building without any requirement to increase existing off-street parking on the zoning lot including zoning lots without any off-street parking.

2. RESERVED

3. RESERVED

4. Additions to these nonresidential structures shall be permitted in accordance with **Section 9.4.3C, Expansion**, however, no new additions shall be permitted which would eliminate any existing off-street parking on the zoning lot unless the number of parking spaces remaining meets the number required by this Ordinance for the zoning lot.

9.4.4 REQUIRED IMPROVEMENTS FOR CERTAIN NONCONFORMING STRUCTURES AND IMPROVEMENTS

If the structures and improvements devoted to the following uses are or become nonconforming with respect to one or more development standards by virtue of adoption of this Ordinance or subsequent amendment, the nonconforming structure and improvements shall meet the development standards and time periods for compliance contained in the sections of this Ordinance specified below:

A. Land clearing and inert debris landfill, **Section 5.2.44**.

B. Manufactured housing development, **Section 5.2.54**.

C. Motor vehicle dismantling and wrecking yard, **Section 5.2.59**.

D. Motor vehicle storage yard, **Section 5.2.61**.

E. Storage and salvage yard, **Section 5.2.88**.

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10.1 AUTHORITIES

10.1.1 GENERAL RESPONSIBILITIES

A. To accomplish the purposes of this Ordinance and to insure compliance with these regulations, the following administrative responsibilities are assigned:

1. The Director of Planning and the Planning Board are responsible for making recommendations to the Elected Body regarding zoning and land use matters as required by this Ordinance.

2. The Director of Inspections shall enforce and administer the regulations of this Ordinance, under the general direction of the Manager of the adopting jurisdiction, and shall serve as secretary to the Board of Adjustment.

B. The Board of Adjustment or the Director of Inspections may seek needed legal advice of the attorney for the adopting jurisdiction.

10.1.2 CITY-COUNTY JOINT PLANNING BOARD

A. FORSYTH COUNTY AND CITY OF WINSTON-SALEM

1. CREATION AND DESIGNATION

Pursuant to the authority conferred by Chapter 677 of the 1947 Session Laws of the State, the Elected Body (City Council) of the City of Winston-Salem and the Elected Body (Board of Commissioners) of Forsyth County, meeting in joint session on February 13, 1948, and by joint action and agreement has created and established and hereby continues a joint City and County Planning Board for the City of Winston-Salem and Forsyth County, to be known as the City-County Planning Board.

2. COMPOSITION; TERM OF MEMBERS; COMPENSATION

a. The Planning Board shall be comprised of nine (9) members, who are residents of the County, who shall hold no other public office with the City or the County, and not more than five (5) of whom shall reside within the corporate limits of the City of Winston-Salem.

b. The citizen members of the Planning Board shall be appointed jointly by the City Council and the Board of County Commissioners.

c. The terms of the citizen members first appointed shall be one for one year, two (2) for two (2) years, and two (2) for three (3) years, and two (2) for four (4) years.

d. The terms of their successors in the office shall be for four (4) years.

e. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by appointment as above provided for the unexpired term.

f. Members may, after a public hearing, be removed, by the officials appointing them, for inefficiency, neglect of duty, or malfeasance in office.

g. Members of the Planning Board shall serve without compensation.

3. CONFLICT OF INTEREST

Pursuant to the provisions of NCGS 160D-109, Planning Board members shall not vote on items decided by the Planning Board or on zoning map and text amendment recommendations forwarded to the Elected Body where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member(s). Further, Planning Board members shall not vote on items decided by the Planning Board or any zoning map amendment recommendation forwarded to the Elected Body if the landowner of the property subject to the approval or rezoning petition recommendation has a close familial, business or other associational relationship with the Planning Board member.

B. POWERS AND DUTIES

The Planning Board shall have all such powers and shall perform all such duties as are granted and conferred by Chapter 677 of the 1947 Session Laws of the State, all such powers and duties to be exercised in accordance with the rules and regulations hereafter adopted by the Planning Board and to take effect upon the organization of

such board by the election of a chairman and such other officers and employees as are authorized by Chapter 677, and from the adopting by the Planning Board of the necessary rules and regulations for the exercise of the powers and for the performance of the duties created by Chapter 677 of the 1947 Session Laws of the State.

1. SITE PLAN REVIEW

The Planning Board shall review all requests for permits requiring a site plan review designated as a "P" or designated as an "A" or "E" in **Table 5.1.1, Principal Use Table,** and not exempted in **Section 3.2.13, Special Use Permit**, to assure that the requirements of **Section 5.2, Use-Specific Standards**, and other applicable provisions of the UDO are met.

a. APPROVAL AND CONDITIONS

i. The Planning Board shall approve any requests for permits which meet all the requirements of this Ordinance, and deny any such requests which do not meet all the requirements of this Ordinance.

ii. The Planning Board may, as part of its approval, require the following conditions to reduce impacts associated with the project:

1. Public right-of-way dedication to meet projected needs for roads shown on the Comprehensive Transportation Plan, or for other roads as determined by the City of Winston-Salem or North Carolina Department of Transportation.

2. Road and/or sidewalk improvements as recommended by the City of Winston-Salem or North Carolina Department of Transportation.

3. Access control, including the location, number, and dimensions of driveways; and combining driveways with and providing connections to adjacent properties, as recommended by Planning staff or other appropriate agencies.

4. Reorientation of parking areas or building access to insure on-site traffic flow and pedestrian safety.

5. Dedication or granting of easements for greenways identified on the adopted Greenway Plan.

6. Screening and location of dumpsters, loading areas, on-site utilities, or other visually obtrusive features as determined by the Planning Board.

7. Space for public transit vehicle maneuvering and/or public transit shelter if determined necessary by the Winston-Salem Transit Authority.

8. Stormwater management plans as recommended by Planning staff and appropriate agencies.

9. Location and screening of improvements or activities which may generate substantial noise.

10. Compliance with recommendations of the City of Winston-Salem or State of North Carolina or other governmental departments reviewing the projects.

11. Compliance with all applicable conditions previously approved for the property in question.

12. Water and sewer service, if necessary for the development project, are available in adequate capacity.

b. SPECIAL USE DISTRICT ZONING

No separate site plan review by the Planning Board is required for a use which is permitted as a part of a special use district zoning adopted by the Elected Body and which meets the requirements of this Ordinance.

c. STAFF CHANGES

i. The Planning Board may, by resolution, allow the Planning staff to grant staff changes to site plans and conditions after the site plans and conditions have been approved by the Planning Board.

ii. Such resolution shall include authority for staff to make changes as consistent with law and the intent of the original site plan or conditions.

2. SPECIAL USE PERMITS APPROVED BY THE BOARD OF ADJUSTMENT OR THE ELECTED BODY

The Planning Board shall review, for compliance with the requirements of this Ordinance and subsection **a** above, the site plans submitted in conjunction with requests for special use permits issued by the Board of Adjustment or the Elected Body in accordance with **Section 10.1, Authorities**, unless the applications are otherwise exempted in **Section 3.2.13, Special Use Permit.**

3. AMENDMENTS TO THE ZONING ORDINANCE AND THE OFFICIAL ZONING MAPS

The Planning Board shall review all requests for amendments to the Zoning Ordinance and the Official Zoning Maps and make recommendations to the Elected Body, in accordance with **Section 3.2.15, UDO Text Amendment and Section 3.2.19, Zoning Map Amendment**.

C. APPLICATION PROCEDURES

Complete applications for Planning Board Reviews shall be submitted in the appropriate electronic plan review system by the date shown on the Planning Board calendar of significant dates for the next regularly scheduled Planning Board meeting, including a completed application form and other required information, site plans meeting the requirements for site plan submittal in **Section 3.2.11, Site Plan,** and fees in accordance with **Section 3.1.1A, Fees**.

10.1.3 BOARD OF ADJUSTMENT

A. FORSYTH COUNTY - ESTABLISHMENT AND MEMBERSHIP (F)

1. CREATION

A Forsyth County Board of Adjustment, consisting of five (5) members, with two (2) alternate members, appointed by the Elected Body (Board of Commissioners) has been established and is hereby continued.

2. MEMBERSHIP

a. TENURE

i. The members are to serve for terms of three (3) years, except that the initial Board of Adjustment is to consist of one appointee for a term of one year; two (2) appointees for terms of two (2) years, and two (2) appointees for terms of three (3) years.

ii. Thereafter, all appointments are to be for terms of three (3) years.

iii. The two (2) alternate members are to serve for terms of three (3) years, except that initially one alternate member shall serve for a term expiring April 30, 1989, and one alternate member shall serve for a term expiring April 30, 1990.

iv. Thereafter, alternate member appointments are to be for a term of three (3) years.

b. VACANCIES

Any vacancy on the Board of Adjustment is to be filled by the Elected Body for the remainder of the unexpired term.

c. REMOVAL FOR CAUSE

Any member of the Board of Adjustment may be removed for cause by the Elected Body upon written charges and after a public hearing.

d. ALTERNATE MEMBERS

In the absence or temporary disqualification of any regular member at a regular or special meeting of the Board of Adjustment, an alternate member or members may sit on the Board of Adjustment and serve in replacement while attending the regular or special meeting, and shall have and exercise all the powers and duties of a regular member for that meeting.

3. MAJORITY VOTE

a. The concurring vote of a majority of the members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of the Director of Inspections, or to decide in favor of the applicant on any matter upon which the Board of Adjustment is required to pass judgment, or to grant a variance from the provisions of this Ordinance.

b. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

4. COMPENSATION

The per diem compensation of the members of the Board of Adjustment shall be fixed by the Elected Body.

5. RULES AND PROCEDURES

a. A member of the Board of Adjustment shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker.

b. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

c. The Board of Adjustment shall adopt other rules and procedures as it deems necessary, as long as they do not conflict with the rules and procedures established in this section.

B. *WINSTON-SALEM ESTABLISHMENT AND MEMBERSHIP (W)*

1. CREATION

A Winston-Salem Board of Adjustment, consisting of five (5) members, with two (2) alternate members, appointed by the Elected Body (City Council) has been created and is hereby continued; providing, however, that one additional regular member and one additional alternate member in accordance with Section 160D-307 of the North Carolina General Statutes are to be appointed by the Board of County Commissioners of Forsyth County, upon recommendation of the City Council, from persons who reside outside but within the extraterritorial zoning jurisdiction of the City of Winston-Salem, said members to have the same powers, duties, and responsibilities as all other members.

2. MEMBERSHIP

a. *TENURE*

The members are to serve for terms of three (3) years.

b. *VACANCIES*

Any vacancy on the Board of Adjustment is to be filled by the Elected Body for the remainder of the unexpired term; provided, however, that a vacancy in a position filled by appointment of the Board of County Commissioners is to be filled by the Board of County Commissioners.

c. *REMOVAL FOR CAUSE*

Any member of the Board of Adjustment may be removed for cause by the Elected Body upon written charges and after a public hearing.

d. *ALTERNATE MEMBERS*

In the absence or temporary disqualification of any regular member at a regular or special meeting of the Board of Adjustment, an alternate member or members may sit on the Board of Adjustment and serve in replacement while attending the regular or special meeting, and shall have and exercise all the powers and duties of a regular member for that meeting.

3. FOUR-FIFTHS (4/5) VOTE REQUIRED

a. *The concurring vote of four-fifths (4/5) of the members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of the Director of Inspections, or to decide in favor of the applicant on any matter upon which the Board of Adjustment is required to pass judgment, or to grant a variance from the provisions of this Ordinance.*

b. *For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite supermajority if there are no qualified alternates available to take the place of such members.*

4. COMPENSATION

The per diem compensation of the members of the Board of Adjustment shall be fixed by the Elected Body.

5. RULES AND PROCEDURES

a. *A member of the Board of Adjustment shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker.*

b. *Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.*

c. *The Board of Adjustment shall adopt other rules and procedures as it deems necessary, as long as they do not conflict with the rules and procedures established in this section.*

C. POWERS AND DUTIES

1. SPECIAL USE PERMITS AUTHORIZED BY THE BOARD OF ADJUSTMENT

The Board of Adjustment shall review all requests for permits as designated in **Table 5.1.1, Principal Use Table,** and **Section 5.2, Use-Specific Standards.**

2. VARIANCES

No provision of this Ordinance shall be interpreted as conferring upon the Board of Adjustment the authority to approve an application for a variance of the conditions of a permitted use except with respect to the specific waiving of requirements as to:

a. General dimension requirements for zoning districts listed in **Section 4.5, General Residential Zoning District Standards**, **Section 4.6, General Commercial Zoning Districts**, **Section 4.7, General Industrial Zoning Districts**, and **Section 4.8, General Institutional and Mixed-Use Zoning Districts**, and shall only include minimum zoning lot area and width, minimum setbacks, maximum impervious surface cover, or maximum height;

b. Floodplain regulations as specified in **Section 8.1.2D, Variance Procedures**;

c. Vehicular use landscaping requirements as specified in **Section 6.2.2, Landscaping Standards – Forsyth County**, and **Section 6.2.1, Landscaping and Tree Preservation Standards – Winston-Salem**, as appropriate;

d. Bufferyard requirements as specified in **Section 6.3, Bufferyard Standards**;

e. Setback and landscaping requirements of the TO District as specified in **Section 4.9.3, TO Thoroughfare Overlay District**;

f. Width of private access easements where such easement is for single family residential uses and where said private access easement was established prior to April 17, 1978;

g. Off-street parking and loading as specified in **Section 6.1, Off-Street Parking and Loading**;

h. Delay of building permits within designated Transportation Plan corridors as specified in **Section 7.6.2A, Public Rights-of-Way**;

i. *Residential infill setback requirements as specified in **Section 6.4.2, Supplementary Standards For Residential Development In GMA 2 (W)**;* and

j. Conservation Standards for the NCO District as specified in **Section 4.9.2, NCO Neighborhood Conservation Overlay District**

k. *Post construction stormwater requirements as specified in Chapter 75, Article IV-Post Construction Stormwater of the Code of the City of Winston-Salem.*

3. APPEALS AND INTERPRETATIONS

a. GENERAL

i. The Board of Adjustment shall hear and pass upon appeals from and shall review any decision made by the Director of Inspections or a designee.

ii. The Board of Adjustment shall also hear and pass upon all other matters upon which it is required to act under this Ordinance, including but not limited to, decisions of the Housing Conservation Administrator, the Watershed Administrator, the Erosion and Sedimentation Control Administrator, the Subdivision Administrator and the Historic Resources Commission (HRC).

iii. All matters that are considered under appeal by the Board of Adjustment shall follow all application procedures and pay all requisite fees prior to the appeal being accepted.

b. BOARD OF ADJUSTMENT AUTHORITY

Upon appeal, the Board of Adjustment shall have the following powers:

i. To hear and decide appeals based on alleged error in any order, requirement or decision made by the Director of Inspections or a designee in the enforcement of this Ordinance.

ii. To hear and decide requests for special exceptions or for the interpretation of the Official Zoning Maps or for decisions upon other special questions upon which the Board of Adjustment is authorized to pass.

iii. The Board of Adjustment may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision or determination that ought to be made. The Board of Adjustment shall have all the powers of the official who made the decision.

iv. When hearing an appeal pursuant to Section 160D-1402 of the North Carolina General Statutes or any other appeal in the nature of certiorari, the hearing shall be based on the record and the scope of review shall be as provided in Section 160D-102; 1402 of the North Carolina General Statutes.

4. QUASI-JUDICIAL DECISIONS

a. The Board shall determine contested facts and make its decision within a reasonable time.

b. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record.

c. Each quasi-judicial decision shall be reduced to writing and reflect the Board's determination of contested facts and their application to the applicable standards.

d. The written decision shall be signed by the Chair or Secretary of the Board.

e. A quasi-judicial decision is effective upon filing the written decision with the Clerk to the Board.

f. The decision of the Board shall be delivered by personal delivery, electronic mail, or by first class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

g. The person required to provide notice shall certify that proper notice has been made.

5. APPROVED SITE PLANS

a. Any site (plot) plans approved as a part of an application shall become a part of that application and shall not be changed.

b. A modified site plan may be submitted and the changes may be approved by the Director of Inspections if in his opinion the changes are minor in nature and are consistent with the intent of the original site plan or conditions.

c. Changes to site plans that are not considered minor by the Director of Inspections shall be approved by the Board of Adjustment.

6. SUBPOENA POWER

a. The Board of Adjustment through the Chair, or, in the Chair's absence, anyone acting as Chair, may subpoena witnesses and compel the production of evidence.

b. To request issuance of a subpoena, a person with standing under Section 160D-102; 1402 of the North Carolina General Statutes may make a written request to the Chair explaining why it is necessary for certain witnesses or evidence to be compelled.

c. The Chair shall issue requested subpoenas they determine to be relevant, reasonable in nature and scope, and not oppressive.

d. Decisions regarding subpoenas made by the Chair may be appealed to the full Board of Adjustment.

e. If a person fails or refuses to obey a subpoena issued pursuant to the subsection, the Board of Adjustment or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed.

10.1.4 FORSYTH COUNTY HISTORIC RESOURCES COMMISSION

A. CREATION

1. Pursuant to the authority conferred by Sections 160D-303; 940-949; 951 of the North Carolina General Statutes, the Forsyth County Board of Commissioners, the City Council of the City of Winston-Salem, the Board of Aldermen of the Town of Kernersville, the Village Council of Clemmons, and the Town Councils of the Towns of Bethania, Lewisville, Rural Hall, and Walkertown (hereinafter the Elected Bodies) by concurrent ordinances, do hereby create and establish a joint commission to be known as the Forsyth County Historic Resources Commission (hereinafter the Commission).

2. In establishing the Commission and making appointments to it, the Elected Bodies may seek the advice of State or local historical agencies, societies, or organizations.

3. For purposes of this Ordinance, County/City/Town/Village shall refer, to Forsyth County and the City of Winston-Salem, the Town of Kernersville, the Village of Clemmons, and the Towns of Bethania, Lewisville, Rural Hall, and Walkertown or jointly, as the context requires.

B. PURPOSE

The purpose of the Commission is to safeguard the heritage of the County, the City, the Towns, and the Village by preserving any district or landmark therein that embodies important elements of its culture, history, architectural history, or prehistory; and to promote the use and conservation of such district or landmark for the education, pleasure and enrichment of the residents of the City of County and the State as a whole.

C. FORSYTH COUNTY HISTORIC RESOURCES COMMISSION

The Commission is designated as the historic preservation advisory and quasi-judicial body for Forsyth County.

1. COMPOSITION

The Commission shall consist of twelve (12) members appointed as follows:

a. Five (5) by the Forsyth County Board of Commissioners, which shall include representation from Bethania, Lewisville, Rural Hall, and Walkertown;

b. Five (5) by the Winston-Salem City Council;

c. One (1) by the Kernersville Board of Alderman; and

d. One (1) by the Clemmons Village Council.

2. MEMBERSHIP AND ORGANIZATION

a. MEMBERSHIP AND QUALIFICATION

All members of the Commission shall reside within Forsyth County.

All members of the Commission shall have a demonstrated interest or competence in, or knowledge of, historic preservation; and a majority of members shall have demonstrated special interest, experience, or education in history, architecture, archaeology, or related fields.

The Commission shall consist of eight (8) at-large members and four (4) categorical members. The categorical members shall include at least one (1) each of the following categories:

1. Architect licensed in the State of North Carolina;

2. Historic (H) District property owner;

3. Historic Overlay (HO) District property owner; or

4. Local Historic Landmark (LHL) property owner.

b. APPOINTMENT OF CATEGORICAL MEMBERS

The four (4) categorical members shall be appointed as follows:

The Forsyth County Board of Commissioners shall appoint one (1) architect licensed in the State of North Carolina, and one (1) Local Historic Landmark (LHL) property owner; and

The Winston-Salem City Council shall appoint one (1) Historic (H) District property owner, and one (1) Historic Overlay (HO) District property owner.

c. TERM

The regular term of office for Commission members shall be four (4) years.

A member may be reappointed for a second consecutive term, but, thereafter, a member shall be ineligible for reappointment until one (1) full term has elapsed from the member's termination of service.

Members shall continue in office until a successor has been appointed and qualified.

Service of less than 50 percent of a normal term shall not be deemed a term, and service for more than 50 percent shall be deemed a term.

d. COMPENSATION

Members shall serve without compensation but may be reimbursed for actual expenses incidental to the performance of their duties within the limits of funds available to the Commission.

e. MEETINGS

The Commission shall establish a meeting time, and shall meet at least monthly, unless there is not sufficient business to warrant a meeting.

All meetings of the Commission shall be open to the public and subject to the North Carolina Open Meetings Law.

f. RULES OF PROCEDURE

The Commission shall adopt and publish Rules of Procedure for the conduct of its business.

g. ANNUAL REPORT

An annual report shall be prepared and submitted by December of each year to the Elected Bodies.

Such report shall include a comprehensive and detailed review of the activities and actions of the Commission, as well as any budget requests and/or recommendations.

h. MEETING MINUTES

The Commission shall keep permanent minutes of its meetings.

The minutes shall record attendance of its members, its resolutions, findings, recommendations, and other actions.

The minutes of the Commission shall be a public record.

3. COMMISSION POWERS

a. GENERAL RESPONSIBILITIES OF THE HISTORIC RESOURCES COMMISSION

The Commission shall act to promote, enhance, and preserve the character and heritage of Forsyth County.

b. SPECIFIC AUTHORITY AND POWERS

The Commission shall have all powers of an historic preservation commission as provided in Chapter 160D-942 of the North Carolina General Statutes including the following duties and responsibilities:

To restore, preserve, and operate historic properties;

To undertake an inventory of properties of historical, prehistorical, architectural, and/or cultural significance;

To recommend to the Elected Bodies that individual structures, buildings, sites, areas, or objects be designated by ordinance as LHLS and/or that areas be designated as H or HO Districts;

To recommend to the Elected Bodies that designation of any area as a H or HO district or part thereof, or designation of any building, structure, site, area, or object as an LHL, be revoked or removed for cause;

To review and act upon proposals for alterations, demolitions, or new construction within H or HO districts, or for the alteration or demolition of designated LHLs;

To cooperate with the State, federal, and local governments in pursuance of the purposes of this part. The Elected Bodies or the Commission, when authorized by the Elected Bodies, may contract with the State, or the United States of America, or any agency of either, or with any other organization provided the terms are not inconsistent with State or federal law;

To negotiate at any time with the owner of a building, structure, site, area, or objectfor its acquisition or its preservation, when such action is reasonably necessary or appropriate;

To acquire by any lawful means the fee or any lesser included interest, including options to purchase, to properties within established H and HO districts or to any such properties designated as LHLs to hold, manage, preserve, restore, and improve such properties, and to exchange or dispose of the property by public or private sale, lease or otherwise, subject to covenants or other legally binding restrictions that will secure appropriate rights of public access and promote the preservation of the property;

To enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof. However, no member, employee, or agent of the Commission may enter any private building or structure without the express consent of the owner or occupant thereof;

To conduct an educational program regarding historic properties and districts within Forsyth County; and

To prepare and recommend the official adoption of a preservation element as part of a comprehensive plan for the County/City/Town/Village.

10.1.5 DIRECTOR OF PLANNING & DEVELOPMENT SERVICES

To ensure compliance with the provisions of this Ordinance, the Director of Planning & Development Services shall:

A. ISSUE PERMITS

Issue the following documents:

1. ZONING PERMITS

See **Section 3.2.18, Zoning Permit**.

2. CERTIFICATES OF OCCUPANCY

See **Section 3.2.3, Certificate of Occupancy**.

3. PERMITS FOR DEVELOPMENT REQUIRING SITE PLAN REVIEW BY THE PLANNING BOARD

a. Whenever the Planning Board approves a use requiring site plan review pursuant to **Section 10.1.2, City-County Joint Planning Board**, the Director of Planning & Development Services shall issue any necessary building permit and certificate of occupancy in accordance with the terms of such approval.

b. All other conditions are to be met prior to the issuance of building permits, certificates of occupancy, or other period of time as determined by the Director of Planning & Development Services.

4. SPECIAL USE PERMITS, VARIANCES, AND SPECIAL USE DISTRICT ZONING

a. Whenever the authorized board approves an application for a special use permit or a variance pursuant to **Section 10.1.3, Board of Adjustment**, or **Section 3.2.13E, Special Use Permits Authorized By The Elected Body**, or as a special use district zoning pursuant to **Section 3.2.19D, Special Use Districts**, the Director of Planning & Development Services shall issue any necessary building permit and certificate of occupancy in accordance with the terms of such approval.

b. All other conditions are to be met prior to the issuance of building permits, certificates of occupancy, or other period of time as determined by the Director of Planning & Development Services.

5. TEMPORARY USE PERMITS

See **Section 3.2.14, Temporary Use Permit**.

6. CERTIFICATE OF APPROPRIATENESS

Whenever the Historic Resources Commission issues a certificate of appropriateness as required in the H and HO Districts, the Director of Planning & Development Services shall issue any necessary building permit and certificate of occupancy in accordance with the terms of such approval.

B. MAINTAIN RECORDS

Make and maintain records of all applications for permits submitted to the Director of Planning & Development Services, and records of all permits and plans submitted, which shall be available for inspection at reasonable times by any interested person.

C. INSPECT AND ENFORCE

Conduct inspections of premises and take other lawful action to obtain compliance with the provisions as authorized in **Section 10.2, Enforcement**.

10.1.6 STORMWATER DIRECTOR

The Elected Body shall appoint the Stormwater Director or a designee, who shall be duly sworn in, to administer and enforce the following standards.

A. ENFORCEMENT AUTHORITY

1. It shall be the duty of the Stormwater Director or a designee to administer and enforce provisions related to watershed protection.

2. The Stormwater Director or a designee is granted the authority to administer and enforce the watershed protection provisions, exercising in the fulfillment of his responsibility the full police power of the jurisdiction.

3. The Stormwater Director or a designee may enter any building, structure, or premises, as provided by law, to perform any duty imposed by these standards.

B. ISSUE PERMITS

1. The Stormwater Director or a designee shall issue watershed protection permits, watershed protection occupancy permits, and stormwater quality management permits as prescribed herein.

2. A record of all permits shall be kept on file and shall be available for public inspection during regular office hours of the Stormwater Director or a designee.

C. SECRETARY TO THE WATERSHED REVIEW BOARD

The Stormwater Director or a designee shall serve as secretary to the Watershed Review Board.

D. MAINTAIN RECORDS OF AMENDMENTS, RELATED TO THESE PROVISIONS

The Planning Board shall keep records of all amendments to these standards and shall provide copies of all amendments upon adoption to the Division of Water Quality of the North Carolina Department of Environmental Quality (DEQ).

E. MAINTAIN RECORDS OF VARIANCES

1. The Stormwater Director or a designee shall keep a record of variances to these standards.

2. A record of all variances granted during each calendar year shall be submitted to the Division of Water Quality of the North Carolina Department of Environmental Quality (DEQ) on or before January 1st of the following year and shall provide a description of each project receiving a variance and the reasons for granting the variance.

F. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

The Stormwater Director, or a designee, shall serve as the Floodplain Administrator, who shall perform, but not be limited to, the following duties:

1. Review all floodplain development applications and issue permits for all proposed development within special flood hazard areas to assure that the requirements of this Ordinance have been satisfied.

2. Review all proposed development within special flood hazard areas to assure that all necessary local, State and federal permits have been received.

3. Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

4. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.

5. Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of **Section 8.1.3E, Floodways and Non-Encroachment Areas**, are met.

6. Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new or substantially improved structures, in accordance with the provisions of **Section 3.2.6C, Certification Requirements**.

7. Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures

and utilities have been floodproofed, in accordance with the provisions of **Section 3.2.6C, Certification Requirements.**

8. Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of **Section 3.2.6C, Certification Requirements.**

9. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of **Section 3.2.6C, Certification Requirements,** and **Section 8.1.3B.3, Nonresidential Construction**.

10. Where interpretation is needed as to the exact location of boundaries of the special flood hazard areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.

11. When Base Flood Elevation (BFE) data has not been provided in accordance with the provisions of **Section 8.1.1E, Basis for Establishing the Special Flood Hazard Areas**, obtain, review, and reasonably utilize any BFE data, along with floodway data or non-encroachment area data available from a federal, State, or other source, including data developed pursuant to **Section 8.1.3C, Standards For Floodplains Without Established Base Flood Elevations**, in order to administer the floodway and flood fringe provisions of this Ordinance.

12. When base flood elevation (BFE) data is provided but no floodway or non-encroachment area data has been provided in accordance with the provisions of **Section 8.1.1E, Basis for Establishing the Special Flood Hazard Areas,** obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a federal, State, or other source in order to administer the floodway and flood fringe provisions of this Ordinance.

13. When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a special flood hazard area is above the base flood elevation (BFE), advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file.

14. Permanently maintain all records that pertain to the administration of this Ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.

15. Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.

16. Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this Ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.

17. Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.

18. Make periodic inspections throughout all special flood hazard areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department

at any reasonable hour for the purposes of inspection or other enforcement action.

19. Follow through with corrective procedures of **Section 8.1.2C, Corrective Procedures**.

20. Review, provide input, and make recommendations for variance requests.

21. Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with the provisions of **Section 8.1.1E, Basis for Establishing the Special Flood Hazard Areas,** of this Ordinance, including any revisions thereto including letters of map change, issued by FEMA. Notify State and FEMA of mapping needs.

22. Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).

10.2 ENFORCEMENT

10.2.1 VIOLATIONS AND PENALTIES (W)

The following enforcement procedures may be undertaken by the Director of Inspections to enforce provisions of this Ordinance.

A. *RESERVED*

B. *CIVIL PENALTIES (W)*

1. *ASSESSMENT OF CIVIL PENALTIES*

a. *Any person, firm, or corporation violating any provisions of this Ordinance shall be subject to a civil penalty of one hundred dollars ($100.00) to be recovered by the jurisdiction in a civil action in the nature of a debt.*

b. *No civil penalty shall be assessed until the person alleged to be in violation has been notified of the violation by the Director of Inspections.*

c. *Failure to correct the violation within five (5) days of the date of service of the notice, or the end of the period of any extension, will result in the assessment of a civil penalty or other enforcement action.*

d. *For good cause determined by the Director of Inspections, the correction period may be extended by him.*

e. *Each day of continuing violation shall constitute a separate violation.*

2. *REFERRAL TO ATTORNEYS*

If payment is not received within thirty (30) days after written demand for payment is made, the Director of Inspections may refer the matter to the jurisdiction's Attorney who is authorized to institute a civil action in the name of the jurisdiction in the appropriate division of the General Court of Justice for recovery of the penalty.

3. *SETTLEMENT AUTHORITY*

a. *The City Manager or a designee shall have the authority to settle any zoning enforcement civil penalty collection action, provided:*

b. *All zoning violations for the property subject to the civil penalty collection action have first been abated;*

c. *The City Manager or a designee makes a finding that settlement of the zoning enforcement civil penalty collection action is warranted due to the practical difficulties or unnecessary hardships that would result from carrying out the strict letter of this Ordinance, or due to any other considerations deemed in the best interest of the city; and*

d. *The spirit of this Ordinance shall be preserved, the health, safety, and general welfare of the community shall be promoted, and substantial justice shall be done.*

C. *INJUNCTIVE OR OTHER RELIEF (W)*

1. *REFERRAL TO ATTORNEY*

In addition to other remedies provided by law, whenever the Director of Inspections has reasonable cause to believe that any person is violating or threatening to violate this Ordinance, the Director of Inspections may refer the matter to the jurisdiction's attorney.

2. *OTHER APPROPRIATE ACTION*

The jurisdiction's attorney, on behalf of the jurisdiction, may in addition to other remedies provided by law, institute injunction, mandamus, abatement, or any other appropriate action or actions, proceeding or proceedings to prevent, enjoin, abate, or remove such unlawful erection, construction, reconstruction, alteration, maintenance, or use.

3. *ABATEMENT*

a. *The Director of Inspections or his designee is authorized to summarily abate any violation that continues to exist after the expiration of the correction period provided in* ***Section 10.2.1B.1, Assessment of Civil Penalties****.*

b. *The expense of the action shall be paid by the person in default.*

c. *If the expense is not paid, it is a lien on the land or premises where the abatement action occurred.*

d. *A lien established pursuant to this section shall have the same priority and be collected as unpaid ad valorem taxes.*

e. *The expense of the action is also a lien on any other real property owned by the person in default within the City limits or within one (1) mile of the City limits, except for the person's primary residence.*

f. *This secondary lien established pursuant to this section is inferior to all prior liens and shall be collected as a money judgment.*

g. *This section does not apply if the person in default can show that the violation was created solely by the actions of another.*

D. *NOTICE (W)*

1. *A notice of violation shall be served by personal service or by registered or certified mail in conjunction with regular mail and posting of the property.*

2. *If the regular mail is not returned within ten (10) days of its mailing, and the registered or certified mail is returned or refused or unclaimed, service by regular mail shall be deemed sufficient.*

3. *If regular mail is used, a notice of violation shall be posted in a conspicuous place on the premises in violation.*

4. *The Director of Inspections or his designee is authorized to provide, upon the issuance of a notice of violation, for the filing of a notice of lis pendens in the office of the Clerk of Superior Court of Forsyth County.*

5. *When a notice of lis pendens and a copy of the notice of violation are filed with the Clerk of Superior Court, it shall be indexed and cross-indexed in accordance with the indexing procedures of Section 1-117 of the North Carolina General Statutes.*

6. *From the date and time of the indexing, the notice of violation shall be binding upon the successors and assigns of the owner or owners of the premises in violation.*

7. *A copy of the notice of lis pendens shall be served upon the owner or owners of the premises in violation at the time of the filing in accordance with the procedure for serving the notice of violation set forth herein.*

8. *The notice of lis pendens shall remain in full force and effect until cancelled.*

9. *The Director of Inspections or his designee may authorize the cancellation of the notice of lis pendens upon compliance with the notice of violation, and upon receipt of such cancellation, the Clerk of Superior Court shall cancel the notice of lis pendens.*

E. *CHRONIC VIOLATOR (W)*

1. *The Director of Inspections or a designee may notify a chronic violator of this Ordinance that, if the violator's property is found to be in violation of this Ordinance, the City shall, without further notice in the calendar year in which notice (hereinafter "chronic violator notice") is given, take action to remedy the violation, and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes.*

2. *The chronic violator notice shall be served by registered or certified mail in conjunction with regular mail and posting.*

3. *If regular mail is not returned within ten (10) days of its mailing, and the registered or certified mail is returned refused or unclaimed, service by regular mail shall be deemed sufficient.*

4. *A "chronic violator" is a person who owns property whereupon, during the eighteen (18) month period prior to the issuance of the chronic violator notice, the City took remedial action at least three (3) times under the City's Zoning Ordinance.*

10.2.2 VIOLATIONS AND PENALTIES (F)

The following enforcement procedures may be undertaken by the Director of Inspections to enforce provisions of this Ordinance.

