

# ARTICLE 3. GENERAL DEVELOPMENT STANDARDS

## §3.1. Construction Standards

The International Building Code; the North Carolina Department of Transportation (NCDOT) Subdivision Roads, Minimum Construction Standards; and the Lincoln County Fire Prevention and Protection Ordinance (LCFP&PO), as amended from time to time, are hereby adopted and incorporated herein by reference, and referred to in this UDO as “Lincoln County construction standards”, “County construction standards” or simply as the “construction standards”. Lincoln County construction standards shall apply to all public and private improvements. In the event of conflict between this UDO and the Lincoln County Fire Prevention and Protection Ordinance (LCFP&PO), the UDO shall prevail.

## §3.2. Building Design

### §3.2.1. Purpose

The purpose of this subsection is to provide interest in design, articulation and human scale to the façade of the building.

### §3.2.2. Applicability

This subsection shall apply to the construction, renovation or redevelopment of:

- A. Nonresidential structures;
- B. Multi-family structures; and
- C. Residential and nonresidential multi-building complexes.

### §3.2.3. General

Design for buildings within multi-building complexes shall exhibit a unity of design through the use of similar elements such as rooflines, materials, window arrangement, sign location, and details.

### §3.2.4. Facades

All nonresidential road yard façades may be constructed of the following materials:

1. Masonry including brick, stucco, architectural concrete, hardiplank or similar siding or stone;
2. Wood;
3. Non-corrugated metal; or
4. Glass (no less than 10 percent).

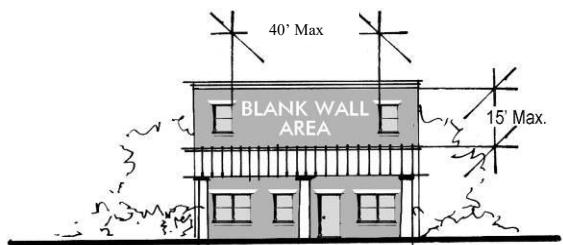
The provisions of this subsection shall not apply to lots in the I-G district in subdivisions recorded prior to August 31, 2009, that do not front on an arterial or collector road. This does not exempt any parcel which is located within the Eastern Lincoln Development District (ELDD) from the provisions contained within §2.5.1.

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Blank Wall Area**§3.2.5. Blank Wall Area**

Blank wall areas on road yard facades shall extend a maximum of 15 feet in the vertical direction or 40 feet in the horizontal direction.

The standards of this subsection §3.2.5 shall not apply to the facades in the I-L, I-G, and PD-I districts.



**Figure 25. Blank Wall Area**

### §3.3. Recreation and Open Space Requirements

#### §3.3.1. Applicability

Recreation and open space is an integral part of conservation residential subdivisions and planned developments. The minimum recreation and open space requirement for conservation subdivisions is set forth in §3.3.2 and planned developments as set forth in §2.4.9.A.5. No additional recreation or open space shall be required on the site, except where otherwise required by State or Federal law. In the case that a subdivision is being developed in phases, the amount of recreation and open space area shall be computed separately for each phase, but may be combined with existing recreation and open space area in earlier phases to create a larger uniform area. All land not platted as lots or dedicated as rights-of-way shall be dedicated as recreation and open space area. Rights-of-way areas shall not be used in the calculation of recreation and/or open space.

#### §3.3.2. Conservation Residential Subdivision

All development utilizing the conservation residential subdivision option shall provide recreation and open space equal to 50 percent of the gross site area as public or private recreation and open space.

#### §3.3.3. Types of Open Space

##### A. Primary Open Space Areas

The following are considered primary open space areas and shall be included within the open space, unless the applicant demonstrates that this provision would constitute an unusual hardship and is counter to the purposes of this UDO:

1. The 100-year floodplain;
2. Streamside buffer areas required by the County along each side of all perennial and intermittent streams;
3. Jurisdictional wetlands under Federal law (Section 404) that meet the definition applied by the Army Corps of Engineers; and
4. Vegetative buffers, which screen the view of development and preserve the character of public roads. Any buffer provided in accordance with §3.4.6 may be used to satisfy the open space requirement, provided the minimum width of such buffer is not less than 25 feet and such buffers are not within a platted, privately-owned lot or public right-of-way.

##### B. Secondary Open Space Areas

Important natural or cultural features that may comprise the required open space provided all of the primary open space areas within the site have been delineated and counted toward the open space requirement, include:

1. Important historic sites;
2. Slopes above 25 percent of at least 20,000 square feet contiguous area identified as part of a site analysis conducted by a licensed professional engineer in the State of North Carolina, land surveyor, landscape architect, architect or land planner and calculated using topographic maps from an actual survey or from the U.S. Geological Survey;
3. Existing healthy, native forests of at least one acre contiguous area;

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**Types of Open Space**

4. Other significant natural features and scenic view sheds such as ridge lines, hedge rows, field borders, meadows, fields, peaks and rock outcroppings, particularly those that can be seen from public roadways;
5. Farmland, especially prime agricultural land as identified by the U.S.D.A. Soil Conservation Service and which is in active use for the production of crops and/or raising of livestock;
6. Land used for horticulture, silviculture or pasture uses;
7. Areas that connect the site to neighboring open space, trails or greenways;
8. Soils with “severe” limitations for general urban development including Altavista(aaa), Gaston(gad), Georgeville(grd), Madison(mad), Pacolet(pad, pae), Riverview(rva) and Sedgefield(seb); and
9. Landscaped site elements such as road buffers, district buffers, civic greens and landscaped medians.

**C. Tertiary Open Space Areas**

Important natural or cultural features that may comprise the required open space provided the entire primary and secondary conservation areas within the site have been delineated and counted toward the open space requirement. Public and/or private recreation areas and facilities, including:

1. Active recreation areas, such as public recreation areas (including district and community parks) and private recreation facilities (including golf courses, playing fields, playgrounds, swimming pools, and courts for tennis, basketball, volleyball, and similar sports), whether public or private. Because they represent uses in which natural lands are cleared, graded and managed for intensive activities, the land in this category may be credited toward meeting up to 75 percent of the minimum open space requirement, provided that impervious area is limited to no more than ten percent of the total open space.
2. Passive recreation areas, such as pedestrian, bicycle, and equestrian trails, picnic areas, community commons or greens, and similar kinds of areas, whether public or private. Land in this category receives full credit toward meeting the minimum open space requirement.

### §3.3.4. Configuration of Recreation and Open Space

A. The minimum width for any required recreation and open space shall be 50 feet. Exceptions may be granted by the Board of Commissioners for items such as trail easements, mid-block crossings and linear parks/medians, when their purpose meets the intent of this section.

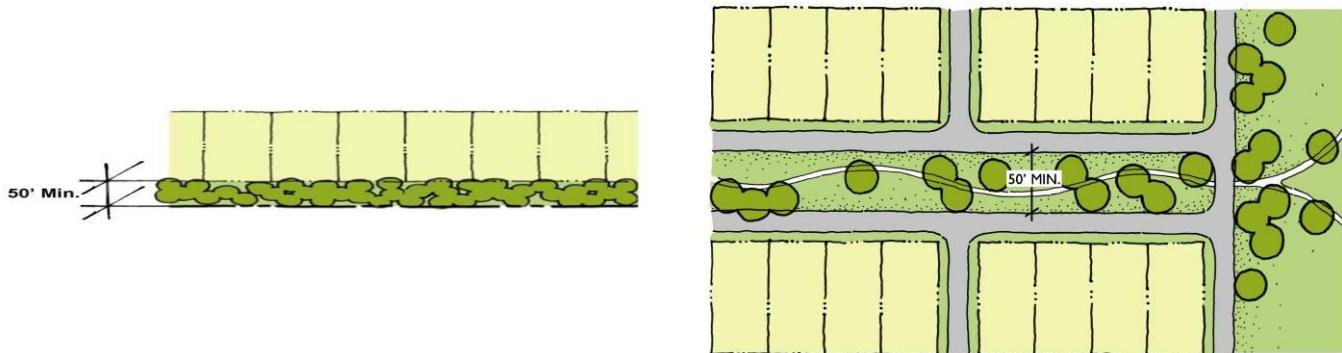


Figure 26. Configuration of Recreation and Open Space

B. At least 40 percent of the required recreation and open space shall be in a contiguous parcel. For the purposes of this section, contiguous shall include any recreation and open space bisected by a residential road (including a residential collector), provided that:

1. A pedestrian crosswalk is constructed to provide access to the recreation and open space on both sides of the road; and
2. The right-of-way area is not included in the calculation of minimum recreation and open space required.

C. The recreation and open space shall adjoin any existing or planned neighboring areas of recreation and open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected recreation and open space. (See §3.3.6)

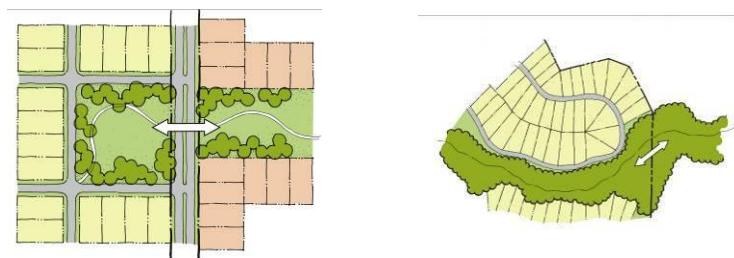


Figure 27. Recreation and Open Space, Adjoining

D. The required recreation and open space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjacent lots shall be provided with safe, convenient access to the recreation and open space (i.e. Mid-block connections in logical locations). No lot within the subdivision should be further than a  $\frac{1}{4}$ -mile radius from the required recreation and open space. This

radius shall be measured in a straight line, without regard for road, sidewalk or trail connections to the recreation and open space.

- E. Access to the recreation and open space shall be provided either by an abutting road or easement. Such easement shall be not less than 30 feet wide.

#### **§3.3.5. Reserved**

#### **§3.3.6. Adopted County Plans**

Adopted County plans shall be taken into consideration when evaluating land proposals.

#### **§3.3.7. Permitted Uses of Recreation and Open Space**

Uses of recreation and open space may include the following:

- A. Conservation areas for natural, archeological or historical resources;
- B. Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
- C. Pedestrian or multipurpose trails;
- D. Passive recreation areas;
- E. Active recreation areas, provided that impervious area is limited to no more than 50 percent of the total recreation and open space;
- F. Golf courses (excluding clubhouse areas and maintenance facilities), provided the area does not exceed 50 percent of the required recreation and open space, and further provided that impervious area is limited to no more than ten percent of the total recreation and open space;
- G. Above-ground utility rights-of-way, provided the area does not exceed 50 percent of the required recreation and open space;
- H. Agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts;
- I. Landscaped stormwater management facilities;
- J. Community or individual wells and/or wastewater disposal systems;
- K. Easements for drainage, access, and underground utility lines;
- L. Other conservation-oriented uses compatible with the purposes of this UDO; and
- M. Clubhouses and pool facilities.

#### **§3.3.8. Prohibited Uses of Recreation and Open Space**

Recreation and open space shall not include roads (except for road crossings as expressly provided above) and parking areas.

#### **§3.3.9. Ownership and Management of Recreation and Open Space**

##### **A. Ownership**

Recreation and open space shall be accepted and owned by one of the following entities:

###### **1. Lincoln County**

The responsibility for maintaining the recreation and open space and any facilities shall be borne by the County, subject to BOC approval.

**2. Land Conservancy or Land Trust**

The responsibility for maintaining the recreation and open space and any facilities shall be borne by a land conservancy or land trust.

**3. Homeowners' Association**

A homeowners' association representing residents of the subdivision shall own the recreation and open space. The responsibility for maintaining the recreation and open space, and any facilities shall be borne by the homeowner's association. The homeowners' association shall be established in accordance with the requirements of §5.11.

**4. Private Landowner**

A private landowner may retain ownership of recreation and open space. The responsibility for maintaining the recreation and open space and any facilities shall be borne by the private landowner.

**B. Management**

Applicants shall submit and record, upon approval, a plan for the management of recreation and open space and other common facilities that:

1. Allocates responsibility and guidelines for the maintenance and operation of the recreation and open space, and any facilities located thereon, including provisions for on-going maintenance and for long-term capital improvements;
2. Estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the recreation and open space and outlines the means by which such funding will be obtained or provided;
3. Provides that any changes to the plan be approved by the County; and
4. Provides for enforcement of the plan.

**C. Maintenance**

1. Passive recreation and open space maintenance is limited to removal of litter, dead tree and plant materials (that is obstructing pedestrian movement), and brush; weeding and mowing. Natural water courses are to be maintained as free-flowing and devoid of debris. Stream channels shall be maintained so as not to alter floodplain levels.
2. No specific maintenance is required for agricultural uses.
3. Active recreation and open space areas shall be accessible to all residents of the development. Maintenance is limited to ensuring that there exist no hazards, nuisances or unhealthy conditions.

**D. Failure to Maintain**

In the event the party responsible for maintenance of the recreation and open space fails to maintain all or any portion in reasonable order and condition, the County may remedy the failure in accordance with provisions of the covenants established under §5.11.2 by following these procedures:

1. The Director shall send to the association by certified mail a notice of the failure to maintain. Such notice shall specify the maintenance items that have been omitted and/or the corrective steps necessary. The notice shall be sent

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Ownership and Management of Recreation and Open Space

both to the registered agent for the association and to the last president or other officer on record with the County.

2. Following receipt of the notice, the association shall have a period of 30 days to remedy the failure to maintain or, if the remedy may take more than 30 days, to present to the Director a plan for such remedy, which plan shall include:
  - (a) A specific list of tasks;
  - (b) A schedule for completing those tasks;
  - (c) A budget for completing those tasks; and
  - (d) An identified and available source of funding to complete such tasks.
  - (e) The Director shall approve or decline to approve any such plan within ten days of receiving it.
3. The association may appeal a notice by the Director or a decision of the Director to decline to approve the plan to the Board of Adjustment, which shall hear such appeal at its first meeting occurring at least five days after filing of the appeal. An appeal shall stay all proceedings under this section unless the Board of Commissioners, after notice and a hearing, determines that the failure to maintain represents a significant and imminent threat to the public health or safety.
4. If the association fails to do any of the following, the County may proceed with the subsection 5, below:
  - (a) Remedy the deficiencies in maintenance within the prescribed period or submit a plan to the Director with all of the elements required by this subsection;
  - (b) In case of an appeal, to conform with the orders of the Board of Adjustment; or
  - (c) In case the association is proceeding under an approved plan to remedy the maintenance issues, to fail to pursue such plan diligently to its completion.
5. If the association fails to conform with the remedies provided by this section, the Board of Commissioners shall, after notice and a hearing, consider whether to proceed with a remedy by the County. The Commissioners may but shall not be obligated to approve action by the County if it finds the following:
  - (a) The association has failed to maintain certain lands or facilities and has failed to comply with administrative directives to cure the failure; or
  - (b) The lands or facilities that have not been maintained; or
  - (c) Some parts of them directly affect the public health, safety and general welfare of residents of the County who are not members of the association or who do not live within the area governed by the association.

**§3.3.10. Legal Instrument for Permanent Protection**

- A. The recreation and open space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one of the following.
  - 1. A permanent conservation easement in favor of either:
    - (a) A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for re-transfer in the event the organization becomes unable to carry out its functions; or
    - (b) A governmental entity with an interest in pursuing goals compatible with the purposes of this UDO. If the entity accepting the easement is not the County, then a third right of enforcement favoring the County shall be included in the easement.
    - (c) A permanent restrictive covenant for conservation purposes in favor of a governmental entity.
    - (d) An equivalent legal tool that provides permanent protection, if approved by the County.
  - B. The instrument for permanent protection shall include clear restrictions on the use of the recreation and open space. These restrictions shall include all restrictions contained in this UDO, as well as any further restrictions the applicant chooses to place on the use of the recreation and open space. Where appropriate, the instrument shall allow for stream or habitat restoration within the easement area.

**§3.4. Landscaping, Screening and Buffering****§3.4.1. Applicability**

- A. All development, other than the construction of a detached single-family, alley-loaded house or two-family house on a previously approved individual lot shall provide landscaping in accordance with the provisions of this section.
- B. Buildings and structures lawfully existing as of the effective date of this UDO may be redeveloped, renovated or repaired without providing or modifying landscaping, screening, and buffering in conformance with this section.
- C. The maintenance standards in §3.4.11.B shall apply as of the effective date of this UDO to all existing development and new construction.
- D. Where a building or structure existed as of the effective date of this UDO, and such building or structure is enlarged in gross floor area or impervious area by ten percent or 2,000 square feet, whichever is less, landscaping, screenings, and buffering as specified in this section shall be provided.