A. RESERVED

B. CIVIL PENALTIES (F)

1. ASSESSMENT OF CIVIL PENALTIES

a. Any person, firm, or corporation violating any provisions of this Ordinance shall be subject to a civil penalty of one hundred dollars ($100.00) to be recovered by the jurisdiction in a civil action in the nature of a debt.

b. No civil penalty shall be assessed until the person alleged to be in violation has been notified of the violation by the Director of Inspections.

c. Failure to correct the violation within ten (10) days of the date of service of the notice, or the end of the period of any extension, will result in the assessment of a civil penalty or other enforcement action.

d. For good cause determined by the Director of Inspections, the correction period may be extended by him.

e. Each day of continuing violation shall constitute a separate violation.

2. REFERRAL TO ATTORNEYS

If payment is not received within thirty (30) days after written demand for payment is made, the Director of Inspections may refer the matter to the jurisdiction's attorney who is authorized to institute a civil action in the name of the jurisdiction in the appropriate division of the General Court of Justice for recovery of the penalty.

C. INJUNCTIVE OR OTHER RELIEF (F)

1. REFERRAL TO ATTORNEY

In addition to other remedies provided by law, whenever the Director of Inspections has reasonable cause to believe that any person is violating or threatening to violate this Ordinance, the Director of Inspections may refer the matter to the jurisdiction's attorney.

2. OTHER APPROPRIATE ACTION

The jurisdiction's attorney, on behalf of the jurisdiction, may in addition to other remedies provided by law, institute injunction, mandamus, abatement, or any other appropriate action or actions, proceeding or proceedings to prevent, enjoin, abate, or remove such unlawful erection, construction, reconstruction, alteration, maintenance, or use.

10.2.3 SPECIAL USE DISTRICT PERMIT (W)

A. *Any violation of a condition or other provision shown on the face of a site plan adopted as part of a special use district permit issued by the Elected Body shall be a violation of this Ordinance.*

B. *Where the Director of Inspections determines that any term or condition of a special use district permit is not adhered to, he shall notify the petitioner or successor in interest of his findings in writing.*

C. *The petitioner shall have five (5) days unless the Director of Inspections determines that a longer period of time is reasonably necessary to correct the violation.*

D. *In the event that any violation is not corrected or abated within the five (5) days or the specified period, all development shall cease and all government permits granted pursuant thereto, such as but not necessarily limited to, a building permit, shall be revoked.*

E. *The Director of Planning shall determine the proper procedure to amend the site plan, including a formal site plan amendment or a staff change pursuant to* ***Section 3.2.15, UDO Text Amendment*** *and* ***Section 3.2.19, Zoning Map Amendment.***

F. *Revocation of the Special Use District Permit shall follow the same development review and approval process required for issuance of the initial development approval.*

10.2.4 SPECIAL USE DISTRICT PERMIT (F)

A. Any violation of a condition or other provision shown on the face of a site plan adopted as part of a special use district permit issued by the Elected Body shall be a violation of this Ordinance.

B. Where the Director of Inspections determines that any term or condition of a special use district permit is not adhered to, he shall notify the petitioner or successor in interest of his findings in writing.

C. The petitioner shall have ten (10) days unless the Director of Inspections determines that a longer period of time is reasonably necessary to correct the violation.

D. In the event that any violation is not corrected or abated within the ten (10) days or the specified period, all development shall cease and all government permits granted pursuant thereto, such as but not necessarily limited to, a building permit, shall be revoked.

E. The Director of Planning shall determine the proper procedure to amend the site plan, including a formal site plan amendment or a staff change pursuant to **Section 3.2.15, UDO Text Amendment** and **Section 3.2.19, Zoning Map Amendment**.

F. Revocation of the Special Use District Permit shall follow the same development review and approval process required for issuance of the initial development approval.

10.2.5 SUBDIVISION REGULATIONS

A. Any person who, being the owner or agent of the owner of any land subject to the subdivision regulations of Forsyth County and the City of Winston-Salem, thereafter subdivides his or her land in violation of the subdivision regulations or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under such regulations and recorded in the Register of Deeds, shall be guilty of a class 1 misdemeanor.

B. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty.

C. The respective unit of government may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the subdivision regulations.

D. Building permits may be denied for lots that have been illegally subdivided.

E. In addition to other remedies, the unit of government may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act or conduct.

11 MEASUREMENT & DEFINITIONS

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11.1 RULES FOR LANGUAGE CONSTRUCTION

11.1.1 TENSES

A. When used in this Ordinance, the present tense includes the future, the singular includes the plural, and words of one gender include the other, as may be applicable.

B. The word shall is mandatory, not directory.

C. The word use includes designed for use.

11.1.2 ILLUSTRATIONS

Illustrations are provided for purposes of describing, clarifying or providing examples of portions of the text, and do not replace or limit the text unless so stated in the text.

11.2 DEFINITIONS

11.2.1 MEANING OF DEFINITIONS

A. Unless otherwise expressly stated, or unless the context clearly indicates a different meaning, the words and phrases in the following list of definitions shall, for the purposes of this Ordinance, have the meanings indicated.

B. All words and phrases not defined in this chapter shall have their common meaning.

11.2.2 THE NORTH AMERICAN INDUSTRIAL CLASSIFCATION SYSTEM (NAICS) MANUAL AND THE STANDARD INDUSTRIAL CLASSIFICATION (SIC) MANUAL

The definitions of some principal uses listed in this Ordinance reference the North American Industrial Classification System (NAICS), established in 1997, or its predecessor, the Standard Industrial Classification System (SIC), established in 1937. In making an interpretation regarding the classification of uses pursuant to this Ordinance, the Director of Planning and Development Services may refer to the appropriate NAICS OR SIC number and accompanying descriptions contained in the latest edition of the manual. These manuals may or may not be the final determination of the use.

TABLE 11.2.2: DEFINITIONS	
A	
ABATTOIR	See Meat Packing Plant.
ACADEMIC BIOMEDICAL RESEARCH FACILITY	Buildings and other facilities and improvements used by an accredited, academic non-profit organization for the conduct of biomedical research activities. Such research activities may involve plants, human subjects and/or animals.
ACADEMIC MEDICAL CENTER	Buildings and other facilities and improvements used by an accredited medical school and its affiliated teaching hospital (separately or jointly) located on land owned by the hospital, medical school, and/or other nonprofit coordinating corporation (assisting the hospital and medical school) or a combination thereof. All of the land on which an Academic Medical Center is located shall be considered as one zoning lot.
ACCELERATED EROSION	Any increase over the rate of natural erosion as a result of land disturbing activity.
ACCESS TRAILS (F)	As used in the Randleman riparian buffer protection regulations, pedestrian trails constructed of pervious or impervious surfaces and related structures to access a surface water, including boardwalks, steps, rails, and signage.
ACCESSORY STRUCTURE	See Structure, Accessory. As used in the floodway and floodway fringe regulations, Accessory Structure (Appurtenant Structure) means a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.
ACCESSORY USE	See Use, Accessory.
ACT, EROSION CONTROL	As used in the erosion control standards, the North Carolina Sedimentation Pollution Control Act of 1973 and all rules and orders adopted pursuant to it and amendments.
ACTIVITY CENTER	An area with existing or potential for concentrated mixed use development identified on the Growth Management Plan Map and described in the Growth Management element of Forward 2045.
ADDITION	As used in the floodway and floodway fringe regulations, Addition (to an existing building) means an extension or increase in the floor area or height of a building or structure.
ADEQUATE EROSION CONTROL MEASURE, STRUCTURE, OR DEVICE	As used in the erosion control standards, a measure, structure or device which controls the soil material within the land area under responsible control of the person conducting the land disturbing activity.
ADULT DAY CARE CENTER	A day care facility in which day care is provided to seven (7) or more adolescents, or disabled or older adults. Adult day care facilities with fewer than the above noted number of adolescents, or disabled or older adults, shall generally be considered Adult Day Care Centers if the adult day care facility does not meet the requirements and definition of an Adult Day Care Home.
ADULT DAY CARE HOME	A day care facility in which day care is provided for up to six (6) adolescents, or disabled or older adults. An adult day care home is permitted only in a private residence occupied by the operator of the day care or as an accessory use to churches or religious institutions (the day care must also be on the same zoning lot as the primary church or religious institution).

TABLE 11.2.2: DEFINITIONS

ADULT ESTABLISHMENT	**Any structure or use of land which meets the definition of adult establishment as outlined in G.S. 14-202.10 (Licensed health massage/body work therapists shall not be considered a massage business.)** **Notwithstanding the definition of "adult bookstore" contained in G.S. 14-202.10(1), "adult bookstore" means a business establishment that:** **(a) Has as one of its principal business purposes the sale or rental of; or,** **(b) Has a substantial or significant portion of its stock or trade for sale or rental;** **"publications" which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to (i) "specified anatomical areas," as defined in G.S. 14-202.10(10), or "specified sexual activities," as defined in G.S. 14-202.10(11); and/or (ii) "sexually oriented devices," as defined in G.S. 14-202.10(9).** **As used in this definition, "publications" include, by way of illustration, books, magazines, other periodicals, movies, video tapes, and other products offered in photographic, electronic, magnetic, digital or other imaging medium.** **In addition to all other information available to the Director of Inspections in making a determination whether a particular use is an "adult bookstore," any of the following shall be indicia that an establishment has as one of its principal business purposes the sale or rental of "publications" which are distinguished or characterized by their emphasis on matter depicting, describing or relating to (i) "specified sexual activities," as defined in G.S. 14-202.10(10), or "specified anatomical areas," as defined in G.S. 14-202.10(11); and/or (ii) "sexually oriented devices," as defined in G.S. 14-202.10(9):** **(a) Restricted access to the business establishment or portions of the business establishment by persons under 16 years of age;** **(b) Posted signs or notices outside and/or inside the business establishment indicating that the material offered for sale or rental might be offensive;** **(c) The building or portion of the building containing the business establishment does not have windows or has windows that are screened or otherwise obstructed or are situated in a manner that restricts visual access from outside the building to materials displayed within for sale or rental.** **Notwithstanding the definition of "adult mini-motion picture theater" contained in G.S. 14-202.10(6), "adult mini-motion picture theater" means an enclosed building with one or more viewing booths or partitioned areas designed to hold patrons for the presentation and viewing of motion pictures (film, videotape, laser disc, CD-ROM or other imaging media), where:** **(a) One of the principal business purposes is the presentation and viewing of motion pictures in the viewing booths that; or,** **(b) A substantial or significant portion of the stock of motion pictures available for viewing or that are actually viewed in the viewing booths;** **are distinguished or characterized by their emphasis on matter depicting, describing or relating to (i) "specified anatomical areas," as defined in G.S. 14-202.10(10), or "specified sexual activities," as defined in G.S. 14-202.10(11); and/or (ii) "sexually oriented devices," as defined in G.S. 14-202.10(9).** **In addition to all other information available to the Director of Inspections in making a determination whether a particular use is an "adult mini-motion picture theater," any of the following shall be indicia that the business establishment has as one of its principal business purposes the presentation and viewing in viewing booths motion pictures which are distinguished or characterized by their emphasis on matter depicting, describing or relating to (i) "specified sexual activities," as defined in G.S. 14-202.10(10), or "specified anatomical areas," as defined in G.S. 14-202.10(11) and/or (ii) "sexually oriented devices," as defined in G.S. 14-202.10(9):** **(a) Restricted access to the business establishment or portions of the business establishment where viewing booths are located by persons under sixteen (16) years of age;**

TABLE 11.2.2: DEFINITIONS	
	(b) Posted signs or notices outside and/or inside the business establishment indicating that the material offered for presentation and viewing in the viewing booths might be offensive; (c) The portion of the building containing the viewing booths is screened or otherwise located or situated in a manner that restricts or limits complete visual access to the booths from the primary or principal clerk or cashier area.
AFFILIATE	A person that directly, or indirectly through one or more intermediaries, controls, is controlled by or is under common control of another person.
AGRICULTURAL LAND	As used in the erosion control standards, any parcel of land which is used in the raising of agricultural, dairy, or forest products, livestock, poultry, or fur-bearing animals.
AGRICULTURAL PRODUCTION, CROP (F)	The use of land for the primary purpose of raising and harvesting row, field, or tree crops on a commercial basis on a bona fide farm. The growing and sale of agricultural crops on the premises shall not constitute agricultural crop production.
AGRICULTURAL PRODUCTION, LIVESTOCK (F)	The use of land for the primary purpose of raising animals or producing animal products, such as eggs or dairy products, on a commercial basis on a bona fide farm, including grazing, ranching, and dairy farming.
AGRICULTURAL PRODUCTION, LIVESTOCK (W)	*The use of land for the primary purpose of raising animals or producing animal products, such as eggs or dairy products, on a commercial basis on a tract of land consisting of a minimum of three (3) acres, including grazing, ranching, and dairy farming.*
AGRICULTURAL TOURISM (F)	Any recreational, educational, entertainment, or limited business activity operated in association with and located on the same zoning lot as a Voluntary Agricultural District. Agricultural Tourism includes, but is not limited to the following uses: • Restaurant (Without Drive Through Service) • Retail Store • Weddings • Bed and Breakfast

TABLE 11.2.2: DEFINITIONS

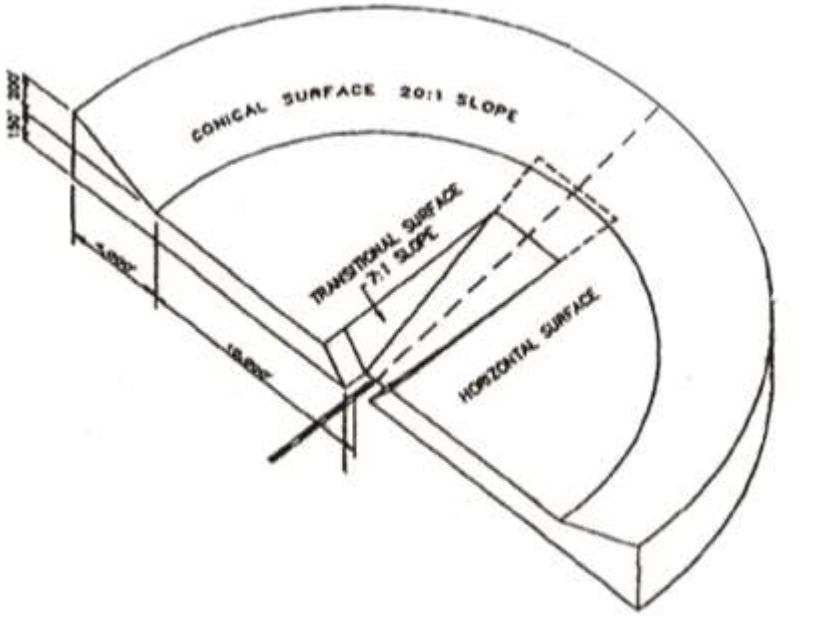
AIR SPACE OBSTRUCTION ZONE	**Above ground zones, composed of transitional surfaces, horizontal surfaces, conical surfaces and approach surfaces as defined in FAA FAR Part 77, established in relation to runways 15, 33, 4 and 22 at Smith Reynolds Airport, for which any object extending above these imaginary surfaces is a potential obstruction to airport operations and may constitute a hazard. Any such structure in these zones are subject to review and determination by the FAA as to whether the structure will constitute an obstruction or hazard prior to the issuance of construction permits. Maps defining the AO District boundaries are available in the Department of Planning and Development Services.** 
AIRPORT FACILITIES (F)	**As used in the Randleman riparian buffer protection regulations, all properties, facilities, buildings, structures, and activities that satisfy or otherwise fall within the scope of one or more of the definitions or uses of the words or phrases "air navigation facility," "airport," or "airport protection privileges" under G.S. 63-1; the definition of "aeronautical facilities" in G.S. 63-79(1); the phrase "airport facilities" as used in G.S. 159-48(b)(1); the phrase "aeronautical facilities" as defined in G.S. 159-81 and G.S. 159-97; and the phrase "airport facilities and improvements" as used in Article V, Section 13, of the North Carolina Constitution, which shall include, without limitation, any and all of the following: airports, airport maintenance facilities, clear zones, drainage ditches, fields, hangars, landing lighting, airport and airport-related offices, parking facilities, related navigational and signal systems, runways, stormwater outfalls, terminals, terminal shops, and all appurtenant areas used or suitable for airport buildings or other airport facilities, and all appurtenant rights-of-way; restricted landing areas; any structures, mechanisms, lights, beacons, marks, communicating systems, or other instrumentalities or devices used or useful as an aid, or constituting an advantage or convenience to the safe taking off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport or restricted landing area; easements through, or interests in, air space over land or water, interests in airport hazards outside the boundaries of airports or restricted landing areas, and other protection privileges, the acquisition or control of which is necessary to ensure safe approaches to the landing areas of airports and restricted landing areas, and the safe and efficient operation thereof and any combination of any or all of such facilities. Notwithstanding the foregoing, the following shall not be included in the definition of "airport facilities":** **1. Satellite parking facilities;** **2. Retail and commercial development outside of the terminal area, such as rental car facilities; and** **3. Other secondary development, such as hotels, industrial facilities, free-standing offices and other similar buildings, so long as these facilities are not directly associated with the operation of the airport, and are not operated by a unit of government or special governmental entity such as an airport authority, in which case they are included in the definition of "airport facilities".**

TABLE 11.2.2: DEFINITIONS	
AIRPORT, PRIVATE	A landing field for the private use of the property owner or lessee, including hangar area for aircraft used by the owner or lessee at the private airport.
AIRPORT, PUBLIC	Landing fields, aircraft parking and service facilities, passenger and baggage terminals, and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft, operated by an airport authority.
ALLEY	A service way providing a secondary means of public access to abutting property.
AMORTIZATION	The process of providing for a timed extinction of a use which is not in compliance with this Ordinance.
ANIMAL FEEDING OPERATION	An establishment primarily engaged in raising hogs or poultry, or the fattening of beef cattle, in a confined area. This definition includes all uses in the following SIC groups: 0211 Beef Cattle Feedlots 0213 Hogs 025 Poultry and Eggs.
ANIMAL SHELTER, PUBLIC	A permanent structure(s) and facilities operated by the public for the purposes of providing animal sheltering, animal veterinary care, animal control, public education, and law enforcement.
APPEAL	As used in the floodway and floodway fringe regulations, Appeal means a request for a review of the Floodplain Administrator's interpretation of any provision of this Ordinance.
APPLICANT	As used in the Salem Lake watershed protection standards, the person or persons applying for a stormwater quality permit and having responsibility for construction and ongoing operation and maintenance of the stormwater structure. The term applicant shall include the original applicant and all subsequent property owners or assignees approved by the Stormwater Director or his/her designee.
ARCADE (W)	*Arcade means an area contiguous to a street or plaza that is open and unobstructed and accessible to the public at all times. Arcades may include building columns, landscaping, statuary and fountains. Arcades do not include off-street loading/unloading areas, driveways or parking areas.*
ARCHITECT	A person licensed to practice architecture in the State of North Carolina.
AREA OF SHALLOW FLOODING	As used in the floodway and floodway fringe regulations, Area of Shallow Flooding means a designated Zone AO on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.
AREA OF SPECIAL FLOOD HAZARD	Area of Special Flood Hazard see Special Flood Hazard Area (SFHA).
AREA PLAN	See Development Guide.
ARTICULATE (W)	*Articulate means to give emphasis to or distinctly identify a particular element.*
ARTIFICIAL OBSTRUCTION	Any object or material which is not a natural obstruction, including any which, while not a significant obstruction in itself, is capable of accumulating debris and thereby reducing the flood-carrying capacity of a stream.
ARTS AND CRAFTS STUDIO	The creation of objects in a studio, made one at a time, by hand. Such creation includes, but is not limited to, woodworking, tinsmithing, silversmithing, pottery throwing, glass blowing, painting, weaving, caning, metal working, and sculpting.
ASPHALT AND CONCRETE PLANT (W)	*A facility preparing asphaltic and/or concrete mixtures for delivery to construction sites.*
<u>ASPHALT AND CONCRETE PLANT AND CONTRACTORS (F)</u>	<u>A facility preparing asphaltic and/or concrete mixtures for street and driveway paving, including contractors engaged in asphalt and/or cement work. This definition includes all uses in the following SIC groups: 177 Concrete Work</u>

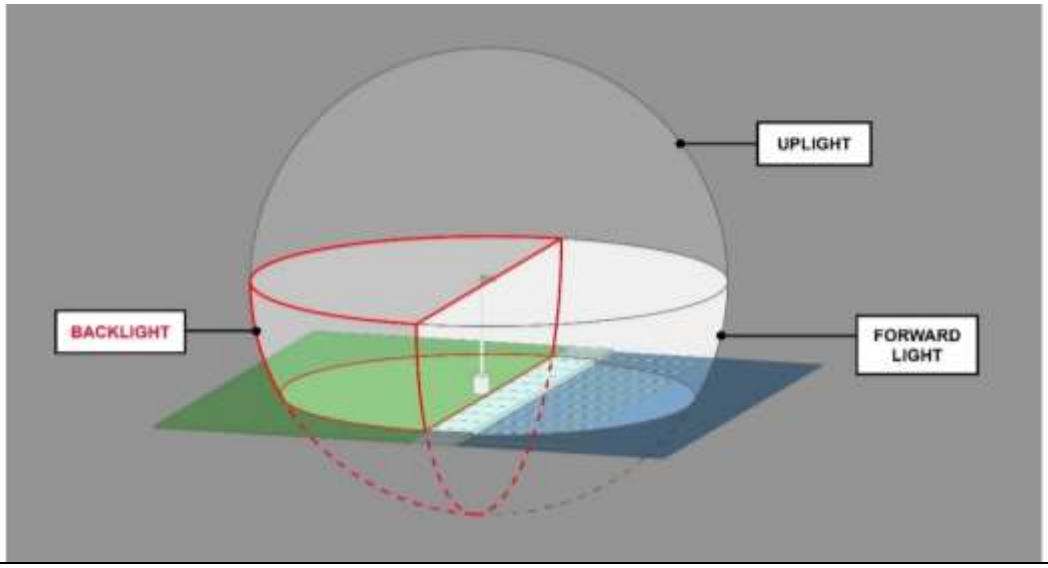
TABLE 11.2.2: DEFINITIONS	
	2951 Asphalt Paving Mixtures and Blocks.
AUTOMATIC TELLER MACHINE	A type of banking and financial services with automated or self-service banking features with no staff or personnel provided
B	
BACKLIGHT	For an exterior fixture, lumens emitted in the quarter sphere below horizontal and in the opposite direction of the intended orientation of the fixture. For fixtures with symmetric distribution, backlight will be the same as front or forward light. 
BANKING AND FINANCIAL SERVICES	A facility engaged in deposit banking or extending credit in the form of loans. This definition includes all uses in the following SIC groups: 60 Depository Institutions 61 Nondepository Institutions.
BASE FLOOD	As used in the floodway and floodway fringe regulations, Base Flood means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.
BASE FLOOD ELEVATION	As used in the floodway and floodway fringe regulations, Base Flood Elevation (BFE) means a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a Special Flood Hazard Area, it may be obtained from engineering studies available from a federal, State, or other source using FEMA approved engineering

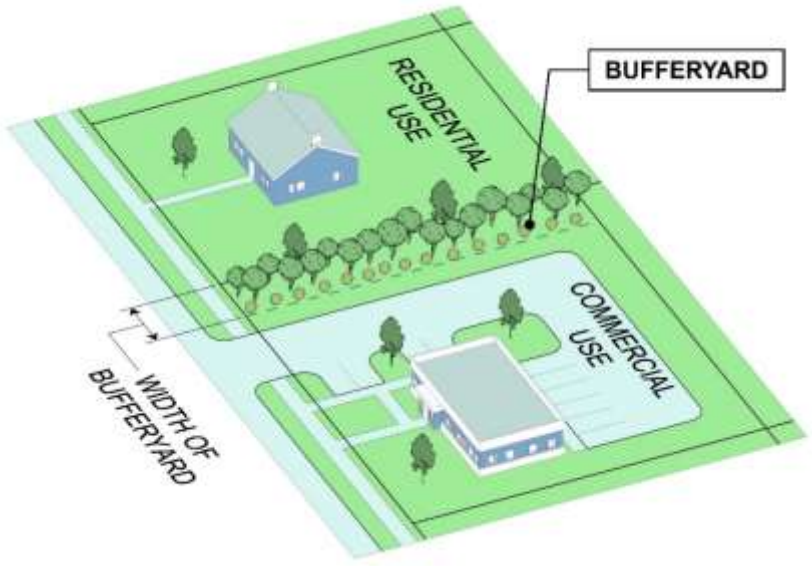
TABLE 11.2.2: DEFINITIONS	
	methodologies. This elevation, when combined with the Freeboard, establishes the Regulatory Flood Protection Elevation.
BASEMENT	A fully enclosed space with fifty percent (50%) or more of its cubical content below the finished grade of the ground surface at the walls of the building. As used in the floodway and floodway fringe regulations, Basement means any area of the building having its floor subgrade (below ground level) on all sides.
BED AND BREAKFAST	An owner-occupied or manager-occupied residential building providing rooms for overnight lodging with meals for not more than eight (8) transient patrons.
BEING CONDUCTED	As used in the erosion control standards, being conducted means a land disturbing activity has been initiated and permanent stabilization of the site has not been completed.
BEST MANAGEMENT PRACTICES (BMP)	As used in the Salem Lake watershed protection standards, a structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals. As used in the watershed protection standards, a structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals. (F)
BLOCK	An area of land bounded by streets or by a combination of streets and public parks, cemeteries, railroad rights-of-way, waterways, shorelines, or any other barrier to the continuity of development.
BOARDING OR ROOMING HOUSE	A residential building, or part thereof, in which lodging is provided to not more than eight (8) residents, in addition to any owners, occupying separate living units on a weekly or longer basis.
BORROW	As used in the erosion control standards, fill material which is required for on-site construction and is obtained from other locations.
BORROW SITE	Any place or premises where not more than one acre of land is disturbed at any one time, and where dirt, soil, sand, gravel, or other material is removed for any purpose other than that necessary and incidental to grading or building construction on the site.
BOULEVARD	See Thoroughfare, Major.
BUFFER ZONE	As used in the erosion control standards, the strip of land adjacent to a lake or natural watercourse.
BUFFERYARD	The portion of a yard where special plantings may be required by the Zoning Ordinance to separate and partially screen two (2) adjacent land uses that are ordinarily incompatible by virtue of their use. 

TABLE 11.2.2: DEFINITIONS	
BUG	**A light fixture classification system used by the lighting industry that rates a fixture's backlight (B), uplight (U), and glare (G).**
BUILDABLE AREA	**The area of a zoning lot remaining after the minimum setback requirements of this ordinance have been satisfied.**
BUILDABLE AREA ENVELOPE (F)	**As used in the watershed protection standards, the area on a site or lot that can have built upon area. For calculation of built upon area percentages, the entire area of the designated buildable area envelope shall be considered built upon area.**
BUILDING	**Generally, any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any person, process, equipment, or goods.** **As used in the floodway and floodway fringe standards, Salem Lake watershed protection standards, and watershed protection standards, refer to the definition of Structure.**
BUILDING CONTRACTORS, GENERAL	**An establishment providing general contracting and/or building construction services for residential, farm, industrial, or commercial uses, and which typically does not involve outdoor storage of machinery or equipment. This definition includes the following SIC groups:** **15 General Building Contractors** **171 Plumbing, Heating, Air-Conditioning** **172 Painting and Paper Hanging** **173 Electrical Work** **174 Masonry, Stonework, and Plastering** **175 Carpentry and Floor Work** **176 Roofing, Siding, and Sheet Metal Work** **177 Concrete and Asphalt Work (W)** **1793 Glass and Glazing Work** **1796 Installing Building Equipment, NEC** **1799 Special Trade Contractors, NEC.**
BUILDING CONTRACTORS, HEAVY	**An establishment providing general contracting and/or building construction services other than for buildings, such as highways and streets, bridges, sewers, and flood control projects, and which may involve outdoor storage of machinery or equipment. This definition includes the following SIC groups:** **16 Heavy Construction, Except Building** **178 Water Well Drilling** **1791 Structural Steel Erection** **1794 Excavation Work** **1795 Wrecking and Demolition Work.**
BUILDING FACE, FRONT (W)	***Building face, front means any building face or portions thereof that can be touched by a line drawn perpendicular to the street or as extended toward the building.***

TABLE 11.2.2: DEFINITIONS

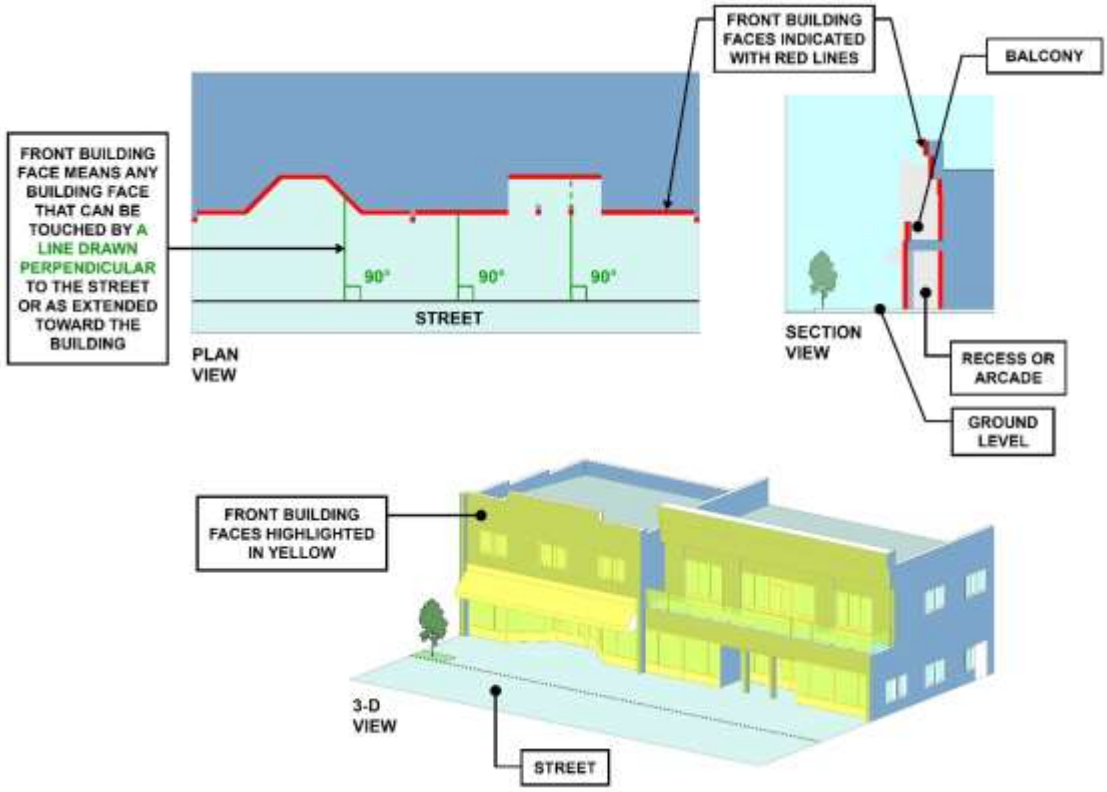
	
BUILDING FRONTAGE (W)	***Building frontage shall be the total length in linear feet of an establishment's portion of a building that fronts directly on a street, regardless of whether such portion of the building is functionally the front, rear, end or side of the building. Buildings with no street frontage shall use the linear frontage of the building's principal entrance.***
BUILDING HEIGHT	**See Height, Building.**
BUILDING MATERIALS SUPPLY	**An establishment engaged in selling lumber and a general line of building materials and hardware to the public. This definition includes all uses in the following SIC group: 521 Lumber and Other Building Materials**
BUILDING, PRINCIPAL	**The building in which the principal use of the zoning lot is conducted.**
BUILD-TO LINE (W)	***A line extending through a lot which is parallel to the property line and marks the location from which the vertical plane of a building elevation must be erected.***
BUILT-UPON AREA	**As used in the Salem Lake watershed protection standards, built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel roads or parking areas, recreation facilities (e.g. tennis courts), etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.)** **As used in the watershed protection standards, built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious cover including, but not limited to, buildings, pavement, gravel roads or parking areas, recreation facilities (e.g. tennis courts.) (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.) (F)**
BULK STORAGE OF PETROLEUM PRODUCTS	**The storage on a zoning lot of two thousand five hundred (2,500) gallons or more of flammable liquid, or two thousand (2,000) gallons water capacity or more of flammable gas, excluding storage tanks, above ground as defined herein below. This definition includes all uses listed in the following SIC group: 5171 Petroleum Bulk Stations & Terminals.**

TABLE 11.2.2: DEFINITIONS	
C	
CAMPGROUND (F)	Establishments engaged in seasonal or overnight, recreational housing and conducting a variety of educational and athletic activities. These establishments provide accommodation facilities, such as cabins or fixed campsites, food services, on-site recreational facilities and equipment, and organized recreational activities. Examples include but are not limited to: Religious institution camps or retreats, Boy Scout Camps, and Girl Scout Camps. Excluded from this definition is any use that would otherwise be classified as recreational vehicle park.
CAMPGROUND (W)	*See Recreational Vehicle Park.*
CANDELA	A measure of light intensity which is useful in determining how much light is shining out of a fixture and in what direction.
CANOPY (F)	A structure, either detached from or attached to and extending from the enclosed portion of a building, and used principally to provide shelter in connection with activities conducted in the principal building.
CANOPY (W)	*A structure, either detached from or attached to and extending from the enclosed portion of a building, and used principally to provide shelter in connection with activities conducted in the principal building. This definition includes but is not limited to fuel station, bank and pharmacy canopies.* *Canopy or Portico means a porch or walkway with a roof supported by columns, often leading to the entrance of the building.*
CAR WASH	A facility where motor vehicles are washed, cleaned, and/or waxed by hand or with manually-operated equipment or automatic machinery. This definition includes all uses in the following SIC group: 7542 Carwashes.
CARPORT	A roofed structure enclosed on not more than two (2) sides and used for the parking of motor vehicles.
CEMETERY	Land and facilities used for burial of the dead either meeting the requirements of a perpetual care cemetery under State law including any burial ground, mausoleum, or columbarium operated by a cemetery company and meeting licensing requirements of the State; or land and facilities including municipal, private family, farm, church or animal cemeteries, which have not been licensed and do not meet the licensing requirements of a perpetual care cemetery under State law.
CENTER CITY WINSTON-SALEM (W)	*The area encompassed by Growth Management Areas 1 and 2 identified in Forward 2045 and shown on a map entitled Growth Management Plan filed in the office of the Planning Board.*
CERTIFICATE OF APPROPRIATENESS	A document issued by the Historic District Commission allowing an applicant to proceed with a proposed exterior alteration, demolition, or new construction in a locally zoned H or HO District, or Local Historic Landmark (LHL), following a determination of the proposal's suitability according to Design Review Standards.
CERTIFICATE OF OCCUPANCY	A permit issued by the Director of Inspections, setting forth that a lot, building, structure, or use complies with the Zoning Ordinance and that the same may be used for the purposes stated therein.
CHANNEL (F)	As used in the Randleman riparian buffer protection regulations, a natural water-carrying trough cut vertically into low areas of the land surface by erosive action of concentrated flowing water or a ditch or canal excavated for the flow of water.
CHEMICAL STORAGE FACILITY	As used in the floodway and floodway fringe regulations, a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.
CHILD CARE (DROP-IN)	A child care arrangement where children attend on an intermittent, unscheduled basis and care is provided for less than four (4) hours per day.
CHILD CARE (SICK CHILDREN)	A child day care or other child care arrangement with special provision for the care of sick children.