**§3.4.2. Landscape Plan and Zoning Permit Required**

- A. A landscape plan shall be submitted in conjunction with a required site plan (see §9.7) for all development regulated by this section. (See §3.4.1). A registered landscape architect or other qualified professional shall prepare all landscape plans. The landscape treatment shall adequately detail the requirements of this section.

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How to Use this Section

**B.** A zoning permit is required prior to any and all land disturbance activities. (See §9.9)

**§3.4.3. How to Use this Section**

This section is divided into the following:

**PART 1. LANDSCAPED AREAS AND TREE CANOPY** **§3.4.4**

**PART 2. FOUNDATION PLANTINGS** **§3.4.5**

**PART 3. BUFFERS** **§3.4.6**

**PART 4. TREES** **§3.4.7**

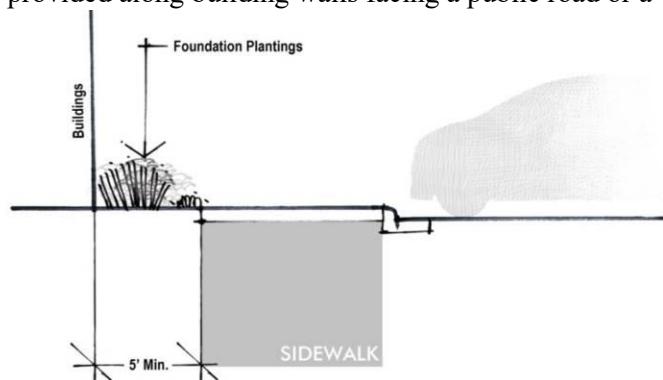
**PART 5. SCREENING** **§3.4.8**

**PART 6. PARKING LOT LANDSCAPING** **§3.4.10**

**PART 7. GENERAL PROVISIONS** **§3.4.11**

**PART 1. LANDSCAPED AREAS AND TREE CANOPY****§3.4.4. Reserved****PART 2. FOUNDATION PLANTINGS****§3.4.5. Foundation Planting Requirements**

Foundation plantings, i.e., plantings located along a building wall, shall be used to provide a transition between the ground surface and the building wall. A minimum five foot wide planting area shall be provided along building walls facing a public road or a parking area in a side yard except at service and pedestrian access points.



**Figure 28. Foundation Planting Requirements**

## **PART 3. BUFFERS**

### **§3.4.6. Buffer Requirements**

#### **A. Buffer Defined**

A buffer is a specified land area, located parallel to and within the outer perimeter of a lot or project and extending to the lot line, together with the planting and landscaping required on the land. A buffer may also contain, or be required to contain, a barrier such as a berm or wall where such additional screening is necessary to achieve the desired level of buffering between various land use activities. A buffer is not intended to be commensurate with the term "yard" or "setback."

#### **B. Buffer Types**

There are four types of required buffers that may occur on any given parcel (for the specific width and plant material for each buffer classification see paragraph C below).

##### **1. Road Buffers**

- (a)** All new development with frontage on an arterial or collector road shall provide a minimum Class A buffer as set forth in paragraph C, below, however no buffer shall encroach into required sight triangle.
- (b)** Through lots abutting a collector road shall provide a Class A buffer along the entire rear yard frontage.

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Buffer Requirements

## 2. Parking Buffers

(a) The perimeter of all parking areas and other vehicular use areas with frontage on any portion of an existing public right-of-way shall be screened by either a berm, a hedgerow, a decorative masonry wall or any combination thereof.

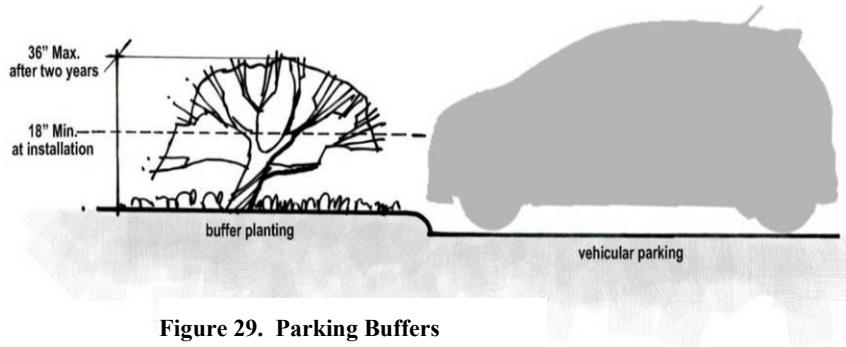


Figure 29. Parking Buffers

(b) At the time of installation, such screening shall be at least 18 inches in height. Vegetative screening shall be selected based on common plant characteristics and capability of reaching a maximum height of 36 inches within two years of planting.

(c) No such buffer shall be required along an alley.

(d) A compact hedge may be substituted for any individual shrubs that may be required in the road buffer (see paragraph 1 above).

## 3. District Boundary Buffers

### (a) Required Buffers

Perimeter compatibility is required along the boundaries of all incompatible zoning districts. The following table shall be used to determine the required buffer classification between adjacent districts.

| Subject Property District <b>①</b> | <b>① Adjacent Property District①</b> |     |     |      |      |      |      |      |       |     |     |     |     |     |     |
|------------------------------------|--------------------------------------|-----|-----|------|------|------|------|------|-------|-----|-----|-----|-----|-----|-----|
|                                    | R-R                                  | R-T | R-S | R-SF | R-CR | R-20 | R-14 | R-MR | RL-MF | O-R | B-N | B-G | B-C | I-L | I-G |
| R-R                                | --                                   | --  | --  | --   | --   | --   | --   | --   | --    | --  | --  | --  | --  | --  | --  |
| R-T                                | --                                   | --  | --  | --   | --   | --   | --   | --   | --    | --  | --  | --  | --  | --  | --  |
| R-S                                | --                                   | --  | --  | --   | --   | --   | --   | --   | --    | --  | --  | --  | --  | --  | --  |
| R-SF                               | --                                   | --  | --  | --   | --   | --   | --   | --   | --    | --  | --  | --  | --  | --  | --  |
| R-CR                               | --                                   | --  | --  | --   | --   | --   | --   | --   | --    | --  | --  | --  | --  | --  | --  |
| R-20                               | --                                   | --  | --  | --   | --   | --   | --   | --   | --    | --  | --  | --  | --  | --  | --  |
| R-14                               | --                                   | --  | --  | --   | --   | --   | --   | --   | --    | --  | --  | --  | --  | --  | --  |
| R-MR                               | B                                    | B   | B   | A    | A    | A    | --   | --   | --    | --  | --  | --  | --  | --  | --  |
| R-MF                               | B                                    | C   | C   | C    | B    | B    | B    | --   | --    | --  | --  | --  | --  | --  | --  |
| O-R                                | B                                    | C   | C   | C    | C    | C    | C    | A    | --    | --  | --  | --  | --  | --  | --  |
| B-N                                | B                                    | C   | C   | C    | C    | C    | C    | B    | A     | --  | --  | --  | --  | --  | --  |
| B-G                                | B                                    | C   | C   | C    | C    | C    | C    | C    | B     | A   | --  | --  | --  | --  | --  |
| B-C                                | B                                    | C   | C   | C    | C    | C    | C    | B    | B     | B   | A   | --  | --  | --  | --  |
| I-L                                | B                                    | C   | C   | C    | C    | C    | C    | C    | C     | B   | B   | A   | --  | --  | --  |
| I-G                                | B                                    | C   | C   | C    | C    | C    | C    | C    | C     | C   | B   | B   | A   | --  | --  |

**(b) Credit for Existing Plant Material**

Credit for existing plant material shall be allocated on a two-for-one basis for canopy trees, understory trees or shrubs. The size of material shall not be taken into account, except where such material is below the required minimum planting size.

**4. Project Boundary Buffers**

The following project boundary buffers have been established to mitigate the effect of specific types of development on adjacent properties. Where project boundaries coincide with district boundaries the following project boundary buffers shall apply, provided that, a project boundary buffer shall not be required along arterial or collector roads (see “Road Buffers” in paragraph 1, above).

**(a) Conservation Residential Subdivision**

A buffer shall be required along all project boundaries of a conservation subdivision (see §2.4.6.I).

**(b) Planned Development**

A buffer may be required along some or all project boundaries of a planned development pursuant to §2.4.9.

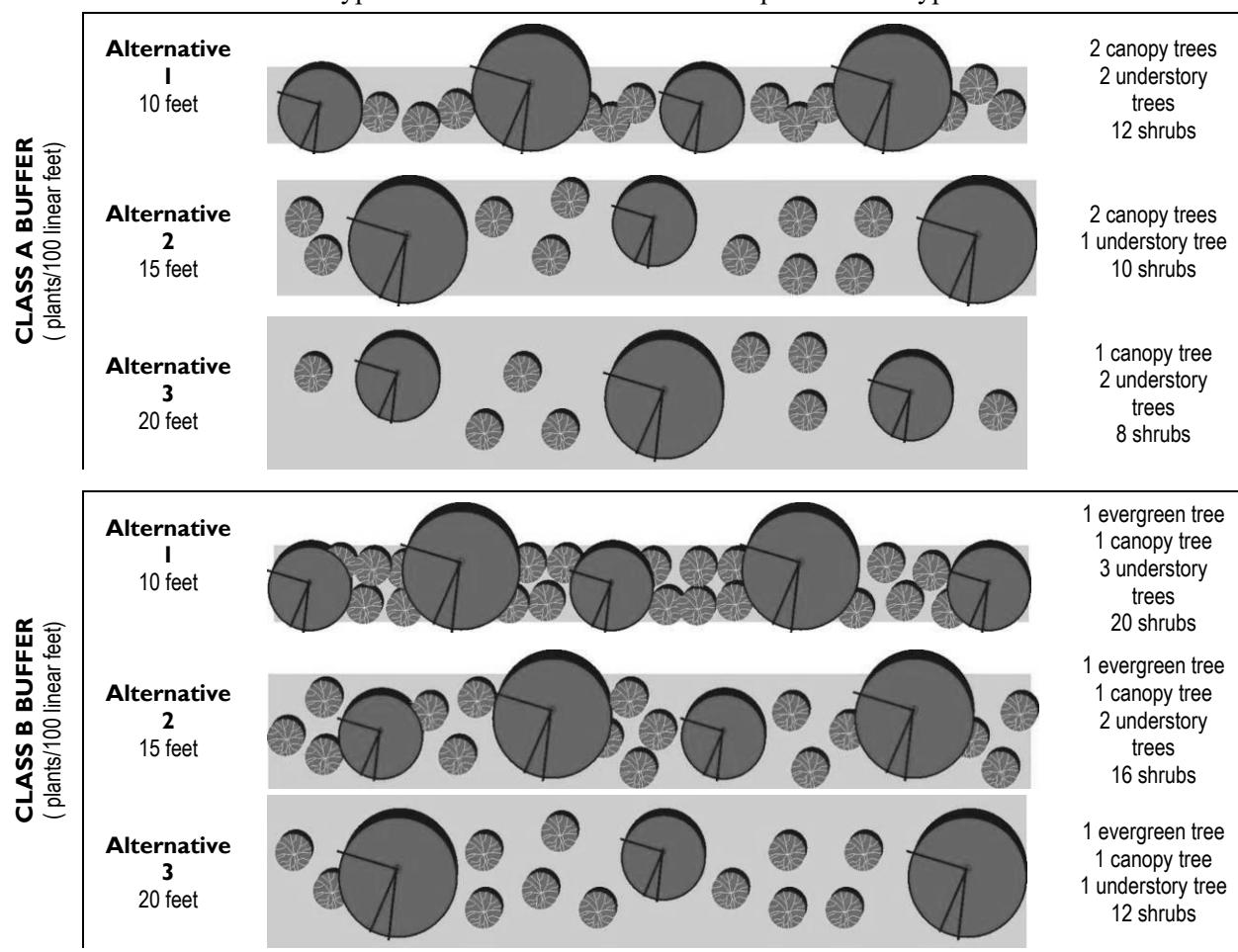
**(c) Manufactured Home Park**

A buffer shall be required along all project boundaries of a manufactured home park (see §4.2.14.J).

## Buffer Requirements

## C. Buffer Classifications

1. The following table establishes the specific width and plant material for a variety of buffer classifications. The applicant is free to choose from each alternative (1, 2, or 3) in the respective buffer classification. Buffers planted below overhead utility lines shall apply any of the allowed buffer alternatives, except that understory trees shall replace any canopy trees at a rate of two understory trees per required canopy tree. The plantings below are intentionally over-planted at maturity, in order to provide an immediate beneficial impact.
2. As determined by the Director, a wall or berm meeting the standards in §3.4.6.H may be substituted in lieu of some of the required shrubs in buffer types A and B. A wall or berm is required in all Type C buffers.



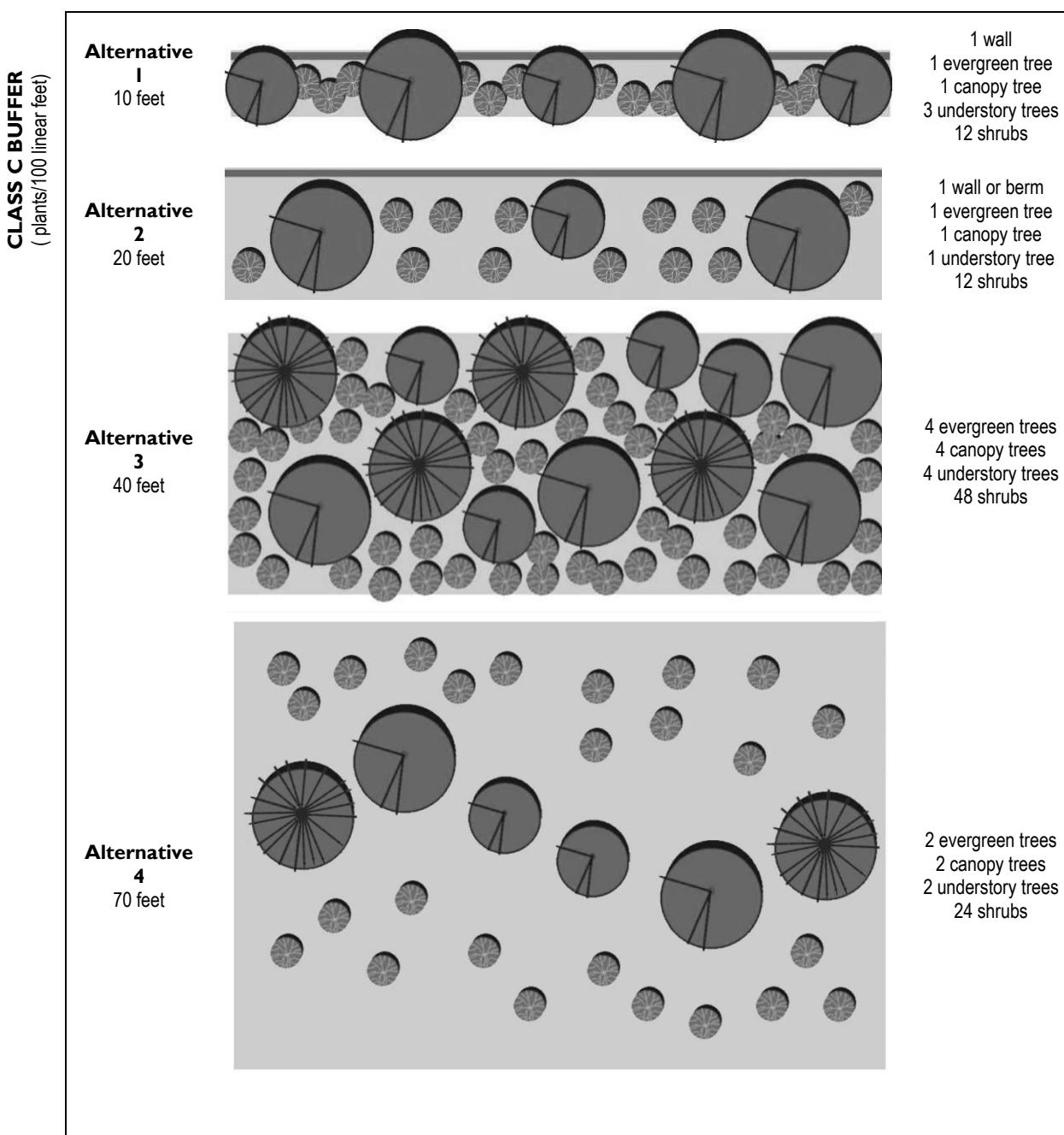


Figure 30. Buffer Classifications

#### D. Location of Buffer

1. Buffers shall be located within the outer perimeter of a lot or parcel, parallel to and extending to the lot or parcel boundary line. Buffers shall not be located on any portion of an existing, dedicated or reserved public or private road or right-of-way.
2. Except as provided below, the required buffer shall be provided along the entire frontage abutting the existing, dedicated or reserved public or private road or right-of-way, district boundary, or project boundary, as applicable.