TABLE 11.2.2: DEFINITIONS	
CHILD CARE (TEMPORARY CARE)	A child care arrangement which provides either drop-in care or care on a seasonal or other part-time basis.
CHILD CARE INSTITUTION	A facility providing residential and nonresidential care for thirteen (13) or more children under the age of twenty-one (21), who are handicapped or who are without the benefit of parents who can provide for those children's basic physical, emotional, educational, spiritual, and/or other special needs.
CHILD DAY CARE	Any child care arrangement wherein three (3) or more children less than thirteen (13) years of age receive care away from their primary residence by persons other than their parents, grandparents, aunts, uncles, brothers, sisters, first cousins, guardians, or full-time custodians, or in the child's primary residence where other unrelated children are in care. Care must be provided on a regular basis at least once per week for more than four (4) hours per day.
CHILD DAY CARE HOME	A day care facility in which day care is provided for three (3) to twelve (12) children when any child is preschool-age or younger, or up to fifteen (15) children when all children are school-age. A child day care home is permitted only in a private residence occupied by the licensed operator of the day care or as an accessory use to churches or religious institutions (the day care must also be on the same zoning lot as the primary church or religious institution). All children at the day care home during business hours shall count towards the above limits on the number of children receiving day care, except the provider's own school-age children shall not count towards these limits.
CHILD DAY CARE CENTER	A day care facility in which day care is provided for thirteen (13) or more children when any child is preschool-age or younger, or sixteen (16) or more children when all children are school-age. Child day care facilities with fewer than the above noted number of children shall generally be considered Child Day Care Centers if the child day care facility does not meet the requirements and definition of one of the following uses: Child Day Care Home; Child Care (Drop-In); Child Care (Sick Children); Child Care (Temporary Care).
CHILD OR CHILDREN, SCHOOL-AGE	As used in the child day care facilities standards, a child who is attending or who has attended grade school or kindergarten and who meets the age requirements specified in G.S. 115C-364.
CHURCH OR RELIGIOUS INSTITUTION	A facility of a church or religious organization operated for worship and which may include religious training or study.
CHURCH OR RELIGIOUS INSTITUTION - COMMUNITY SCALE	A church or religious institution in which the seating capacity in the sanctuary or main activity area is greater than six hundred (600) persons.
CHURCH OR RELIGIOUS INSTITUTION - NEIGHBORHOOD SCALE	A church or religious institution in which the seating capacity in the sanctuary or main activity area is six hundred (600) persons or less.
CITY-COUNTY PLANNING BOARD	See Planning Board.
CLUB OR LODGE	A building or land used for the activities of a private club or social organization, and not adjunct to, or operated as, or in connection with a public tavern, cafe, or other place open to the public.

TABLE 11.2.2: DEFINITIONS	
COLLECTOR STREET	See Street, Collector.
COLLEGE OR UNIVERSITY	An institution of higher education offering undergraduate and/or graduate degrees.
COMBINED USE	A principal building which is used for any combination of dwelling unit(s), including single family, duplex and multifamily, and any other use(s) permitted in the zoning district.
COMMISSION	As referenced in the Zoning Ordinance, the Forsyth County Historic Resources Commission. As used in the erosion control standards, the North Carolina Sedimentation Control Commission.
COMPLETION OF CONSTRUCTION OR DEVELOPMENT	As used in the erosion control standards, no further land disturbing activity is required on a phase of a project except that which is necessary for establishing a permanent ground cover.
<u>COMPOSTING FACILITY (F)</u>	<u>As used in the watershed protection standards, a facility in which only stumps, limbs, leaves, grass, and untreated wood collected from land clearing or landscaping operations is deposited.</u>
COMPUTER DATA CENTER	A category of "Services, Business A" in which the primary service is data processing. This type of facility is primarily devoted to computers, with minimal employment required for monitoring and servicing.
CONSTRUCTION, START OF	The first placement of a structure, including a manufactured home, on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work at the point of placing the foundation, or beyond the stage of excavation or the placement of a manufactured home on a foundation.
CONTIGUOUS AREA	Any area which abuts directly on a subject property or is separated from the subject property by a street or the right-of-way of a railroad or other utility or public service corporation.
CONVENIENCE STORE	Any retail establishment offering for sale any combination of gasoline, diesel fuel, kerosene, automotive products, prepackaged food products, household items, and/or other goods commonly associated with the same and having a gross floor area of less than five thousand (5,000) square feet.
CORNER LOT	See Lot, Corner.
CORRECTIONAL INSTITUTION	A facility providing housing and care for individuals confined by law, operated under the authority of local, State, or federal government.
COTTAGE COURT	A group of small attached or detached residences arranged around a central open space or courtyard.
COURTYARD (W)	*Plaza or Courtyard means an open area available to the pedestrian public at all times. Fire lanes, or other paved areas that allow vehicular travel shall not be included.*
CRITICAL AREA	As used in the Salem Lake watershed protection standards, the area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portion of the watershed. The Critical Area extends approximately one-half (½) mile from the normal pool elevation of the reservoir in which the intake is located or to the ridgeline of the watershed (whichever comes first). Major landmarks such highways or property lines can be used to delineate the outer boundary of the critical area when these landmarks were immediately adjacent to the appropriate outer boundary of one-half (½) mile. The Critical Area of the Salem Lake Watershed was delineated as of July 1, 1993, was formally submitted to the State of North Carolina and is shown on the adopted Salem Lake Watershed map. In the Salem Lake Watershed, the Critical Area is a subarea of the Reservoir Protection Area, an area within approximately one mile of the normal pool elevation where more stringent protection regulations apply than in the Balance of the Watershed.
<u>CRITICAL ROOT ZONE (F)</u>	<u>The area under a tree which includes all land within the drip-line of the tree. The drip-line is measured by a vertical line extending from the outermost portion of a tree's canopy to the ground.</u>

TABLE 11.2.2: DEFINITIONS	
CRITICAL ROOT ZONE (W)	***A circular region measured outward from a tree, representing the essential area of the roots that must be maintained in order for the tree to survive. The critical root zone is one foot of radial distance from the tree's trunk for every one inch of tree diameter, measured at breast height (DBH).***
CUL-DE-SAC	**A local street having only one end open to traffic with the other end permanently terminated by a vehicular turnaround.**
D	
DAM BREACH HAZARD AREA	**That area located downstream of certain dams identified by the United States Soil Conservation Service which may be flooded in case of dam breach.**
DBH (F)	**The diameter at breast height of a tree measured at 4.5 feet above ground surface level.**
DENSITY	**The ratio of dwelling units permitted on a zoning lot to the area of the zoning lot. Density is expressed in this Ordinance as the number of units per one acre.**
DEPARTMENT, DEQ	**As used in the erosion control standards, the North Carolina Department of Environmental Quality (DEQ).**
DESIGN REVIEW STANDARDS	**Criteria developed by the Historic Resources Commission to identify design elements within designated H and HO Districts Local Historic Landmarks (LHLs) that are used by the Historic Resources Commission when it reviews applications for certificates of appropriateness.**
DESIGNATED PORTION	**Any portion of a designated Local Historic Landmark (LHL) that was included in the regulation designating the LHL, including the main structure or structures, the interior or portions of the interior, any outbuildings or secondary structures, site elements, and landscaping.**
DETENTION STRUCTURE	**A permanent structure designed for the temporary storage of runoff in order to reduce the peak rate of discharge from a site.**
DEVELOPED PARCEL	**As used in the Salem Lake watershed protection standards, any parcel of a parcel pair that, under an approval granted under this Article, may be developed to a development density or intensity that exceeds the maximum development density or intensity that would apply to the parcel if the paired-parcel averaged-density development option were not available.**
DEVELOPMENT	**As used in the floodway and floodway fringe regulations, Development means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.** **As used in the Salem Lake watershed protection standards, any land disturbing activity which decreases the infiltration of precipitation into the soil, including but not limited to, adding to or changing the amount of impervious or partially impervious cover on a land area.** **As used in the watershed protection standards, any land disturbing activity which decreases the infiltration of precipitation into the soil, including but not limited to, adding to or changing the amount of impervious or partially impervious cover on a land area. (F)** **As used in the Randleman riparian buffer protection regulations, the same as defined in Rule 15A NCAC 2B .0202(23). (F)**
DEVELOPMENT GUIDE	**A plan prepared through a public process containing land use and development policies for a specified area, recommended by the City-County Planning Board and adopted by the Elected Body.**
DIRECTOR	**As used in the erosion control standards, the Director of the Division of Land Resources of the Department of Environmental Quality (DEQ).**
DIRECTOR OF INSPECTIONS	**The Director of Inspections or such other person as the adopting jurisdiction may designate as the officer principally responsible for the enforcement of this Ordinance.**

TABLE 11.2.2: DEFINITIONS	
DIRECTOR OF PLANNING	The Director of the City-County Planning Board of Forsyth County and the City of Winston-Salem or said Director's designee.
DIRT STORAGE	The stockpiling of graded soil which has been transported from another zoning lot.
DISCHARGE POINT	As used in the erosion control standards, that point at which runoff leaves a tract of land.
DISPOSAL	As used in the floodway and floodway fringe regulations, Disposal means, as defined in Section 130A-290(a)(6) of the North Carolina Statutes, the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.
DISTRIBUTED ANTENNAE SYSTEM (W)	*A network of small, spatially separated antennas connected to a common source via a transport medium that provides wireless communications service within a geographic area or structure.*
DISTRICT	As used in the erosion control standards, the Forsyth Soil and Water Conservation District created pursuant to Chapter 139, of the North Carolina General Statutes.
DITCH (F)	A man-made, open drainage way in or into which excess surface water or groundwater from land, stormwater runoff, or floodwaters flow either continuously or intermittently.
DONATION CONTAINERS	A box, bin, trailer, or similar receptacle used as a depository or collection point for the donation of clothing or other household items that is not a structure as defined by this Ordinance.
DOUBLE FRONTAGE LOT	See Lot, Double Frontage.
DWELLING UNIT	One or more rooms used as a place of residence for one family, in which there is no area completely closed off for separate living quarters, and there is common access, and kitchen and bathroom facilities, and a single electrical meter.
DWELLING UNIT, ACCESSORY, ATTACHED	A second dwelling unit connected to or located within three (3) feet of a residential building, which is restricted in area and purpose in accordance with Section 5.3.4B, Dwelling, Accessory (Attached), of the Zoning Ordinance.
DWELLING UNIT, ACCESSORY, DETACHED	A dwelling unit located within an accessory structure which is located more than three (3) feet from the principal structure and is restricted in area and purpose in accordance with Section 5.3.4C, Dwelling, Accessory (Detached), of the Zoning Ordinance.
DWELLING UNIT, EFFICIENCY	A dwelling unit in which the sleeping and living areas are contained in the same room.
E	
EASEMENT	A grant of one or more of the property rights for a specific purpose by the property owner to, or for the use by, the public or another person.
EASEMENT, CROSS-PARCEL ACCESS	An easement that allows ingress and egress for vehicles and pedestrians from one zoning lot or parcel to another.
EASEMENT, NEGATIVE ACCESS	An easement which allows no driveway or other vehicles access to a lot from an adjacent public street.
EASEMENT, PRIVATE DRAINAGE	An easement which grants the right to allow for the transport of stormwater runoff or drainage from adjacent properties upon the subject property.
EASEMENT, PRIVATE OFF-SITE ACCESS	An easement which grants the right of access to property zoned differently from the property underlying the access easement.

TABLE 11.2.2: DEFINITIONS	
EASEMENT, SIGHT (F)	An easement which grants the right to maintain an unobstructed view across property located at a driveway or a street intersection.
EASEMENT, SIGHT (W)	*An easement which grants the right to maintain unobstructed view across property located at a street intersection.*
ELDERLY HOUSING	A multifamily residential development or facility occupied by persons aged fifty-five (55) years or older or handicapped, their spouses and/or surviving spouses, and resident staff personnel.
ELECTED BODY	The legislative body of the adopting jurisdiction.
ELECTRONIC SWEEPSTAKES OPERATION (W)	*Any business enterprise where persons utilize a* *(1) 'video gaming machine' as defined in Section 14-306.1A of the North Carolina General Statutes or* *(2) an 'electronic machine or device' as defined in Section 14-306.4 of the North Carolina General Statutes, to the extent said electronic machine or device pays off in cash, or to the extent the prize, merchandise, credits, or replays awarded by virtue of using an electronic machine are* *(i) repurchased for cash or rewarded by cash* *(ii) exchanged for merchandise of a value of more than ten dollars ($10.00), or* *(iii) where there is a cash payout of any kind, by the person operating or managing the machine the machine or the premises, or any agent or employee of that person.* *Electronic Sweepstakes Operations shall not include any lottery approved by the State of North Carolina.*
ELEVATED BUILDING	A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), or shear walls. As used in the floodway and floodway fringe regulations, Elevated Building means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.
ENCROACHMENT	As used in the floodway and floodway fringe regulations, Encroachment means the advance or infringement of uses, fill, excavation, buildings, structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.
ENERGY DISSIPATOR	As used in the erosion control standards, a structure or a shaped channel section with mechanical armoring placed at the outlet of pipes or conduits to receive and break down the energy from high velocity flow.
ENGINEER	A person licensed to practice engineering in the State of North Carolina.
ENTERTAINMENT FACILITY, LARGE (W)	*Any facility which has a permitted occupancy of three hundred (300) or more and is established primarily to provide entertainment activity (indoor and/or outdoor) to the general public or to a private membership and not otherwise classified as Restaurant (without drive-through service); Adult Establishment; Stadium, Coliseum, or Exhibition Building; Special Events Center or Club or Lodge. Such entertainment activities shall include dancing, live music performances, amplified music, musical entertainment provided by a disc jockey, karaoke, and any similar entertainment related activities.*
ENTRANCE (W)	*Entrance means the front door to an establishment intended as the primary customer access point. The area of an entrance shall include the area on either side of the door for a distance of at least ten (10) feet.*
EPHEMERAL STREAM (F)	As used in the Randleman riparian buffer protection regulations, a feature that carries only stormwater in direct response to precipitation with water flowing only during and shortly after large precipitation events. An ephemeral stream may or may not have a well-defined channel, the aquatic bed is always above the water table, and stormwater runoff is the primary source of water. An ephemeral stream typically lacks the biological, hydrological, and physical characteristics commonly associated with the continuous or intermittent conveyance of water.
EROSION	The wearing away of land surface by the action of wind, water, gravity, or any combination thereof.
EROSION, NATURAL	The wearing away of the earth's surface by water, wind, or other natural agents under natural environmental conditions undisturbed by man.

TABLE 11.2.2: DEFINITIONS	
EXISTING DEVELOPMENT	As used in the Salem Lake watershed protection standards, those projects that are built or those projects that at a minimum have established a vested right under North Carolina Zoning Law as of the effective date of this ordinance based on at least one of the following criteria: (1) Having an outstanding valid building permit as authorized by Section 160D-102; 108; and 108.1 of the North Carolina General Statutes; (2) Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project, so long as that approval is complied with. Local government approval shall include, but are not limited to: preliminary subdivision approval and conditional or special use permits; or, (3) Having an approved site specific development plan as provided in Section 2.7, Vested Rights. As used in the watershed protection standards, those projects that are built or those projects that at a minimum have established a vested right by law as of the effective date of this Ordinance based on at least one of the following criteria: (1) Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project, so long as that approval is complied with. Local governmental approvals shall include, but are not limited to: preliminary subdivisions approval and conditional or special use permits; or, (2) Having an outstanding valid building permit as authorized by the Section 160D-102; 108; and 108.1 of the North Carolina general Statutes; or, (3) Having an approved site specific development plan as provided in Section 2.7, Vested Rights. As used in the Randleman riparian buffer protection regulations, development, other than that associated with agricultural or forest management activities, that meets one of the following criteria: It either is built or has established a vested right based on statutory or common law as interpreted by the courts, for projects that do not require a state permit, as of the effective date of either local new development stormwater programs implemented under Rule 15A NCAC 2B .0265 (Randleman Lake Water Supply Nutrient Strategy: Stormwater Management for New Development) or, for projects requiring a state permit, as of the applicable compliance date established in Rule 15A NCAC 2B .0251 (Randleman Lake Water Supply Nutrient Strategy: Stormwater Requirements), Items (5) and (6). (F)
EXISTING GRADE	See Grade, Existing. As used in the erosion control standards, the elevation among the ground surface of a site as recorded in topographic mapping at two (2) foot or four (4) foot contour intervals, on file in the office of the Planning Board, or as surveyed and mapped at a contour interval of not more than four (4) feet, by a licensed surveyor or a registered professional engineer.
EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION	As used in the floodway and floodway fringe regulations, Existing Manufactured Home Park or Manufactured Home Subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the original effective date of the floodplain management regulations adopted by the community.
EXPANSION	As used in the Salem Lake watershed protection standards, any change or alteration to existing structures or other built-upon areas which decreases the infiltration of precipitation into the soil, including but not limited to, adding to or changing the amount of impervious or partially impervious cover on a land area. As used in the watershed protection standards, any change or alteration to existing structures or other built-upon areas which decreases the infiltration of precipitation into the soil, including but not limited to, adding to or changing the amount of impervious or partially impervious cover on a land area.
EXPRESSWAY	See Thoroughfare, Major.

TABLE 11.2.2: DEFINITIONS	
EXTERIOR FEATURES	**The architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant features. Exterior Features may include historic signs, color, and significant landscape, archaeological, and natural features of the area.**
EXTRACTIVE INDUSTRY	**See Mining, Quarry, or Extractive Industry.**
F	
FAÇADE (W)	***Facade means the portion of any exterior elevation on the building extending from grade to the top of the parapet, wall or eaves and extending the entire length of the building.***
FAMILY (F)	**One or more persons related by blood, adoption, or marriage, and their foster parents, or children, or stepparents, or stepchildren, living together in a single dwelling unit; or a number of persons eighteen (18) years or older, not exceeding four (4) and their children or stepchildren under eighteen (18) years of age, living together in a single dwelling unit, though not all related by blood, adoption, or marriage; and such domestic servants as are employed on the same premises. A family may include five (5) or fewer foster children placed in a family foster home licensed by the State of North Carolina. The term family shall not be construed to include any group of persons living together as a fraternal, sororal, social, honorary, or professional organization.** **For the purposes of this definition, the following persons shall be considered related by blood: (A) any relative of the head of household or of the spouse (whether living or dead) of the head of household to the third degree of collateral kinship, or to any degree of lineal kinship, as defined in State law; and, (B) a parent or child by adoption, marriage, or legitimization of any person (including the head of household or spouse of the head of household) described in (A) above; and, (C) a dependent, as defined in State law, of any person described in (A) or (B) above.**
FAMILY (W)	***One or more persons related by blood, adoption, or marriage, and their foster parents, or children, or stepparents, or stepchildren, living together in a single dwelling unit; or a number of persons eighteen (18) years or older, not exceeding four (4) and their children or stepchildren, living together as a single housekeeping unit in a single dwelling unit, though not all related by blood, adoption, or marriage; and such domestic servants as are employed on the same premises.*** ***For the purposes of this definition, a family living together as a single housekeeping unit implies some common and unified activity among members of the household and reasonable access to all areas of the dwelling unit. The terms "family" and "single housekeeping unit" are not to be construed as simply certain numbers of people with little or no contact or relationship. As such, the presence of certain structural features to the dwelling unit, including, but not limited to, (1) separate double key or other locking mechanisms on internal bedroom doors which have the purpose of preventing access while the bedroom is not occupied, (2) multiple mailboxes on the house or property, (3) locked or partitioned inside stairwells or doors physically separating parts of the house, (4) separate electrical meters, (5) separate kitchens, or (6) multiple exterior entrances to living areas, shall constitute evidence that there is not a single housekeeping unit established, and that the terms of the definition of "family" are not met.*** ***A family may include five (5) or fewer foster children placed in a family foster home licensed by the State of North Carolina. The term family shall not be construed to include any group of persons living together as a fraternal, sororal, social, honorary, or professional organization.*** ***For the purposes of this definition, the following persons shall be considered related by blood: (A) any relative of the head of household or of the spouse (whether living or dead) of the head of household to the third degree of collateral kinship, or to any degree of lineal kinship, as defined in State law; and, (B) a parent or child by adoption, marriage, or legitimization of any person (including the head of household or spouse of the head of household) described in (A) above; and, (C) a dependent, as defined in State law, of any person described in (A) or (B) above.***

TABLE 11.2.2: DEFINITIONS	
FAMILY GROUP HOME A	**(1) A transitional housing facility with support and supervisory personnel licensed by the State of North Carolina or operated by a nonprofit corporation chartered pursuant to Chapter 55A, North Carolina General Statutes, which provides room and board, personal care and rehabilitation services in a supportive family environment for not more than six (6) residents, exclusive of supervisory personnel; or** **(2) A home in which no more than six (6) disabled persons live together as a self-supporting and self-sufficient household unit, without any in-home services, supervisory personnel, or outside assistance. "Disabled persons" means individuals with disabilities, including individuals recovering from alcoholism and/or drug addiction, who are protected by either the provisions of the Americans with Disabilities Act of 1990, 42 USC 12101, The Fair Housing Act, 42 USC 3601 et. seq., or G.S. Chapter 168, Article 3, as each may be amended.** **"Supervisory personnel" shall mean a person with any adequate licensing, such as a CNA, LPN, RN, MD or similar medical/healthcare certification, who is employed by the transitional housing facility to provide for or supervise the needs of the residents and receives compensation for said care and supervision. In no case shall a resident of the facility undergoing treatment or receiving care be classified as supervisory personnel. Residents include but are not limited to, handicapped persons, older adults, foster children, abused individuals, homeless persons, and those recovering from drug or alcohol abuse.** **This use shall include Family Care Homes, as defined in G.S. 168-21. This use shall not serve primarily as an alternative to incarceration, shall not include individuals who are dangerous to others, as defined in G.S. 122C3-(11)b, and shall not include persons living together as a fraternal, sororal, social, honorary, or professional organization.**
FAMILY GROUP HOME B	**(1) A transitional housing facility with support and supervisory personnel licensed by the State of North Carolina or operated by a nonprofit corporation chartered pursuant to Chapter 55A, North Carolina General Statutes, which provides room and board, personal care and rehabilitation services in a supportive family environment for not more than twelve (12) residents, exclusive of supervisory personnel; or** **(2) A home in which no more than twelve (12) disabled persons live together as a self-supporting and self-sufficient household unit, without any in-home services, supervisory personnel, or outside assistance. "Disabled persons" means individuals with disabilities, including individuals recovering from alcoholism and/or drug addiction, who are protected by either the provisions of the Americans with Disabilities Act of 1990, 42 USC 12101, The Fair Housing Act, 42 USC 3601 et. seq., or G.S. Chapter 168, Article 3, as each may be amended.** **"Supervisory personnel" shall mean a person with any adequate licensing, such as a CNA, LPN, RN, MD or similar medical/healthcare certification, who is employed by the transitional housing facility to provide for or supervise the needs of the residents and receives compensation for said care and supervision. In no case shall a resident of the facility undergoing treatment or receiving care be classified as supervisory personnel. Residents include but are not limited to, handicapped persons, older adults, foster children, abused individuals, homeless persons, and those recovering from drug or alcohol abuse.** **This use shall not serve primarily as an alternative to incarceration, shall not include individuals who are dangerous to others, as defined in G.S. 122C3-(11)b, and shall not include persons living together as a fraternal, sororal, social, honorary, or professional organization.**
FAMILY GROUP HOME C	**(1) A transitional housing facility with support and supervisory personnel licensed by the State of North Carolina or operated by a nonprofit corporation chartered pursuant to Chapter 55A, North Carolina General Statutes, which provides room and board, personal care and rehabilitation**

TABLE 11.2.2: DEFINITIONS	
	services in a supportive family environment for not more than twenty (20) residents, exclusive of supervisory personnel; or (2) A home in which no more than twenty (20) disabled persons live together as a self-supporting and self-sufficient household unit, without any in-home services, supervisory personnel, or outside assistance. "Disabled persons" means individuals with disabilities, including individuals recovering from alcoholism and/or drug addiction, who are protected by either the provisions of the Americans with Disabilities Act of 1990, 42 USC 12101, The Fair Housing Act, 42 USC 3601 et. seq., or G.S. Chapter 168, Article 3, as each may be amended. "Supervisory personnel" shall mean a person with any adequate licensing, such as a CNA, LPN, RN, MD or similar medical/healthcare certification, who is employed by the transitional housing facility to provide for or supervise the needs of the residents and receives compensation for said care and supervision. In no case shall a resident of the facility undergoing treatment or receiving care be classified as supervisory personnel. Residents include but are not limited to, handicapped persons, older adults, foster children, abused individuals, homeless persons, and those recovering from drug or alcohol abuse. This use shall not serve primarily as an alternative to incarceration, shall not include individuals who are dangerous to others, as defined in G.S. 122C3-(11)b, and shall not include persons living together as a fraternal, sororal, social, honorary, or professional organization.
FARM TENANT HOUSING	A dwelling unit occupied by the family of a person employed in agriculture-related activities on the premises.
FARM, BONA FIDE (F)	Any parcel of land which is used in the raising of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture, as defined in G.S. 106-581.1. For the purposes of determining whether a property is being used for bona fide farm purposes, any of the following shall constitute sufficient evidence that the property is being used for bona fide farm purposes: (1) A farm sales tax exemption certificate issued by the NC Department of Revenue; (2) A copy of the property tax listing showing that the property is eligible for participation in the present-use value program pursuant to G.S. 105-277.3; (3) A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return; and/or (4) a forest management plan. is used in the raising of agricultural, dairy, or forest products, or livestock, poultry, or fur-bearing animals. (Any farm use activities and structures of a bona fide farm are exempt from any local zoning regulations.)
FCDH	Forsyth County Department of Housing.
FEDERAL AID INTERSTATE, PRIMARY, SECONDARY, AND URBAN HIGHWAYS AND UNITED STATES AND NORTH CAROLINA NUMBERED HIGHWAYS	See Interstate System; and see National Highway System.

TABLE 11.2.2: DEFINITIONS	
FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)	That agency or successor agencies which are responsible for the administration of the National Flood Insurance Program.
FENCE OR WALL, OPAQUE	A vertical structure constructed of masonry, concrete, metal, or wooden material which does not allow light to pass through.
FINAL DEVELOPMENT PLAN	A site plan reviewed and approved by the City-County Planning Board in the second phase of a two-phase special use district rezoning.
FINISHED GRADE	See Grade, Finished.
FIRE OFFICIAL	The officer or other designated authority, or his duly authorized representative, charged with the administration and enforcement of the Fire Prevention Code. All persons empowered with the administration and enforcement of this Code shall possess an appropriate valid certificate issued by the North Carolina Code Officials Qualification Board.
FIRE STATION	See Police or Fire Station.
FISH HATCHERY	An establishment where the eggs or fry of fish are incubated and raised for commercial purposes. This definition includes all uses in the following SIC groups: 0254 Poultry Hatcheries 0273 Animal Aquaculture.
FISHING, FEE CHARGED	The use of land or water bodies for fishing, where a fee is charged by the property owner for such use by others.
FLAMMABLE FUEL STORAGE (BELOW GROUND)	The storage of flammable or other hazardous liquids at a below grade location in compliance with applicable State laws.
FLOOD BOUNDARY AND FLOODWAY MAP (FBFM)	As used in the floodway and floodway fringe regulations, Flood Boundary and Floodway Map (FBFM) means an official map of a community, issued by the Federal Emergency Management Agency, on which the special flood hazard areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM). As used in the Salem Lake watershed protection standards, an official map on which the Federal Emergency Management Agency (FEMA) has delineated both the floodway and floodway fringe areas. Said maps also contain cross sectional information relevant to both the floodway and floodway fringe areas with data available in official reports supplied by FEMA.
FLOOD HAZARD BOUNDARY MAP (FHBM)	As used in the floodway and floodway fringe regulations, Flood Hazard Boundary Map (FHBM) means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the special flood hazard areas have been defined as Zone A.
FLOOD INSURANCE	As used in the floodway and floodway fringe regulations, Flood Insurance means the insurance coverage provided under the National Flood Insurance Program.
FLOOD INSURANCE RATE MAP (FIRM)	As used in the floodway and floodway fringe regulations, Flood Insurance Rate Map (FIRM) means an official map of a community, issued by the Federal Emergency Management Agency, on which both the special flood hazard areas and the risk premium zones applicable to the community are delineated.
FLOOD INSURANCE STUDY (FIS)	As used in the floodway and floodway fringe regulations, Flood Insurance Study (FIS) means an examination, evaluation, and determination of flood hazard, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

TABLE 11.2.2: DEFINITIONS	
FLOOD OR FLOODING	As used in the floodway and floodway fringe regulations, Flood or Flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) The overflow of inland or tidal waters; and/or (2) The unusual and rapid accumulation of runoff of surface waters from any source.
FLOOD ZONE	As used in the floodway and floodway fringe regulations, Flood Zone means a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.
FLOODPLAIN	As used in the floodway and floodway fringe regulations, Floodplain means any land area susceptible to being inundated by water from any source. As used in the Salem Lake watershed protection standards, The channel and area abutting a watercourse, which would be covered with water during a one hundred-year flood as designated by reports and data provided by the Federal Emergency Management Agency (FEMA).
FLOODPLAIN ADMINISTRATOR	As used in the floodway and floodway fringe regulations, Floodplain Administrator is the individual appointed to administer and enforce the floodplain management regulations.
FLOODPLAIN DEVELOPMENT PERMIT	As used in the floodway and floodway fringe regulations, Floodplain Development Permit means any type of permit that is required in conformance with the provisions of this Ordinance, prior to the commencement of any development activity.
FLOODPLAIN MANAGEMENT	As used in the floodway and floodway fringe regulations, Floodplain Management means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.
FLOODPLAIN MANAGEMENT REGULATIONS	As used in the floodway and floodway fringe regulations, Floodplain Management Regulations means this Ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes federal, State or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.
FLOOD-PRONE AREA	See Floodplain.
FLOODPROOFING	As used in the floodway and floodway fringe regulations, As used in the floodway and floodway fringe regulations, Floodproofing means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, or structures, and their contents.
FLOODWAY	As used in the floodway and floodway fringe regulations, Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
FLOODWAY FRINGE	As used in the floodway and floodway fringe regulations, Floodway Fringe means an area lying outside the floodway, but within the floodplain.