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Buffer Requirements

3. A buffer may be interrupted in order to provide access (pedestrian or vehicular) to adjacent parcels or public roads.

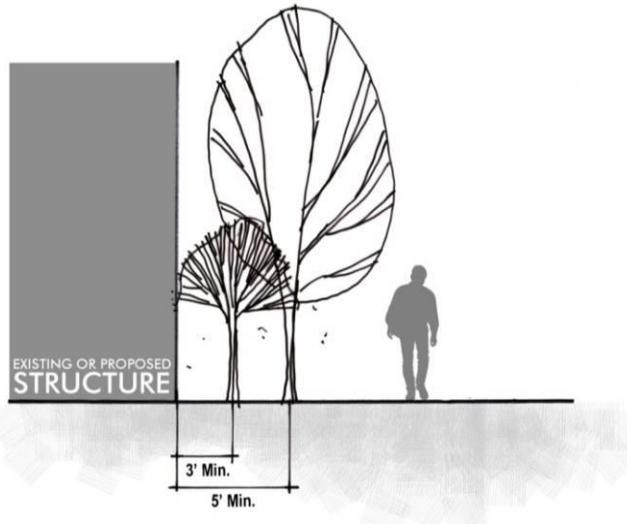
**E. Design Variations**

While the buffer depth is normally calculated as parallel to the property line, design variations may be permitted and are calculated on the average depth of the buffer per 100 feet or portion of buffer. The minimum depth of the buffer at any one point shall not be less than  $\frac{1}{2}$  the required depth of the buffer chosen. Maximum depth for the purposes of installing required landscaping, or receiving credit for existing vegetation, shall not be more than  $1\frac{1}{2}$  the required depth of the buffer chosen. Plantings in buffer should be near top of slope to be effective.

**F. Plant and Structure Location within Buffer**

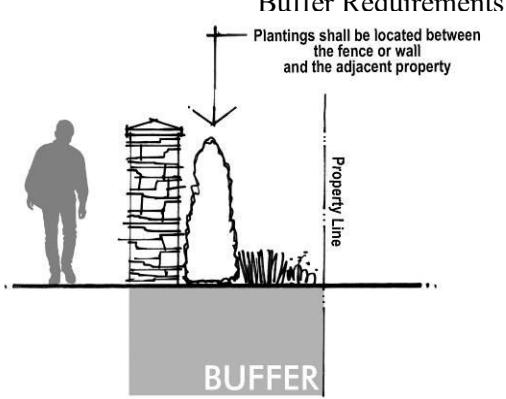
The placement of required plants and structures shall be the decision of the applicant, except that the following requirements shall be satisfied:

1. Plant materials shall be located so as to achieve the maximum level of protection. Plant material shall meet the buffer requirements every 100 feet.
2. Canopy trees shall be located no closer than five feet from any structure. Understory trees shall be planted no closer than three feet from any structure.
3. Buffer areas not retained in native habitat shall be seeded or sodded with lawn, established with ground cover, or mulched with organic mulch.
4. Inorganic ground cover shall not exceed 20 percent of the total required area of the buffer.



**Figure 31. Plant and Structure Location within Buffer (Canopy Trees)**

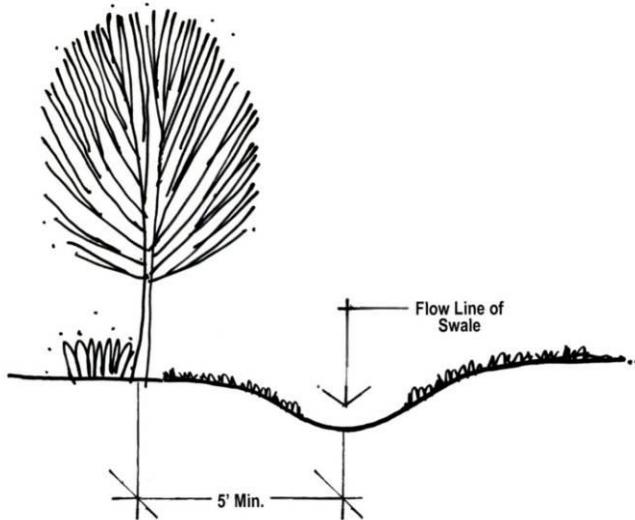
5. Where a fence or wall is used as part of a buffer, the plantings accompanying the fence or wall shall be located between the fence or wall and the adjacent property, and provisions shall be made for maintenance of such fences, walls and plantings. (See also §3.4.11.B and 0)



**Figure 32. Plant and Structure Location within Buffer (Fence or Wall)**

#### G. Planting in Easements

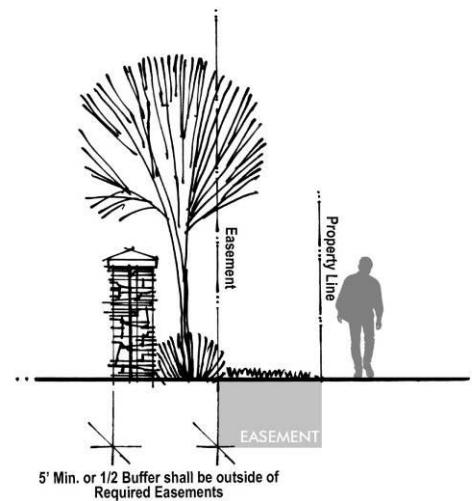
1. No buffer shall be planted in wet retention ponds or drainage easements.
2. Trees and shrubs shall be installed a minimum of five feet away from the flow line of a swale.
3. Existing trees may remain in dry retention ponds provided that the natural grade is undisturbed to the tree line, species are planted that are adapted to seasonal flooding and the pond is adequately maintained.
4. Trees and shrubs may be planted in underground utility easements with the Director's approval; provided they are only within the outer three feet of the easement and the root structure of any trees is not anticipated to extend more than three feet below the ground. Where such trees and shrubs are planted, the property owner shall be responsible for replacement of such required vegetation if maintenance or other utility requirements require their temporary removal.



**Figure 33. Planting in Easements (Dry Detention Ponds)**

## Buffer Requirements

5. A minimum buffer width of five feet, or at least half the minimum required buffer width, shall be provided outside of any required easements. The majority of buffer plantings and all structures shall be located outside the easements.



## H. Permitted Structures in Buffer Area

Figure 34. Planting in Easements (Buffers)

### 1. Walls

Where walls are placed within any required buffer area, they shall meet the following requirements:

- (a) Walls shall be a minimum of three feet and a maximum of six feet in height.
- (b) Walls shall be constructed of one or a combination of the following materials: stucco over concrete block, brick, stone, split-faced block or glass block in a structurally safe and attractive condition. Alternative walls (including EIFS or other similar systems) may be permitted with the approval of the Director. No walls of exposed concrete block are permitted, whether painted or not.
- (c) Gaps or openings may be allowed for pedestrian access, provided no greater than 25 percent of the wall surface is left open.
- (d) No wall shall be located within any required drainage, utility or similar easement.
- (e) The applicant shall be required to demonstrate provision for access and maintenance of landscaping and the wall structure at the time of landscape plan approval.
- (f) Breaks in the wall may be provided for pedestrian and vehicular connections to adjacent developments.

### 2. Berms

Where berms are placed within any required buffer area, they shall meet the following requirements:

- (a) Berms shall have a minimum average height of three feet with side slopes of not less than two feet horizontal for each one foot vertical.

**(b)** Slopes in excess of four feet horizontal for each one foot vertical may be permitted if sufficient erosion control methods are taken and deemed by the Director to be maintainable.

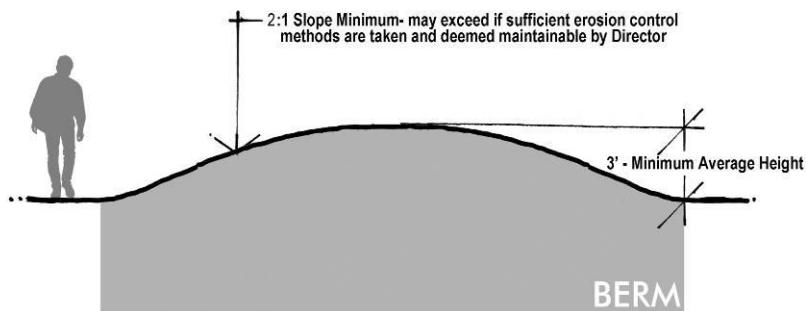


Figure 35. Berms

### 3. Fences

**(a)** Fences in accordance with §3.4.8.F may be constructed in a required buffer, however, no reduction in buffer width shall be provided based on the provision of a fence.

**(b)** Fences shall be a minimum of three feet and a maximum of six feet in height.

**(c)** Where fences are used for screening, such fences shall be constructed of high quality materials which compliment or match siding material on the primary structure. Wood fence planks, when utilized, shall have a minimum diameter or width of three inches and with no greater than 25 percent of the fence surface left open between posts and/or planks.

**(d)** Breaks in the fence may be provided for pedestrian connections to adjacent developments.

**(e)** Fences shall be maintained in a structurally safe and attractive condition and with finished faces and plantings located towards the adjacent property with at least one shrub for every six linear feet of fence length.

**(f)** Any fence constructed in a buffer shall be capable of withstanding a 30 pound per square foot horizontal wind load from any direction.

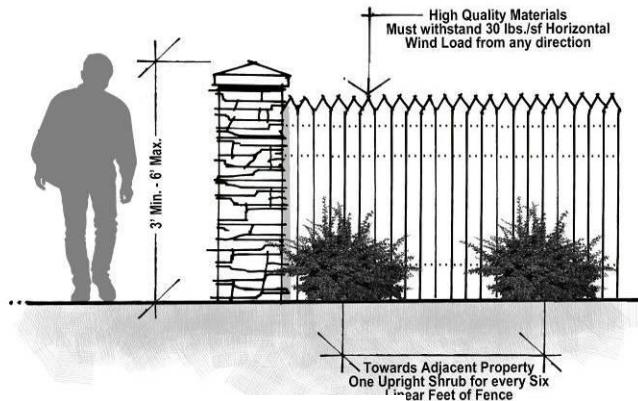


Figure 36. Fences

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Buffer Requirements**I. Permitted Use of Buffer Area**

A buffer area shall not be used for any principal building or use, accessory building or use, vehicle use area or storage area except as specifically permitted below.

1. A buffer may be used for passive recreation and picnic facilities; and it may contain pedestrian or bike trails, provided that:
  - (a) Trails may be incorporated provided adequate width, minimum 15 feet, is added to the required buffer width to accommodate both the trail and the required buffer plantings. Buffers with trails may also count toward the provision of recreation and open space for the development.
  - (b) No existing plant material shall be eliminated, other than nuisance exotics; and
  - (c) All other requirements of this section shall be met.
2. Other appurtenances which require high visibility and easy access, such as fire hydrants and utilities, public and emergency telephones, mail boxes and bus shelters or benches, are also permitted in a buffer. No screening of such appurtenances shall be required or permitted.
3. A required buffer is encouraged to retain areas of native habitat and may incorporate water resources including stormwater detention or retention facilities. However, the minimum width of the buffer shall be preserved as a planting area without stormwater facilities.

**J. Ownership of Buffers**

Buffers may remain in the ownership of the original applicant; they may be subjected to deed restrictions and subsequently be freely conveyed; or they may be transferred to any consenting grantees, such as the County, a land conservancy or land trust, or homeowners' association. Any such conveyance shall adequately guarantee the protection and maintenance of the buffer in accordance with the provisions of this section.

**K. Alternative Compliance**

1. The buffer requirements may be modified by the Director upon a finding that a modification would be consistent with the purpose of this UDO, this section and the adopted plans and policies of the County; that such modification would not adversely affect the land use compatibility or public interest; and that the subject parcel or modified buffer complies with one or more of the following criteria:
  - (a) The buffer is parallel and adjacent to an existing utility or drainage easement of at least 100 feet in width;
  - (b) The buffer is between uses that are to be developed under a common development plan or series of development plans;
  - (c) The buffer is adjacent to a property that has a joint use agreement with the subject parcel;
  - (d) The buffer is parallel and adjacent to an existing railroad right-of-way; or

- (e) The topography of the parcel is such that buffering would not be effective.
- (f) The buffer is located on the site of a public safety facility where emergency vehicles are based.

2. Financial hardship due to meeting the requirements of this section shall not be sufficient justification for alternative compliance.

## PART 4. TREES

### §3.4.7. Tree Requirements

#### A. Road Yard Trees

Road yard trees shall be required along all collector roads, residential collector roads, residential roads and cul-de-sac roads at the rate of one canopy tree per lot or one canopy tree for every 40 linear feet (spaced a maximum of 50 feet apart).

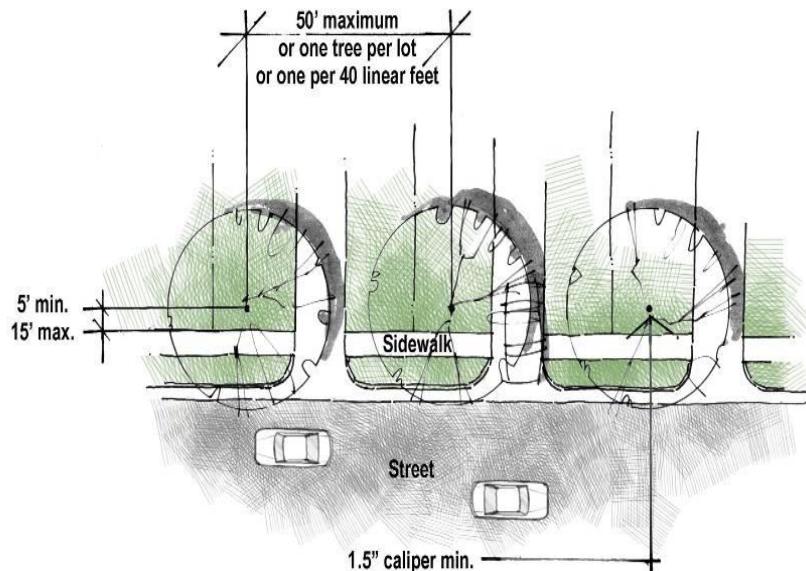


Figure 37. Collector Road Buffers

1. All road yard and street trees shall be a minimum of 1½ caliper inches at time of planting and shall be planted no less than five feet or more than 15 feet from the back of the sidewalk.
2. Credit shall be provided for any existing tree of similar type (canopy, understory) with a minimum diameter at breast height (DBH) of six inches that is preserved within the planting strip at rate of one preserved tree for two required road yard trees.

#### B. Collector Road Buffers

Through lots abutting a collector road shall provide a Class A buffer along the entire rear yard frontage.

## PART 5. SCREENING

### §3.4.8. Screening Requirements

#### A. Drive-Thru Facilities

Drive-thru windows and lanes shall be designed to adhere to the following standards:

1. Drive-thru windows shall not be placed between the road and the associated building and shall require landscape plantings installed and maintained along the entire length of the drive-thru lane.
2. Such screening shall be a compact evergreen hedge or other type of dense foliage. At the time of installation, such screening shall be at least 36 inches in height and shall reach a height of 48 inches within two years of planting.
3. No drive-thru window shall be permitted on the side of a building adjacent to any residential district.