TABLE 11.2.2: DEFINITIONS

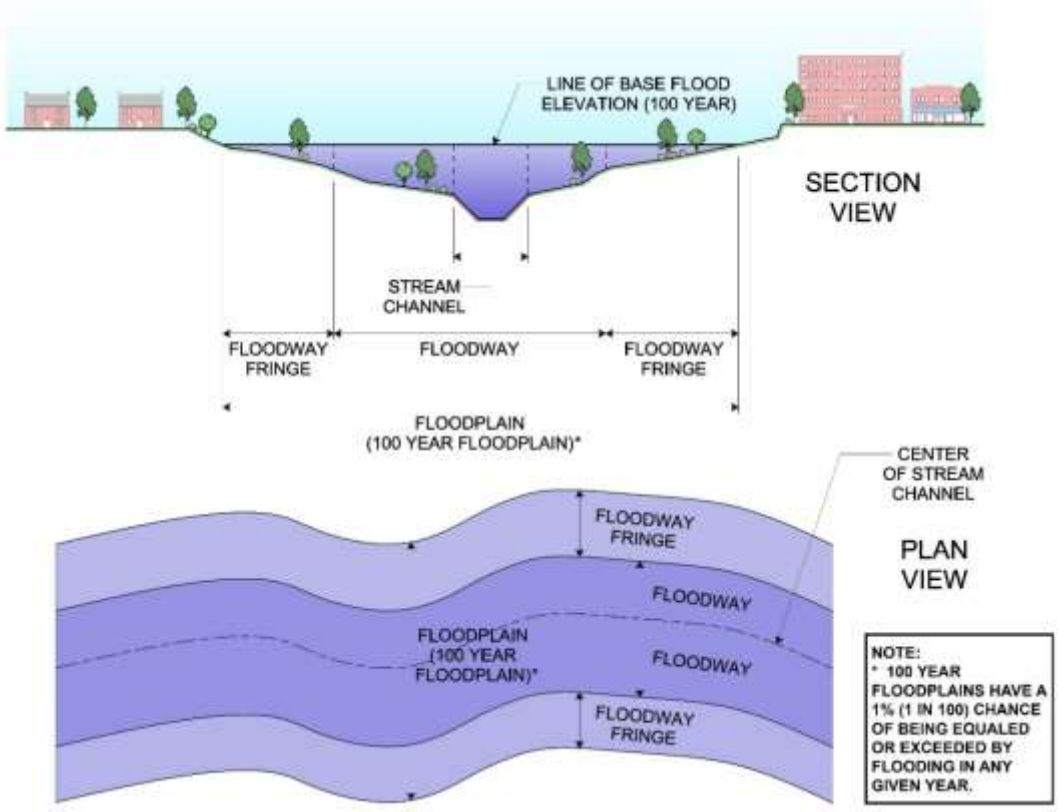
	
FLOOR AREA, GROSS	**The total number of square feet on all floors of a building, as measured from the outside faces of the building.**
FOOD OR DRUG STORE	**An establishment primarily engaged in selling food for home preparation and consumption, or prescription drugs, nonprescription medicines, and related lines. This definition includes all uses in the following SIC groups: 54 Food Stores 591 Drug Stores and Proprietary Stores.**
FOOTCANDLE	**The unit of measure of light received on a surface. One footcandle is the illuminance produced by a candle on a surface one foot square from a distance of one foot.**
FORWARD 2045	**The adopted comprehensive plan for Winston-Salem since 2024 and Forsyth County since 2025 (replaced the previously adopted comprehensive plan, Legacy, which replaced Vision 2005). Forward 2045 and its subsequent amendments guide decisions concerning the physical, economic, and social development of Winston-Salem and Forsyth County. Within Forward 2045, the Growth Management Plan designates Growth Management Areas (GMAs) including City/Town Centers (GMA 1), Urban Neighborhoods (GMA 2), Suburban Neighborhoods (GMA 3), the Future Growth Area (GMA 4), and the Rural Area (GMA 5), plus special designations for areas of concentrated mixed-use development called activity centers. Adopted small area plans provide greater detail and supplement Forward 2045 with parcel-specific guidance related to land use and development.**

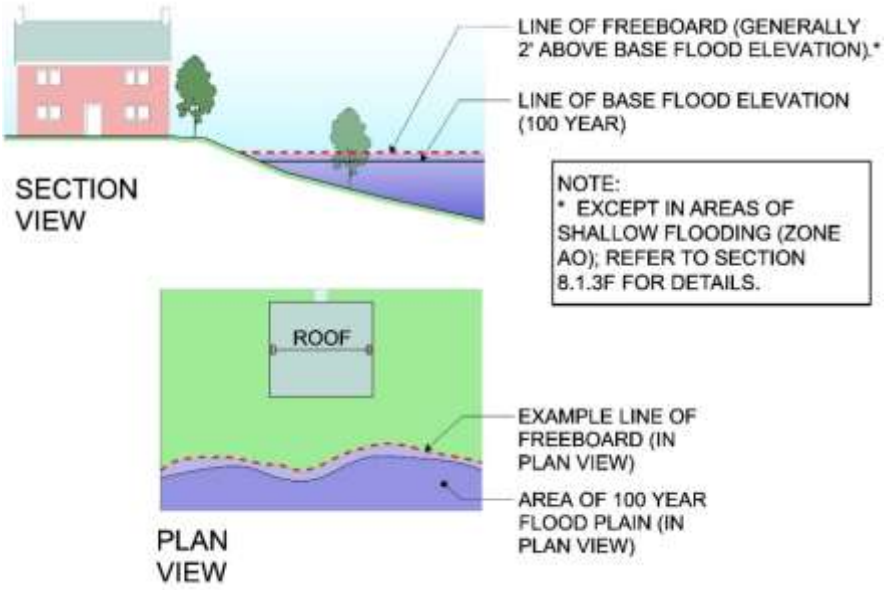
TABLE 11.2.2: DEFINITIONS	
FRATERNITY OR SORORITY	**A residence occupied by and maintained for the use of fraternal, sororal, social, honorary, or professional organizations.**
FREEBOARD	**As used in the floodway and floodway fringe regulations, Freeboard means the height added to the base flood elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge openings, and the hydrological effect of urbanization of the watershed. The base flood elevation (BFE) plus the freeboard establishes the regulatory flood protection elevation.** 
FREEWAY	**A divided highway with full control of access and grade separation of all intersections.**
FRONT LOT LINE	**See Lot Line, Front.**
FRONT YARD	**See Yard, Front.**
FUEL DEALER	**An establishment primarily engaged in the retail sale of fuel oil, bottled gas, coal, wood, or other fuels. This definition shall also include an establishment for the exclusive sale of motor fuels. This definition includes all uses in the following SIC group:** **598 Fuel Dealers**
FULL CUTOFF	**A light fixture classification where no light intensity is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 10% of the lamp's light intensity is emitted at or above an angle 10 degrees below that horizontal plane.**

TABLE 11.2.2: DEFINITIONS

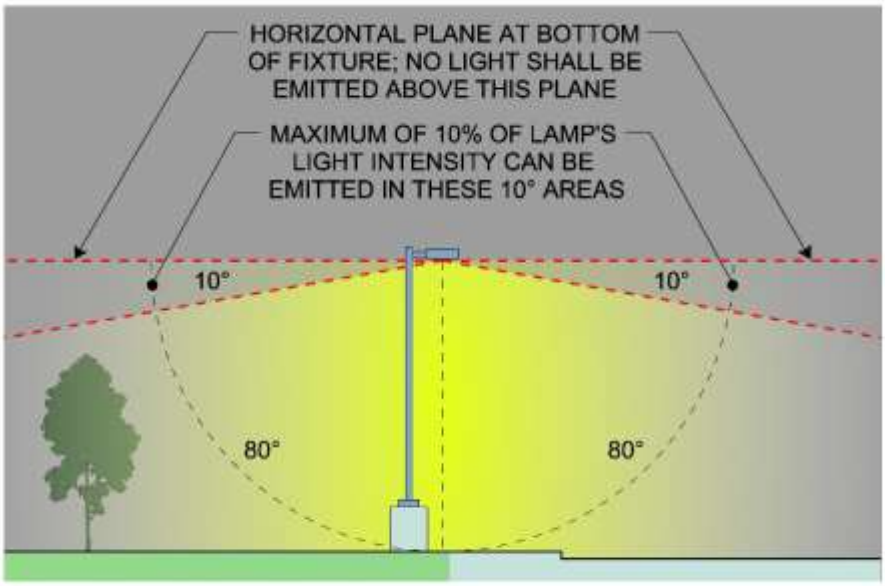
	 ELEVATION VIEW
FUNCTIONALLY DEPENDENT FACILITY	**As used in the floodway and floodway fringe regulations, Functionally Dependent Facility means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.**
FUNERAL HOME	**An establishment engaged in undertaking services, such as preparing the human dead for burial and in arranging and managing funerals. This definition includes crematories and mortuaries. This definition includes all uses in the following SIC group:** **726 Funeral Service and Crematories**
FURNITURE AND HOME FURNISHINGS STORE	**An establishment primarily engaged in the retail sale of new or used household furniture, floor coverings, draperies, curtains, and upholstery materials, and miscellaneous home furnishings, such as bedding and linens, lamps and shades, mirrors, venetian blinds, and window shades. This definition includes all uses in the following SIC group:** **57 Furniture and Home furnishings Stores**
G	
GOLF COURSE	**As used in the Salem Lake watershed protection standards, an area designed for golf, including a Par 3 golf course, having at least nine (9) holes, each with a tee, fairway, green, and one or more hazards. A clubhouse, pool and other facilities associated with a country club built around a golf course are considered part of the golf course.** **An area designed for golf, including a Par 3 golf course, having at least nine (9) holes, each with a tee, fairway, green, and one or more hazards. A clubhouse, pool and other facilities associated with a country club built around a golf course are considered part of the golf course.**
GOVERNMENT OFFICES, NEIGHBORHOOD ORGANIZATION, OR POST OFFICE	**The offices of the executive, legislative, judicial, administrative and regulatory branches of federal, State and local governments; also, a facility operated by a nonprofit organization which provides informational, educational, social, or economic counseling or similar services to persons residing in a neighborhood; also, a facility or structure used for the collection, sorting, and distribution of mail within several zip code areas, having retail postal services for the general public, such as stamps, postcards, or postal insurance. This definition includes, but is not limited to all uses in the following SIC groups:** **91 Executive, Legislative, And General** **92 Justice, Public Order, and Safety** **93 Finance, Taxation, & Monetary Policy**

TABLE 11.2.2: DEFINITIONS	
	94 Administration of Human Resources 95 Environmental Quality and Housing 96 Administration of Economic Programs 97 National Security and International Affairs.
GRADE, EXISTING	As used in the erosion control standards, the elevation along the ground surface of a site as recorded in topographic mapping at two (2) foot or four (4) foot contour intervals, on file in the office of the City-County Planning Board, or as surveyed and mapped at a contour interval of not more than four (4) feet, by a licensed surveyor.
GRADE, FINISHED	The elevation at the top of the ground, walk, or terrace where the ground, walk, or terrace intersects the exterior walls of a structure or the vertical supports of a sign.
GREENWAY	A linear open space along a natural or constructed corridor, which may be used for pedestrian or bicycle passage. Greenways often link areas of activity, such as parks, cultural features, or historic sites with each other and with populated areas. Existing and proposed community greenways are identified in the Greenway Plan found in Forward 2045.
GREENWAY/ HIKING TRAILS (F)	As used in the Randleman riparian buffer protection regulations, pedestrian trails constructed of pervious or impervious surfaces and related structures including but not limited to boardwalks, steps, rails, and signage, and that generally run parallel to the shoreline.
GROUND COVER	As used in the erosion control standards, any natural vegetative growth or other material which renders the soil surface stable against accelerated erosion.
GROUND LEVEL	For floodway purposes, the existing average elevation of the land.
GROUND SIGN (F)	See Sign, Ground (On-Premises) (F) and Sign, Ground (Off-Premises) (F).
GROUP CARE FACILITY A	A transitional housing facility for forty (40) or fewer residents, licensed by the State of North Carolina or operated by a nonprofit corporation chartered pursuant to Chapter 55A, North Carolina General Statutes, which provides room and board, personal care and rehabilitation services while persons receive therapy and/or counseling primarily for one or more of the following purposes: (A) To assist them to recuperate from the effects of or refrain from the use of drugs or alcohol; (B) To provide shelter and support for persons in distress such as runaway children and battered individuals; and, (C) To provide shelter and support for older adults and persons who are handicapped. A Group Care Facility A shall not serve primarily as an alternative to incarceration. Such facilities may have accessory uses conducted on the premises, including but not limited to, schooling of residents, training programs in occupational fields, and production of goods and crafts to be sold off-premises. None of the above shall include the uses "Emergency Shelters, Shelters for the Homeless or Temporary Shelters" as defined in this Ordinance.
GROUP CARE FACILITY B (CORRECTIONAL GROUP CARE FACILITY)	A transitional housing facility for forty (40) or fewer residents, licensed by the State of North Carolina or operated by a nonprofit corporation chartered pursuant to Chapter 55A, North Carolina General Statutes, which provides room and board, personal care and rehabilitation services while persons receive therapy or counseling to assist them to adjust to society as an alternative to incarceration but not including "Emergency Shelters, Shelters for the Homeless or Temporary Shelters" as defined in this Ordinance. Such facilities may have accessory uses conducted on the premises, including but not limited to, schooling of residents, training programs in occupational fields, and production of goods and crafts to be sold off-premises.
GROUP CARE FACILITY C (THERAPEUTIC COMMUNITY)	A transitional housing facility for two hundred and fifty (250) or fewer residents, licensed by the State of North Carolina and operated by a nonprofit corporation chartered pursuant to Chapter 55A. North Carolina General Statutes, which provides room and board, personal care and rehabilitation services while persons receive therapy and/or counseling primarily to assist them to recuperate from the effects of or refrain from the use of drugs or alcohol and/or to assist them to adjust to society as an alternative to incarceration but not including "Emergency Shelters, Shelters for the Homeless or Temporary Shelters" as defined in this Ordinance. Such facilities may have accessory uses conducted on the premises, including but not limited to, schooling of residents, training programs in occupational fields, and production of goods and crafts to be sold off-premises.

TABLE 11.2.2: DEFINITIONS	
GROWTH MANAGEMENT AREA	A geographic area identified in the Growth Management Plan in Forward 2045 and defined on the Growth Management Plan Map on file in the office of the City-County Planning Board. The following areas are shown on the Map: (A) City/Town Centers (GMA 1); (B) Urban Neighborhoods (GMA 2); (C) Suburban Neighborhoods (GMA 3); (D) Future Growth Area (GMA 4); and (E) Rural Area (GMA 5).
H	
HABILITATION FACILITY A	Any facility in which one to eight (8) handicapped persons receive habilitation services, rehabilitation services or engage in recreational activities, regardless of whether these services and activities are therapeutic or educational in nature. These facilities are licensed by the State of North Carolina and do not provide room and board. This definition does not include the principal uses Schools, Elementary or Schools, Secondary. These facilities are intended to serve handicapped persons as defined in State law, in accordance with rights provided by applicable laws.
HABILITATION FACILITY B	Any facility in which nine (9) to twelve (12) handicapped persons receive habilitation services, rehabilitation services or engage in recreational activities, regardless of whether these services and activities are therapeutic or educational in nature. These facilities are licensed by the State of North Carolina and do not provide room and board. This definition does not include the principal uses Schools, Elementary or Schools, Secondary. These facilities are intended to serve handicapped persons as defined in State law, in accordance with rights provided by applicable laws.
HABILITATION FACILITY C	Any facility in which thirteen (13) or more handicapped persons receive habilitation services, rehabilitation services or engage in recreational activities, regardless of whether these services and activities are therapeutic or educational in nature. These facilities are licensed by the State of North Carolina and do not provide room and board. This definition does not include the principal uses Schools, Elementary or Schools, Secondary. These facilities are intended to serve handicapped persons as defined in State law, in accordance with rights provided by applicable laws.
HANDICAPPED PERSON	A person with a physical or mental impairment which substantially limits one or more of such person's life activities; a record of having such impairment; or being regarded as having such an impairment. This definition does not include current illegal use of or addiction to a controlled substance. This definition includes Willie M. children, but does not include persons who are dangerous to others. Dangerous to others means that with the recent past, the person has inflicted or attempted to inflict or threatened to inflict serious bodily harm on another or the person has acted in such a manner as to create a substantial risk of serious bodily harm to another and that there is a reasonable probability that such conduct will be repeated.
HAZARDOUS MATERIAL	As used in the watershed protection standards, any substance listed as such in the Superfund Amendments and Reauthorization Act (SARA) Section 302, Extremely Hazardous Substances; the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) Hazardous Substances; or Section 311 of the Clean Water Act (CWA) (oil and hazardous substances). As used in the Salem Lake watershed protection standards, any substance listed as such in Superfund Amendments and Reauthorization Act (SARA) Section 302, Extremely Hazardous Substances; or; oil, gas or other flammable liquid in excess of two thousand five hundred (2,500) gallons.
HAZARDOUS SUBSTANCE	Any chemical defined as a physical hazard or a health hazard under standards of North Carolina Administrative Code 7C.0101(a)(105). Physical hazards include, but are not limited to, chemicals which are combustible, explosive, flammable, and reactive. Health hazards include, but are not limited to, chemicals which are carcinogens, toxins, corrosives, and irritants.
HAZARDOUS WASTE MANAGEMENT FACILITY	As used in the Salem Lake watershed protection standards, any commercial hazardous waste facility which accepts hazardous waste from the general public or from another person for a fee, but does not include any facility owned or operated by a generator of hazardous waste solely for his own use. A hazardous waste facility means a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste. Hazardous waste means a solid waste, or combination of

TABLE 11.2.2: DEFINITIONS	
	solid wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (A) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or, (B) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.
HEIGHT, BUILDING	The vertical distance measured from the average elevation of the finished grade of all sides of a building, measured at the midpoint of each side, to the topmost elevation of the roof or to the topmost projection of the building above any roof, including parapet walls. Enclosed penthouses or equipment rooms are considered a part of the building and included in the calculation of building height. Please refer to Section 5.3.1.E.3 ACCESSORY STRUCTURES PERMITTED IN REQUIRED YARDS for calculation of the height of accessory buildings.
HELICOPTER LANDING PAD	The designated takeoff and landing area from which helicopter departures and approaches are intended to originate or terminate.
HELIPORT	A helicopter terminal facility for general public transportation with support facilities. The word heliport shall mean an area on the ground used by helicopters, which may include, in addition to the landing pad, passenger and cargo facilities, maintenance, overhaul, fueling, service and storage facilities, tie-down areas, hangars, parking, and other necessary buildings and open spaces. The term heliport includes the terms heliports and public-use heliport used in Federal Aviation Administration publications.
HELISTOP	A limited use helicopter terminal facility, restricted by the owner to the support of a related business, institution, or other operation. The word helistop shall mean an area, either on the ground or on a building, and shall include the landing pad used by helicopters for the purpose of picking up or discharging passengers or cargo, routine maintenance facilities, parking area, fuel pumping facilities (only if such activity is approved by the appropriate agencies), and storage or hangar facilities, but no other accessory facilities. The term helistop includes the terms private-use heliport and personal-use heliport contained in Federal Aviation Administration publications, except for the limitations on the facility as noted.
HIGH QUALITY WATER (HQW) ZONES	As used in the erosion control standards, areas that are within one mile of high quality waters and drain to high quality waters.
HIGH QUALITY WATERS	As used in the erosion control standards, high quality waters classified as such in 15A NCAC 2B.0101(e)(5) - General Procedures, which is incorporated herein by reference to include further amendments pursuant to Section 150B-14(c) of the North Carolina General Statutes.
HIGH VALUE TREE	As used in the Randleman riparian buffer protection regulations, a tree that meets or exceeds the following standards: for pine species, fourteen (14) inch DBH or greater or eighteen (18) inch or greater stump diameter; or for hardwoods and wetland species, sixteen (16) inch DBH or greater or twenty-four (24) inch or greater stump diameter.
HIGHEST ADJACENT GRADE (HAG)	As used in the floodway and floodway fringe regulations, Highest Adjacent Grade (HAG) means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.
HISTORIC STRUCTURE	As used in the floodway and floodway fringe regulations, Historic Structure means any structure that is: (A) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing in the National Register; (B) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (C) Individually listed on a local inventory of historic landmarks in communities with a Certified Local Government (CLG) Program; or

TABLE 11.2.2: DEFINITIONS	
	(D) Certified as contributing to the historical significance of a historic district designated by a community with a Certified Local Government (CLG) Program. Certified Local Government (CLG) Programs are approved by the U.S. Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended.
HND	City of Winston-Salem Department of Housing and Neighborhood Development.
HOME OCCUPATION	The use of a dwelling unit or accessory building on the same zoning lot for commercial activities that are clearly subordinate to the principal use of the dwelling unit for residential purposes and located in a residential district.
HOSPICE AND PALLIATIVE CARE	A facility which specializes in the extended inpatient care and treatment of individuals by skilled nursing professionals as defined by the North American Industry Classification System Codes 623110 (Nursing Care Facilities) and 62161 (Home Health Care Services). Ancillary services such as outpatient treatment, education, counseling, in-home nursing care programs, and administrative office functions may also be conducted on the same zoning lot.
HOSPITAL OR HEALTH CENTER	A facility providing medical, psychiatric, or surgical services for sick or injured persons, including emergency treatment, diagnostic services, training, research, and administration. This definition includes all uses in the following SIC group: 806 Hospitals.
HOTEL OR MOTEL	A building or group of buildings used principally to provide shelter, with or without meals, for more than eight (8) transient patrons.
HUD	United States Department of Housing and Urban Development.
I	
IMPERVIOUS COVER	Any material which significantly reduces or prevents natural absorption of stormwater into the soil. Impervious covers include, but are not limited to, buildings or other structures with roofs, sidewalks, driveways, parking lots, and any concrete, stone brick, asphalt or gravel surface. For the purpose of this Ordinance, partially impervious cover shall be considered impervious cover.
IMPERVIOUS SURFACE COVER	Any structure or material which significantly reduces or prevents natural absorption of stormwater into the soil. Impervious surface cover includes any built upon area including, but not limited to, buildings or other structures with roofs, sidewalks, driveways, parking lots, streets, and any concrete, stone, brick, asphalt, or gravel surface. For purposes of calculating impervious surface coverage requirements pursuant to the Zoning Ordinance , calculation is based on the entire zoning lot and gravel or paver block for parking lots containing more than twenty-five (25) spaces is considered impervious at a rate of eighty percent (80%) of the total area covered.

TABLE 11.2.2: DEFINITIONS

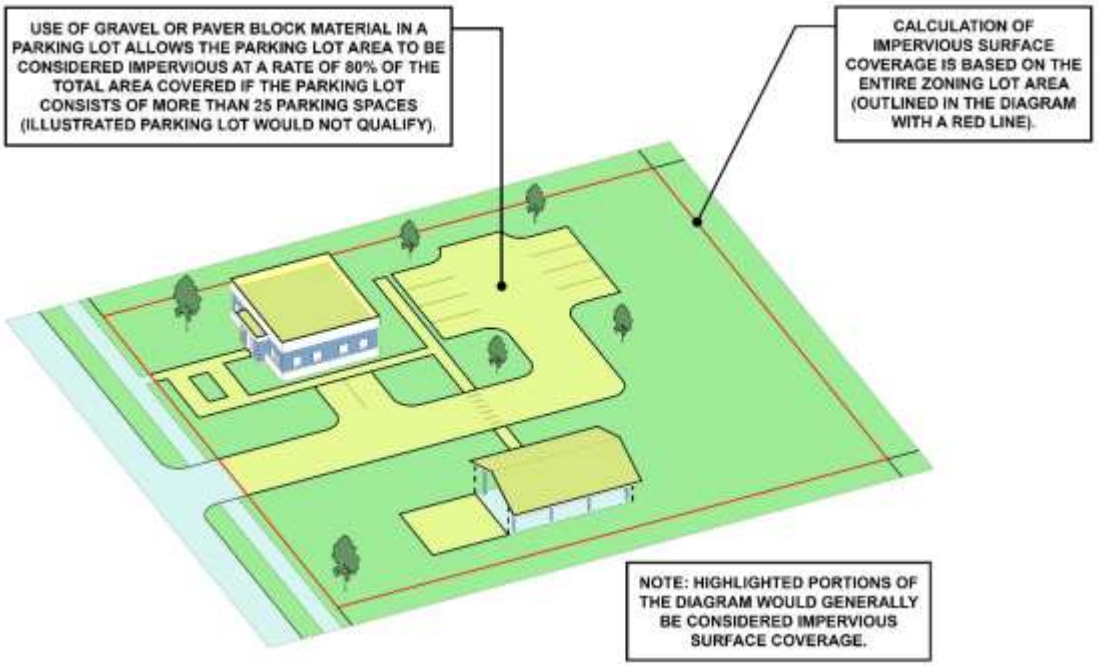
	
IMPROVEMENT	**Any structure or constructed feature not included under the definition of structure.**
INSTITUTIONAL USE	**For the purpose of this Ordinance, any use listed under the heading of Institutional and Public Uses in Table 5.1.1, Principal Use Table.**
INSTITUTIONAL VOCATIONAL TRAINING FACILITY	**A facility for the vocational training of individuals who are economically disadvantaged, or have physical or mental disabilities. The facility may contain uses to support training activities such as offices, classrooms, retail sales and light manufacturing activities.**
INTERMITTENT STREAM (F)	**As used in the Randleman riparian buffer protection regulations, a well-defined channel that contains water for only part of the year, typically during winter and spring when the aquatic bed is below the water table. The flow may be heavily supplemented by stormwater runoff. An intermittent stream often lacks the biological and hydrological characteristics commonly associated with the continuous conveyance of water.**
INTERSTATE SYSTEM	**Roads so designated by federal agencies which provide interstate travel with controlled access. The Interstate System is a part of the National Highway System, but retains a separate identity and a separate funding.**
J	
K	
KENNEL, INDOOR	**Any indoor facility used for the purpose of boarding animals. Indoor kennels may conduct other such incidental activities, such as the sale, breeding, treatment, grooming or cleaning of animals, and the sale of pet supplies. Other principal uses included in this definition would be day care boarding services and training facilities. Residential households producing no more than one litter per**

TABLE 11.2.2: DEFINITIONS	
	household per year shall not be subject to indoor kennel restrictions. For the purpose of this definition, animals shall exclude horses, cattle, swine, sheep, goats, geese, or peafowl.
KENNEL, OUTDOOR (F)	Any outdoor facility used for the purpose of boarding animals. Outdoor kennels may conduct other such incidental activities, such as the sale, breeding, treatment, grooming or cleaning of animals, and the sale of pet supplies. Other principal uses included in this definition would be day care boarding services and training facilities. Residential households producing no more than one litter per household per year shall not be subject to outdoor kennel restrictions. For the purpose of this definition, animals shall exclude horses, cattle, swine, sheep, goats, geese, or peafowl.
L	
LAKE OR NATURAL WATERCOURSE	As used in the Salem Lake watershed protection standards, and the erosion control standards, any stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary, and any reservoir, lake or pond, natural or impounded, in which sediment may be moved or carried in suspension, and which could be damaged by accumulation of sediment.
LAND DISTURBING ACTIVITY	As used in the erosion control standards, any use of the land by any person in residential, industrial, educational, institutional, or commercial development, highway and road construction and maintenance, that results in a change in the natural cover or topography that may cause or contribute to sedimentation.
LANDFILL (F)	As used in the watershed protection standards, a facility for the disposal of solid waste on land in a sanitary manner in accordance with Chapter 130A Article 9 of the North Carolina General Statutes. For the purpose of this Ordinance, the term Landfill includes Discharging Landfill and does not include Composting Facility.
LANDFILL, CONSTRUCTION AND DEMOLITION	A landfill which accepts construction or demolition debris or waste including solid waste from construction, remodeling, repair or demolition operations on pavement, buildings, or other structures.
LANDFILL, DISCHARGING (F)	As used in the watershed protection standards, a landfill which discharges treated leachate and which requires a National Pollution Discharge Elimination System (NPDES) permit.
LANDFILL, LAND CLEARING AND INERT DEBRIS	As used in the Salem Lake watershed protection standards, a landfill that is limited to receiving land clearing waste, concrete, brick, concrete block, uncontaminated soil, gravel and rock, untreated and unpainted wood and yard trash.
LANDFILL, LAND CLEARING AND INERT DEBRIS (LCID)	A landfill that is limited to receiving land clearing waste, concrete, brick, asphalt pavement, concrete block, uncontaminated soil, gravel and rock, untreated and unpainted wood, and yard trash.
LANDFILL, SANITARY	As used in the Salem Lake watershed protection standards, a facility for the disposal of all types of solid wastes, excluding hazardous wastes or toxic substances.
LANDSCAPE ARCHITECT	A person licensed to use the title of landscape architect in the State of North Carolina.
LIBRARY, PUBLIC	A publicly operated facility housing a collection of books, magazines, audio and video tapes, or other material for use by the general public.
LIFE CARE COMMUNITY	An area of land under unified ownership planned and developed as a unit to provide for the transitional residency and care of persons aged fifty-five (55) years or older and/or handicapped. Life care communities may offer a full range of living and care arrangements, including independent living in attached or detached dwelling units, assisted living in congregate care facilities, and full time health care in nursing care institutions.
LIMITED CAMPUS USES	Residential and office uses which are incidental to or customarily associated with a college, university, or hospital campus. Office uses include administrative support offices, faculty offices, and offices for counseling programs or clinical arrangements operated by faculty or staff associated with the main campus. Residential uses include faculty housing, language houses, other small group housing for students attending the main campus. Residential and office activities appropriate as limited campus

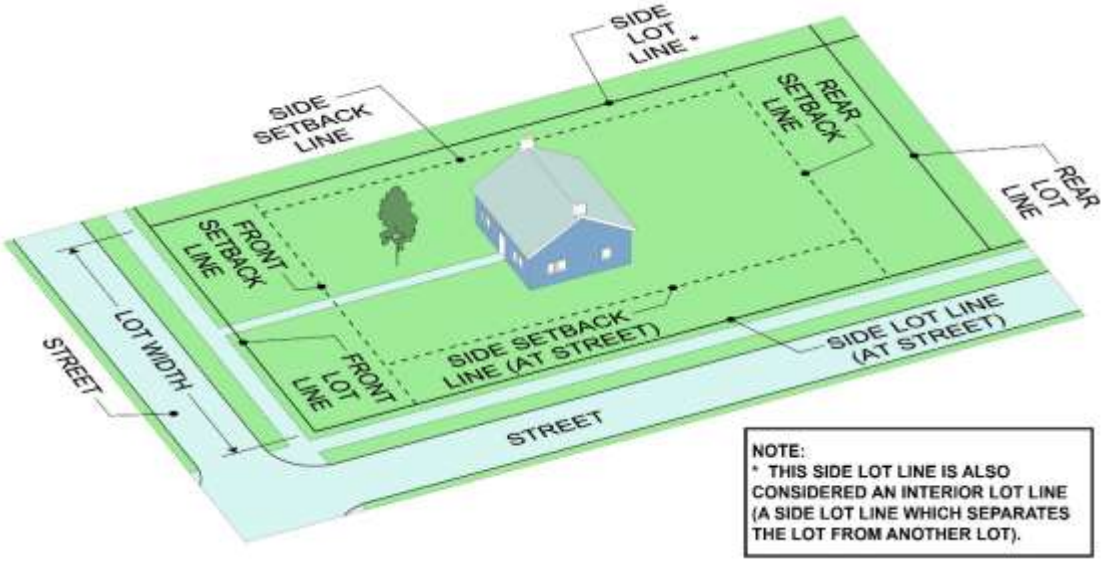
TABLE 11.2.2: DEFINITIONS	
	uses are located in structures which are in character with the surrounding neighborhood. They are intended to generate limited pedestrian and vehicular traffic and have minimum impacts on the surrounding neighborhood.
LIVING UNIT	An area or room(s) of a building which is used as a place for residents to live and sleep where residents do not have free access to all building areas and share one or more common bathrooms or kitchens.
LOCAL GOVERNMENT	As used in the erosion control standards, any county, incorporated village, town, or city, or any combination of counties, incorporated villages, towns, and cities, acting through a joint program pursuant to the provisions of this Ordinance.
LOT	A parcel of land designated by number or other symbol as part of a legally approved and recorded subdivision, or as described by metes and bounds in a recorded deed.
LOT COVERAGE	That portion of the lot area, expressed as a percent, that is covered by impervious surface cover.
LOT LINE	A line or series of connected line segments bounding a lot.
LOT LINE, FRONT	The line which separates the lot from a street right-of-way. Corner lots shall have only one front lot line.
LOT LINE, INTERIOR	A side lot line which separates the lot from another lot.
LOT LINE, REAR	That lot line which is opposite and most distant from the front lot line, except in the case of a triangular lot, a line ten (10) feet in length, entirely within the lot, parallel to, and at the maximum distance from the front lot line, or a chord thereof if the front lot line is curved, shall be considered as the rear lot line for purposes of determining the required rear yard. In cases where neither of these conditions is applicable, the Director of Inspections shall designate the rear lot line.
LOT LINE, SIDE	A lot line other than a front or rear lot line. 
LOT WIDTH	The horizontal distance between the side lot lines at the building setback line as measured along a straight line parallel to the front lot line or parallel to the chord thereof.
LOT, ADJACENT	Any lot or parcel which has a common boundary, right-of-way, or easement with the subject lot.
LOT, CORNER	A lot abutting two (2) or more streets at their intersection, or upon two (2) parts of the same street, forming an interior angle of less than one hundred thirty-five (135) degrees as measured at the centerline of the street. The point of intersection of the street right-of-way lines, or of the street right-of-way lines as extended, is the corner.
LOT, CUL-DE-SAC	Generally, a triangular or irregular shaped lot having all of its frontage on the end of a street either in circular cul-de-sac or other type of permanent turnaround with the lot line(s) most parallel to the front line being at least three (3) times the lot's frontage.