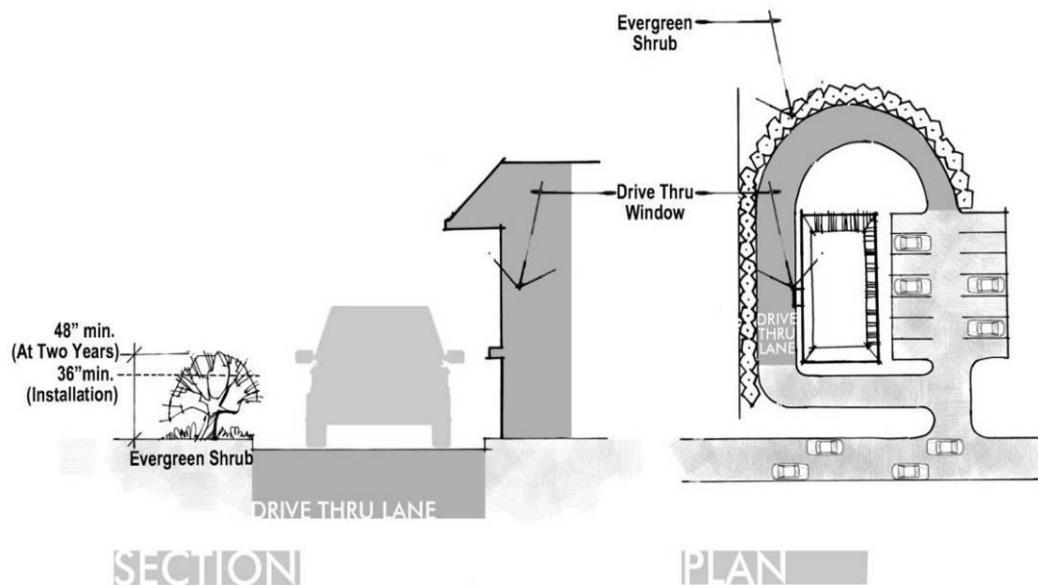


Figure 38. Road Yard Trees

**B. Service Areas**

1. Trash collection, trash compaction, recycling collection and other similar service areas shall be located on the side or rear of the building and shall be effectively screened from view from residential properties or public rights-of-way.
2. Screening enclosures shall be fully enclosed by opaque walls at least eight feet high with access doors and shall be constructed of the same materials as the primary building(s).
3. All service areas shall be limited to the area shown on an approved site plan.
4. All service areas shall be located a minimum of 50 feet away from any residentially-zoned property line.

**C. Loading Areas**

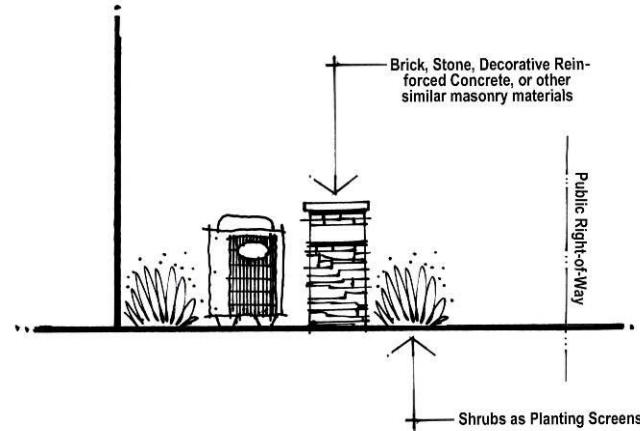
Loading areas shall be subject to the following screening requirements:

1. Provide a minimum 100 percent year-round screen of all loading areas visible from residential properties.
2. This screen shall consist of berms, walls, fences, plant material or combination totaling eight feet in height at installation or completion of construction. Wall or fence materials shall be compatible with the primary structure.
3. Loading docks in industrial districts shall be located a minimum of 50 feet away from any residentially-zoned property, unless the loading area is wholly within a closed building.
4. Loading docks not in an industrial district shall be located at the side or rear of buildings a minimum of 50 feet away from any residentially-zoned property, unless the loading area is wholly within a closed building.

## Screening Requirements

**D. Mechanical Equipment**

1. All roof, ground and wall mounted mechanical equipment (e.g. Air handling equipment, compressors, duct work, transformers, solar panels and elevator equipment) shall be screened from view from residential properties or public rights-of-way at ground level of the property line.

**Figure 39. Mechanical Equipment**

2. Roof-mounted mechanical equipment shall be shielded from view on all sides. Screening shall consist of materials consistent with the primary building materials, and may include metal screening or louvers which are painted to blend with the primary structure.
3. Wall or ground-mounted equipment screening shall be constructed of:
  - (a) Planting screens;
  - (b) Brick, stone, decorative reinforced concrete, or other similar masonry materials; or
  - (c) Redwood, cedar, preservative pressure treated wood; or other similar materials.

**E. Utilities**

Above-ground utilities and appurtenances to underground utilities which require above-ground installation shall be screened by a continuous planting of shrubs, with a minimum mature height equal to that of the utility structure. Required accessways to these utilities are exempt from the screening provisions.

**F. Fencing and Walls**

1. A fence or wall not more than six feet in height may be installed along any side and rear lot line. A fence or wall more than six feet in height but less than eight feet shall comply with the setback requirements for principal uses. A fence or wall in any required front yard shall not exceed four feet in height.
2. Fences and walls should be constructed of high quality materials, such as decorative blocks, brick, stone, treated wood and wrought iron. The finished side of all fences and walls shall be placed on the outside.
3. Breaks in the fence or wall may be provided for pedestrian and vehicular connections to adjacent developments.

4. The maximum length of a continuous, unbroken and uninterrupted fence or wall plane shall be 100 feet. Breaks shall be provided through the use of columns, landscaped areas, transparent sections and/or a change in material.

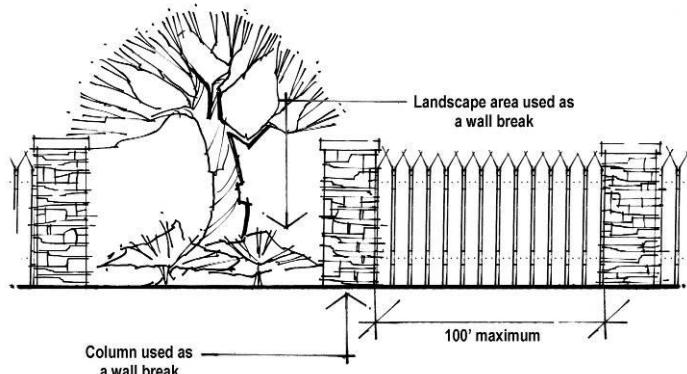


Figure 40. Fencing and Walls

#### §3.4.9. Credit for Existing Plant Material

In cases where an existing screened area exists, further plantings and/or improvements shall not be required so long as said screened area is of sufficient width and depth and contains adequate and sufficient materials to meet the requirements of this UDO. If the screened area is deficient, the developer shall make needed improvements and/or additions to satisfy the screening requirements and intent of this UDO.

### PART 6. PARKING LOT LANDSCAPING

#### §3.4.10. Parking Lot Landscaping Requirements

Off-road parking areas in excess of 1,500 square feet or five spaces shall provide landscaped areas in accordance with the following requirements:

##### A. Perimeter Screening

1. All parking areas and other vehicular use areas with frontage on any portion of an existing public right-of-way shall provide a parking buffer as set forth in §3.4.6.B.2.
2. The perimeter of all parking areas and other vehicular use areas adjacent to residentially-zoned property shall provide a Class C buffer (see §3.4.6).

##### B. Interior Landscaping

Interior parking lot landscaping shall be used to satisfy the landscape area requirements and the permeable area requirements of §3.6.3.C.2(b); provided, however, the provisions of this section shall only apply to parking lots with more than 40 spaces. Limited and General Outdoor Storage areas, as defined in §3.10.3 shall not be subject to these requirements. Where interior landscaping is provided, such landscaping shall comply with the following requirements:

###### 1. Interior Islands

Each island shall contain a minimum of 200 square feet with a minimum width of eight feet inside the curb and include a minimum of one tree with a minimum caliper of 1½ inches. Planting islands should be evenly distributed throughout the parking area, with no parking space located more than 75 feet

## General Provisions

from a planting island located in the same row of spaces. Interior islands may be consolidated or intervals may be expanded in order to preserve existing trees.

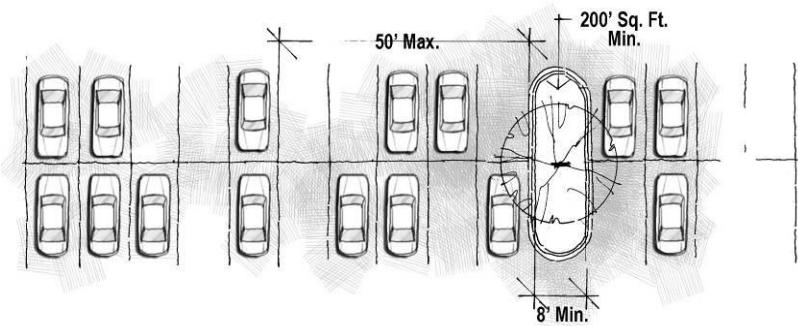


Figure 41. Interior Islands

## 2. Terminal Islands

All rows of spaces shall terminate in a curbed landscaped island. Each island should conform to the specifications described in subsection 1, above.

## 3. Median Islands

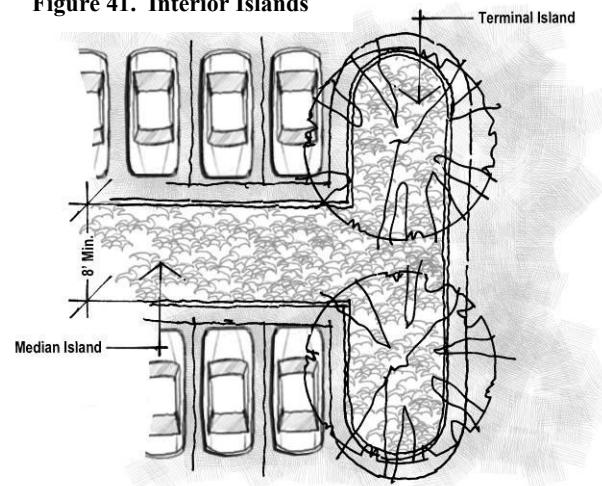


Figure 42. Terminal Islands

A median island with a minimum width of eight feet inside the curb shall be sited between every six single parking rows and along primary internal and external access drives. Median intervals may be expanded in order to preserve existing trees and to accommodate pedestrian ways.

## PART 7. GENERAL PROVISIONS

### §3.4.11. General Provisions

#### A. Design, Installation and Establishment

##### 1. Planting Criteria

###### (a) Trees

- (1) At the time of planting all trees shall be a minimum of caliper of 1½ inches measured three feet above finished grade.
- (2) All canopy trees shall be at least six feet in height, and all evergreen and understory trees shall be at least four feet in height.

(3) If trees are proposed that are not chosen from the recommended list, they shall have an average mature crown greater than 15 feet in diameter. Trees having an average mature crown less than 15 feet in diameter may be substituted by grouping two or more of the same trees together so as to create the equivalent of a 15-foot diameter crown at maturity. (See also §3.4.11.A.3)

**(b) Shrubs and Ground Cover**

Shrubs, and ground cover planted pursuant to this section shall be good, healthy nursery stock. Shrubs must be, at a minimum, a one gallon container size. At the time of planting all shrubs shall be at least one foot in height.

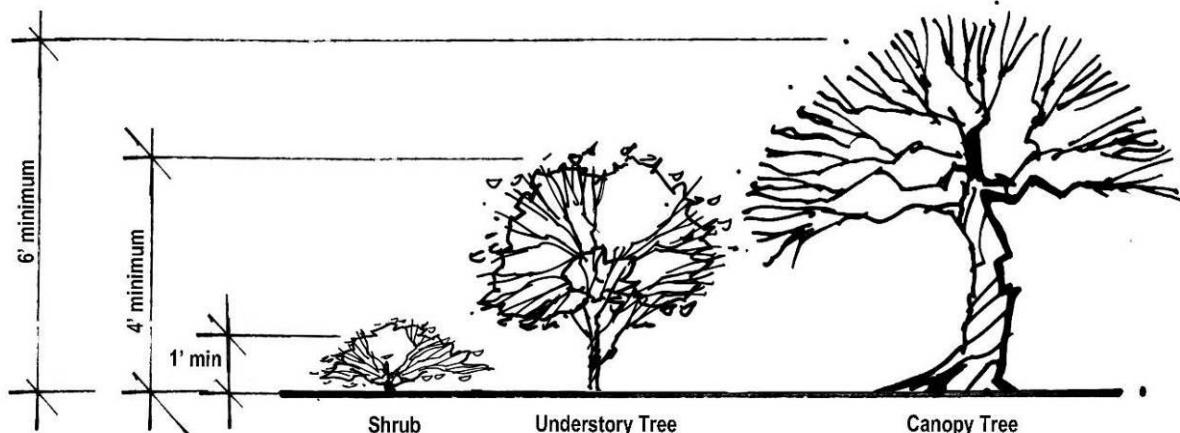


Figure 43. Shrubs and Ground Cover (Height)

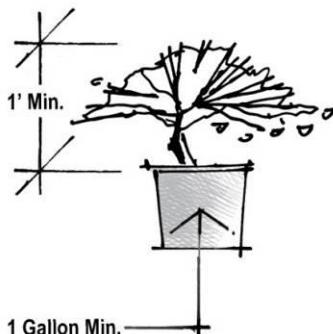


Figure 44. Shrubs and Ground Cover (Container Size)

**(c) Lawn Grass**

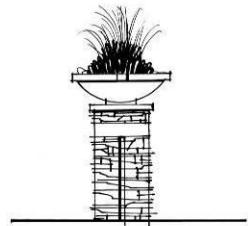
Grass areas should be planted in drought resistant species normally grown as permanent lawns, such as Bermuda, Zoysia, or Buffalo. Grass areas may be sodded, plugged, sprigged or seeded except that solid sod shall be used in swales or other areas subject to erosion.

**(d) Synthetic Lawns or Plants**

Synthetic or artificial lawns or plants shall not be used in lieu of plant requirements in this section.

**(e) Architectural Planters**

The use of architectural planters may be permitted in fulfillment of landscape requirements.

**Figure 45. Architectural Planters****(f) Other**

Approved decorative aggregate or pervious brick pavers shall qualify for landscaping credit if contained in planting areas, but no credit shall be given for concrete or other impervious surfaces. No more than 50 percent of required parking areas paved with approved pervious materials may be credited towards required landscape areas.

**2. Plant Material**

- (a)** Plant material shall be chosen from the lists of recommended plant species available in the Planning and Inspections Department. Plant materials shall be reviewed for suitability with regard to the eventual size and spread, susceptibility to diseases and pests, and appropriateness to existing soil, climate and site conditions. Plant materials that vary from this list may be used with the approval of the Board of Commissioners.
- (b)** The recommended plant list shall be used to define the species of trees and shrubs deemed to be canopy trees, understory trees and shrubs. The lists may be expanded but are intended to provide guidance in selecting predominately hardy North Carolina native species.

**3. Cold Hardy and Drought Tolerant Plants**

Plantings shall be cold hardy for the specific location where they are to be planted. Trees and shrubs shall be salt-tolerant, drought-tolerant and able to survive on natural rainfall once established with no loss of health.

**4. Soils**

Planting areas shall have uncompacted coarse loam that is a minimum of 12 inches deep. Soils shall be appreciably free of gravel, stones, rubble or trash. All compacted soil, contaminated soil or road base fill shall be removed.

**5. Issuance of Certificate of Occupancy**

- (a)** The Director may not issue a permanent certificate of occupancy for an approved site plan or part thereof, until all seeding, trees, and plant material have been placed in accordance with the approved site plan and requirements of this section.
- (b)** A temporary certificate of occupancy may be issued for a period of 90 days under seasonal circumstances that would affect the seeding and planting of the site, or until the proper planting season is reached to

complete the landscaping requirements, and may be extended up to 90 days upon request to the Director.

## B. Requirements for Maintaining Fences and Walls

### 1. Responsibility

The responsibility for maintenance of fencing and walls shall remain with the owner, his or her successors, heirs, assignees or any consenting grantee. Maintenance is required in order to ensure attractive appearance and the proper functioning of fencing and walls.

### 2. Maintenance

All fencing and walls shall be maintained in an attractive and structurally sound condition. Maintenance shall include, but not be limited to painting, repair and replacement of all or part of the fence or wall, as necessary.

### 3. Failure to Maintain

In the event that any owner of a fence or wall fails to maintain the fence or wall according to the standards of this section, the County shall have the right to recover the cost of enforcement, including reasonable attorney fees.

Requirements for Maintaining Planted Areas

### 4. Responsibility

The responsibility for maintenance of a planted area shall remain with the owner, his or her successors, heirs, assignees or any consenting grantee. Maintenance is required in order to ensure the proper functioning of a planted area.

### 5. Maintenance

(a) All plantings shall be maintained in an attractive and healthy condition. Maintenance shall include, but not be limited to, watering, mulching, fertilizing and pest management, mowing, weeding, removal of litter and dead plant material, and necessary pruning and trimming.

(b) Necessary pruning and trimming shall be in accordance with the American National Standards for Tree Care Operations: Tree Shrub and Other Woody Plant Maintenance – Standards Practices (Pruning), and shall not be interpreted to include topping of trees through removal of crown material or the central leader, or any other similarly severe procedures such as “lollipoping” or “meatballing” that cause irreparable harm to the natural form of the tree, except where such procedures are necessary to maintain public overhead utilities. Any such activity shall be a violation of this UDO. Additional plant material shall be required to replace or supplement the damaged plant material.