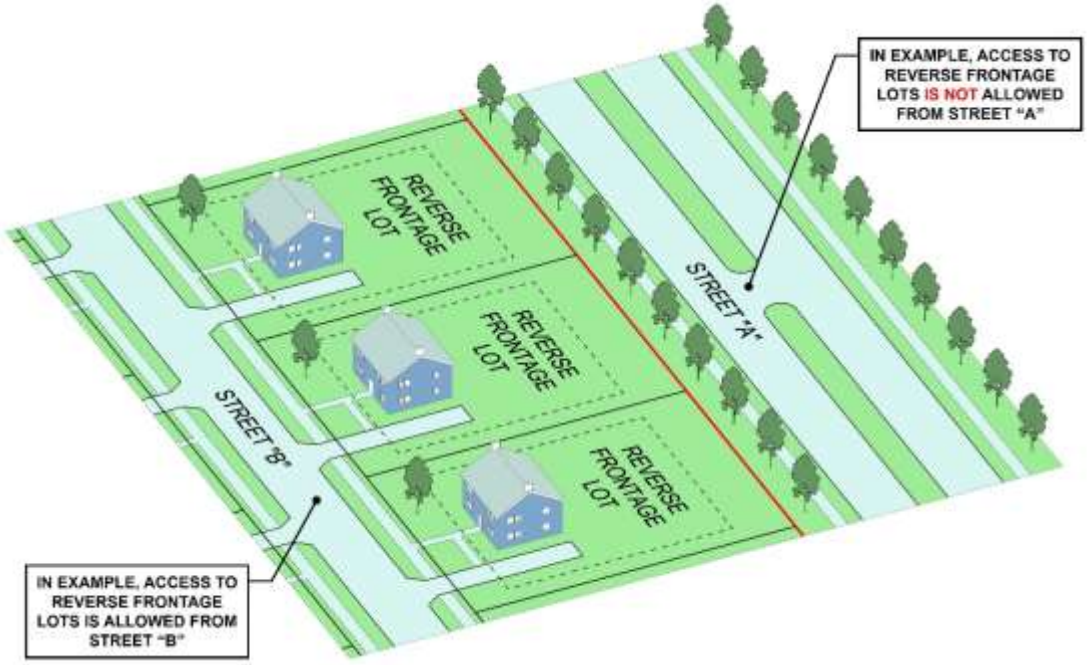
TABLE 11.2.2: DEFINITIONS	
LOT, DOUBLE FRONTAGE	A lot having frontage and access on two (2) or more streets. A corner lot shall not be considered as having double frontage unless it has frontage and access on three (3) or more streets.
LOT, EXISTING (LOT OF RECORD)	A lot which is part of a subdivision, a plat of which has been recorded in the office of the Register of Deeds as of the effective date of this Ordinance, or a lot described by metes and bounds, the description of which has been so recorded in the office of the Register of Deeds and, if required, approved by the Planning staff, as of the effective date of this Ordinance.
LOT, FLAG	An irregularly shaped lot which has an appendage or extension providing access to a street which does not meet the lot width requirements of the district. Such appendage or extension shall be referred to as the pole.
LOT, INTERIOR	A lot other than a corner lot.
LOT, IRREGULAR	An irregularly shaped lot which has one or more appendages or extensions which do not independently meet the dimensional requirements of the district.
LOT, NONCONFORMING (F)	A lot which does not meet all the dimensional requirements of the zoning district in which it is located, which exists by virtue of the fact that it existed on April 3, 1967 or lawfully existed on the day before the effective date of the Zoning Ordinance or subsequent amendments, and which continues to exist.
LOT, NONCONFORMING (LOT OF RECORD) (F)	As used in the watershed protection standards, a lot described by plat or deed that was recorded prior to the effective date of this Ordinance (or its amendments) that does not meet the minimum lot size or other development requirements of this Ordinance.
LOT, NONCONFORMING (W)	***A lot which does not meet all the dimensional requirements of the zoning district in which it is located, which exists by virtue of the fact that it existed on September 16, 1968 or lawfully existed on the day before the effective date of the Zoning Ordinance or subsequent amendments, and which continues to exist.***
LOT, REVERSE FRONTAGE	A lot having frontage on two (2) or more streets, the access of which is restricted to one street. 
LOT, ZONING	A parcel or contiguous parcels of land which is indicated by the owner at the time of application for a building or zoning permit as being that land which is proposed for development under one ownership.

TABLE 11.2.2: DEFINITIONS	
LOWEST ADJACENT GRADE (LAG)	Lowest Adjacent Grade (LAG) means the elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.
LOWEST FLOOR	As used in the floodway and floodway fringe regulations, Lowest Floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.
LOWEST FLOOR ELEVATION	The elevation of the bottom or lowest part of any habitable room intended to be used as living area, excluding unfinished or unventilated basement or garage area.
M	
MANUFACTURED HOME	A structure designed and manufactured for use as a dwelling unit and that meets all of the following requirements: (A) Is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be installed or assembled on the building site; (B) Exceeds thirty-two (32) feet in length and eight (8) feet in width; and, (C) Is not constructed in accordance with the standards of the North Carolina Uniform Residential Building Code for One and Two-Family Dwellings. As used in the floodway and floodway fringe regulations, Manufactured Home means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term manufactured home does not include a recreational vehicle.
MANUFACTURED HOME PARK OR SUBDIVISION	As used in the floodway and floodway fringe regulations, Manufactured Home Park or Subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
MANUFACTURED HOME SPACE	The land in a manufactured housing development allotted to or designed for the accommodation of one manufactured home.
MANUFACTURED HOME, CLASS A	A manufactured home meeting or exceeding the United States Department of Housing and Urban Development standards (all manufactured homes built after June 14, 1976), which is of multi-sectional or double-wide design, and meets the following appearance criteria: (A) Has a minimum width of sixteen (16) feet; (B) Has exterior siding, comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction, consisting of one or more of the following: (1) vinyl or aluminum lap siding whose reflectivity does not exceed that of flat white paint; (2) cedar or other wood siding; (3) wood grain, weather resistant press board siding; (4) stucco siding; or (5) brick or stone siding; (C) Has a gable roof having a pitch with a minimum vertical rise of three and one-half (3.5) feet for each twelve (12) feet of horizontal run; (D) Has a roof finished with roofing material with a fire rating of Class C or better and that is commonly used in standard residential construction; and, (E) Has a roof structure that provides an eave projection of no less than six (6) inches, which may include a gutter.
<u>MANUFACTURED HOME, CLASS B (F)</u>	<u>A manufactured home constructed to meet or exceed United States Department of Housing and Urban Development code requirements for manufactured homes, and which has a gable roof having a pitch with a minimum vertical rise of three and one-half (3.5) feet for each twelve (12) feet of horizontal run.</u>
MANUFACTURED HOME, CLASS B (W)	*Any manufactured home constructed to meet or exceed United States Department of Housing and Urban Development standards (all manufactured homes built on or since June 15, 1976), that does not*

TABLE 11.2.2: DEFINITIONS	
	meet the definition of a Manufactured Home, Class A, and which has a gable roof having a pitch with a minimum vertical rise of two and one-half (2.5) feet for each twelve (12) feet of horizontal run.
MANUFACTURED HOME, CLASS C (F)	**A manufactured home constructed to meet or exceed North Carolina Mobile Home Standard A119.1 or which has received a limited certificate of compliance from the North Carolina Department of Insurance. These are normally manufactured homes constructed after August 31, 1971.**
MANUFACTURED HOME, CLASS C (W)	***A manufactured home constructed to meet or exceed North Carolina Mobile Home Standard A119.1 or which has received a limited certificate of compliance from the North Carolina Department of Insurance. These are normally manufactured homes constructed on or between August 31, 1971 and June 15, 1976.***
MANUFACTURED HOME, CLASS D	**Any manufactured home which does not meet the definitional criteria of a Class A, B, or C manufactured home. These are normally manufactured homes constructed prior to September 1, 1971.**
MANUFACTURED HOUSING DEVELOPMENT	**Any zoning lot maintained, offered, or used for parking three (3) or more occupied manufactured homes, regardless of whether or not a charge is made for such accommodations, including services and facilities for the residents.**
MANUFACTURING A	**A manufacturing establishment engaged in the fabrication or assembly of products from pre-structured materials or components whose operations, including storage of materials; indoor agriculture; processing, fabrication or assembly of products; and loading and unloading of new materials and finished products occurs completely within an enclosed building. Because of the nature of its operations and products, Manufacturing A produces little or no noise, odor, vibration, glare, and/or air and water pollution, and, therefore, has minimal impact on surrounding properties. Notwithstanding the previous requirements, NAICS groups only permitted in Manufacturing C shall not be permitted in Manufacturing A.**
MANUFACTURING B	**A manufacturing establishment whose operations, including indoor agriculture; processing, fabrication or assembly of products occurs completely within an enclosed building. Storage and unloading/loading of materials and finished products may occur outdoors. Noise, odor, dust, or vibration from the manufacturing process may result in only minor impacts on adjacent properties. Notwithstanding the previous requirements, NAICS groups only permitted in Manufacturing C shall not be permitted in Manufacturing B.**
MANUFACTURING C	**A manufacturing establishment whose operations, including storage of materials; processing, fabrication or assembly of products; and loading and unloading of new materials and finished products may occur either inside an enclosed building or outside on the premises. Noise, odor, dust, vibration, or visual impacts, as well as potential public health problems in the event of an accident, could impact adjacent properties. The following NAICS groups shall only be permitted in Manufacturing C:** **3111 Animal Food Manufacturing** **321 Wood Product Manufacturing (Except 32191 Millwork)** **322 Paper Manufacturing (Except 3222 Converted Paper Project Manufacturing)** **324 Petroleum and Coal Products Manufacturing** **325 Chemical Manufacturing (Except 325193 Ethyl Alcohol Manufacturing, 32541 Pharmaceutical and Medicine Manufacturing, and 32561 Soap and Cleaning Compound Manufacturing)** **326 Plastics and Rubber Products Manufacturing (Except 3261 Plastic Product Manufacturing)** **327 Nonmetallic Mineral Product Manufacturing (Except 327215 Glass products made of purchased glass)** **331 Primary Metal Manufacturing** **332 Fabricated Metal Product Manufacturing (Except 3322 Cutlery and Handtool Manufacturing, 3325 Hardware Manufacturing, 3326 Spring and Wire Product Manufacturing, and 3327 Machine Shops; Turned Product; and Screw, Nut and Bolt Manufacturing)** **3353 Electrical Equipment Manufacturing** **335911 Storage Battery Manufacturing** **335912 Primary Battery Manufacturing** **3363 Transportation Equipment Manufacturing (Except 3363 Motor Vehicle Parts Manufacturing).**

TABLE 11.2.2: DEFINITIONS	
MARKET VALUE	As used in the floodway and floodway fringe regulations, Market Value means the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.
MEAN SEA LEVEL	As used in the floodway and floodway fringe regulations, Mean Sea Level means, for purposes of this Ordinance, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.
MEAT PACKING PLANT	An establishment primarily engaged in the slaughtering, processing, or preparation of cattle, hogs, sheep, lambs, calves, poultry, fish and seafood for meat to be sold or to be used on the same premises in canning, cooking, curing, and freezing, and in making sausage, lard, and other products. This definition includes all uses in the following NAICS groups: 311611 Animal Slaughtering Products, Except Poultry 311612 Meat Processed from Carcasses 311613 Rendering or meat byproducts 311615 Poultry 311711 Seafood Canning Products 311712 Fresh and Frozen Seafood.
MICRO-BREWERY OR MICRO-DISTILLERY	A facility, no larger than twelve thousand (12,000) square feet of gross floor area, for the brewing of beer or the distilling of alcoholic beverages. Said facility may include a tasting room or taproom, as well as a retail space to sell the beer or liquor to patrons on site.
MINING, QUARRY, OR EXTRACTIVE INDUSTRY	Any mining activity, as defined in State law, including: (A) The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores, or other solid matter; (B) Any activity or process constituting all or part of a process for the extraction or removal of minerals, ores, soils, and other solid matter from its original location; and, (C) The preparation, washing, cleaning, or other treatment of minerals, ores, or other solid matter so as to make them suitable for commercial, industrial, or construction use. Mining shall not include those aspects of deep mining not having significant effect on the surface, where the affected land does not exceed one acre in area. Mining shall not include mining operations where the affected land does not exceed one acre in area. Mining shall not include plants engaged in processing minerals produced elsewhere and whose refuse does not affect more than one acre of land. Mining shall not include excavation or grading when conducted solely in aid of on-site farming or of on-site construction for purposes other than mining. Removal of overburden and mining of limited amounts of any ores or mineral solids shall not be considered mining when done only for the purpose and to the extent necessary to determine the location, quantity, or quality of any natural deposit, provided that no ores or mineral solids removed during such exploratory excavation or mining are sold, processed for sale, or consumed in the regular operation of a business, and provided further that the affected land resulting from any such exploratory excavation does not exceed one acre in area.
MIXED USE DEVELOPMENT	A planned development where a variety of uses may be developed as a single operation or a programmed series of development operations, and which creates greater choices in living and working environments.
MOBILE HOME	See Manufactured Home.
MOBILE SCHOOL UNIT	A manufactured building used as classroom space (with or without bathroom facilities), or in support of classroom space, and meeting the requirements of the current edition (with amendments) of the North Carolina State Building Code, Volume 1, for educational occupancy.
MODIFIED NATURAL STREAM (F)	As used in the Randleman riparian buffer protection regulations, an on-site channelization or relocation of a stream channel and subsequent relocation of the intermittent or perennial flow as evidenced by topographic alterations in the immediate watershed. A modified natural stream must

TABLE 11.2.2: DEFINITIONS	
	have the typical biological, hydrological, and physical characteristics commonly associated with the continuous conveyance of water.
MODULAR HOME	A dwelling unit consisting of one or more components constructed in compliance with the North Carolina Uniform Residential Building Code for One or Two-Family Dwelling Units and comprised of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.
MOTOR VEHICLE	Every vehicle which is self-propelled and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle. For purposes of this definition, the term motor vehicle shall also include vehicles or implements used in farming or construction.
MOTOR VEHICLE BODY OR PAINT SHOP	An establishment primarily engaged in body work, painting, or customizing of automobiles or other motor vehicles.
MOTOR VEHICLE DISMANTLING AND WRECKING YARD	Any open area of more than two hundred (200) square feet used for storing or dismantling inoperative motor vehicles. This definition includes all uses in the following SIC groups: 5015 Motor Vehicle Parts, Used 5093 Scrap and Waste Materials. As used in the Salem Lake watershed protection standards, any open area of more than two hundred (200) square feet used for storing or dismantling inoperative motor vehicles. This definition includes all uses in SIC group 5015.
MOTOR VEHICLE DISPLAY AREA	Any outdoor area where automobiles, other vehicles, or manufactured homes are stored throughout the day and the night, and are held for the purpose of sale or lease as an entire or complete unit.
MOTOR VEHICLE RENTAL AND LEASING	An establishment primarily engaged in furnishing motor vehicle rental, leasing, and parking services to the public. This definition includes all uses in the following SIC groups: 751 Automotive Rentals, No Drivers 752 Automobile Parking.
MOTOR VEHICLE REPAIR AND MAINTENANCE	An establishment engaged in providing mechanical automotive maintenance and repair, such as engine repair, exhaust system replacement and transmission repair, and/or providing other related services, such as upholstery or glass replacement. This use includes service stations but does not include body work or painting. This definition includes all uses in the following SIC groups: 7536 Automotive Glass Replacement Shops 7537 Automotive Transmission Repair Shops 7538 General Automotive Repair Shops 7549 Automotive Services, NEC.
MOTOR VEHICLE SALES	See Outdoor Display Retail.
MOTOR VEHICLE STORAGE YARD	As used in the Salem Lake watershed protection standards, an outdoor area for the storage of more than one wrecked, damaged, or inoperative motor vehicle awaiting insurance adjustment, major body work, other repair, or other disposition. This definition does not include Motor Vehicle Parts, Used, SIC group 5015, and Waste Materials, SIC group 5093.
MOTOR VEHICLE SURFACE AREA	Any outdoor off-street area used to store or drive motor vehicles, including private driveways, parking lots, and parking aisles, but excluding uses to which the terms motor vehicle display area, motor vehicle storage yard , or motor vehicle dismantling and wrecking yard apply.
MOTOR VEHICLE, INOPERATIVE	A motor vehicle which meets at least one of the following criteria: (A) Vehicle is presently unable to satisfy the vehicle inspection standards of the State of North Carolina, regardless of whether said vehicle possesses a currently valid inspection certificate; (B) Vehicle lacks a current inspection certificate, or displays an expired certificate. Exempt from the requirement to display a current inspection certificate are vehicles which are thirty-five (35) years or older per state law; (C) Vehicle is partially dismantled or wrecked; (D) Vehicle cannot be self-propelled or move in the manner in which it originally was intended to move; or,

TABLE 11.2.2: DEFINITIONS	
	(E) Vehicle has expired license plate or is unlicensed.
MOTORCYCLE DEALER	An establishment primarily engaged in the retail sale of new and used motorcycles, motor scooters, mopeds, all-terrain vehicles, snowmobiles, go-carts, utility trailers, and similar items. This definition includes all uses in the following SIC groups: 557 Motorcycle Dealers 559 Automotive Dealers, NEC.
MULTIFAMILY	See Residential Building, Multifamily.
MUSEUM OR ART GALLERY	A structure used for the display and preservation of paintings, sculpture, and other constructed or natural objects illustrating human or natural history. This definition includes all uses in the following SIC group: 84 Museums, Botanical, Zoological Gardens.
N	
NATIONAL HIGHWAY SYSTEM (F)	The National Highway System shall consist of interconnected urban and rural principal arterials (including toll facilities) which serve major population centers, international border crossings, ports, airports, public transportation facilities, other intermodal transportation facilities and other major travel destinations; meets national defense requirements; and serve interstate and interregional travel. All routes on the Interstate System are part of the National Highway System.
NATIONAL HIGHWAY SYSTEM (W)	*A classification of roads used as the basis for federal aid. A map of roads in the National Highway System has been adopted by the local Transportation Advisory Committee and by the US Congress in its reauthorization of the Intermodal Surface Transportation Efficiency Act (ISTEA) in 1995; a copy of the map is on file in the offices of the Director of Inspections and the City-County Planning Board.*
NATURAL EROSION	See Erosion, Natural. As used in the erosion control standards, the wearing away of the earth's surface by water, wind, or other natural agents under natural environmental conditions undisturbed by man.
NATURAL OBSTRUCTION	Any rock, tree, gravel, or similar natural matter which is an obstruction and has been located within the floodway by a nonhuman cause.
NEW CONSTRUCTION	As used in the floodway and floodway fringe regulations, New Construction means structures for which the start of construction commenced on or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.
NEW DEVELOPMENT (F)	As used in the Randleman riparian buffer protection regulations, any development project that does not meet the definition of existing development set out in this Ordinance.
NIT	*A unit of measurement of the intensity of visible light, where one nit is equal to one candela per square meter (cd/m^2).*
NONCONFORMING LOT	See Lot, Nonconforming.
NONCONFORMING USE	See Use, Nonconforming.
NON-ENCROACHMENT AREA	As used in the floodway and floodway fringe regulations, Non-Encroachment Area means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot as designated in the Flood Insurance Study report.
NONRESIDENTIAL DEVELOPMENT	As used in the Salem Lake watershed protection standards, or the watershed protection standards, all development other than residential development, agriculture and silviculture.
NURSERY, LAWN AND GARDEN	An establishment primarily engaged in the retail sale of trees, shrubs, other plants, seeds, bulbs, mulches, soil conditioners, fertilizers, pesticides, garden tools, and other garden supplies to the general public. These establishments primarily sell products purchased from others, but may sell some

TABLE 11.2.2: DEFINITIONS	
SUPPLY STORE, RETAIL	plants which are grown at the establishment. This definition includes all uses in the following SIC group: 526 Retail Nurseries and Garden Stores.
NURSING CARE INSTITUTION	A home licensed by the State for persons aged, ill or handicapped in which two (2) or more persons not of the immediate family of the owner of manager of said home are provided with food, shelter, and nursing care. The term nursing care institution includes convalescent home, home for the aging, sanitarium, home for the blind, rest home, or any similar establishment.
O	
OFFICES	An establishment primarily engaged in providing: engineering, architectural, and surveying services; accounting, auditing, and bookkeeping services; public relations services; legal services; real estate services; the services of insurance agents, brokers and carriers; the services of security and commodity brokers; the services of bank holding companies; medical or dental laboratory services; medical and surgical offices; kidney dialysis centers, blood banks, birth control clinics, drug treatment centers, and similar uses; and any other office use not specifically listed and defined elsewhere in this Ordinance as a principal use. This use also includes establishments primarily engaged in the off-premises retail sale of products; and establishments primarily engaged in providing two-way radio/telephone communication services, telephone voice and data communications, telegraph services, radio and television broadcasting, or cable and other pay television services, but excluding those uses classified as utilities.
ONE HUNDRED-YEAR FLOOD	One Hundred-Year Flood see Special Flood Hazard Area (SFHA).
OPAQUE FENCE OR WALL	See Fence or Wall, Opaque.
OPEN SPACE	The land used for recreation, natural resource protection, amenities, and/or bufferyards. Open space may include, but is not limited to, lawns, walkways, active recreation areas, playgrounds, wooded areas, greenways, and water courses.
OPEN SPACE, COMMON	Open space within a development not in individually owned lots, which is designed and intended for the common use or enjoyment of the residents of the development.
OUTDOOR DISPLAY RETAIL	An establishment primarily engaged in selling motor vehicles, trucks, manufactured homes, recreational vehicles, boats, or other large items which require outdoor display. Outdoor display retail also includes establishments engaged in the sale, service, or rental of agricultural machinery, trailers, construction equipment, or tools. This definition includes, but is not limited to, all uses in the following SIC groups: 527 Mobile Home Dealers 551 New and Used Car Dealers 552 Used Car Dealers 555 Boat Dealers 556 Recreational Vehicle Dealers.
OUTDOOR PATIO (W)	*Outdoor patio means an open outdoor eating and gathering area of at least five hundred (500) square feet, which may be covered, but must remain open on at least three (3) sides.*
OUTDOOR STORAGE AREA	Any area which contains trash collection areas or dumpsters, open air docks, outdoor storage of bulk materials and/or parts, or areas regularly used for outdoor repair areas or service stations, motor vehicle dealers, or inspection stations, but excluding temporary construction and related activities and closed bay docks.
OUTPARCEL SITE	A freestanding lot developed separately but linked functionally to a shopping center.
P	
PAIRED-PARCEL AVERAGED-	As used in the Salem Lake watershed protection standards, a development proposal that includes a parcel pair meeting the development standards of this Article that qualifies for local development approval under the density-averaging provision of 15A NCAC 2B .0104(u).

TABLE 11.2.2: DEFINITIONS	
DENSITY DEVELOPMENT	
PARAPET (W)	*Parapet means the portion of a wall that extends above the roofline.*
PARAPET WALL	A building wall which extends to or above a flat roofed platform or building roof.
PARCEL PAIR	As used in the Salem Lake watershed protection standards, two noncontiguous parcels of land under the same or separate ownership or two contiguous parcels of land under separate ownership for which development plans have been submitted in tandem so as to qualify for paired-parcel averaged-density development approval under the Salem Lake watershed protection standards.
PARENT	An affiliate that directly, or indirectly through one or more intermediaries, controls another person.
PARK AND SHUTTLE LOT	Specially designated parking areas where commuting motorists park their vehicles and ride with other commuters who have a common destination. Ridesharing from the lots may be done by car pool, van pool, or public transit.
PARKING, COMMERCIAL	A principal use of a zoning lot with or without a parking structure for use as a place for the temporary or long-term parking of motor vehicles.
PARKING, OFF-SITE, FOR MULTIFAMILY OR INSTITUTIONAL USES	Accessory parking for a townhouse or multifamily project, or for an institutional use as specified in Section 6.1.4A, Off-Site Parking Accessory to Multifamily or Institutional Uses
<u>PERENNIAL STREAM (F)</u>	<u>As used in the Randleman riparian buffer protection regulations, a well-defined channel that contains water year round during a year of normal rainfall with the aquatic bed located below the water table for most of the year. Groundwater is the primary source of water for a perennial stream, but it also carries stormwater runoff. A perennial stream exhibits the typical biological, hydrological, and physical characteristics commonly associated with the continuous conveyance of water.</u>
<u>PERENNIAL WATERBODY (F)</u>	<u>As used in the Randleman riparian buffer protection regulations, a natural or man-made basin, including lakes, ponds, and reservoirs, that stores surface water permanently at depths sufficient to preclude growth of rooted plants. For the purpose of the State's riparian buffer protection program, the waterbody must be part of a natural drainage way (i.e., connected by surface flow to a stream).</u>
PERSON	As used in the erosion control standards, any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, or other legal entity.
PERSON CONDUCTING LAND DISTURBING ACTIVITY	As used in the erosion control standards, any person who may be held responsible for a violation of the erosion control unless expressly provided otherwise by this Ordinance, the Erosion Control Act, or any order adopted pursuant to the erosion control standards.
PERSON RESPONSIBLE FOR LAND DISTURBING VIOLATION	As used in the erosion control standards, the person responsible for a violation of the soil erosion standards as identified in this Ordinance and Section 113A-64 of the North Carolina General Statutes. This includes: (A) The developer or other person who has or holds himself/herself out as having financial or operational control over the land disturbing activity; and/or (B) The landowner or person in possession or control of the land when he/she has directly or indirectly allowed the land disturbing activity or has benefited from it or he/she has failed to comply with any provision of this Ordinance, the act, or any order adopted pursuant to this Ordinance or the act as imposes a duty upon him.
PHASE OF GRADING	As used in the erosion control standards, one of two (2) types of grading, rough or fine.

TABLE 11.2.2: DEFINITIONS	
PLAN, EROSION CONTROL	As used in the erosion control standards, an erosion and sedimentation control plan.
PLANNED RESIDENTIAL DEVELOPMENT	A residentially zoned area, planned and developed as a unit, which is characterized by environmentally sensitive design through the use of flexible development standards.
PLANNED UNIT DEVELOPMENT (PUD)	A comprehensively planned development, usually constructed in multiple phases, characterized by a mix of residential and nonresidential uses and flexible development standards.
PLANNER, LAND USE	A person with a bachelor of arts or advanced degree in planning or a related field, or who has worked as a planner for five (5) years or longer.
PLANNING BOARD	As used in the Salem Lake watershed protection standards, the appointed body whose purpose is to make recommendations to the Elected Body regarding land use matters.
PLANNING BOARD, CITY-COUNTY	The appointed body whose purpose is to make recommendations to the Elected Body regarding land use matters.
PLANNING DIRECTOR	See Director of Planning.
PLANTING AREA	An outdoor area, the surface of which may not be covered by impervious surface cover, such as asphalt or concrete, nor by structures, and must be devoted entirely to the planting and maintenance of trees, shrubs, and groundcovers, or construction of fences, walls, and/or earthen berms.
PLAT	A surveyed map or plan or a parcel of land which is to be, or has been subdivided.
PLAT, FINAL	The final map of all or a portion of a subdivision or site, showing the boundaries and location of lots, streets, easements and any other requirements of the Subdivision Regulations , which is presented for local government approval and subsequent recordation with the Register of Deeds.
PLAT, PRELIMINARY	A map indicating the proposed layout of the subdivision or site showing lots, streets, water, sewer, storm drainage, and any other requirements of the Subdivision Regulations, which is presented for preliminary approval.
PLAZA OR COURTYARD (W)	*Plaza or Courtyard means an open area available to the pedestrian public at all times. Fire lanes, or other paved areas that allow vehicular travel shall not be included.*
POLICE OR FIRE STATION	A facility established for public law enforcement purposes or public fire protection and prevention purposes.
PORCH, OPEN	A porch, open on at least three (3) sides, except for wire screening, awnings, or movable shades. A porch shall not be considered open if enclosed by either permanent or detachable glass sash or jalousie or any other device intended to make the porch weather resistant.
PORTAL (W)	*Portal means a large and impressive entrance door or gateway.*
PORTICO (W)	*Canopy or Portico means a porch or walkway with a roof supported by columns, often leading to the entrance of the building.*
POSTAL FACILITY, CONTRACT AND FINANCE	A facility that has: distribution boxes, collection and/or retail services for the general public; no mail carriers; and, is located in high density areas as an accessory use only to principal uses, such as offices, multifamily complexes, planned residential developments, stores and shops, institutions, or schools.
POSTAL FACILITY, NEIGHBORHOOD	A facility that has: distribution boxes (cluster boxes) and collection services for the general public; no mail carriers or retail services; and, is located in a neighborhood where most of the users are within walking distance of the facility.
POSTAL PROCESSING CENTER	A facility or structure used for the collection, sorting, processing, and distribution of bulk mail or packages to other postal facilities or to the general public, and which may have some retail services for the general public, such as stamps, postcards, or postal insurance.

TABLE 11.2.2: DEFINITIONS	
POST-FIRM	As used in the floodway and floodway fringe regulations, Post-FIRM means construction or other development for which the start of construction occurred on or after the effective date of the initial Flood Insurance Rate Map.
PRE-FIRM	As used in the floodway and floodway fringe regulations, Pre-FIRM means construction or other development for which the start of construction occurred before the effective date of the initial Flood Insurance Rate Map.
PRINCIPAL BUILDING	See Building, Principal.
PRINCIPAL USE	See Use, Principal.
PRINCIPALLY ABOVE GROUND	As used in the floodway and floodway fringe regulations, Principally Above Ground means that at least fifty-one percent (51%) of the actual cash value of the structure is above ground.
PROJECTING SIGN (F)	See Sign, Projecting (On-Premises) (F)
PROTECTED AREA (F)	As used in the watershed protection standards, the area adjoining and upstream of a public water supply intake in a WS-IV watershed in which protection measures are required by the State of North Carolina. The boundaries of the protected area are generally defined as extending 5 miles upstream and draining to a water supply reservoir; or 10 miles upstream and draining to the intake located directly in the stream or river. Protected areas for WS-IV classified watershed in Forsyth County are defined and established on the Watershed Map.
PROTEST PETITION	A petition, authorized by State law, submitted to the Elected Body by property owners in opposition to a proposed zoning amendment. A protest petition meeting the requirements of the Zoning Ordinance requires a favorable vote of three-fourths (¾) of all members of the Elected Body for approval of the zoning amendment.
PUBLIC	Under the control or responsibility of the Elected Body on behalf of the general population, rather than individual or private control.
PUBLIC ART (W)	*Public Art means any work of art or design created by an artist and sited in a public place.*
PUBLIC SAFETY AND/OR NUISANCE	Public Safety and/or Nuisance means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.
Q	
QUARRY	See Mining, Quarry, or Extractive Industry.
R	
REAL ESTATE SIGN (F)	See Sign, Real Estate (F).
REAR LOT LINE	See Lot Line, Rear.
REAR YARD	See Yard, Rear.
RECREATION AREA, COMMON (F)	An area of open space which is required in certain types of developments for active or passive recreational uses.
RECREATION AREA, COMMON (W)	*An area of open space or other recreational areas (indoor or outdoor) which are required in certain types of developments for active or passive recreational uses.*
RECREATION FACILITY, PUBLIC	As used in the Salem Lake watershed protection standards, an area or facility designed to meet the demand for active recreation, including play fields, ball diamonds, parks with picnic and playground equipment, par courses, tennis courts, swimming pools, tot lots and similar uses, available to the public and under the management or control of a public agency.

TABLE 11.2.2: DEFINITIONS	
RECREATION FACILITY, PUBLIC	An area or facility designed to meet the demand for active recreation, including play fields, ball diamonds, parks with picnic and playground equipment, par courses, tennis courts, swimming pools, tot lots and similar uses, available to the public and under the management or control of a public agency.
RECREATION SERVICES, INDOOR	Establishments engaged in providing indoor amusement or entertainment services. This definition includes all uses in the following SIC groups: 791 Dance Studios, Schools, and Halls 792 Producers, Orchestras, Entertainers 793 Bowling Centers 7941 Sports Clubs, Managers, and Promoters 7991 Physical Fitness Facilities 7993 Coin-Operated Amusement Devices 7997 Membership Sports and Recreation Clubs 7999 Amusement and Recreation, NEC (Except Batting Cages, Go-Cart Raceway, and Golf Course, Miniature).
RECREATION SERVICES, OUTDOOR	Establishments engaged in providing outdoor amusement or entertainment services. This definition includes all uses in the following SIC groups: 0000 Athletic Fields, Private 7948 Racing, Including Track Operation 7996 Amusement Parks 7999 Batting Cages 7999 Go-Cart Raceway 7999 Golf Course, Miniature 7999 Golf Driving Ranges.
RECREATIONAL VEHICLE	A vehicular type accommodation, other than a manufactured home, designed as temporary accommodations for travel, vacation, or recreation purposes, which is propelled by its own motive power or is mounted on or drawn by another vehicle and which is unoccupied unless situated in a Recreational Vehicle Park or having a valid temporary permit. As used in the floodway and floodway fringe regulations, Recreational Vehicle (RV) means a vehicle, which is: (A) Built on a single chassis; (B) Four hundred (400) square feet or less when measured at the largest horizontal projection; (C) Designed to be self-propelled or permanently towable by a light duty truck; and (D) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.
RECREATIONAL VEHICLE PARK	A contiguous site or tract of land under unified ownership intended and designed to accommodate recreational vehicles or tent spaces as temporary living quarters for recreational or vacation purposes.
RECREATIONAL VEHICLE SPACE	A plot of land within a recreational vehicle park designed for the accommodation of one recreational vehicle, tent, or other individual camping unit on a temporary basis.
RECYCLING CENTER	A facility at which recoverable resources, such as newspapers, glassware, and metal and aluminum cans, are collected, stored, flattened, crushed, or bundled within a completely enclosed building. This use does not include Motor Vehicle Parts, Used, SIC group 5015, which is listed as a separate use.
RECYCLING COLLECTION POINT	An incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources. No processing of such items is allowed. This facility would generally be located in a shopping center parking lot or in other public or institutional areas, such as churches and schools. Does not include the separate use Donation Containers.
RECYCLING PLANT	As used in the Salem Lake watershed protection standards, a facility at which recoverable resources, such as newspapers, magazines, books, and other paper products; glass; metal and aluminum cans; waste oil; iron and steel scrap; rubber; and/or other products are recycled, and treated to return such products to a condition in which they may again be used for production. This definition includes all uses in the following SIC group: 5093 Scrap and Waste Materials.