(c) Dead or diseased plantings shall be removed. Replacement plantings shall be provided for any required plants which die or are removed for any reason and shall meet all minimum standards and conform to these regulations.

(d) Natural water courses shall be maintained in a natural condition.

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**Access Required**

- (e) Landscape structural features such as walls, fences, berms or water features shall be maintained in a structurally safe and attractive condition.
- (f) Where other uses, including pedestrian, bike or other trails, these uses shall be maintained to provide for their safe use.

**6. Failure to Maintain**

In the event that any owner of a planted area fails to maintain the planted area according to the standards of this section, the County shall have the right to recover the cost of enforcement, including reasonable attorney fees.

**C. Credit for Existing Plant Material**

1. Required planting areas shall incorporate existing natural vegetation to the maximum extent feasible. Prior to disturbance of a required planting area, approval shall be obtained from the County. Where existing vegetation is inadequate to meet the required planting standards, additional plant material shall be required.
2. The retention of existing vegetation shall be maximized within proposed planting areas. Existing native habitat or vegetation located within planting area that meets the requirements of this section may be counted, provided such plant material meets the minimum standards of this section. If the existing vegetation has been credited and is subsequently removed or dies, it shall be replaced with the appropriate planting material.
3. Credit may be permitted for existing plant material and walls on adjacent property, provided such items are in a permanently protected area, including, but not limited to a conservation easement or preserve area on adjacent property.

**D. Tree Protection During Construction**

Existing trees specified on the landscape plan to remain on the site as a function of fulfilling the purpose of this section shall be protected from vehicular movement and material storage over their root spaces during the following construction. An undisturbed area with a porous surface shall be reserved around a tree, based on the dripline of the tree. Further, a temporary tree protection fence shall be installed along the dripline. (See also §9.7.11)

## **§3.5. Access Management**

### **§3.5.1. Access Required**

- A. Except as provided in paragraph B below, no principal building, structure, or use may be erected or established on any lot which does not abut at least 35 feet on a road constructed to the standards of the County and dedicated as a public right-of-way to the State.
- B. The Director may authorize, in specific situations, the erection or establishment of a principal building, structure, or use on a lot not meeting these requirements if it is clear that adequate provision for access for the type and intensity of use proposed has been or will be provided, and there are special circumstances, such as the rural nature of the lot and area, or in the case of a nonresidential use, that an easement

has been recorded guaranteeing accessibility, that make the application of these requirements to the proposed use not feasible or undesirable.

### **§3.5.2. Access to Thoroughfares**

**A.** Where a tract of land to be subdivided adjoins a principal arterial or a minor arterial or a major collector as designated on the Functional Classification Maps for Lincoln County prepared by NCDOT, the subdivider shall:

- 1.** Provide a major collector road parallel to the principal or minor arterial or major collector; or
- 2.** Utilize reverse frontage on a minor street for the lots to be developed adjacent to the principal or minor arterial or major collector.

Where a tract of land to be developed adjoins a principal or minor arterial or a major collector and any other public road, the road with the lower traffic volume shall be utilized for primary access and access to the road with the higher traffic volume shall be limited to right-in, right-out movements only, unless additional access is approved by the Board of Commissioners as part of a major site plan review.

**B.** In addition, the Director may recommend and the Board of Commissioners may require that along other roads with identified capacities at 20 percent or greater, the subdivider shall provide a collector road parallel to the State road or utilize reverse frontage on a minor street.

**C.** In lieu of providing a parallel collector road or utilizing reverse frontage, lots may be subdivided if each of the resultant lots has at least 300 feet of road frontage along the arterial or identified collector or the lots may share a single access point or driveway.

**D.** On residentially zoned property that has greater than 300 feet but less than 600 feet of frontage on a principal arterial, minor arterial or a major collector, the subdivider shall be allowed to have one additional point of access to the road.

### **§3.5.3. Access to State Roads**

An approved NCDOT driveway permit is required prior to accessing the State road system and prior to construction or extension of any road connected to the State system road. Unless otherwise required by NCDOT, this provision shall not be interpreted as requiring a permit for an individual residential driveway.

### **§3.5.4. Subdivision Access and Connectivity**

Subdivision access must comply with the requirements of §5.4.

### **§3.5.5. Residential Driveways**

Residential driveway access to and from roads shall be constructed in accordance with County standards as outlined below:

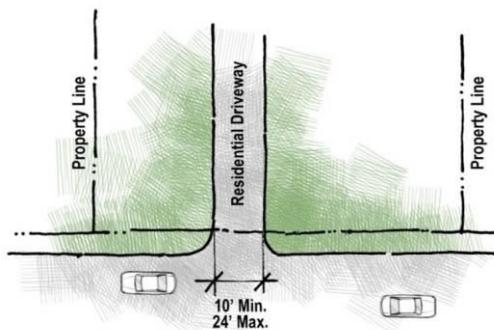
#### **A. Driveway Type**

The standard residential driveway access shall be as required by NCDOT's Manual on Driveway Regulations.

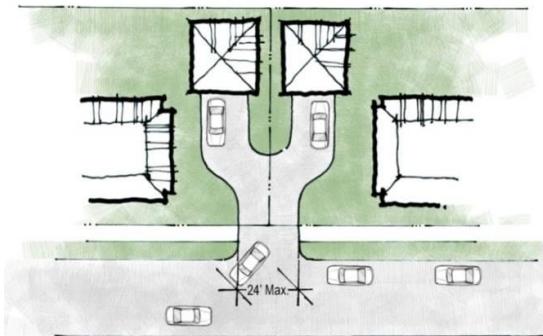
#### **B. Width of Driveway**

- 1.** The width of a residential driveway shall be no less than ten feet and no more than 24 feet.

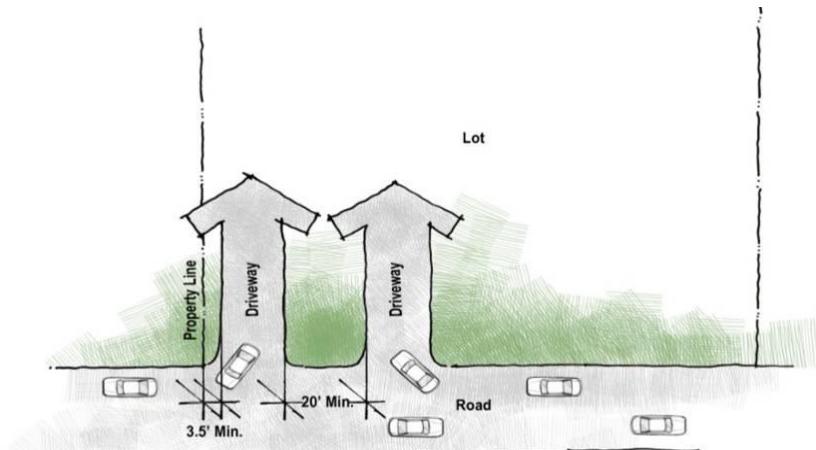
## Residential Driveways

**Figure 46. Width of Driveway (Residential)**

2. When two residential driveways coincide along a property line, the maximum width shall not exceed 24 feet.

**Figure 47. Width of Driveway (Two or More)****C. Location of Driveway Access Points**

Residential driveways shall be spaced at least 24 feet from any other driveway on the same lot, but not nearer than  $3\frac{1}{2}$  feet to any lot line, except where two residential driveways coincide along the same lot line. The minimum corner clearance from the curb line or edge of pavement of intersecting roads shall be at least 20 feet from the intersection of right-of-way lines. The radius of the driveway shall not encroach on the minimum corner clearance.

**Figure 48. Location of Driveway Access Points**

**§3.5.6. Nonresidential Driveways**

- A. Nonresidential driveway access to and from roads shall be constructed in accordance with the standards and specifications provided in the manual, Policy on Road and Driveway Access to North Carolina Highways, as adopted and amended by NCDOT. For any development, the number of driveway access points may be restricted where it is necessary for purposes of decreasing traffic congestion or hazards. These restrictions may include required right-in/right-out only and/or common access points. The County Attorney shall approve the recordable documents for all required common access points.
- B. Outparcels shall take access from within the development, where possible.

**§3.5.7. Emergency Access****A. Drives and Lanes**

Emergency access drives and lanes shall be provided in accordance with the requirements and regulations of all appropriate agencies. Such drives and lanes shall be a minimum of 24 feet in width.

**B. Gated Communities**

Emergency access to gated communities and developments shall be provided in accordance with the requirements and regulations of all appropriate agencies.

**§3.5.8. Reserved****§3.5.9. Reserved****§3.5.10. Cross Access**

A cross access easement may be required between adjacent lots fronting on arterial and collector roads in order to minimize the total number of access points along those roads and to facilitate traffic flow between lots. The location and dimensions of such easement shall be determined by the Director.

**§3.5.11. Closure or Relocation of Access**

NCDOT shall have the authority to require the closure or relocation of existing access points where multiple access points to the site are available.

**§3.5.12. Visibility at Intersections****A. Corner Lots**

On any corner lot, a sight triangle shall be established. The sight triangle shall be formed by extending lines from the intersections of two streets (measured from the edge of the right-of-way) to points 35 feet from the corner of the rights-of-way of the intersecting streets and then connecting the two points.

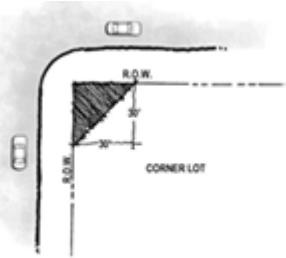


Figure 1. Corner Lots

**B. Driveways**

For any driveway, a sight triangle measuring ten feet from the edge of right-of-way and extending 70 feet from the edge of each side of the driveway shall be required.

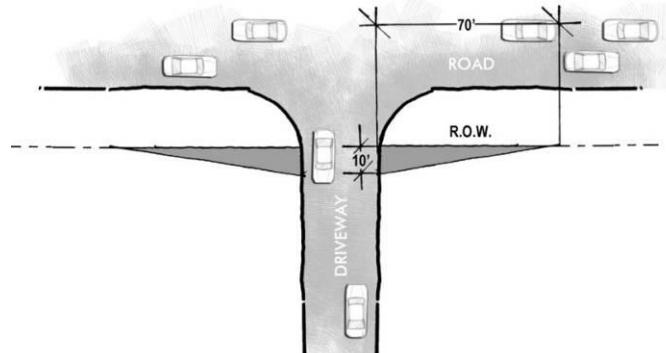


Figure 49. Driveways

**C. Design Standards**

Within the sight triangle, no materials which would impede traffic visibility shall be allowed. Structures, fences and plant materials that extend into the sight triangle between two feet and eight feet in height, as measured from the grade of the street or drive, shall not be allowed.

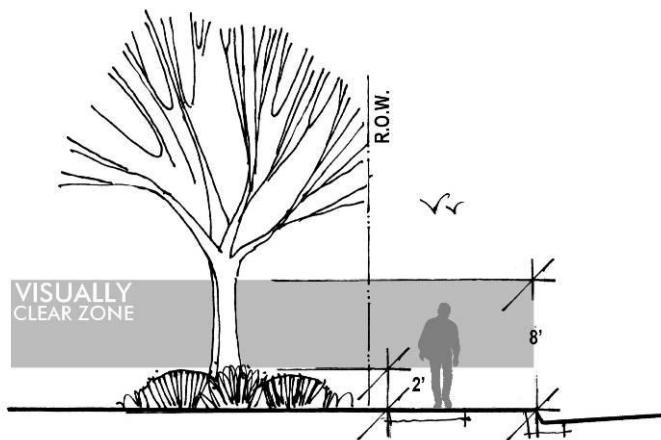


Figure 50. Sight Triangle Design Standards

## §3.6. Off-Road Parking and Loading

### §3.6.1. Applicability

- A. Unless specifically exempt, all existing and proposed development requiring more than ten parking spaces shall provide off-road parking and loading facilities in accordance with this section. No certificate of occupancy shall be issued until these parking requirements and regulations have been met.
- B. With the exception of a restriping of a parking area or other vehicular use area which does not result in a reconfiguration of the parking spaces, any modification to existing off-road parking and loading facilities shall conform to the requirements of this section.
- C. No land shall be developed as a parking area or parking garage without an approved site plan issued in accordance with §9.7, Site Plan Review.
- D. Buildings and uses lawfully existing as of the effective date of this UDO may be redeveloped, renovated or repaired without providing additional off-road parking and loading facilities, providing there is no increase in gross floor area or change in use of existing floor area that would increase parking demands.
- E. Where a building existed as of the effective date of this UDO, and such building is enlarged in gross floor area or impervious area by ten percent or 2,000 square feet, whichever is less, off-road parking and loading as specified in this section shall be required for the enlarged area.
- F. A change in use of a building or use existing as of the effective date of this UDO shall require additional off-road parking and loading facilities to comply with the requirements of this section for the new use unless:
  - 1. The building is less than 2,000 square feet in floor area; or
  - 2. The new use has the same parking requirement or a lesser requirement than the previous one.

### §3.6.2. How to Use this Section

This section is divided into the following:

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#### **PART I. OFF-ROAD PARKING**

**§3.6.3**

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#### **PART 2. OFF-ROAD STACKING**

**§3.6.4**

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#### **PART 3. OFF-ROAD LOADING**

**§3.6.5**

## PART I. OFF-ROAD PARKING

### §3.6.3. Off-Road Parking Requirements

#### A. Calculation of Parking Ratios

1. Developments containing more than one use shall provide parking spaces in an amount equal to the total of the requirements for all uses.
2. For developments or portions of developments within the same district designed as a single, coordinated commercial project having at least 50,000 square feet of gross floor area (such as a shopping center), the minimum number of required spaces shall be one space for every 400 square feet of gross floor area designed for nonresidential use and occupancy.
3. Where fractional spaces result, the parking spaces required shall be construed to be the next highest whole number.
4. The parking space requirements for a use not specifically listed in the table below shall be the same as for the listed use deemed most similar to the proposed use by the Director.
5. In residential districts in which garage space is provided, the garage space may be considered in determining whether required parking has been met.

#### B. Parking Ratios

##### 1. Minimum

The following minimum off-road parking ratios shall be applicable to all general use zoning districts. The number of required off-road parking spaces designed for use by handicapped persons as prescribed by the North Carolina State Building Code shall be computed separately from the off-road parking requirements as otherwise contained in this section. Where, in the opinion of the applicant, a listed ratio requires too much or too little parking, the applicant may provide an alternative parking plan with data submitted in support of higher or lower ratios (see §3.6.3.D).

|   |  |  | * = Group of Uses (§2.3) |
|---|--|--|--------------------------|
| Residential Uses  |  |  |                          |
| Single-family detached<br>Zero lot line<br>Alley-loaded<br>Two-family<br>Townhouse<br>Manufactured home (all classes) | All uses                                       | 2 per unit   |                          |
| Multi-family<br>Upper-story residential   | Studio<br>1 bedroom<br>2 bedroom<br>3+ bedroom | 1.25 per unit<br>1.50 per unit<br>1.75 per unit<br>2.00 per unit |                          |
| Boarding house  |  | 1 per bedroom  |                          |
| Manufactured home park  |  | 2 per unit + 1 visitor space per 4 units                         |                          |
| Civic Uses  |  |  |                          |
| Airports and other passenger terminals  |  | As determined by Director  |                          |
| Adult care home (2 to 6 adults)<br>Adult care home (7 to 12 adults)<br>Adult care home (13+ adults)<br>Boarding house | All uses                                       | 2 per unit + 1 per 4 bedrooms                                    |                          |

| <b>* = Group of Uses (§2.3)</b>                                      |   |  |
|--|---|--|
| Child care home (3 to 8 children)<br>Child care center (9+ children) | All uses                                    | 1 per employee   |
| College  | --  | 6 per classroom + 1 per 300 sq. ft. Of office area + 1 per 5 seats in any auditorium or similar facility   |
| Civic club   | --  | 1 per 500 sq. ft. Of GFA   |
| Family care home   |   | 2 per unit + 1 visitor space   |
| Hospital   | --  | 1 per 2 beds   |
| Museum, library  | --  | 1 per 200 sq. ft. Of GFA   |
| Nursing home   | --  | 1 per 5 beds   |
| Park, open area *  | All uses                                    | As determined by Director  |
| Place of worship   | --  | 1 per 3 seats in largest assembly room   |
| Public safety facility   | --  | As determined by Director  |
| School, elementary and secondary                                     | Elementary/<br>Junior High<br>High School   | 1 per classroom + 1 per 300 sq. ft. Of office area<br>6 per classroom + 1 per 300 sq. ft. Of office area + 1 per 5 seats in any auditorium or similar facility |
| Technical, trade or business school                                  | --  | 6 per classroom + 1 per 300 sq. ft. Of office area + 1 per 5 seats in any auditorium or similar facility   |
| Utility, Minor *   | All uses                                    | 1 per 1,000 sq. ft. Of GFA   |
| Utility, Major *   | All uses                                    | 1 per 1,000 sq. ft. Of GFA   |
| Wireless facility and tower  | --  | As determined by Director  |
| <b>Commercial Uses</b>   |   |  |
| Adult establishment  | --  | 1 per 100 sq. ft. Of seating area  |
| Agriculture (involving livestock) *                                  | All uses                                    | As determined by Director  |
| Agriculture (sales and processing) *                                 | All uses                                    | As determined by Director  |
| Amusement center, indoor   | Bowling Alley<br>All other uses             | 3 per lane<br>1 per 250 sq. ft. Of GFA   |
| Artist studio, gallery   | --  | 1 per 400 sq. ft. Of GFA   |
| Bed & Breakfast  | --  | 1 per unit + 1 per guest room  |
| Cemetery   | --  | As determined by Director  |
| Club, private  | --  | 1 per 500 sq. ft. Of GFA   |
| Contractor's office  | --  | 1 per 1,000 sq. ft. Of GFA   |
| Funeral home   | --  | 1 per 3 seats in largest assembly room   |
| Gas station with convenience retail                                  | --  | 1 per 350 sq. ft. Of GFA   |
| Hotel, motel   | --  | 1 per guest room + 1 per 200 sq. ft. Of conference/banquet/restaurant area   |
| Kennel   | --  | 1 per 250 sq. ft. Of GFA of office area  |
| Manufacturing, Limited *   | All uses                                    | 1 per 1,000 sq. ft. Of GFA   |
| Marina   |   | 1 per 250 sq. ft. Of GFA   |
| Newspaper publisher  | All uses                                    | 1 per 1,000 sq. ft. Of GFA   |
| Office, General *  | Bank<br>All other uses                      | 1 per 250 sq. ft. Of GFA<br>1 per 400 sq. ft. Of GFA   |
| Office, Medical *  | All uses                                    | 1 per 300 sq. ft. Of GFA   |
| Outdoor recreation (commercial) *                                    | Campground<br>Golf course<br>All other uses | 1 per campsite<br>2 per hole + 1 per 200 GFA<br>As determined by Director  |
| Radio or television studio   | --  | 1 per 300 sq. ft. Of GFA   |
| Recreational club, private   | --  | 1 per 500 sq. ft. Of GFA   |
| Restaurant   | --  | 1 per 100 sq. ft. Of GFA   |
| Retail, Neighborhood *   | All uses                                    | 1 per 500 sq. ft. Of GFA   |
| Retail, General *  | All uses                                    | 1 per 300 sq. ft. Of GFA   |
| Self-storage facility  | --  | Minimum 5 + 1 per 100 storage units  |
| Service, Neighborhood *  | All uses                                    | 1 per 300 sq. ft. Of GFA   |
| Service, General *   | All uses                                    | 1 per 200 sq. ft. Of GFA   |
| Storage, private   |   | As determined by Director  |

## Off-Road Parking Requirements

|                                  |                            |  | * = Group of Uses (§2.3) |
|----------------------------------|----------------------------|--|--------------------------|
| Vehicle repair *                 | All uses                   | 3 per service bay  |                          |
| Vehicle sales *                  | All uses                   | 1 per 500 sq. ft. Of GFA   |                          |
| Vehicle service *                | Car wash<br>All other uses | 1 per wash bay<br>2 per bay  |                          |
| Veterinarian, animal hospital    | --                         | 1 per 250 sq. ft. Of GFA   |                          |
| Warehouse and freight movement * | All uses                   | 1 per 1,000 sq. ft. Of GFA   |                          |
| <b>Industrial Uses</b>           |                            |  |                          |
| Crematorium                      | --                         | 1 per 3 seats in largest assembly room   |                          |
| Manufacturing                    | All uses                   | 1 per employee on shift of greatest employment   |                          |
| Research and development *       | All uses                   | 1 per 1,000 sq. ft. Of GFA   |                          |
| Transportation and warehousing   |                            | 1 per employee on shift of greatest employment in addition to spaces used for vehicles in operation  |                          |
| Wholesale trade                  |                            | 1 per employee on shift of greatest employment plus 1 per 500 sq. ft. of office space plus 1 per 500 sq. ft. devoted to on-premise sales such as showrooms and sales counter |                          |
| Waste service *                  | All uses                   | 1 per 5,000 sq. ft. Of GFA + 1 per 5,000 sq. ft. Of outside storage area   |                          |

**2. Guest Parking**

In addition to parking required above, additional off-road parking equal to ten percent of the otherwise required parking shall be provided for guests in all multi-family and townhouse developments. Such parking shall be grouped, identified, and located within reasonable distances of the dwellings served.

**3. Maximum**

- (a) No use with more than 40 spaces shall provide more than 110 percent of the required parking shown in the table above unless any parking above the 110 percent threshold is pervious or is provided through use of structured parking.
- (b) Where a project is intended to be developed in phases, the Board of Commissioners may approve development of a parking area intended to serve current and future development.

**4. Modifications**

The Director may reduce the required number of spaces by up to five percent for reasons of topography, mixes of uses, ride sharing programs, availability of transit, or other conditions specific to the site, provided the reduction in the required number of parking spaces satisfies the intent of this UDO.

**C. Design Standards****1. Dimensions**

- (a) Parking space sizes shall be governed by the following dimensions:

| Space Type    | Parking Space Dimensions (Feet) |
|---------------|---------------------------------|
| Parallel      | 20 x 9                          |
| Angle         | 19 x 9                          |
| Ninety-degree | 19 x 9                          |

- (b) Minimum aisle widths shall be as follows:

| Parking Angle (degrees) | One-Way Traffic (feet) | Two-Way Traffic (feet) |
|-------------------------|------------------------|------------------------|
|-------------------------|------------------------|------------------------|

|       |    |                     |
|-------|----|---------------------|
| 0-15  | 12 | 24 (0 degrees only) |
| 16-37 | 11 | --                  |
| 38-57 | 13 | --                  |
| 58-74 | 18 | --                  |
| 75-90 | 24 | 24                  |

(c) The maximum grade permitted for any required parking shall not exceed five percent.

(d) Parking spaces using geometric standards other than those specified above may be

approved if developed and sealed by a licensed professional engineer in the State of North Carolina with expertise in parking facility design subject to a determination by the Director, that the proposed facility will satisfy off-road parking requirements as adequately as would a facility using those specified above.

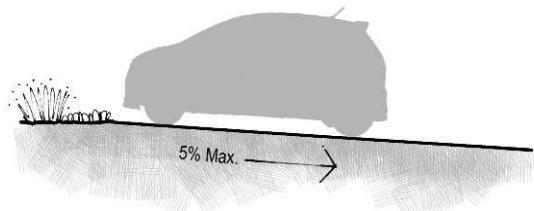


Figure 51. Dimensions (Maximum Grade)

## 2. Surfacing

### (a) Surfacing Required

Except as provided below, where off-road facilities are provided for parking or any other vehicular use area, they shall be surfaced with asphalt bituminous, concrete or other dustless material with similar characteristics approved by the Director and shall be maintained in a smooth, well-graded condition.

### (b) Reserved

### (c) Grass Lawn Parking

(1) Grass lawn or other pervious parking surfaces may be permitted for specific uses as set forth below, provided they are approved by the Director. Where provided, such alternative parking surfaces shall be maintained in a smooth, well-graded condition. If parking demand is such that the grass or lawn is caused to be damaged or destroyed to the extent that it ceases to grow, then paving of such an area in accordance with this section may be required provided the requirements of subsection (b), above, are fully satisfied.

(2) All driveways, access aisles and parking spaces (excluding handicapped) may be surfaced with grass lawn for the following:

- (i) Uses which require parking on an average of less than five days during a month;
- (ii) Schools and churches; and
- (iii) Parks, playgrounds, football and baseball stadiums, fairgrounds, and other similar outdoor recreation areas.

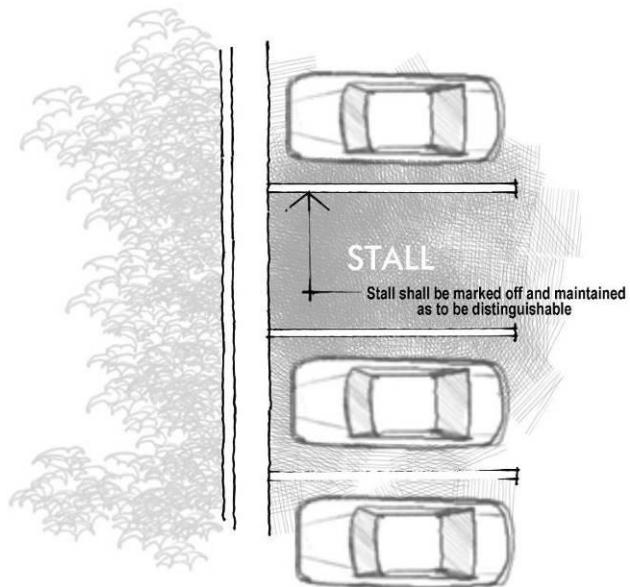
## 3. Landscaping

Off-road parking areas shall be landscaped in accordance with the requirements of §3.4.10.

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Off-Road Parking Requirements**4. Markings**

Each parking stall shall be marked off and maintained so as to be distinguishable.



**Figure 52. Markings (Parking Lot)**

**5. Lighting**

Where off-road facilities are provided for parking or any other vehicular use area adequate outdoor lighting shall be provided. Lighting shall be so arranged as to direct the light and glare away from roads and adjacent property (see §3.11, Outdoor Lighting).

**6. Pedestrianways**

Safe pedestrianways shall provide direct linkages between key anchors/on- and off-site destinations, which are well lighted and:

- (a)** Minimize pedestrian-vehicular conflicts by giving priority to the pedestrian through the design of pathways, crosswalks, etc.; and

**(b)** Utilize landscaping to shade walkways and create a pedestrian scale.

## 7. Yards

**(a)** All parking lots shall observe a minimum front yard of not less than five feet, and a side yard on a corner lot of not less than five feet.

**(b)** Parking lots in residential districts shall have front yards of not less than 15 feet and side and rear yards of not less than five feet.

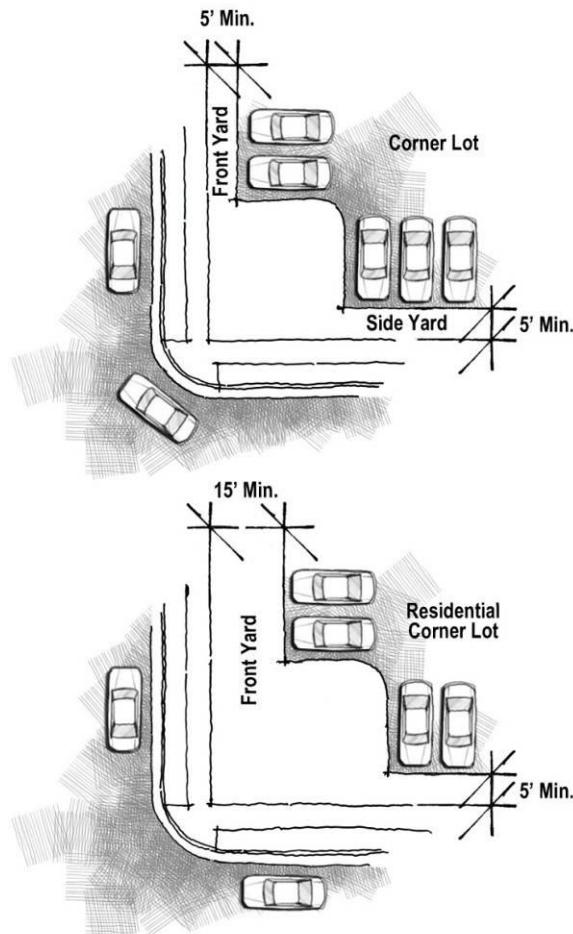


Figure 53. Parking Setbacks

## Off-Road Parking Requirements

## 8. Wheel-stops

- (a) All landscaping in or adjacent to a vehicular use area shall be protected from vehicular damage by a raised concrete wheel-stop or equivalent barrier; however, the barrier need not be continuous.
- (b) Landscaped areas adjacent to parking areas shall be landscaped so that no plant material greater than 12 inches in height will be located within two feet of the curb or other protective barrier.

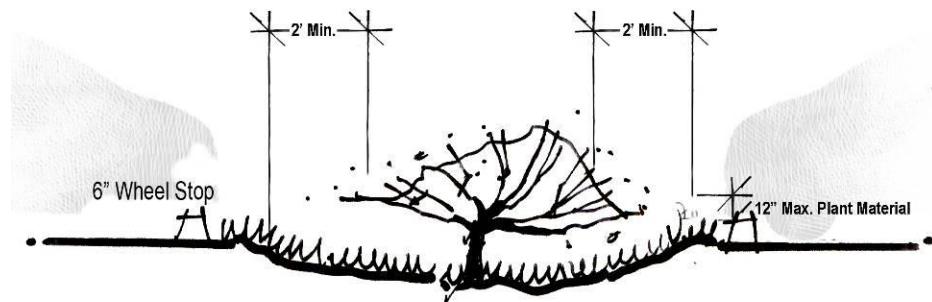


Figure 54. Wheel Stops, Alternative 1

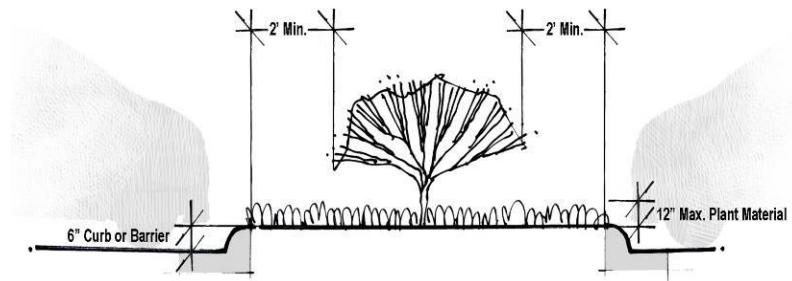


Figure 55. Wheel Stops, Alternative 2

## 9. Separation from Walkways and Roads

In the event any parking area abuts a walkway, sidewalk, or road, the parking area shall be separated by curbing, wheel stop or other protective device with a minimum distance of 3½ feet between the protective device and the edge of the walkway.

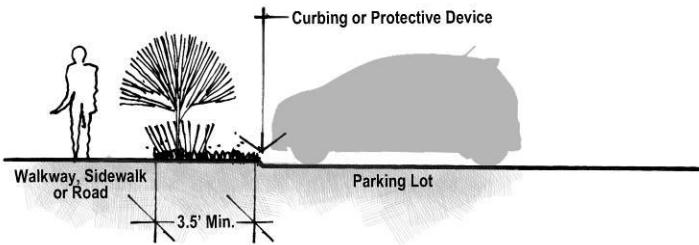


Figure 56. Separation from Walkways and Roadways

## 10. Drainage

Parking lots shall not drain onto or across public sidewalks or into adjacent property, except into a natural watercourse or a drainage easement. In already developed areas where this condition would be impossible to meet, the Director may exempt the applicant from this requirement, provided that adequate provision is made for drainage.



Figure 57. Drainage

## 11. Entrances and Exits

On all lots, all vehicular openings shall be designed and located according to the standards directed by the NCDOT Driveway Manual and as approved by NCDOT driveway permit requirements.

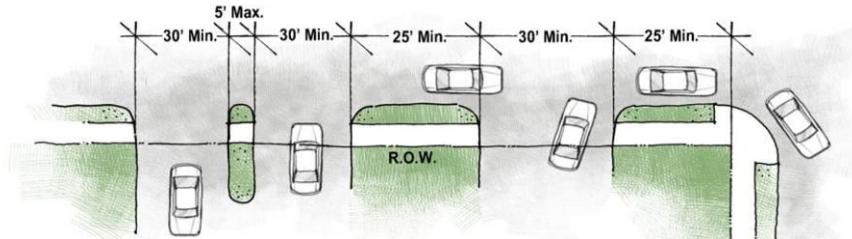


Figure 58. Entrances and Exits

## D. Alternative Parking Plans

### 1. General

The Board of Commissioners may modify the parking requirements of this section (beyond that permitted by §3.6.3.B.4, Modifications) where applicant submitted parking data, prepared and sealed by a licensed professional engineer registered in the State of North Carolina with transportation expertise, illustrates that the standards of this section do not accurately apply to a specific development. The data submitted for an alternative parking plan shall include, at a minimum, the size and type of the proposed development, the mix of uses, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads of all uses.