TABLE 11.2.2: DEFINITIONS	
REDEVELOPMENT	As used in the Salem Lake watershed protection standards, any land disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil. As used in the watershed protection standards, any land disturbing activity which decreases the infiltration of precipitation into the soil, including but not limited to, adding to or changing the amount of impervious or partially impervious cover on a land area.
REFERENCE LEVEL	As used in the floodway and floodway fringe regulations, Reference Level is the top of the lowest floor for structures within special flood hazard areas designated as Zone A1-A30, AE, A, A99 or AO.
REGULATORY FLOOD PROTECTION ELEVATION	As used in the floodway and floodway fringe regulations, Regulatory Flood Protection Elevation means the base flood elevation plus the freeboard. In special flood hazard areas where base flood elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of freeboard. In special flood hazard areas where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.
REMEDY A VIOLATION	As used in the floodway and floodway fringe regulations, Remedy a Violation means to bring the structure or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development. Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
RESIDENTIAL	Referring to permanent dwellings as defined herein.
RESIDENTIAL BUILDING	A building which contains one or more dwelling units.
RESIDENTIAL BUILDING, CONVERTED	A residential building originally constructed as a detached single family dwelling unit which has been modified, expanded, reconfigured or reconstructed in part or in its entirety into one or more occupiable separate living units. This converted residential building does not meet the definition of Residential Building, Single Family and/or the residents would not meet the requirements in the definition of Family living together as a single housekeeping unit.
RESIDENTIAL BUILDING, DUPLEX	A residential building which contains two (2) dwelling units and which occupies one zoning lot.
RESIDENTIAL BUILDING, MULTIFAMILY	A residential building which contains three (3) or more dwelling units and which occupies one zoning lot.
RESIDENTIAL BUILDING, QUADRAPLEX	A residential building which contains four (4) dwelling units and occupies one zoning lot.
RESIDENTIAL BUILDING, SINGLE FAMILY	A residential building which contains one dwelling unit and which occupies its own zoning lot. Planned Residential Developments (PRDs) may have multiple dwelling units on a zoning lot. This term includes modular housing units.
RESIDENTIAL BUILDING, TOWNHOUSE	A residential building which contains three (3) or more dwelling units; each unit occupies one zoning lot.
RESIDENTIAL BUILDING, TRIPLEX	A residential building which contains three (3) dwelling units and occupies one zoning lot.
RESIDENTIAL BUILDING, TWIN HOME	A residential building which contains two (2) dwelling units; each unit occupies one zoning lot.

TABLE 11.2.2: DEFINITIONS	
RESIDENTIAL DEVELOPMENT	**As used in the Salem Lake watershed protection and watershed protection standards, buildings for residence such as attached and detached single family dwellings, apartment complexes, condominiums, townhouses, etc. and their associated accessory uses and outbuildings such as garages, storage buildings, gazebos, etc.**
RESIDENTIAL, MULTIFAMILY	**As used in the Salem Lake watershed protection standards, a residential building which contains three (3) or more dwellings units and which occupies one zoning lot.**
RESIDENTIAL, SINGLE FAMILY	**As used in the Salem Lake watershed protection and the watershed protection standards, a residential building which contains one dwelling unit and which occupies its own zoning lot.**
RESTAURANT (WITH DRIVE-THROUGH SERVICE)	**An establishment which delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises.**
RESTAURANT (WITHOUT DRIVE-THROUGH SERVICE)	**An establishment which serves food and beverages primarily to customers seated at tables or counters located within the building or designated outdoor seating areas. This includes cafes, tea rooms, and outdoor cafes.**
RESUBDIVISION	**A combination or recombination of previously recorded lots or tracts of contiguous land.**
RETAIL STORE	**An establishment primarily engaged in general retail sales, where the majority of display and/or storage of merchandise being sold occurs within an enclosed structure. This definition includes, but is not limited to, all uses in the following SIC groups:** **523 Paint, Glass, and Wallpaper Stores** **525 Hardware Stores** **53 General Merchandise Stores** **553 Auto and Home Supply Stores** **559 Automotive Dealers, NEC** **56 Apparel and Accessory Stores** **572 Household Appliance Stores** **573 Radio, Television, and Computer Stores** **593 Used Merchandise Stores** **594 Miscellaneous Shopping Goods Stores** **599 Retail Stores, NEC.**
RETENTION STRUCTURE	**A structure designed for the permanent storage of runoff in a pool of water.**
RIDING STABLE	**An establishment for the boarding and/or rental of horses for riding. A Riding Stable may also include the provision of veterinarian services for equine species (horses, mules, or donkeys) or cattle.**
RIGHT-OF-WAY	**The legal right of public passage, especially vehicular, over land.**
RIVERINE	**As used in the floodway and floodway fringe regulations, Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.**
ROOF SIGN (F)	**See Sign, Roof (On-Premises) (F).**
ROOFLINE (W)	***The highest point of the main roof structure which shall not include cupolas, pylons, projections or minor raised portions of the roof.***

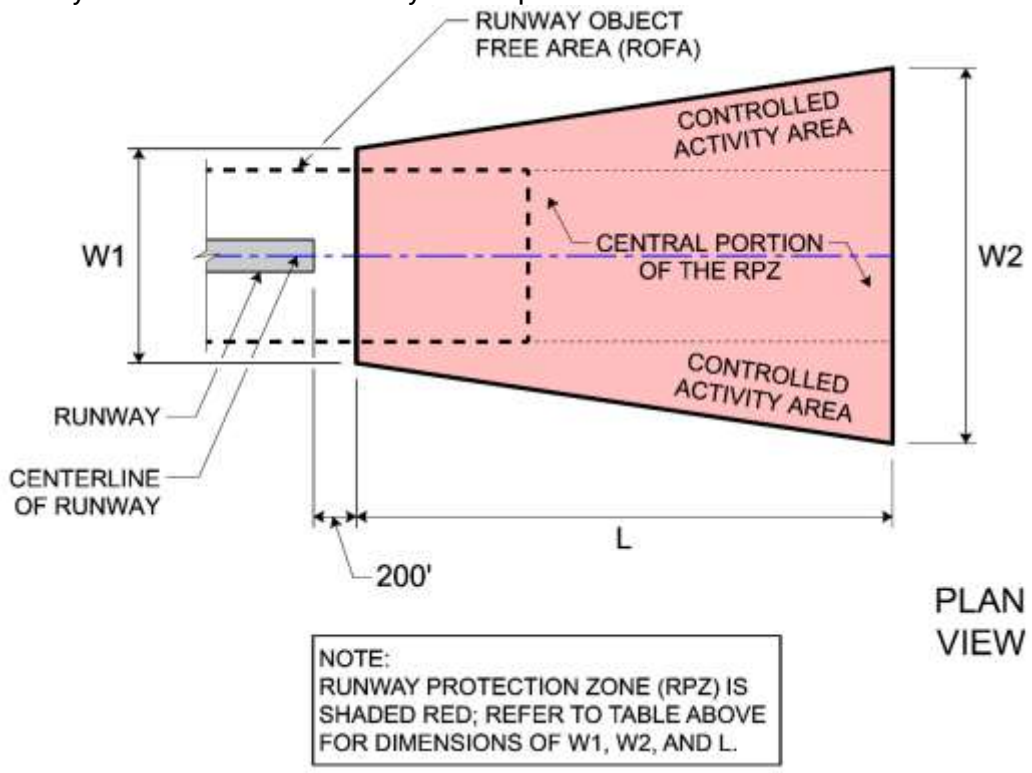
TABLE 11.2.2: DEFINITIONS

RUNWAY PROTECTION ZONE (RPZ)

A trapezoidal area at ground level prior to the threshold or beyond the runway end to enhance the protection of people and property on the ground during airport activities. The table below gives the inner width (W1), Outer Width (W2) and Length (L) for all of the runways at Smith Reynolds Airport:

Runway Protection Zones at Smith Reynolds Airport				
Dimension	Runway 4	Runway 22	Runway 15	Runway 33
Inner Width (W1)	500 ft.	500 ft.	500 ft.	1,000 ft.
Outer Width (W2)	700 ft.	700 ft.	1,010 ft.	1,750 ft.
Length (L)	1,000 ft.	1,000 ft.	1,700 ft.	2,500 ft.

Runway Protection Zones at Smith Reynolds Airport



S

SALVAGE YARD	As used in the floodway and floodway fringe regulations, Salvage Yard means any nonresidential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.
SATELLITE DISH	A type of receive-only antenna which is dish-shaped and is used to receive satellite signals, primarily television transmissions.
SCHOOL-AGE CHILD OR CHILDREN	See Child or Children, School-Age
SCHOOL STADIUM	An outdoor facility designed or used primarily for interscholastic athletic competition which has a seating capacity for one thousand (1,000) or more spectators.

TABLE 11.2.2: DEFINITIONS	
SCHOOL, CHARTER	A private school established under the statutory provisions for charter schools of the State of North Carolina. Charter schools typically require approval by the State of North Carolina and Winston-Salem/Forsyth County Schools, are eligible to receive State funding; are operated free from regulation by the State Department of Public Instruction; and have a special purpose or approach to education.
SCHOOL, ELEMENTARY	A public or private school providing instruction to students in kindergarten through grade five (5).
SCHOOL, MIDDLE	A public or private school giving instruction in grades six (6) through eight (8).
SCHOOL, PRIVATE	A structure used primarily by and for any two (2) or more grade levels not operated by the public school system, but registered with the North Carolina Department of Public Instruction. Any school for children below the K through 12 curriculum not meeting these requirements shall be considered a day care facility for purposes of this Ordinance.
SCHOOL, PUBLIC	A structure used primarily by and for any two (2) or more grade levels and operated by the public school system or approved by the North Carolina Department of Public Instruction as meeting the requirements of State law. Any school for children below the K through 12 curriculum not meeting these requirements shall be considered a day care facility for purposes of this Ordinance.
SCHOOL, SECONDARY	A public or private school giving instruction to students in grades six (6) through twelve (12). Secondary schools consist of middle schools and high schools.
SCHOOL, VOCATIONAL OR PROFESSIONAL	A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as home occupation, college or university, or elementary or secondary school.
SCREENING	The method by which the view from one site to an adjacent site is shielded or hidden. Screening techniques include bufferyards, berms, and opaque fences or walls.
SEDIMENT	Solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin.
SEDIMENTATION	Solid particulate matter, both mineral and organic, that has been or is being transported off the site of the land disturbing activity or into a lake or natural watercourse.
SERVICE BAY	An indoor area containing at least two hundred forty (240) square feet designated and used solely for the purpose of performing diagnostic, maintenance, or repair work on motor vehicles.
SERVICE ROAD	A local street or road that is parallel to a full or partial access controlled facility and functions to provide access to adjacent land.

TABLE 11.2.2: DEFINITIONS

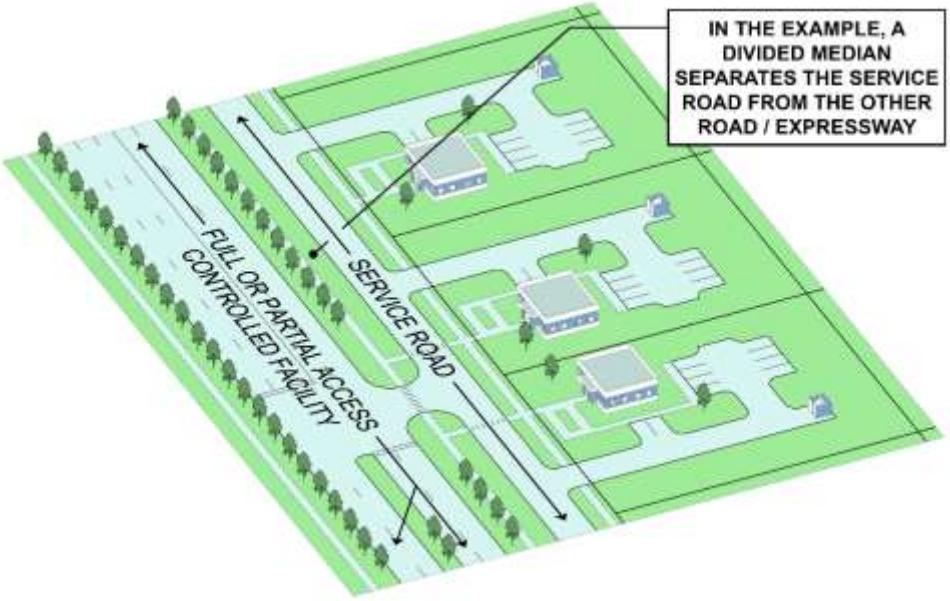
	
SERVICES, A	**An establishment primarily engaged in providing a service(s) to business and individuals. All merchandise and rental equipment is stored inside enclosed buildings. Services A includes the following list of uses (including SIC groups and all subcategories not elsewhere listed):** **7212 Garment Pressing and Agents for Laundries and Drycleaners** **7215 Coin-Operated Laundries and Cleaning** **7216 Dry cleaning Plants, Except Rug** **7217 Carpet and Upholstery Cleaning** **722 Photographic Studios, Portrait** **723 Beauty Shops** **724 Barber Shops** **725 Shoe Repair and Shoeshine Parlors** **729 Miscellaneous Personal Services** **733 Mailing, Reproduction, Commercial Art and Photography** **735 Equipment Rental and Leasing (only with inside storage of equipment)** **737 Computer Programming, Data Processing and other Computer Related Services (Except Computer Programming, 7371; Prepackaged Software, 7372; and, Computer System Design, 7373)** **738 Miscellaneous Business Services** **762 Electrical Repair Shops** **763 Watch, Clock, and Jewelry Repair** **764 Reupholstery and Furniture Repair** **7699 Uses from SIC 7699 primarily engaged in providing repair and other services to business and individuals, that by the nature of their operation have little impact on adjoining property due to noise, odor, vibration, and/or air or water pollution. All repair items and supplies are stored in enclosed buildings. These uses include repair of small or precision equipment, such as medical, dental laboratory or drafting equipment, and the repair of personal use property such as cameras, musical instruments, and bicycles, and other services, including locksmiths and custom picture framing.**
SERVICES, B	**An establishment primarily engaged in providing services to commercial and business establishments. Operations may include large scale facilities and storage of merchandise and equipment outside enclosed buildings. Services B includes the following list of uses (including SIC groups and all subcategories not elsewhere listed):** **721 Laundry, Cleaning, and Garment Services Except those listed under Services A** **7312 Outdoor Advertising Services** **734 Services to Dwellings and Other Buildings** **735 Equipment Rental and Leasing (with outside storage of equipment)**

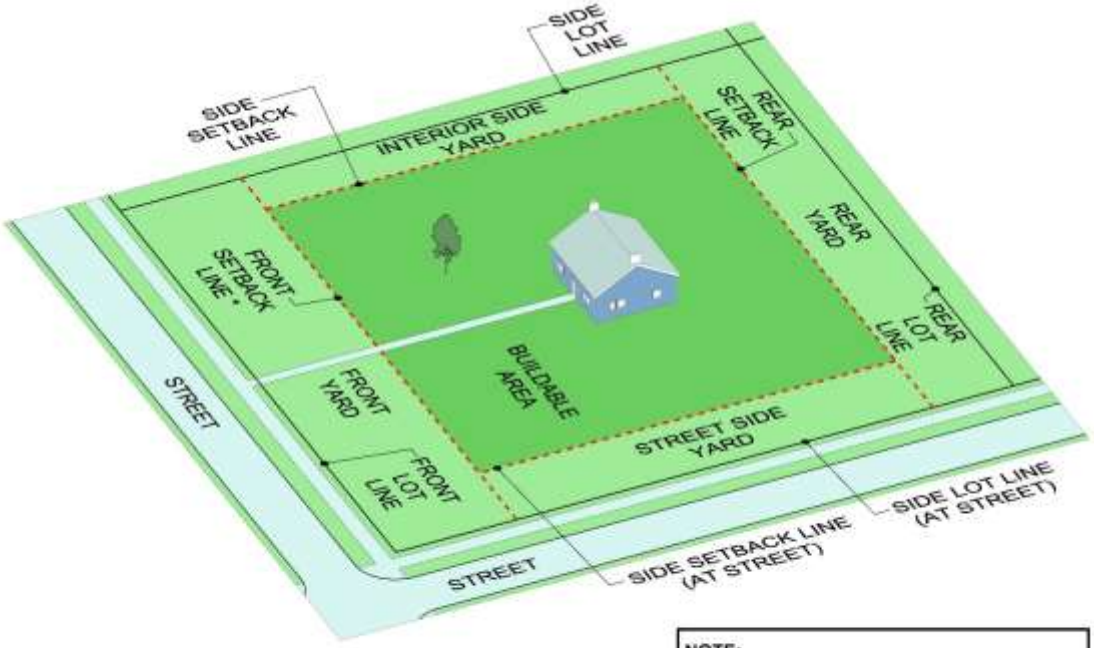
TABLE 11.2.2: DEFINITIONS	
	7623 Refrigeration Service and Repair **7692 Welding Repair** **7694 Armature Rewinding Shops** **7699 Establishments from SIC 7699 primarily engaged in providing repair and other services to businesses and to a lesser extent, individuals, that by the nature of their operation could impact adjoining property due to noise, odor, vibration, and/or air or water pollution. Uses include repair or servicing of large or heavy machinery, such as engines and appliances, and welding, blacksmith or gunsmith shops, and septic tank or sewer cleaning services, but not to include agriculture and farm equipment, industrial truck repair, and motorcycle repair.**
SETBACK	**The minimum required horizontal distance between a structure and the lesser of either the lot line, street right-of-way line, or the line that marks the beginning of street maintenance by the City of Winston-Salem or the North Carolina Department of Transportation, whichever is the appropriate agency.**
SETBACK LINE	**The line which is parallel to and is a given distance from the applicable lot line of a lot or parcel of land as required by the dimensional requirements of this Ordinance. See Yard.**  **NOTE:** *** THE FRONT SETBACK LINE IS OFFSET FROM THE FRONT LOT LINE AND IS ORIENTED TOWARDS THE PRIMARY ENTRANCE OF THE PRIMARY STRUCTURE.**
SHELTER FOR THE HOMELESS	**A facility, operated by a nonprofit corporation chartered pursuant to Chapter 55A, North Carolina General Statutes and operating year-round, which provides lodging and support services for indigent individuals without a residence. The support services may include, but are not limited to, a community kitchen; assistance in obtaining permanent housing; transitional housing; medical counseling, treatment, and/or supervision; psychological counseling, treatment, and/or supervision; nutritional counseling; employment counseling; job training and placement; drug and/or alcohol recovery counseling; and child care.**
SHELTER, EMERGENCY	**A facility operated by a local, state or federal agency or by the American Red Cross providing, without charge, temporary sleeping accommodations, with or without meals, for individuals and/or families displaced from their place of residence as a result of sudden natural or manmade catastrophes including, but not limited to, earthquakes, fires, floods, tornados, hurricanes, and chemical spills/releases. Such natural or manmade catastrophes must be designated by the local, state or federal official in charge or by the American Red Cross.**

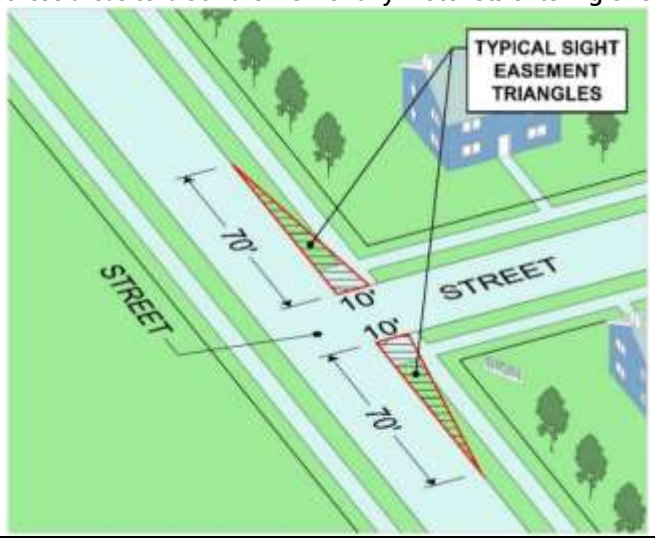
TABLE 11.2.2: DEFINITIONS	
SHELTER, TEMPORARY	A facility which provides, without charge, temporary lodging due to severe weather conditions for individuals without a residence.
SHOOTING RANGE, INDOOR (F)	An enclosed facility used for the discharge of firearms at targets.
SHOOTING RANGE, OUTDOOR (F)	An outdoor facility used for the discharge of firearms at targets.
SHOPPING CENTER	A building or group of buildings totaling thirty-five thousand (35,000) square feet or more of gross floor area, either connected or freestanding, which is designed with common parking, pedestrian movement, ingress and egress, and used for the sale of merchandise or services to the public. There must be a minimum of four (4) stores. No outparcel shall be included in the calculation of building square footage for shopping centers.
SHOPPING CENTER, SMALL	A building or group of buildings totaling between eight thousand (8,000) square feet and thirty-four thousand nine hundred ninety-nine (34,999) square feet of gross floor area, either connected or freestanding, which is designed with common parking, pedestrian movement, ingress and egress, and used for the sale of merchandise or services to the public. There must be a minimum of three (3) tenant spaces. No outparcel shall be included in the calculation of building square footage for shopping centers.
SHORELINE STABILIZATION (F)	As used in the Randleman riparian buffer protection regulations, the in-place stabilization of an eroding shoreline. Stabilization techniques which include "soft" methods or natural materials (such as root wads, or rock vanes) may be considered as part of a restoration design. However, stabilization techniques that consist primarily of "hard" engineering, such as concrete lined channels, riprap, or gabions, while providing bank stabilization, shall not be considered stream restoration.
SIC	Standard Industrial Classification.
SIDE YARD	See Yard, Side.
SIGHT EASEMENT	See Easement, Sight.
SIGHT EASEMENT TRIANGLES	An area located on private property which is on both sides of any public/private street intersection or at any driveways to the property. Said area is ten (10) feet perpendicular to the accessing street pavement and tapers to seventy (70) feet at the edge of street pavement. Measurements for sight distances at street intersections, including sight triangles, must begin at edge of pavement of a proposed or existing street. The intent of this easement area is to not allow any structures or signs in these areas to block the view of any motorists entering or exiting the property. 

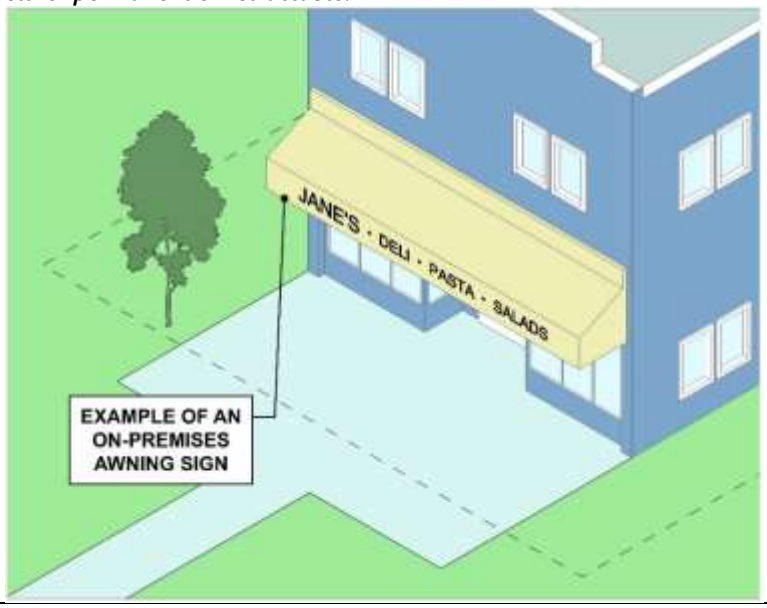
TABLE 11.2.2: DEFINITIONS	
SIGN (F)	Any form of publicity which is visible from any public way, directing attention to an individual, business, commodity, service, activity, or product, by means of words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks, or other pictorial matter designed to convey such information, and displayed by means of paint, bills, posters, panels, or other devices erected on an open framework, or attached or otherwise applied to stakes, posts, poles, trees, buildings, or other structures or supports. Exempt from this definition are religious icons, such as crosses or other religious symbols, when not integral to a written sign.
SIGN (W)	*Any form of publicity which is visible from any public way, directing attention to an individual, business, commodity, service, activity, or product, by means of words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, objects, designs, trade names or trademarks, or other pictorial matter designed to convey such information, and displayed by means of paint, bills, posters, panels, or other devices erected on an open framework, or attached or otherwise applied to stakes, posts, poles, trees, buildings, or other structures or supports.* *Notwithstanding the above, the following are considered signs: Beacons, spotlights, searchlights, and reflectors. Exempt from this definition are religious icons, such as crosses or other religious symbols, when not integral to a written sign.*
SIGN AREA (W)	*Sign area is defined in Section 6.5.1C.6, On-Premises Sign Area Measurement Provisions, of the UDO.*
SIGN HEIGHT (W)	The height of an on-premises freestanding sign shall be measured from the road to which the sign is oriented or average grade of the site where the sign is located, whichever is higher, to the top of the highest attached component of the sign, the sign face, sign structure and any other appurtenance. Any change in a site's grade specifically designed to increase a sign's height shall be included as part of the sign's height.
SIGN, ANIMATED (W)	*Any sign which flashes, revolves, rotates, or swings by mechanical means or which uses a change of lighting to depict action or to create a special effect or scene.*
SIGN, ATTACHED (W)	*An on-premises sign that is attached to a building wall or other surface. Awning signs, canopy signs, window signs, projecting signs, suspended signs, and wall signs are all considered attached signage.*
SIGN, AWNING (ON-PREMISES) (F)	An on-premises sign constructed of fabric-like, non-rigid material which is a part of a fabric or flexible plastic awning framed and attached to a building.
SIGN, AWNING (ON-PREMISES) (W)	*An on-premises attached sign displayed, attached to or incorporated into the surface of an architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of non-rigid materials, and/or fabric on a supporting framework that may be either permanent or retractable.* 

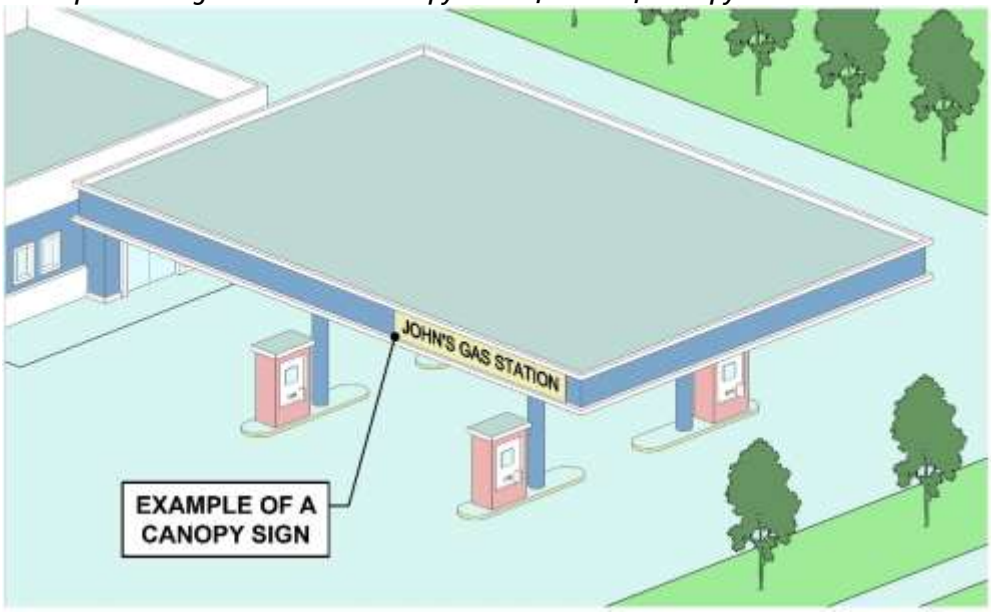
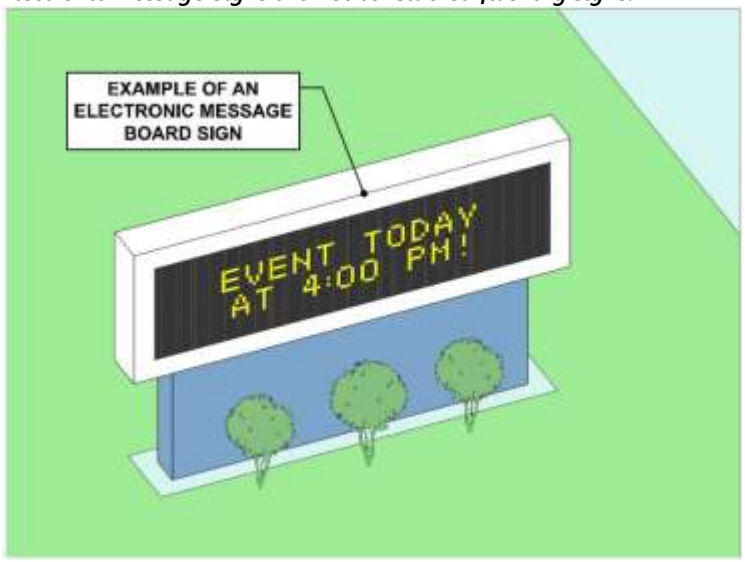
TABLE 11.2.2: DEFINITIONS	
SIGN, BANNER (W)	***A temporary sign made of a flexible material such as canvas, sailcloth, plastic or waterproof paper.***
SIGN, CANOPY (W)	***An on-premises sign attached to a canopy. See definition of "canopy."*** 
SIGN, CHANGEABLE COPY (W)	***A sign or portion of a sign that is devoted to and designed for manually or automatically changeable copy text and graphics. Changeable copy signs do not include time, date and/or temperature signs and electronic message signs as hereinafter defined.***
SIGN, CONSTRUCTION AND DEVELOPMENT (W)	***A temporary sign allowed for a limited period of time that identifies a development under construction as well as design, construction and marketing information for a development.***
SIGN, ELECTRONIC MESSAGE BOARD (W)	***A sign, or portion of a sign, that displays an electronic image and/or video, which may or may not include text. Such signs include any sign, or portion of a sign, that uses changing lights to form a sign message or messages or uses electronic means to change the sign message. Electronic message boards include but are not limited to signs also known as Electronic Reader Boards, Electronic Message Center Signs. Tri-Panel Message Systems, and Commercial Electronic-Variable Message Signs (CEVMS). Electronic Message Signs are not considered flashing signs.*** 

TABLE 11.2.2: DEFINITIONS	
SIGN, EMERGENCY, SAFETY, WARNING, OR TRAFFIC (W)	***Any emergency, safety, warning, or traffic sign installed by or at the direction of a governmental authority or with its approval.***
SIGN, EXTERNALLY ILLUMINATED (W)	***A sign that features artificial illumination from a light source which provides light directly onto the sign face, or portions of the sign face, or its background, which light is then reflected back to the viewer.***
SIGN, FREESTANDING (W)	***An on-premises sign, identifying the principal use conducted on the lot where the sign is located, that is placed on or anchored in the ground with one or more supports and that is not part of a building or other structure. Can also be referred to as a ground, monument, pole or pylon sign.***
SIGN, GOVERNMENT (W)	***Any temporary or permanent sign erected and maintained for any government purposes other than signs placed on the premises of a publicly owned building or structure or other land use designed to identify to the land use to the public. Examples of government signs include, but are not limited to, speed limit signs, city limit and welcome signs, street name signs, and traffic signs. Conversely, a sign placed on a public building such as library, school or public safety building which identifies said building, shall not be considered a government sign.***
SIGN, GROUND (OFF-PREMISES) (F)	**A freestanding sign which draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other activity which is conducted, sold, or offered at a location other than the premises on which the sign is located.**
SIGN, GROUND (OFF-PREMISES) (W)	***A freestanding sign which draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other activity which is conducted, sold, or offered at a location other than the premises on which the sign is located.***
SIGN, GROUND (ON-PREMISES) (F)	**A freestanding on-premises sign.**
SIGN, GROUND SURFACE (W)	***Any sign composed of manmade or organic materials displayed upon the surface of the ground.***
SIGN, HISTORIC (W)	***A sign, or reproduction of a sign, which was originally installed at least twenty-five (25) years ago and has received official certification as a Historic Sign by the Forsyth County Historic Resources Commission.***
SIGN, HOME OCCUPATION (W)	***A sign used in conjunction with a home occupation meeting the requirements of Section 5.3.4D, Home Occupation, of the UDO.***
SIGN, INCIDENTAL (W)	***A temporary or permanent on-premises sign that is intended to provide information or direction for the convenience and necessity of the public and whose purpose is secondary to the use of the lot on which it is located. Such signs include but are not limited to entrance and exit signs, building numbers, addresses, private parking signs, telephone, no trespassing signs or dangerous animal signs. Incidental signs are not intended to provide identification or advertising from any public way.***
SIGN, INFORMATION, DIRECTION AND IDENTIFICATION (W)	***A sign containing information relating to direction and/or identification of a use that is installed by or at the direction of a governmental authority or with its approval. An Information, Direction, and Identification sign shall not contain any commercial content other than a symbol, name or logo of the establishment it serves.***
SIGN, INTERNALLY ILLUMINATED (W)	***A sign that features artificial illumination from a light source located behind the sign face and which transmits light through the sign face or portions of the sign face to the viewer. Also known as backlit***