### 2. On-Road Parking

The Director may approve on-road parking spaces, which are located immediately abutting the subject parcel, provided such parking spaces are entirely within the extension of the side lot lines into the roadway, and not within any required clear sight triangle. Such spaces may be counted toward meeting off-road parking requirements.

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Off-Road Parking Requirements**3. Off-Site Parking**

The Director may approve the location of required off-road parking spaces on a separate lot from the lot on which the principal use is located if the off-site parking complies with all of the following standards:

**(a) Ineligible Activities**

Off-site parking may not be used to satisfy the off-road parking requirements for residential uses (except for guest parking), as well as convenience stores or other convenience-oriented uses. Required parking spaces reserved for persons with disabilities may not be located off-site.

**(b) Location**

Off-site parking spaces shall be located within 750 feet from the primary entrance of the use served unless shuttle bus service is provided to the remote parking area. Off-site parking may not be separated from the use that it serves by a road right-of-way with a width of more than 80 feet unless a grade-separated pedestrian walkway is provided, or other traffic control or shuttle bus service is provided to the off-site parking area.

**(c) Zoning Classification**

Off-site parking areas serving uses located in nonresidential districts shall be located in nonresidential districts. Off-site parking areas serving uses located in residential districts may be located in residential or nonresidential districts.

**(d) Agreement**

- (1) In the event that an off-site parking area is not under the same ownership as the principal use served, a written agreement between the record owners shall be required.
- (2) The owner of the off-site parking area shall enter into a written agreement with the County, with enforcement running to the County, providing that the land comprising the parking area shall never be disposed of except in conjunction with the sale of the building which the parking area serves so long as the facilities are required; and that the owner agrees to bear the expense of recording the agreement and such agreement shall bind his or her heirs, successors, and assigns.
- (3) An off-site parking agreement may be rescinded only if all required off-road parking spaces will be provided in accordance with this section.

**4. Shared Parking**

The Director may allow shared parking facilities if the shared parking complies with all of the following standards:

**(a) Ineligible Activities**

Shared parking may not be used to satisfy the off-road parking standards for upper-story residential uses. Required parking spaces reserved for persons with disabilities may not be located off-site.

**(b) Location**

Shared parking spaces shall be located within 750 feet of the primary entrance of all uses served, unless shuttle bus service is provided to the parking area.

**(c) Zoning Classification**

Shared parking areas serving uses located in nonresidential districts shall be located in nonresidential districts. Shared parking areas serving uses located in residential districts may be located in residential or nonresidential districts. Shared parking areas shall require the same or a more intensive zoning classification than that required for the most intensive of the uses served by the shared parking area.

**(d) Shared Parking Study**

Applicants wishing to use shared parking as a means of satisfying off-road parking requirements shall submit a shared parking analysis to the Director that clearly demonstrates the feasibility of shared parking. The study shall be provided in a form established by the Director and made available to the public. It shall address, at minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing off-road parking spaces.

**(e) Agreement**

- (1)** A shared parking plan will be enforced through written agreement among all owners of record. An attested copy of the agreement between the owners of record shall be submitted to the Director on forms made available by the Director.
- (2)** A shared parking agreement may be rescinded only if all required off-road parking spaces will be provided in accordance with this section.

**5. Valet Parking**

The Director may approve valet parking as a means of satisfying otherwise applicable off-road parking requirements where all of the following standards have been met:

- (a)** Adequate assurance of the continued operation of the valet parking is provided, such as a contractual agreement for valet services or the tenant's affidavit agreeing to provide such services;
- (b)** An equivalent number of valet spaces are available to replace the required parking spaces. Such valet spaces do not require individual striping and may take into account the tandem or mass parking of vehicles;
- (c)** All valet parking areas visible from the public road shall meet the requirements of §3.4.6.B.2;
- (d)** Valet parking drop-off locations shall meet the requirements of §3.6.4, Vehicle Stacking Areas; and

## Off-Road Stacking Requirements

**(e)** The design of the valet parking shall not cause customers who do not use the valet service to park off-premise or cause queuing in the right-of-way.

## 6. Recording of Approved Plans

An attested copy of an approved alternative parking plan shall be recorded in the deed records for Lincoln County on forms made available by the Director. An alternative parking plan may be amended by following the same procedure required for the original approval. The applicant shall provide proof of recording prior to approval of the certificate of occupancy.

## 7. Violations

Violations of an approved Alternative Parking Plan constitute a violation of this UDO and will be subject to the enforcement and penalty provisions of Article 11, Enforcement.

# PART 2. OFF-ROAD STACKING

## §3.6.4. Off-Road Stacking Requirements

The following vehicle stacking standards shall apply unless otherwise expressly approved by the Director. The Director may require additional stacking spaces where trip generation rates suggest that additional spaces will be needed.

### A. Minimum Number of Spaces

Off-road stacking spaces shall be provided as follows:

| Uses                                 | Minimum Spaces | Measured From               |
|--------------------------------------|----------------|-----------------------------|
| Automated teller machine             | 3              | Machine                     |
| Bank teller lane                     | 4              | Teller or window            |
| Car lubrication stall                | 2              | Entrance to stall           |
| Car wash stall, automated            | 4              | Entrance to wash bay        |
| Car wash stall, hand-operated        | 3              | Entrance to wash bay        |
| Child care drop off                  | 3              | Passenger loading area      |
| Gasoline pump island                 | 2              | Pump island                 |
| Parking area, controlled entrance    | 4              | Key code box                |
| Restaurant drive-thru                | 6              | Order box                   |
| Restaurant drive-thru                | 4              | Order box to pick-up window |
| Valet parking                        | 3              | Valet stand                 |
| School drop-off (Public and Private) |                | Determined by Director      |
| Other                                |                | Determined by Director      |

**B. Design and Layout**

Required stacking spaces are subject to the following design and layout standards:

**1. Dimensions**

Stacking spaces shall be a minimum of nine feet by 19 feet in size.

**2. Location**

Stacking spaces shall not impede on- or off-site traffic movements or movements into or out of off-road parking spaces.

**3. Design**

Stacking spaces shall be separated from other internal driveways by raised medians if deemed necessary by the Director for traffic movement and safety.

**PART 3. OFF-ROAD LOADING****§3.6.5. Off-Road Loading Requirements****A. Loading Facilities Required**

1. As determined by the Director, off-road loading facilities shall be required for uses that regularly handle large quantities of goods. Loading facilities shall be of sufficient quantity to adequately serve the proposed use.
2. Any vehicle sales or rental facility or similar use requiring delivery of vehicles by truck shall demonstrate adequate on-site area exists for the loading and unloading of such trucks.
3. Any convenience store or similar use requiring deliveries by truck shall demonstrate adequate on-site area exists for the loading and unloading of such trucks.

**B. Design and Layout**

1. Loading and unloading activity shall not be permitted in any public right-of-way. In no case shall loading and unloading activity encroach on or interfere with the public use of roads, sidewalks, and lanes by automotive vehicles or pedestrians. Adequate space shall be made available for the unloading and loading of goods, materials, items or stock for delivery and shipping.
2. Where off-road loading facilities are provided, they shall be not less than 15 feet in width by 40 feet in length, with not less than 15 feet of vertical clearance.

**C. Screening**

All loading areas shall be screened in accordance with §3.4.8.

**§3.7. Fire Hydrants**

Fire hydrants shall be required in accordance with the requirements of the Lincoln County Fire Prevention and Protection Ordinance (LCFP&PO). When fire hydrants are installed they must meet the following standards.

- A. All hydrants must be American Water Works Association approved.

## Off-Road Loading Requirements

B. Maximum distance between fire hydrants shall be 500 feet, or as specified by the Fire Marshall.

C. No fire hydrant may be installed on less than a 6-inch main.

D. Hydrants must have two 2½-inch and one 4½-inch connection with threads of the type used by the Fire Marshall or other agency serving the area where installed.

E. When fire hydrants are installed or scheduled for painting maintenance they must be painted and marked according to National Fire Protection Association (NFPA) standards, 1983 edition of NFPA 291 recommended practices, as revised; except that:

1. All hydrants not usable for direct connection to a fire truck and on any hydropneumatic tank system must be identified in accordance with the LCFP&PO; and
2. A government entity which is in the process of implementing a painting maintenance program which differs from the NFPA recommended color scheme may complete that prescribed painting program.

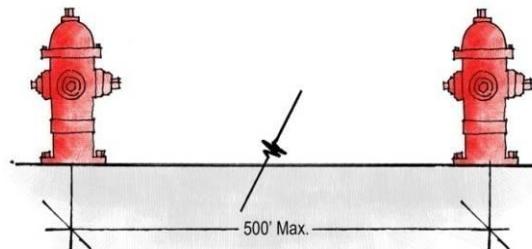


Figure 59. Fire Hydrants

## §3.8. Stormwater Drainage and Erosion Control

A. The developer must provide for adequate drainage of all surface water using the existing natural surface drainage system in accordance with the standards of North Carolina Division of Land Quality and the North Carolina Department of Transportation, as reflected in Handbook for the Design of Highway Surface Drainage Structures, 1975, as amended or revised. The design of such system shall be subject to the approval of the Director of the Lincoln County Natural Resources Department.

B. 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. Runoff rates shall be calculated using the procedures in the USDA, Soil Conservation Service's "National Engineering Field Manual for Conservation Practices," or other calculation procedures acceptable to the Director of the Lincoln County Natural Resources Department.

C. All use activities and facilities shall comply with the requirements of the Lincoln County Erosion and Sedimentation Control Ordinance.

D. Low impact development (LID) practices are strongly encouraged and shall be used where possible.

1. The surface drainage system shall be designed to complement surface drainage systems of surrounding properties.
2. Points of interception of runoff must be frequent enough to avoid heavy concentrations in any one system and to eliminate or minimize any flooding.

3. Points of discharge must be within the site unless otherwise approved by the Director of the Lincoln County Natural Resources Department and adjoining owners.
- E. Drainage plans and improvements shall include best management practices and controls for erosion and sediment control during construction.
- F. Additional requirements apply in the –LCCO district (See §2.5.5).

## §3.9. Signs

### §3.9.1. Purpose and Intent

Signs are herein regulated in the interest of promoting traffic safety, safeguarding the public health, facilitating police and fire protection, preventing adverse community appearance and over-crowding of the land, and protecting the character of the area in which they are located. This section is intended to prevent their over-concentration, improper placement, and excessive height, bulk, and area, in order to maximize sign legibility and effectiveness, while at the same time preserving community scenic, economic, and aesthetic values.

### §3.9.2. Elements of a Common Signage Plan

An application for a common signage plan shall be filed with the Director by utilizing the same form used for other sign permits. In addition, the applicant shall indicate the standards of consistency of all signs on the subject property with regard to:

- A. (Reserved)
- B. Letter/graphics style;
- C. Location of each sign;
- D. Materials used in sign construction shall be the same or substantially similar to the design and color(s) of the primary building;
- E. Maximum dimensions and proportion;
- F. Limitation in number of free standing signs to one per road frontage; and
- G. Other restrictions imposed by the applicant.

### §3.9.3. Sign Types

#### A. On-Premises Signs

A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other activity that is conducted, sold, or offered at the location on which the sign is located.

##### 1. Wall/Fascia Sign

An on-premises sign attached flat to or mounted away from but parallel to the building wall, projecting no more than 12 inches from the building wall.

##### 2. Projecting Sign

An on-premises sign fastened directly to a supporting building wall, and intersecting the building wall at a right angle.

##### 3. Free Standing Sign

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Sign Types

An on-premises sign that is not directly attached to, erected on, or supported by a building or other structure having a principal function other than the support of such sign, but is instead attached to, erected on, or supported by some structure such as a pole, frame, or other structure that is not itself a part of the building.

**(a) Ground Sign**

A free standing sign attached to the ground with a clearance of less than eight inches and not exceeding 48 inches in height.

**(b) Monument Sign**

A free standing sign no more than eight feet in height and having a ratio of less than four to one sign width to narrowest width of support structure. Any sign constructed to the above referenced ratio of support structure to sign width, but in excess of 8 feet in height, shall be considered and regulated as a pole sign.

**(c) Pole Sign**

A free standing sign attached to the ground by one or more support structures having a ratio of greater than four to one sign width to narrowest width of support structure.

**4. Awning/Marquee/Canopy/Hanging Sign**

A sign which is attached flat to an awning, marquee, or canopy, or hanging from an awning, marquee or canopy.



Figure 60. Awning/Marquee/Canopy/Hanging Sign

**5. Window Sign**

An on-premise sign attached flat but parallel to the inside of a window, does not include wall/fascia signs.

**6. Easel**

An upright A-frame structure used for displaying promotional information to the public.

**7. Tract Identification Sign**

An on-premises sign intended to identify a subdivision, church, complex, civic club, fraternal organization, or community facility, but carrying no commercial message.

**B. Off-Premises Signs**

A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other activity that is conducted, sold, or offered at a location other than the premises on which the sign is located.

**1. Billboard**

A sign which describes or calls attention to products, activities, or services which are not customarily engaged in, produced, or sold on the premises upon which the sign is located. (This type of sign is prohibited in Lincoln County.)

**2. Directional Sign**

A sign which provides directions to a location where products, activities, attractions or services are available.

**C. Temporary Signs**

A sign that is used in connection with a circumstance, situation, or event that is designed, intended, or expected to take place or to be completed within a reasonably short or definite period of time after the erection of such a sign.

**1. Decorative Flags or Banners**

Signs mounted by the County to utility poles located within the public right-of-way displaying non-commercial information, specifically holiday decorations and seasonal banners.

**2. Promotional Banner**

An on-premises sign indicating special events such as grand openings, sales or similar non-permanent activity.

**D. Portable Signs**

A sign designed or intended to be readily relocated whether or not it is permanently attached to a building, structure or on the ground. Portable signs also include signs on wheels or on portable structures such as trailers, tent signs, easel signs, A-frame or T-shaped signs and normal advertising placed on motor vehicles which are not used regularly and are placed in such a manner as to attract attention.

**E. Historic Sign**

A sign that is 50 years or older, or a sign that is particularly unique in character, design, or history, or that is part of the historic character of a business or building.

**F. Roof Sign**

A sign that is attached to the roof of a building that projects above the apex of the roof to which it is attached. (This type of sign is not allowed in Lincoln County. See §3.9.7.)

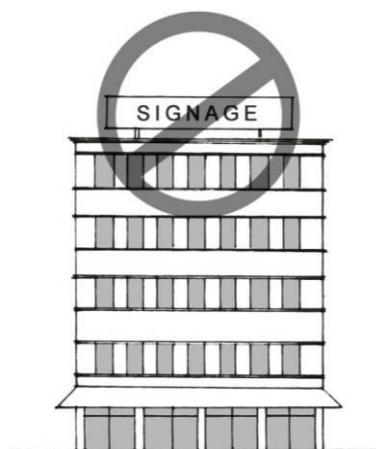


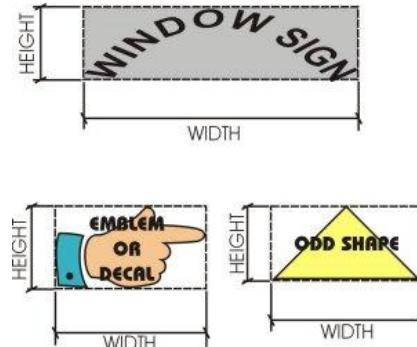
Figure 61. Roof Sign

## General Sign Regulations

**§3.9.4. General Sign Regulations****A. Computation of Sign Area**

Except where specifically addressed, the area of all signs shall be computed as follows:

1. The area of a wall sign which consists of individual letters that are erected directly onto a wall is measured by finding the area of the minimum imaginary rectangle or square which fully encloses all sign words, copy, or message.
2. The area of a sign with three or more sides shall be computed as the sum of the area of each side designed either to attract attention or communicate information.
3. The area of any other sign is measured by finding the area of the minimum imaginary rectangle or square which fully encloses all extremities of one side of the sign, exclusive of its supports.



**Figure 62. Computation of Sign Area**

**B. Construction Standards**

1. All signs shall comply with the appropriate provisions of the International Building Code, the National Electric Code, and this section.
2. Signs shall be located in such a way that they maintain sufficient horizontal and vertical clearance of all overhead electrical conductors in accordance with National Electric Code specifications, provided that no sign, except governmental signs, shall be installed closer than ten feet horizontally or vertically from any conductor or public utility guy wire.
3. In no way shall a sign hinder or obstruct the visibility of the right-of-way in accordance with the requirements of §3.5.12, either at intersections or points of ingress or egress from parking lots.