TABLE 11.2.2: DEFINITIONS	
	illumination. Exposed neon tubing and similar lighting shall not be considered an internally illuminated sign.
SIGN, LEAD-IN (DIRECTIONAL) (W)	***An off-premises sign that solely provides directional information regarding the sale or lease of residential property.***
SIGN, MARQUEE (F)	Any canopy substantially framed in steel which is durably constructed and of sufficient strength and design to carry superimposed sign structures.
SIGN, MENU BOARD (W)	***A sign displaying the bill of fare of a drive-in or drive-through restaurant.***
SIGN, NEON (W)	***An illuminated sign containing a glass tube filled with neon or phosphors which are bent to form letters, symbols or other shapes.***
SIGN, OFF-PREMISES (F)	See Sign, Ground (Off-Premises) (F).
SIGN, ON-PREMISES	A sign displaying information pertaining only to a business, industry, activity, or profession located on the premises where the sign is displayed, and pertaining only to the name of the business, type of product sold, manufactured, or assembled, and/or service, activity, or entertainment offered on said premises, including business identification and occupancy signs.
SIGN, PANEL CHANGE OUT (W)	***Removing and/or replacing the advertising or copy area panel(s) of a sign without replacing or modifying the sign structure.***
SIGN, POLITICAL (W)	***A temporary sign used in connection with a local, state, or national election or referendum.***
SIGN, PORTABLE (W)	***A sign not permanently attached to the ground or other permanent structure, including but not limited to signs with attached wheels, A-frame signs, signs attached or painted on vehicles parked and visible from a street, unless said vehicle is used as a vehicle in the normal day-to-day operations of the business it advertises and is parked on the same zoning lot as the business. A sandwich board sign as defined by and in conformance with this Ordinance is not considered a portable sign.***

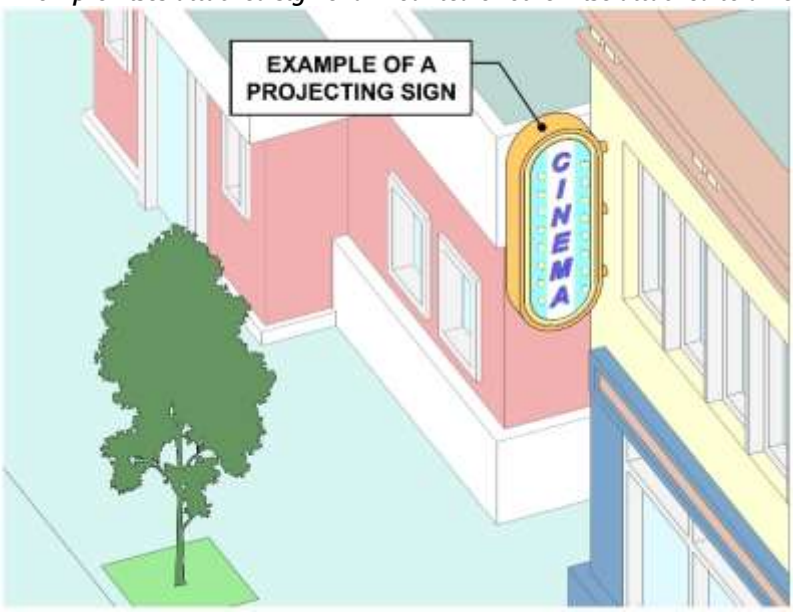
TABLE 11.2.2: DEFINITIONS	
SIGN, PROJECTING (ON-PREMISES) (F)	An on-premises sign supported by a pole or other supporting structure, hanging from a building.
SIGN, PROJECTING (W)	*An on-premises attached sign end-mounted or otherwise attached to an exterior wall of a building.* 
SIGN, REAL ESTATE (F)	A sign which is designed for the sale, lease, promotion, and identification of real estate.
SIGN, REAL ESTATE (W)	*Any temporary sign displayed for the purpose of offering for sale, lease or rent the property on which such sign is erected, affixed or otherwise established.*
SIGN, ROOF (ON-PREMISES) (F)	An on-premises sign located above the eaves and below the peak of the roof where the sign is located.
SIGN, ROOF (W)	*An on-premises attached sign that is taller than the roof to which it is attached. Signs that do not extend above the roof, but are attached to the lower slope of a roof or attached to a parapet wall above a flat roof are considered wall signs. Signs that do not extend above the roofline but are attached to a mansard roof or canopy are considered wall signs.*
SIGN, SANDWICH BOARD (W)	*A single or double-faced moveable sign that is intended to be used on a sidewalk or pedestrian way in front of the business for which the commercial message is intended.*
SIGN, SUSPENDED (W)	*An on-premises attached sign that is suspended from the underside of a horizontal plane surface or arm, such as a canopy or marquee, and is supported by such surface.*

TABLE 11.2.2: DEFINITIONS

SIGN, TEMPORARY (W)	***A portable sign as defined by this Ordinance or a sign to be used for a limited time period.***
<u>SIGN, WALL (ON-PREMISES) (F)</u>	<u>An on-premises sign affixed to the wall of any building and completely in contact with the building throughout its greatest dimension, which does not extend beyond the main wall of the building more than twelve (12) inches except in accordance with these regulations.</u>
SIGN, WALL (W)	***An on-premises sign affixed to or painted on the wall of any building and completely in contact with the building throughout its greatest dimension, which does not extend beyond the main wall of the building more than fifteen (15) inches except in accordance with these regulations. A painted work of art or mural is not considered a wall sign. A window sign is considered a wall sign.***
SIGN, WINDOW (W)	***An on-premises wall sign that is permanently etched into, attached to, or painted on the outside of a window and is legible from outside the window.***
SILTATION	As used in the erosion control standards, sediment resulting from accelerated erosion which is settleable or removable by properly designed, constructed, and maintained control measures; and which has been transported from its point of origin within the site of a land disturbing activity; and which has been deposited, or is in suspension in water.
SINGLE FAMILY DWELLING	See Residential Building, Single Family.
SINGLE PLATE GROUND FLOOR (W)	***Single Plate Ground Floor means the gross horizontal floor area measured from the exterior walls of the building or structure. Habitable ground floor mezzanine area(s) shall be included in the gross square footage calculation.***
SOLAR FARM	Ground mounted components and subsystems required to convert solar energy into electric energy on sites one (1) acre or larger.
SOLID WASTE DISPOSAL FACILITY	As used in the floodway and floodway fringe regulations, Solid Waste Disposal Facility means any facility involved in the disposal of solid waste, as defined in Section 130A-290(a)(35) of the North Carolina General Statutes.

TABLE 11.2.2: DEFINITIONS	
SOLID WASTE DISPOSAL SITE	As used in the floodway and floodway fringe regulations, Solid Waste Disposal Site means, as defined in Section 130A-290(a)(36) of the North Carolina general Statutes, any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.
SOLID WASTE TRANSFER STATION	A permanent structure and facilities in which solid waste excluding "Hazardous Waste" as defined in Section 130A-290(a)(8) of the North Carolina General Statutes, collected at the initial point of waste generation is transferred to other forms of transportation for final disposal.
SPECIAL EVENTS CENTER	A facility that may be rented by individuals or groups for private functions including banquets, fundraisers, weddings, parties and other events. Said facility may be no larger than twenty thousand (20,000) square feet of gross floor area and may include on-site food preparation or catering facilities.
SPECIAL FLOOD HAZARD AREA (SFHA)	As used in the floodway and floodway fringe regulations, Special Flood Hazard Area (SFHA) means the land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in Section 8.1.1E, Basis for Establishing the Special Flood Hazard Areas of the floodway and floodway fringe regulations. This special flood hazard area can also be referred to as the one hundred-year flood.
SPECIAL USE PERMIT	A permit issued by the Board of Adjustment or the Elected Body for a use specified in Table 5.1.1, Principal Use Table, in the Zoning Ordinance.
STADIUM, COLISEUM, OR EXHIBITION BUILDING	A structure or facility designed, intended, or used primarily for public gatherings; indoor exhibitions, galleries, or conventions; or indoor or outdoor spectator events including, but not limited to, professional and amateur sporting events, concerts, theatrical presentations, motor vehicle racing.
START OF CONSTRUCTION	As used in the floodway and floodway fringe regulations, Start of Construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.
STORAGE AND SALVAGE YARD	The use of land for outdoor storage of machinery, construction equipment, construction supplies, used building materials, scrap metal, and similar items. This definition does not include motor vehicle storage yard and motor vehicle dismantling operations which are principal uses defined elsewhere in this Ordinance.
STORAGE SERVICES, RETAIL	Moving and/or storage services for household and business goods, including self-service storage facilities.
STORAGE SERVICES, RETAIL – EXTERNAL ACCESS	Storage services buildings where individual storage units are accessed via external doors rather than doors along internal corridors.
STORAGE SERVICES, RETAIL – INTERNAL ACCESS	Storage services buildings where individual storage units are accessed via internal doors and corridors.
STORAGE TANKS, ABOVE GROUND	As used in the Salem Lake watershed protection standards, storage tanks located above ground which are accessory to industries or businesses in their operations and are used to store chemicals, fuels, water, and other liquids and materials.

TABLE 11.2.2: DEFINITIONS	
STORAGE TRAILER	A structure originally constructed with wheels in order to be transported over the highways but now no longer transported and now converted to use as a storage structure. An uncoupled truck trailer placed at a church, school, government building, or business for the acceptance of goods donated to charity or dropped off for recycling and towed away on a regular schedule or whenever full does not meet this definition. A construction trailer at a construction site, uncoupled truck trailer, inoperable travel trailer, and an uninhabitable manufactured dwelling does not meet this definition.
STORM DRAINAGE FACILITY	The system of inlets, conduits, channels, ditches, and appurtenances which serve to collect and convey stormwater through and from a given drainage area.
STORM, TEN-YEAR	The surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in ten (10) years and of a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.
STORM, TWENTY-FIVE-YEAR	The surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in twenty-five (25) years, and of a duration which will produce the maximum peak rate of runoff, from the watershed of interest under average antecedent wetness conditions.
STORMWATER DIRECTOR OR A DESIGNEE	The Stormwater Director or a designee who is the officer principally responsible for the enforcement of stormwater-related provisions of this Ordinance.
STORMWATER QUALITY MANAGEMENT PLAN	A set of drawings and supporting documents submitted by the applicant for a stormwater quality management permit.
STORMWATER RUNOFF	The direct runoff of water resulting from precipitation in any form. As used in the erosion control standards, the surface flow of water resulting from precipitation in any form and occurring immediately after rainfall or melting.
STREAM	As used in the Salem Lake watershed protection standards, a watercourse that is indicated on maps generated from the Forsyth County Land Records Information System.
STREAM BUFFER	As used in the Salem Lake watershed protection standards, a natural or vegetated area through which stormwater runoff flows in a diffuse manner and which provides for infiltration of runoff and filtering of pollutants. The buffer is measured landward from the top of the bank defining the edge of the stream channel.

TABLE 11.2.2: DEFINITIONS

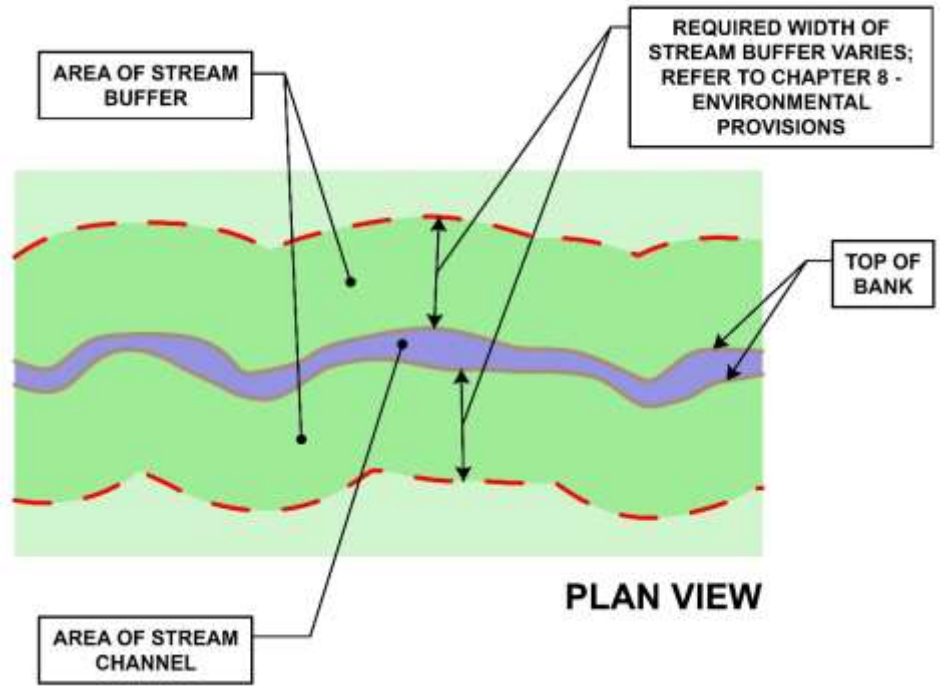
	
STREAM BUFFER (F)	As used in the stream protection standards, a natural or vegetated area through which stormwater runoff flows in a diffuse manner and which provides for infiltration of runoff and filtering of pollutants. The buffer is measured landward from the bank defining the edge of the channel of each side of streams.
STREAM RESTORATION (F)	As used in the Randleman riparian buffer protection regulations, the process of converting an unstable, altered or degraded stream corridor, including adjacent riparian zone and flood-prone areas to its natural or referenced, stable conditions considering recent and future watershed conditions. This process also includes restoring the geomorphic dimension, pattern, and profile as well as biological and chemical integrity, including transport of water and sediment produced by the stream's watershed in order to achieve dynamic equilibrium. "Referenced" or "referenced reach" means a stable stream that is in dynamic equilibrium with its valley and contributing watershed. A reference reach can be used to develop natural channel design criteria for stream restoration projects.
STREAM, PERENNIAL	As used in the Salem Lake watershed protection standards, a watercourse that flows year-round, including rivers, streams, lakes, and ponds, indicated as a solid blue line on the most recent version of USGS 7.5 minute (1:24,000 scale) topographic maps. Perennial streams are also shown as such on the Official Zoning Maps. As used in the watershed protection standards, a watercourse, including rivers, streams, lakes, and ponds, that flows year-round and is indicated as a solid blue line on the most recent version of the USGS 7.5 minute series (1:24,000 scale) topographic maps.
STREET	A public right-of-way or private easement which affords traffic circulation and a means of access to abutting property. Exempt from this definition for the purposes of setbacks are private streets which serve duplex or multifamily residential units that are located on the same zoning lot or twin home, townhouse or urban residential units that are located in developments that have common open space areas owned by the same homeowners association. Also exempt from this definition for the purposes of setbacks are private streets which serve office, commercial, industrial, utility, and institutional uses which are located on the same zoning lot, and private access easements on commercial, office, industrial, utility, and institutional use sites recorded solely to provide cross-parcel access between zoning lots. The term street includes road, avenue, place, way, drive, lane, boulevard, highway, and any facility principally designed for motor vehicle traffic, except an alley or an easement solely for utilities or pedestrians.

TABLE 11.2.2: DEFINITIONS	
	As used in the Salem Lake watershed protection or watershed protection standards, a public right-of-way or private easement which affords traffic circulation and a means of access to abutting property. The term street includes road, avenue, place, way, drive, lane, boulevard, highway, and any facility principally designed for motor vehicle traffic, except an alley or an easement solely for utilities or pedestrians.
STREET, ARTERIAL	See Thoroughfare, Major.
STREET, COLLECTOR	A street whose function consists of both carrying traffic from local residential streets to thoroughfares and providing access to abutting properties. Collector streets should be designed so as not to be used as shortcuts by non-neighborhood traffic.
STREET, LOCAL	A street used primarily for providing direct access to abutting property.
STREET, STUB	A street which runs to a property line of adjacent property and is intended to continue on adjacent property at such time as that adjacent property is developed.
STREETYARD	That portion of a yard fronting on a public right-of-way or private access easement where special plantings may be required by this Ordinance to separate and partially screen the view of the property as seen from the street.
STRUCTURE	As used in the Salem Lake watershed protection standards, anything constructed or erected which is above grade including a manufactured home and a storage trailer. For purposes of this Ordinance structure does not include landscape features, such as ornamental pools, planting boxes, sculpture, birdbaths, open terraces, at-grade bridges and walkways, at-grade slab patios, driveways, walls or fences, shelters for pets, playhouses, open stairs, recreational equipment, handicapped ramps, flagpoles, underground fallout shelters, air-conditioning compressors, pump houses, wells, mailboxes, privies, outdoor fireplaces, gate houses, burial vaults, cemetery markers or monuments, bus shelters, or wharves. <u>As used in the watershed protection standards, anything constructed or erected which is above grade including a manufactured home. For purposes of this Ordinance structure does not include landscape features, such as ornamental pools, planting boxes, sculpture, birdbaths, open terraces, at-grade bridges and walkways, at-grade slab patios, driveways, walls or fences, shelters for pets, playhouses, open stairs, recreational equipment, flagpoles, underground fallout shelters, air-conditioning compressors, pump houses, wells, mailboxes, privies, outdoor fireplaces, gate houses, burial vaults, cemetery markers or monuments, bus shelters, or wharves.</u> As used in the floodway and floodway fringe regulations, Structure means a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.
<u>STRUCTURE OR IMPROVEMENT, NON-CONFORMING (F)</u>	<u>Any structure or improvement which does not meet the applicable dimensional requirements or other development standards contained in the Zoning Ordinance , which lawfully exists by virtue of the fact that it existed on April 3, 1967 or lawfully existed on the day before the effective date of the Zoning Ordinance or subsequent amendments, and which continues to exist.</u>
STRUCTURE OR IMPROVEMENT, NON-CONFORMING (W)	*Any structure or improvement which does not meet the applicable dimensional requirements or other development standards contained in the Zoning Ordinance , which lawfully exists by virtue of the fact that it existed on September 16, 1968 or lawfully existed on the day before the effective date of the Zoning Ordinance or subsequent amendments, and which continues to exist.*
STRUCTURE, ACCESSORY	A structure detached from a principal building on the same zoning lot, the use of which is customarily incidental to the principal building. This includes freestanding satellite dishes, any other devices which access satellites, and amateur radio antennas.
STRUCTURE, DETACHED	For purposes of determining setback requirements for accessory structures, a structure which is separated from an adjacent structure by at least three (3) feet as measured from any part of the structures.

TABLE 11.2.2: DEFINITIONS

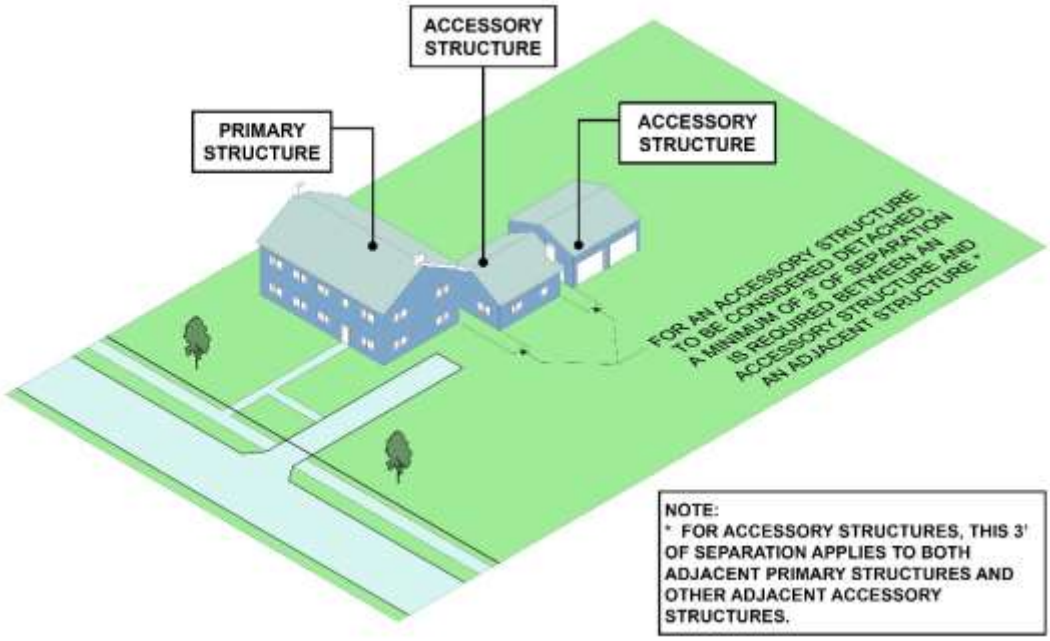
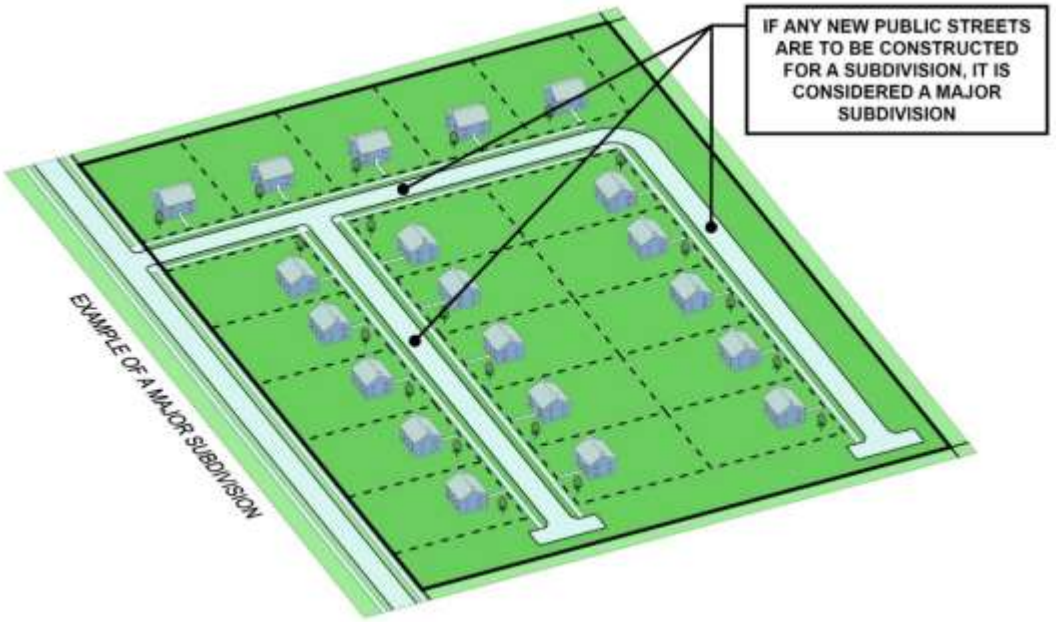
	
STUB STREET	**See Street, Stub.**
STUMP DIAMETER (F)	**As used in the Randleman riparian buffer protection regulations, the diameter of a tree measured at six (6) inches above the ground surface level.**
SUBDIVIDER	**Any person, form or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.**
SUBDIVISION	**All divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose of a gift, sale, or building development (whether immediate or future), including all divisions of land involving the dedication of a new street or a change in existing streets. Included in this general definition are subdivisions exempt by State law or court judgments, industrial or commercial subdivisions, minor subdivisions, and major subdivisions, as defined below:** **(A) Subdivision Exempted by State Law or Court Judgment. A subdivision in which all lots must comply with the dimensional requirements of the Zoning Ordinance or any other applicable local or State land regulatory ordinances and meet any one of the following criteria:** **(1) The combination or recombination of portions of previously subdivided and recorded lots does not increase the total number of lots and the resultant lots are equal to or exceed the standards of the local government subdivision regulations;** **(2) Land is divided into parcels greater than ten (10) acres and no street right-of-way dedication is involved;** **(3) The public acquires by purchase strips of land for the widening or opening of streets or for public transportation system corridors (these subdivisions are not required to comply with the dimensional requirements of the Zoning Ordinance);** **(4) A tract in single ownership whose entire area is no greater than two (2) acres is divided into not more than three (3) lots, where no public or private street right-of-way dedication is involved and the resultant lots are equal to or exceed the standards of the local government subdivision regulations; or,** **(5) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with interstate succession under Chapter 29 of the General Statutes.** **(B) Subdivision, Industrial or Commercial. A subdivision primarily for the purpose of industrial or commercial building development.** **(C) Subdivision, Major. A subdivision out of a tract in single or multiple ownership for the purpose of gift, sale, or building development where new public streets will be constructed.**

TABLE 11.2.2: DEFINITIONS

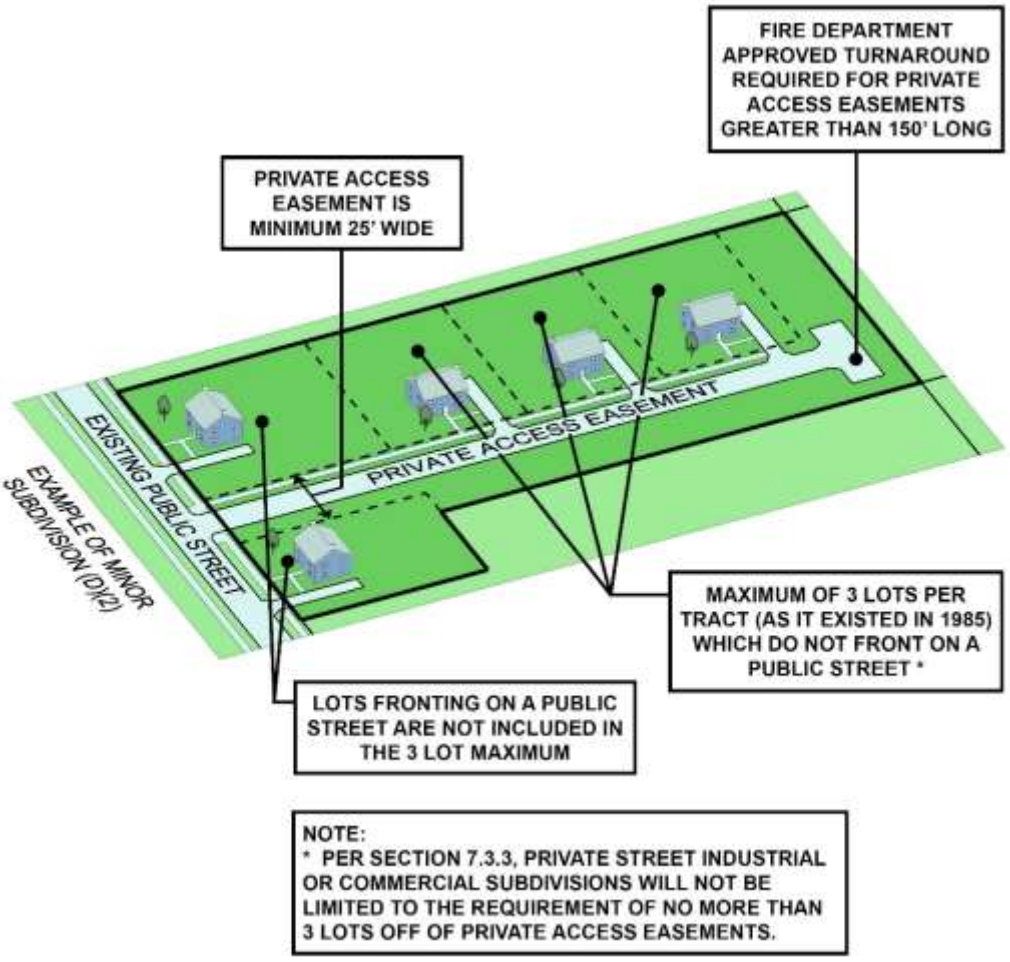


(D) Subdivision, Minor. A subdivision out of a tract in single ownership in which the lots comply with the lot size and area requirements of the Zoning Ordinance , and which:

(1) Is a division of land where the entire area is greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved (see exception for industrial and commercial subdivisions in Section 7.3.3, Private Street Subdivisions);

(2) Is created by a private access easement established in compliance with this Ordinance and consists of no more than a total of three (3) lots per tract which do not front on a public street (see exception for industrial and commercial subdivisions in Section 7.3.3, Private Street Subdivisions; or,

TABLE 11.2.2: DEFINITIONS



(3) Is created by lots all of which front on an existing public street, provided that the subdivision would not impair ingress and egress to or from the rear or side of the subject tract or any adjacent property.

TABLE 11.2.2: DEFINITIONS

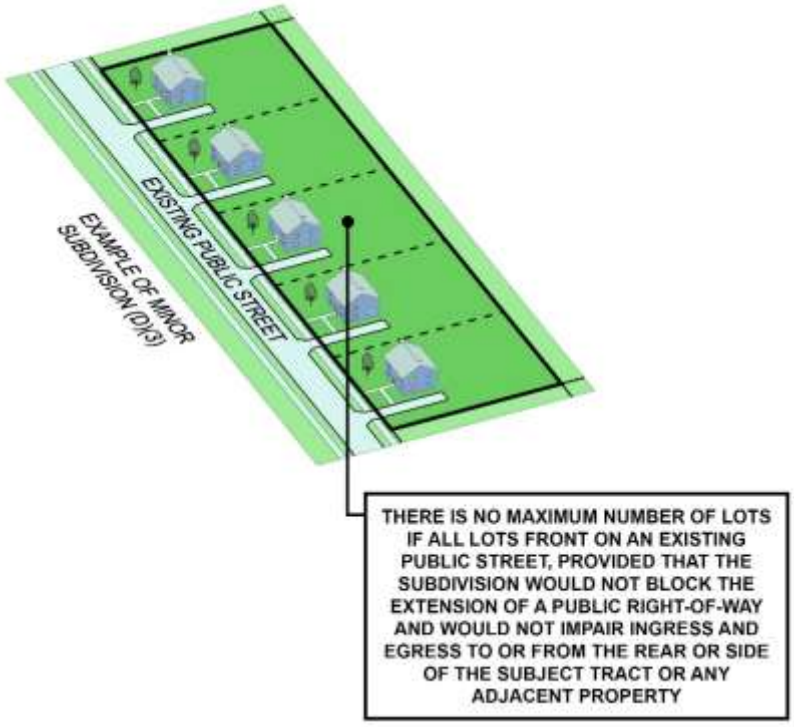
	 **(4) All lots which front on a public street shall not be included in the provisions of Section 3.2.8A.2.** **(5) Lots which are approved must front on a public street with right-of-way which meets the standards of the North Carolina Department of Transportation and/or the applicable jurisdiction.** **(6) Any portion of the lot lying within the required public street right-of-way must be quitclaimed, conveyed, and dedicated as public right-of-way before receiving Planning staff approval.** **(7) The Planning staff can only require the dedication of standard right-of-way. Additional right-of-way for future widening of roads cannot be required.** **(8) Only a plat is required for recordation for the division of a tract or parcel of land in single ownership if all of the following criteria are met:** **a. The tract or parcel to be divided is/was not exempted under Section 3.2.4;** **b. No part of the tract or parcel to be divided has been divided under this subsection in the ten (10) years prior to division;** **c. The entire area of the tract or parcel to be divided is greater than five (5) acres;** **d. After division, no more than three (3) lots result from the division; and** **e. After division, all resultant lots comply with all of the following:** **i. All lot dimension size requirements of the applicable land-use regulations, if any.** **ii. The use of the lots is in conformity with applicable zoning requirements, if any.** **iii. A permanent means of ingress and egress is recorded for each lot through a private access easement in compliance with the Ordinance.**
SUBSIDIARY	**An affiliate that is directly, or indirectly through one or more intermediaries, controlled by another person.**
SUBSTANTIAL DAMAGE	**As used in the floodway and floodway fringe regulations, Substantial Damage means damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. See definition of substantial improvement. Substantial damage**

TABLE 11.2.2: DEFINITIONS	
	also means flood-related damage sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.
SUBSTANTIAL IMPROVEMENT	As used in the floodway and floodway fringe regulations, Substantial Improvement means any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place within any consecutive twelve (12) month period in which the cumulative cost equals or exceeds fifty percent (50%) of the present market value of the structure. The market value of the structure should be: (A) The appraised value of the structure prior to the initial repair or improvement; or, (B) In the case of damage, the value of the structure prior to the damage occurring. Substantial improvements does not include any alteration of a structure listed in, or determined eligible for listing in, the National Register of Historic Places, the North Carolina Study List for the National Register of Historic Places, designated as a local historic landmark (LHL), or located in a locally-zoned (H) historic or (HO) historic overlay district.
SUPERINTENDENT OF INSPECTIONS	See Director of Inspections.
SUPERMARKET (W)	*Supermarket means a retail establishment that sells at least ninety (90) percent food products.*
SURFACE WATERS (F)	As used in the Randleman riparian buffer protection regulations, all waters of the state as defined in Section 143-212 of the North Carolina General Statutes except underground waters.
SURVEYOR	A person licensed to practice surveying in the State of North Carolina.
SWIMMING POOL, PRIVATE	Any permanent swimming pool, whether above-ground or below-ground, intended for the private, noncommercial use of a property owner(s), homeowner's association, residential development, or club.
T	
TELEMARKETING	An establishment which conducts sales of merchandise by telephone and ships merchandise to customers through a fulfillment center located within the same facility. For purposes of this Ordinance, telemarketing is considered a type of Wholesale Trade A use. Telemarketing does not include the use Non-store retailer.
TEMPORARY ROAD (F)	As used in the Randleman riparian buffer protection regulations, a road constructed temporarily for equipment access to build or replace hydraulic conveyance structures such as bridges, culverts, pipes or water dependent structures, or to maintain public traffic during construction.
TEN-YEAR STORM	See Storm, Ten-Year.
TERMINAL, BUS OR TAXI	A facility for the storage, maintenance, and dispatch of buses or taxis, and associated customer ticketing and waiting areas.
TERMINAL, FREIGHT	Any facility for handling freight, with or without storage and maintenance facilities. This definition includes all uses in the following SIC groups: 421 Trucking & Courier Services, Except Air 423 Trucking Terminal Facilities.
TESTING AND RESEARCH LABORATORY	An establishment primarily engaged in commercial research and providing testing services such as calibration and certification of instruments, food testing services, forensic laboratories, metallurgical testing, and industrial X-ray inspection services, etc. This definition includes all uses in the following SIC group: 873 Research and Testing Services.
THEATER, DRIVE-IN	An establishment for the outdoor viewing of motion pictures by patrons while in motor vehicles. This definition includes all uses in the following SIC group: 7833 Drive-In Motion Picture Theaters.
THEATER, INDOOR	An establishment for the indoor viewing of motion pictures by patrons. This definition includes all uses in the following SIC group: 7832 Motion Picture Theaters, Except Drive-In.

TABLE 11.2.2: DEFINITIONS	
THOROUGHFARE	An existing, needs improvement or recommended freeway, expressway, boulevard, other major thoroughfare, or minor thoroughfare as shown on the Transportation Plan.
THOROUGHFARE, MAJOR	Roads identified as expressways, boulevards, and other major thoroughfares in the Transportation Plan. These roads function as the primary traffic arteries of the community. They function to move intra-city and inter-city traffic, yet they may also provide access to abutting property. Major thoroughfares range from two-lane streets carrying moderate traffic volumes to major roads with four (4) or more traffic lanes.
THOROUGHFARE, MINOR	A category of streets identified on the Transportation Plan , which collect traffic from collector and local streets and carry it to the major thoroughfares. They may supplement major thoroughfares by facilitating minor through traffic movements. These streets may also provide access to abutting property.
TOWNHOUSE	See Residential Building, Townhouse.
TRACT	As used in the erosion control standards, all contiguous land and bodies of water being disturbed or to be disturbed as a unit, regardless of ownership.
TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND)	Traditional Neighborhood Developments (TNDs) incorporate a range of residential densities and housing types. While residential is the primary land use in a TND, these developments also contain a limited and comprehensively planned mixture of commercial, office, institutional, and civic uses, and a network of connected streets and sidewalks. TNDs provide an alternative to conventional subdivisions, shopping centers, office parks, and institutional uses that are typically separated through zoning districts. TND blends various uses into a pedestrian-friendly, compact form. The Planning Board's Traditional Neighborhood Development Guidelines address specific recommendations that should be incorporated into TNDs.
TRAILER	See Manufactured Home.
TRAILER, TRAVEL	See Recreational Vehicle.
TRANSIT-ORIENTED DEVELOPMENT (TOD)	Transit-Oriented Developments (TODs) integrate transit stations with a mixture of complementary land uses and design elements that encourage transit ridership. TODs are cohesive developments that facilitate pedestrian activity through a connected transportation network with streets, sidewalks, and pathways, increased residential densities, a pedestrian-friendly streetscape, and cohesive neighborhood environments. TODs consist of a ¼ mile core and a ½ mile support area. The TOD core extends radially ¼ mile from the transit station. The TOD support area starts at the outer edge of the TOD core and extends ½ mile from the transit station. While the TOD core and support area are nominally defined, their dimensions may vary as specified by specific area plans and/or transit station area plans.
TRANSMISSION TOWER	A structure, either freestanding or attached to a building, principally intended to support and/or radiate or receive a source of non-ionizing electromagnetic radiation (NIER), and accessory equipment related to broadcast services, private radio services, cellular telephone services, and common carriers (as regulated by the Federal Communications Commission), including AM, FM, two-way radio, television and cable antenna television transmission and reception, and microwave transmission. For purposes of this definition, broadcast services include AM and FM radio and high and low power television signals which can be received by anyone with a radio or television. Private radio services include land-mobile or two-way radio, fixed-point microwave, fixed wireless, and amateur public club station signals which can be received only with special equipment. Common carriers provide two-way and one-way paging services on the same frequency to many users. The term transmission tower does not include electrical or telephone transmission lines or supporting structures, antennas of amateur radio (ham) operators, amateur club services licensed by the Federal Communications Commission, satellite dishes, and antennas less than sixty (60) feet in height with transmitting power of two hundred fifty (250) watts or less.

TABLE 11.2.2: DEFINITIONS	
	For the purposes of this Ordinance, Concealed Antennae (Stealth Towers), Monopole, and Lattice Transmission Towers are all "Transmission Towers."
TRANSMISSION TOWER WITH CONCEALED ANTENNAE (STEALTH TOWER)	A telecommunications tower which completely conceals any associated antennae within the structure of the tower itself. Examples of stealth towers include, but are not limited to, towers intended to look like trees, unipoles without appurtenances/slick sticks, and bell towers.
TRANSMISSION TOWER, LATTICE	A self-supporting multi-sided telecommunications tower generally characterized by an open structural frame and exposed, attached antennae.
TRANSMISSION TOWER, MONOPOLE	A self-supporting telecommunications tower consisting of a single pole without guy wires or other supporting devices, with exposed, attached antennae.
TRANSPORTATION PLAN	The Highway Map of the Comprehensive Transportation Plan adopted by the City-County Planning Board, the Transportation Advisory Committee of the Winston-Salem Urban Area Metropolitan Planning Organization, and the North Carolina Department of Transportation showing the location of existing, needs improvement and recommended freeways, expressways, boulevards, other major thoroughfares and minor thoroughfares. The Transportation Plan map is on file in the offices of the City-County Planning Board and the City of Winston-Salem Department of Transportation.
TRASH, YARD	The solid waste resulting from landscaping and yard maintenance such as brush, grass, tree limbs, and similar vegetative material.
TREE (F)	As used in the Randleman riparian buffer protection regulations, a woody plant with a DBH equal to or exceeding five (5) inches or a stump diameter exceeding six (6) inches.
TREE, LARGE VARIETY	Any deciduous or evergreen tree whose maximum mature height is greater than thirty-five (35) feet.
TREE, MEDIUM VARIETY	Any deciduous or evergreen tree whose maximum mature height is greater than twenty-five (25) feet and less than thirty-five (35) feet.
TREE, SMALL VARIETY	Any deciduous or evergreen tree whose maximum mature height is no greater than twenty-five (25) feet.
TURKEY SHOOT	A match or contest for prizes, usually a turkey or ham, at which the participants fire shotguns at a fixed target.
TWENTY-FIVE-YEAR STORM	The storm water runoff resulting from a precipitation of an intensity expected to be equaled or exceeded, on the average, once in twenty-five (25) years, and of a duration which will produce the maximum peak rate of runoff, from the watershed of interest under average antecedent wetness conditions.
TWIN HOME	See Residential Building, Twin Home.
U	
UNCOVER	As used in the erosion control standards, the removal of ground cover from, on, or above the soil surface.
UNCOVERED	As used in the erosion control standards, the removal of ground cover from, on, or above the soil surface.
UNDERTAKEN	As used in the erosion control standards, the initiating of any activity, or phase of activity, which results or will result in a change in the ground cover of topography of a tract of land.
UNDEVELOPED PARCEL	As used in the Salem Lake watershed protection standards, the parcel in a parcel pair that is not the developed parcel.
URBAN AGRICULTURE (W)	*The growing, processing, and distribution of food and other agricultural products through plant cultivation. It may include plant cultivation and the growing of non-food crops such as herbs and ornamentals. This use may include accessory structures and buildings used for agriculture-related storage or field packing. Urban Agriculture as defined here does not include the accessory cultivation*

TABLE 11.2.2: DEFINITIONS	
	of plants on residential lots solely for the use and/or consumption of the occupants of said lots, or on-site accessory sales as authorized in Section 5.3.5, Other Accessory Uses*, of the UDO.*
USE	The purpose or activity for which land or structures are designed, arranged, or intended, or for which land or structures are occupied or maintained, including any such activity with respect to the requirements of this Ordinance.
USE, ACCESSORY	A use or activity which is customarily incidental to a specific principal use, and which is located on the same zoning lot as the associated principal use except for off-site parking or other use provided for by this Ordinance.
USE, HIGH INTENSITY (HI) (W)	*A use which generally has significant negative impacts, including, but not limited to, impacts of traffic, noise, and odor, on adjoining properties.*
USE, LOW INTENSITY (LO) (W)	*A use which generally has minimal negative impacts on adjoining properties.*
<u>USE, NON-CONFORMING (F)</u>	<u>Any use not permitted in the zoning district in which it is located, which lawfully exists by virtue of the fact that it existed on April 3, 1967, or lawfully existed as of the effective date of the Zoning Ordinance or subsequent amendments, and which has not been discontinued under the provisions of the Zoning Ordinance.</u>
USE, NON-CONFORMING (W)	*Any use not permitted in the zoning district in which it is located, which lawfully exists by virtue of the fact that it existed on September 16, 1968, or lawfully existed as of the effective date of the Zoning Ordinance or subsequent amendments, and which has not been discontinued under the provisions of the Zoning Ordinance.*
USE, PRINCIPAL	Those uses of land listed in Table 5.1.1, Principal Use Table, in the Zoning Ordinance.
USE, TEMPORARY	A use which may be located in a zoning district not allowing the use on a permanent basis, after issuance of a permit specifying a limited duration for the use.
USGS	United States Geological Survey.
UTILITIES	As used in the Salem Lake watershed protection or watershed protection standards, facilities of any agency which, under public franchise or ownership, provides the general public with electricity, gas, oil, water, sewage, electronic signals, or rail transportation. The term utility shall not be construed to include the following: corporate or general offices; storage or service buildings or yards; gas or oil processing, manufacturing or storage facilities; transmission towers; or postal facilities.
UTILITY SERVICE AREA	An area which contains any surface mounted heating, ventilation, or air conditioning equipment or freestanding above ground devices, such as utility boxes, booster boxes, switchgear, and transformers, which are part of an underground utilities system: (A) Private utility service area - an area, on private property, which contains privately owned utility structures for the exclusive service of the premises where they are installed; or, (B) Public utility service area - an area, on either private or public property, which contains utility structures owned by a utility for the service of one or more premises, but excluding utility substations.
V	
VACATED BUILDING(S) OR DEVELOPMENT (W)	*Vacated Building(s) or Development means a building and/or site vacated for at least six (6) months without an active renovation/rehabilitation building permit for either the site or structures.*
VARIANCE	Relief from the requirements of the Zoning Ordinance granted by the Board of Adjustment. As used in the floodway and floodway fringe regulations, Variance is a grant of relief from the requirements of the floodway and floodway fringe regulations. As used in the Salem Lake watershed protection or watershed protection standards, an action by the Watershed Review Board to relax or waive a water supply watershed management requirement that is established by this Ordinance, given in conjunction with permission to develop or use property.

TABLE 11.2.2: DEFINITIONS	
	An action by the Watershed Review Board to relax or waive a water supply watershed management requirement that is established by this Ordinance, given in conjunction with permission to develop or use property. (F)
VARIANCE, MAJOR	As used in the Salem Lake watershed protection standards, a variance from the minimum statewide watershed protection rules that results in any one or more of the following: (1) The relaxation, by a factor greater than ten percent (10%), of any management requirement under the low density option; (2) The relaxation by a factor greater than five percent (5%), of any buffer, density, or built upon area requirement under the high density option; (3) Any variation in the design, maintenance or operation requirements of a wet detention pond or other approved stormwater management system. As used in the watershed protection standards, a variance from the minimum statewide watershed protection rules that results in any one or more of the following: (1) The relaxation, by a factor greater than ten percent (10%), of any management requirement under the low density option; (2) The relaxation by a factor greater than five percent (5%), of any buffer, density, or built upon area requirement under the high density option; (3) Any variation in the design, maintenance or operation requirements of a wet detention pond or other approved stormwater management system. (F)
VARIANCE, MINOR	As used in the Salem Lake watershed protection standards, a variance from the minimum statewide watershed protection rules that results in a relaxation, by a factor of up to five percent (5%) of any buffer, density or built-upon area requirement under the high density option; or that results in a relaxation by a factor of up to ten percent (10%), of any management requirement under the low density option. As used in the watershed protection standards, a variance from the minimum statewide watershed protection rules that results in a relaxation, by a factor of up to five percent (5%) of any butter, density or built-upon area requirement under the high density option; or that results in a relaxation by a factor of up to ten percent (10%), of any management requirement under the low density option (F).
VELOCITY	As used in the erosion control standards, the average velocity of flow through the cross section of the main channel at the peak flow of the storm of interest. The cross section of the main channel shall be that area defined by the geometry of the channel plus the area of flow below the flood height defined by vertical lines at the main channel banks. Overload flows are not to be included for the purpose of computing velocity of flow.
VESTED RIGHT	A right pursuant to Section 160D-102; 108; and 108.1 of the North Carolina General Statutes to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan. See Section 2.7, Vested Rights.
VETERINARY SERVICES	Any facility used for the purpose of giving licensed medical treatment to animals or pets and any other customarily incidental treatment of the animals, such as grooming, boarding, or selling of pet supplies.
VIEW CORRIDOR	Designated areas along thoroughfares in which off-premises signs are prohibited. The purpose of view corridors is to preserve views of significant natural or constructed areas such as the downtown skyline of Winston-Salem or the rural countryside of Forsyth County. These areas are designated by the Elected Body and shown on a map entitled View Corridors filed in the office of the City-County Planning Board.
VIOLATION	Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 8.1.2, Administration, and Section 8.1.3, Standards for Flood Damage Reduction, is presumed to be in violation until such time as that documentation is provided.

TABLE 11.2.2: DEFINITIONS	
W	
WALL SIGN (F)	See Sign, Wall (On-Premises) (F).
WAREHOUSING	Establishments primarily engaged in the warehousing and storage of general merchandise, refrigerated goods, and farm products. This definition includes all uses in the following SIC group: 422 Public Warehousing and Storage.
WASTE	As used in the erosion control standards, surplus materials resulting from on-site construction and disposed of at other locations.
WATER DEPENDENT STRUCTURE	As used in the Salem Lake watershed protection standards, any structure for which the use requires access to or proximity to or location within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas are not water dependent structures.
WATER SUPPLY WATERSHED	As used in the Salem Lake watershed protection standards, an area from which water drains to a point of impoundment, and the water is then used principally as a source for a public water supply.
WATER SUPPLY WATERSHED, PUBLIC (F)	As used in the watershed protection standards, an area from which water drains to a point of impoundment, where the water is then used principally as a source for a public water supply, designated and classified by the North Carolina Environmental Management Commission.
WATER SURFACE ELEVATION (WSE)	Water Surface Elevation (WSE) means the height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of riverine areas.
WATERCOURSE	As used in the floodway and floodway fringe regulations, Watercourse means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantially flood damage may occur.
WET DETENTION POND	As used in the Salem Lake watershed protection standards, a stormwater control structure designed for specific pollutant removal according to modeling techniques approved by the North Carolina Division of Environmental Management.
WETLANDS	As used in the Salem Lake watershed protection standards, areas inundated or saturated by surface or ground water at a frequency and duration sufficient to support and, under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.
WHOLESALE TRADE A	An establishment primarily engaged in selling durable and nondurable goods to retailers; to industrial, commercial, institutional, farm, construction contractors, or professional business uses; or to other wholesalers. Merchandise is stored inside enclosed buildings. Activities including physically assembling, sorting, and grading goods in large lots and breaking bulk for redistribution in smaller lots are conducted inside enclosed buildings in such a way as to have a minimal impact on surrounding properties. Operations with over twenty-five percent (25%) of sales to retail customers require the appropriate retail zoning district. This definition includes all uses in the following SIC groups: 502 Furniture and Home furnishings 503 Lumber and Construction Materials 504 Professional and Commercial Equipment 506 Electrical Goods 507 Hardware, Plumbing, and Heating Equipment 509 Miscellaneous Durable Goods (except Scrap and Waste Materials, SIC group 5093) 511 Paper and Paper Products 512 Drugs, Proprietaries, and Sundries 513 Apparel, Piece Goods, and Notions 514 Groceries and Related Products 518 Beer, Wine, and Distilled Beverages 519 Miscellaneous Nondurable Goods (except Farm Supplies, SIC group 5191).
WHOLESALE TRADE B	An establishment primarily engaged in selling durable and nondurable goods to retailers; to industrial, commercial, institutional, farm, construction contractors, or professional business uses; or

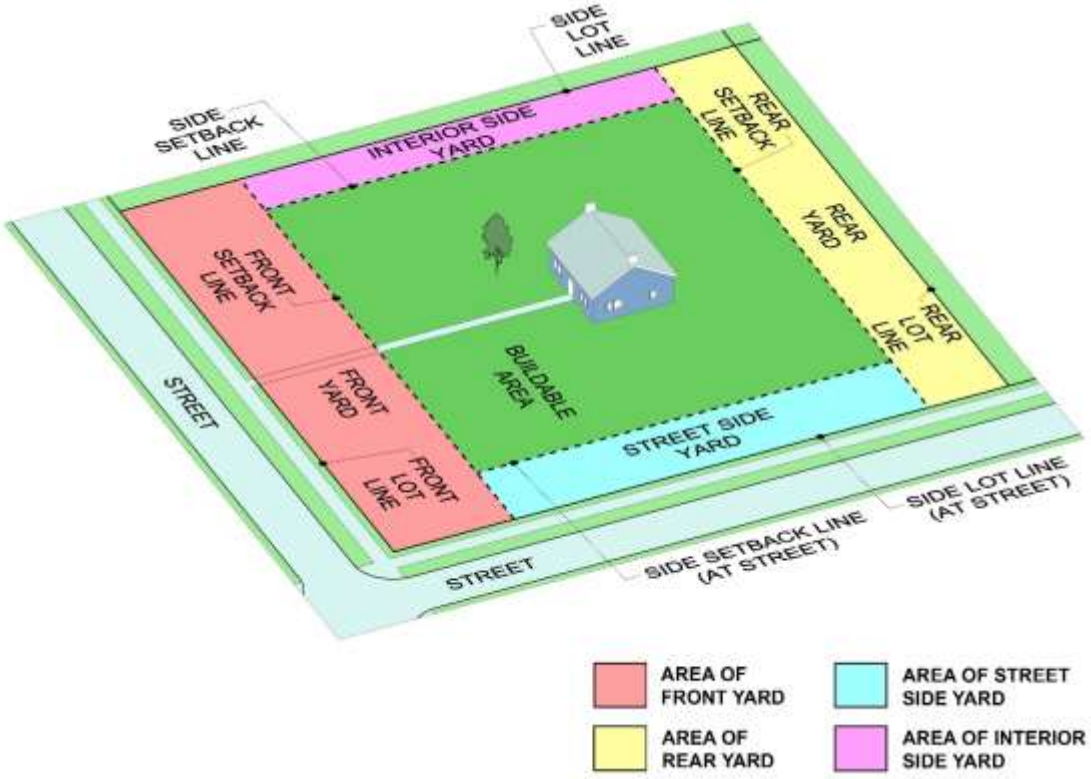
TABLE 11.2.2: DEFINITIONS	
	to other wholesalers. Merchandise may be stored outside enclosed buildings. Activities including physically assembling, sorting, and grading goods in large lots, and breaking bulk for redistribution in smaller lots may be conducted outside enclosed buildings. Operations with over twenty-five percent (25%) of sales to retail customers require the appropriate retail zoning district. This definition includes all uses in the following SIC groups: 501 Motor Vehicles, Parts and Supplies (except Motor Vehicle Parts, Used, SIC group 5015) 505 Metals and Minerals, except Petroleum 508 Machinery, Equipment and Supplies 515 Farm-Product Raw Materials 516 Chemicals and Allied Products 5191 Farm Supplies.
WORKING DAYS	As used in the erosion control standards, days exclusive of Saturday and Sunday during which weather conditions or soil conditions permit land disturbing activity to be undertaken.
X	
Y	
YARD	Any area of land located between a lot line and a required setback line. The minimum depth of a yard shall be determined by horizontal measurement at a right angle from the applicable lot line. 
YARD, FRONT	The yard extending across the full width of the lot and lying between the front lot line and the front setback line as required in this Ordinance.
YARD, INTERIOR SIDE	The yard extending along the length of the lot between the required front yard and the required rear yard, and between the side lot line and the side building setback line, as required in this Ordinance, provided that the side lot line is not adjacent to a public street right-of-way.
YARD, REAR	The yard extending across the full width of the lot and lying between the rear lot line and the rear building setback line as required in this Ordinance.

TABLE 11.2.2: DEFINITIONS	
YARD, STREET SIDE	The yard extending along the length of the lot between the required front yard and the required rear yard adjacent to a public right-of-way or private access easement, and between the side lot line and the side building setback line as required in this Ordinance.
Z	
ZONING LOT	See Lot, Zoning.
ZONING OFFICER	See Director of Inspections.
ZONING PERMIT	A permit issued by the Director of Inspections which authorizes the recipient to use or occupy a tract of land or a structure; or to erect, alter or install a structure or sign which fully meets the requirements of this Ordinance.

12 APPENDIX

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12.2 Traffic Impact Study Standards 12-3

12.3 Growth Management Plan; Translation from Vision 2005 to Forward 2045 12-7

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12.1 TABLE OF CORRESPONDING ZONING DISTRICTS

TABLE <>: CORRESPONDING ZONING DISTRICTS [1]		
	ZONING DISTRICT UNDER THE PREVIOUS ZONING ORDINANCE EXPIRING 12/31/94	**CORRESPONDING ZONING DISTRICT UNDER THE UDO**
RESIDENTIAL	R-1 (W)	RM-U
	R-2 (W)	RM-18
	R-2 (F)	RM-12
	R-3	RSQ, RM-5
	R-4	RS-9
	R-5	RS-9
	R-6	RS-9, RS-12, RS-15, RS-20, RS-30, RS-40, AG
	R-7	MH
	R-8 (W)	—-
BUSINESS	B-1 (W)	CB
	B-2	PB, LB, HB
	B-3	PB, LB, HB, GB
	B-4 (W)	—-
	O-2 (F)	LO
INDUSTRIAL	I-1 (W)	CI
	I-2	LI, GB
	I-3	GI
	I-4	CPI
NOTES: [1] This table is only for use in conjunction with Section Error! Reference source not found., Error! Reference source not fo und., of the Zoning Ordinance to assist in determining limits on resubmittals of rezoning requests.		

12.2 TRAFFIC IMPACT STUDY STANDARDS

A. INTENT

1. These standards are intended to provide the City-County Planning Board~~,~~ and all other local elected and appointed boards within Forsyth County the information necessary to make informed decisions regarding planned development impacts to traffic on their roads.
2. By adopting these standards the City-County Planning Board seeks to ensure that:
    a. All decisions regarding traffic impacts due to development are based upon technical study, and
    b. Needed improvements are made in a cost effective and efficient manner.

B. APPLICABILITY

1. City-County Planning Board (CCPB) staff, the Winston-Salem Department of Transportation (WSDOT) and/or the North Carolina Department of Transportation (NCDOT) review proposed development plans for traffic impacts. WSDOT and/or NCDOT have the ultimate responsibility for resolving questions concerning traffic impact studies. These agencies may recommend that a traffic impact study be performed for any proposed development that meets the trip generation threshold of this ordinance.
2. Anyone performing a traffic impact study in Forsyth County shall contact WSDOT and/or NCDOT to determine the traffic concerns of each jurisdiction or to request a pre-study conference.
3. These standards are intended to provide structure for the traffic study preparer. Individual study recommendations will be determined on a case by case basis.
4. All traffic impact studies should conform to sound engineering principles and are subject to review by WSDOT and/or NCDOT. The study should be submitted electronically to the Planning Department, the Winston-Salem Department of Transportation and NCDOT Division 9.
5. All methods used for analysis other than those mentioned in these standards shall be explained, and their limitations described in an appendix to the traffic impact study.

C. BASIS FOR REQUESTING A TIS

1. A traffic impact study shall be required according to any of the following:
    a. Any proposed Special Use District Rezoning, Planning Board Review, or subdivision that will increase the approach traffic volumes at intersections or roadways by 150 or more vehicles in the peak hour.
    b. Proposed development in the vicinity of areas previously identified as having levels of service "E" or "F", hazardous locations, or other similar adequacy concerns.
    c. Where a reduction in safety is expected at intersections or roadways. A traffic signal warrant study may still be requested by NCDOT or WSDOT even if a traffic impact study is not.
    d. Where a proposed development has been approved by the City-County Planning Board or any elected board in Forsyth County based on recommendation from an acceptable traffic impact study and that project has not been completed within two (2) years of the date of approval, an updated traffic impact study may be required. If changes are made to the pre-approved site plan that will require a new approval from the City-County Planning Board or other elected, a new and/or updated traffic impact study may be required.

        This recommendation may be waived by the Director of WSDOT and/or the Division Engineer of NCDOT Division 9 upon written request by the petitioner upon adequate justification for such waiver.

D. STANDARDS FOR REVIEW

1. A Traffic Impact Study shall only be performed by a Professional Engineer licensed by the North Carolina Board of Registration for Engineers and Land Surveyors~~,~~ to practice engineering in North Carolina, with experience in the preparation of traffic impact studies.
2. The following areas of investigation shall generally be included in a Traffic Impact Study:
    a. An examination of traffic flows, exclusive of the site being studied, defined as "background traffic";
    b. An examination of projected traffic flows when site traffic is added, defined as "total traffic";
    c. A discussion of mitigation measures (if such measures are recommended);
    d. An examination of projected traffic flows after the site is developed and mitigation measures are implemented.
3. Traffic shall be examined as follows:
    a. From data collected by persons or agencies within the defined study area which is no more than two years old at the time of study preparation;
    b. From traffic counts obtained by the applicant based on the specification established at the pre-study conference.
4. The study area shall be determined as follows:

    The study area should include each intersection with a major thoroughfare highway which can be considered as a logical travel path between the site and the major thoroughfare highway network. Major thoroughfare highways are so designated by the Winston-Salem/Forsyth County Thoroughfare (or Transportation) Plan. The study area(s) should be reviewed and approved by WSDOT or NCDOT prior to preparing the study.

    Additional intersections between the site and the major thoroughfare intersection(s) as well as those intersections that are rationally identified as being impacted by a development shall be included in the study area.
5. The design hour shall be determined by:
    a. The period for the proposed development which will generate the highest traffic volumes; and/or
    b. The period of highest traffic volumes on the traffic facilities within the study area.
6. The forecast year shall be determined according to some or all of following criteria:
    a. A scheduled phase or the completion of the project (for this and other projects);
    b. The Winston-Salem/Forsyth County Comprehensive Plan;
    c. Locally adopted Transportation or Thoroughfare plan or capital improvement program schedule, or Transportation Improvement Program;
    d. Major transportation system changes.
7. The following technical procedures and guidelines shall be used:

    Roadways and intersections shall be analyzed using the appropriate analysis method as depicted in the latest edition of the Highway Capacity Manual, Transportation Research Board. Additional analyses may be recommended depending on the traffic concerns expressed at the pre-study conference.
8. The minimum standard for traffic operations is defined as follows:

    Level of service "D" is the lowest level of service that should be considered adequate for intersections and roadway approaches to intersections in Winston-Salem and Forsyth County. No development

should bring a level of service down by more than one level without implementing roadway improvements.

9. Background traffic shall be determined by thoroughfare classification, as per the most current locally adopted Winston-Salem/Forsyth County Transportation or Thoroughfare Plan document:
    a. By historic and/or projected traffic increase rates on roads classified as being major thoroughfares (arterial or major collectors); and
    b. By developments/trips that have been approved (recorded) on roads classified as minor thoroughfares or streets (minor collectors or local roads).
10. Trip Generation, Distribution and Assignment shall be determined using the following:
    a. The latest edition of the Trip Generation Manual, Institute of Transportation Engineers; or
    b. Documented local trip generation rates~~,~~ (as determined through previous or current studies).

    Trip distribution shall be determined by using the following:
    c. Gravity model;
    d. Trip assignment of the traffic demand forecasting model;
    e. Utilization of demographic data leading to trip purpose and trip tables;
    f. Current directional distribution only if no future changes to land use and no improvements to transportation facilities are expected until the design year;
    g. Trips should be assigned to the study area network during the study's design hour.
11. Pass-by Trips shall be determined by using either of the following:
    a. The Institute of Transportation Engineers pass-by trip rates; or
    b. Documented local pass-by trip rates~~,~~ (as determined through previous or current studies).
12. Traffic shall be apportioned to the proposed project in the following manner:
    a. First, the projected level of service for the study area is forecast without the proposed project.
    b. Second, the projected level of service is forecast with the addition of the proposed project.

    The two forecasts shall be evaluated to determine whether the traffic projected to be generated by the proposed development will lower the projected Levels of Service (LOS) within the study area to below LOS "D" or one level below the current level of service.
13. When a traffic impact study projects that the intersection(s) or roadway(s) in the study area will meet the level of service standard and other identified recommendations have been addressed, Planning staff shall make no further traffic impact recommendations. However, it is possible that the NCDOT Division Engineer or the Winston-Salem Department of Transportation may still recommend additional analyses and/or improvements.
14. When a traffic impact study projects that the intersection(s) or roadway(s) in the study area will be inadequate then the following alternatives may be considered:
    a. The project is deferred or reduced in scope so that the level of service standard is not exceeded, or
    b. A mitigation plan is submitted for review by Planning, WSDOT and/or NCDOT staff. The mitigation plan together with the recommendations of staff are presented to the Planning Board and elected body, where required.
        i. A mitigation plan is:
            1. An addition to a traffic impact study, (the recommendation for which is identified by preliminary study results);
            2. Intended to identify specific causes of lowered levels of service (traffic impacts);
            3. Recommends improvements that will moderate the effects of projected traffic impacts;
            4. Recommends transportation demand management options.

5. Examples of possible mitigation plan improvements may include, but are not limited to: construction of new roads, road improvements, traffic signals, ridesharing programs, off-site parking facilities and para-transit, signal timing/phasing changes, channelization modifications, changes in ingress/egress points, reducing the number of entrances, and/or lane widening.

ii. Mitigation Plan improvements may be phased and shall be sensitive to the following:

1. Timing of short-term and long-term network improvements that are already planned, scheduled and/or funded;
2. Time schedules of adjacent developments;
3. Size and timing of individual phases of development;
4. Right-of-way needs and availability of additional right-of-way within appropriate time frames;
5. Local priorities for transportation improvements and funding;
6. Local priorities for transportation demand management strategies;
7. Necessary lead time for additional design and construction;
8. That the sum of improvements are proportional to the projected Impact.

Analysis of traffic needs by development phase should provide the information needed to determine the appropriate sequence of improvements.

iii. The improvements recommended in the mitigation plan are the sole responsibility of the developer to implement unless 100% of construction costs for the projected improvements are in the subject budget year of the seven year Transportation Improvement Program or the local Government's Capital Improvements Program.

c. The developer may agree to pay fees to fund the necessary improvements by written agreement with WSDOT and/or NCDOT.

d. If the existing level of service is inadequate (i.e., "E" or "F"), or the existing plus background growth (not including the site) causes an inadequate level of service, then the developer shall be expected to mitigate only the traffic to be generated by the proposed project.

e. If the proposed development is of significant economic importance it may be recommended that the developer be granted an exception and/or waiver where improvements are scheduled or included in either the NCDOT TIP or locally approved Capital Improvements Program.

15. Additional analyses may be recommended, including but not limited to Sight Distance Analysis, Signal Warrant Analysis, Environmental Analysis, and Traffic Signal Progression Analysis

12.3 GROWTH MANAGEMENT PLAN – TRANSLATION FROM VISION 2005 TO FORWARD 2045

TABLE 12.3: GROWTH MANAGEMENT PLAN TRANSLATION

VISION 2005 GMA NUMBERS	VISION 2005 OLD NAMES	FORWARD 2045 NEW NAMES	FORWARD 2045 GMA NUMBERS
GMA 1	Central Business District	City/Town Centers	GMA 1
GMA 2	Central Area	Urban Neighborhoods	GMA 2
GMA 3	Urban Area	Suburban Neighborhoods	GMA 3
GMA 4a (used without GMA 4b)	Short-Range Growth Area	Suburban Neighborhoods	GMA 3
GMA 4a (used with GMA 4b and/or higher GMA numbers)	Short-Range Growth Area	Future Growth Area	GMA 4
GMA 4b	Long-Range Growth Area	Future Growth Area	GMA 4
GMA 5	Rural Area	Rural Area	GMA 5
GMA 6	Conservation Area	Rural Area	GMA 5

12.4 USE CONSOLIDATION CHART

TABLE 12.4: USE CONSOLIDATION CHART

OLD USE CLASSIFICATION	NEW USE CLASSIFICATION	NOTES
Boarding House; and Rooming House	Boarding or Rooming House	
Cemetery, Licensed; and Cemetery, Unlicensed	Cemetery	
General Merchandise Store; Hardware Store; and Retail Store, Specialty or Miscellaneous	Retail Store	
Government Offices; Neighborhood Organization; Post Office	Government Offices, Neighborhood Organization, or Post Office	
Implement Sales and Service; Outdoor Display Retail	Outdoor Display Retail	
Medical or Dental Laboratory; Medical or Dental Office; Professional Office; Offices, Miscellaneous; Health Services, Miscellaneous; Non-Store Retailer; Broadcast Studio	Offices	
Services, Business A; Services, Personal	Services A	

12.5 TRANSPORTATION PLAN TERMINOLOGY CONVERSION

TABLE 12.5: TRANSPORTATION PLAN TERMINOLOGY CONVERSION

THOROUGHFARE PLAN TERMINOLOGY	COMPREHENSIVE TRANSPORTATION PLAN TERMINOLOGY	UDO TERMINOLOGY
Minor Thoroughfare	Minor Thoroughfare	Minor Thoroughfare
Major Thoroughfare	Other Major Thoroughfare Boulevard Expressway	Major Thoroughfare
Freeway/Expressway	Freeway	Freeway

12.6 BUFFERYARD EQUIVALENCY TABLE

TABLE 12.6: BUFFERYARD EQUIVALENCY TABLE	
TYPE I BUFFERYARD	
BEFORE AMENDMENT	**AFTER AMENDMENT**
10 feet	10 feet
20 feet	20 feet
30 feet	
50 feet	40 feet
	100 feet
TYPE II BUFFERYARD	
BEFORE AMENDMENT	**AFTER AMENDMENT**
15 feet	15 feet
20 feet	20 feet
30 feet	40 feet
100 feet	100 feet
TYPE III BUFFERYARD	
BEFORE AMENDMENT	**AFTER AMENDMENT**
15 feet	20 feet
20 feet	
30 feet	
40 feet	40 feet
200 feet	100 feet
TYPE IV TO TYPE III BUFFERYARD	
BEFORE AMENDMENT	**AFTER AMENDMENT**
15 feet	20 feet
30 feet	
40 feet	40 feet
50 feet	
100 feet	100 feet
200 feet	

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