**§3.9.5. Specific Sign Regulations****A. On-Premises Signs**

When no freestanding sign other than a ground sign or monument sign is proposed, a ten percent increase in permitted sign area shall be allowed. Allowable wall signs shall be allowed in addition to the maximum signage area limitations of this subsection.

**1. Wall/Fascia Sign****(a) Size**

The maximum size of a wall/fascia sign shall not exceed the limits established in this section. Further, no more than ten percent of the area of any wall up to a maximum of 100 square feet may be devoted to signage, except as allowed below. The maximum size of such signs may be increased based on the distance of the sign from the front building line as follows:

| Distance of Principal Building from Front Building Line (Feet) | Total Allowed Sign Surface Area Increase (percent) |
|--|--|
| Less than 50   | 0  |
| 50 to 99   | 25   |
| 100 to 149   | 50   |
| 150 to 199   | 75   |
| 200 to 249   | 100  |
| 250 to 299   | 125  |
| 300 to 349   | 150  |
| 350 to 399   | 175  |
| 400 or more  | 200  |

**(b) Number**

Multiple signs may be allowed as long as the total amount of square footage does not exceed the maximum permitted.

**(c) Setback**

Setback requirements do not apply to wall/fascia signs.

**(d) Height**

No sign may extend above parapet walls or above roof lines of buildings without parapet walls.

**(e) Projection/Clearance**

No sign may project more than 12 inches from the building wall. All wall signs shall maintain a clear height of eight feet above the ground below, if it projects more than six inches from the building wall to which it is attached.

**(f) Construction**

All wall signs shall be fastened directly to the supporting wall.

**(g) Illumination**

- (1) Wall signs may be illuminated either internally or externally, provided that no sign located within 150 feet of a residential use or district, except in the B-N District, may be illuminated during the hours between 12AM (midnight) and 6AM.
- (2) Internally illuminated signs shall have a minimum 50 percent dark, opaque sign face or background and translucent letters and symbols. White or other night-bright colors are not permitted as background colors. Foreground colors shall not exceed 50 percent of the total sign area.

**(h) Location**

Wall signs may be located in all zoning districts so long as no illuminated sign is located in any residential district.

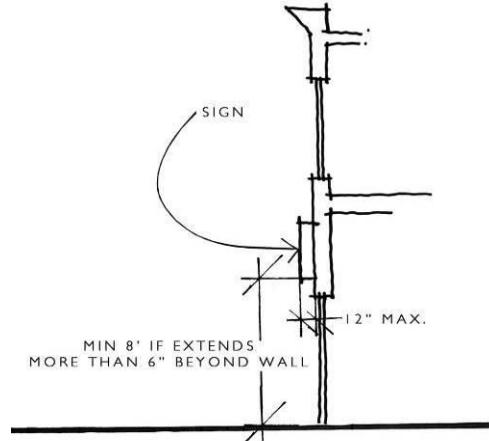


Figure 63. Wall/Fascia Sign

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Specific Sign Regulations**2. Projecting Signs****(a) Size**

The maximum area of any single side of a projecting sign shall be ten square feet, and such signs shall be limited to two sides.

**(b) Number**

Not more than one projecting sign shall be permitted for each business establishment.

**(c) Setback**

No projecting sign shall project closer than three feet to the curb line.

**(d) Height**

No sign shall extend above parapet walls or above roof lines of buildings without parapet walls. The bottom of the sign shall not be less than seven feet above the ground and the top of the sign shall not be higher than 15 feet above the ground.

**(e) Projection/Clearance**

No sign shall project more than four feet from the building wall or  $\frac{1}{2}$  the width of the sidewalk, whichever is less, provided that no sign shall project closer than three feet to the curb line. All projecting signs shall maintain a clear height of seven feet above the ground below.

**(f) Construction**

All projecting signs shall be fastened directly to the supporting building wall, with the supporting structure physically integrated into the sign. All projecting signs shall intersect the building wall at right angles.

**(g) Illumination**

- (1) All projecting signs may be illuminated either internally or externally, provided that no illuminated sign located within 150 feet of any residential use or district, except in the B-N district, may be illuminated during the hours between 12AM and 6AM. Lighting directed toward a sign shall be shielded so that it does not shine directly into a public right-of-way or residential building and does not interfere with the safe vision of motorists.
- (2) Internally illuminated signs shall have a minimum 50 percent dark, opaque sign face or background and translucent letters and symbols. White or other night-bright colors are not permitted as background colors. Foreground colors shall not exceed 50 percent of the total sign area.
- (3) Maximum illumination for signs shall be 250 incandescent watts or the equivalent initial lighting output.

**(h) Location**

Projecting signs are permitted only in nonresidential zoning districts.

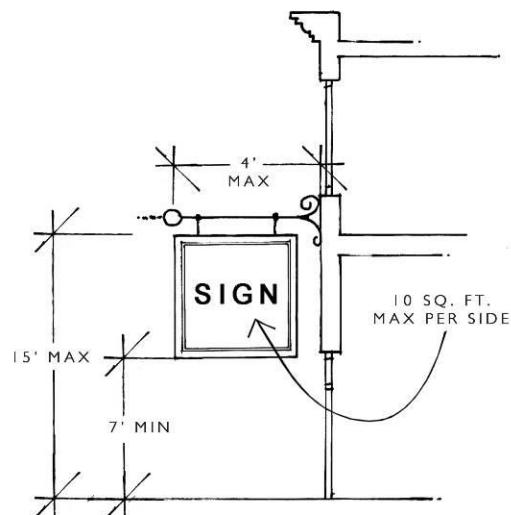


Figure 64. Projecting Sign

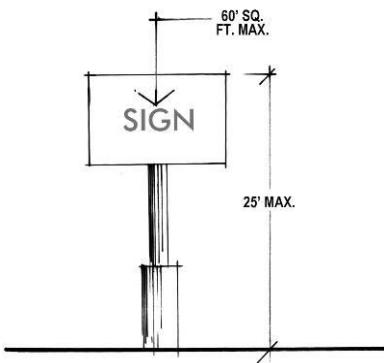
## Specific Sign Regulations

**3. Freestanding Signs (pole, monument, ground signs)**

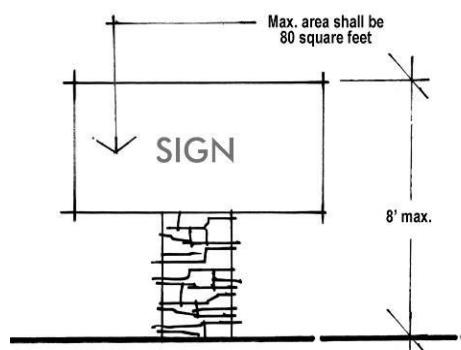
These signs are permitted as set forth herein.

**(a) Size****(1) Pole Sign**

The maximum surface area of a single side of a pole sign shall not exceed .125 square foot per linear foot of road frontage along the road toward which such sign is primarily oriented. Maximum height shall be no more than 25 feet, measured from the centerline of the road elevation to which the building is facing. Further, no pole sign may be larger than 60 square feet.

**Figure 65. Pole Sign****(2) Monument Sign**

The maximum surface area of a single side of a monument sign shall not exceed .20 square foot per linear foot of road frontage along the road toward which such sign is primarily oriented. Further, no monument sign may be larger than 80 square feet.

**Figure 66. Monument Sign**

**(3) Ground Sign**

The maximum surface area of a single side of a ground sign shall not exceed .25

square foot per linear foot of road frontage along the road toward which such sign is primarily oriented.

Further, no ground sign may be larger than 100 square feet.

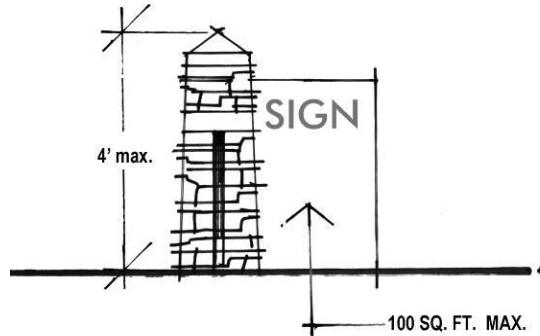


Figure 67. Ground Sign

**(b) Number**

- (1)** One freestanding sign shall be allowed on any lot, subject to the criteria herein, provided a pole sign shall only be allowed on a lot which contains 100 feet or more of frontage on the road to which such sign is to be oriented.
- (2)** If a common signage plan is approved by the Director, two freestanding signs may be allowed on a lot or development having a minimum frontage of 300 feet on each of two adjacent roads, or more than 600 lineal feet of frontage on a single road, but only one may be a pole sign.
- (3)** When a lot or development subject to the terms of an approved common signage plan contains more than 1,500 linear feet of frontage on a single road, or has frontage of 300 feet or more on each of three adjacent roads, a maximum of three freestanding signs may be allowed, but there shall be only one pole sign permitted.
- (4)** When more than one freestanding sign is to be constructed, the total permitted sign area of all signs shall not exceed the standard set forth in this section, and the total amount of freestanding sign area shall not exceed .25 square feet per linear foot of frontage on the adjacent road of greatest length.

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Specific Sign Regulations**(c) Setback**

No portion of any freestanding sign may extend over any public right-of-way, or be located within 15 feet of any interior side lot line.

**(d) Height**

No freestanding sign or any part thereof, including base or apron, supports, supporting structures and trim, may exceed 25 feet in height. Further, no monument sign may exceed eight feet in height and no ground sign may exceed four feet in height.

**(e) Projection/Clearance**

All pole signs shall maintain a clear height of eight feet above the ground.

**(f) Construction**

All freestanding signs shall be securely fastened to the ground so that there is virtually no danger that the sign may be moved by wind or other forces of nature and cause injury to persons or property. All signs shall be constructed with the same or substantially similar materials to the design and color(s) of the primary building.

**(g) Illumination**

(1) Freestanding signs may be illuminated either internally or externally, provided that no sign located within 150 feet of a residential use or district, except in the B-N district, may be not illuminated during the hours between 12AM and 6PM.

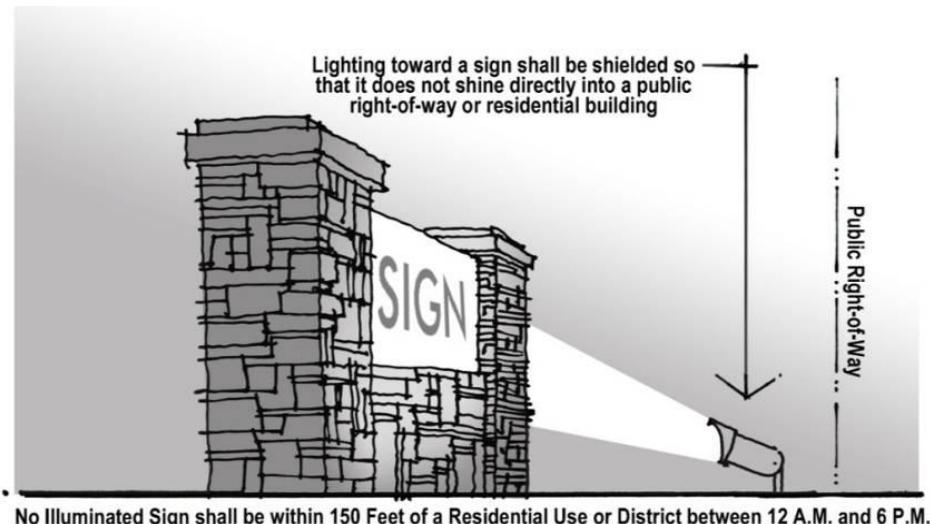


Figure 68. Illumination (Freestanding Signs)

- (2) Lighting directed toward a sign shall be shielded so that it does not shine directly into a public right-of-way or residential building and does not interfere with the safe vision of motorists.
- (3) Internally illuminated signs shall have a minimum 50 percent dark, opaque sign face or background and translucent letters and symbols. White or other night-bright colors are not permitted as background colors. Foreground colors shall not exceed 50 percent of the total sign area.
- (4) Maximum illumination for signs shall be 250 incandescent watts or the equivalent initial lighting output.

**(h) Location**

Freestanding signs are permitted in nonresidential districts; however, pole signs are not permitted in the B-N District. Home occupation signs shall be permitted in residential districts in accordance with §4.6.5.E or §4.6.5.F, as applicable. The Board of Commissioners may approve a freestanding sign in accordance with the standards of this section as part of a special use permit in a residential district.

**(i) Landscaping**

Signs shall be placed in the landscaped or grassed areas of the site.

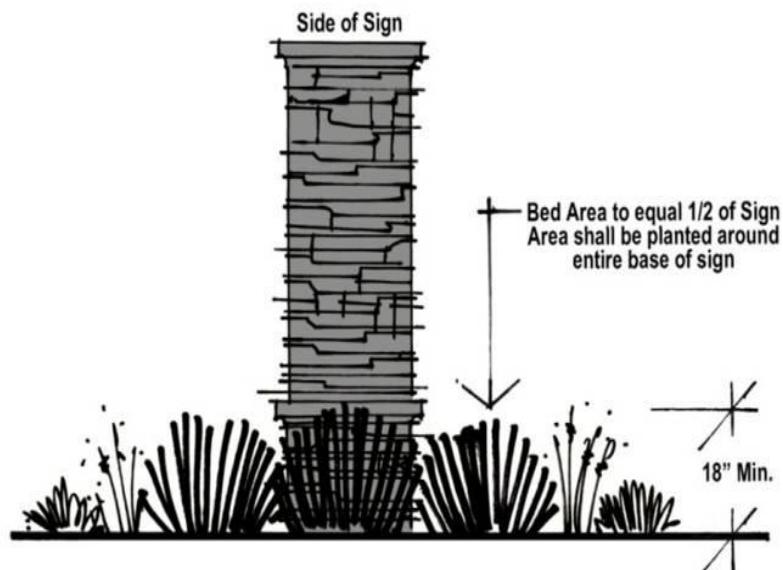


Figure 69. Landscaping

**4. (Reserved)**

**B. Off-Premises Signs****1. Billboards**

Billboards are prohibited.

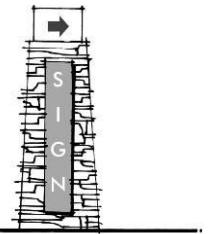
**2. Directional Signs**

Directional signs are permitted in any district provided that following conditions are met:

- (a) An individual or multi-use directional sign shall not block the view of any other sign or principal structure. Such signs shall not impair the vision of any motorist.
- (b) All directional signs shall neither be lighted nor luminous.
- (c) All directional signs shall be free-standing. Portable directional signs shall be prohibited.
- (d) All directional signs shall be located off the road right-of-way.
- (e) An individual directional sign may be supported by either one or two poles. Each said sign may have a maximum area of six square feet. Said signs shall have a maximum height of five feet, however, there shall be a minimum clearance of one foot between the bottom of the sign and the ground below it.
- (f) Multiple-use directional signs may be supported by either one or two poles. The maximum height of said sign shall be five feet; however, there shall be a minimum clearance of one foot between the bottom of the individual signs composing a multi-use directional sign and the ground below it. The aggregate height of the individual signs composing a multi-use directional shall not exceed four feet; the aggregate width of said signs shall not exceed eight feet. An individual sign on a multi-use directional sign shall have a maximum height of 16 inches and a maximum width of 48 inches. More than one use may be advertised on an individual sign. The individual signs composing a multi-use directional sign shall each be constructed of the same materials and be compatible in appearance to each other.
- (g) There may be a maximum of two individual directional signs located at a street intersection or one individual directional and one multi-use directional sign located at that street intersection. The shortest horizontal distance between any portions of any two directional signs shall be five feet.

**3. Other Off-Premises Signs**

All other types of off-premises signage are prohibited unless specifically addressed below.



**Figure 70. Directional Sign**

### C. Other Types of Signs

#### 1. Temporary Signs

The signs described in this section may be erected on a temporary basis. No sign shall be placed in a public right-of-way, nor attached to a pole or structure owned by a public utility company.

- (a) One on-premises construction project sign, not to exceed 20 square feet in size, may be erected in a residential district, and up to two on-premises construction project signs may be erected in a business, industrial, or office and institutional zone, so long as the sum of the areas of one face of these signs does not exceed 32 square feet. Construction signs shall not be erected prior to site plan or plat approval or the issuance of a building permit, and shall be removed within 15 days after final inspection and approval of the project.
- (b) Political signs are permitted in all zoning districts for a period not exceeding 60 days prior to official (final) voting day, and shall be removed within seven days of the closing of the polls. With the exception of election days, no political signs shall be placed on public property paid for by public funds or tax money. Signs shall not exceed 32 square feet in aggregate area per lot, and shall not exceed eight feet in height. No such sign shall be located within or over the public right-of-way. At the polls, any number of political signs may be erected. Such signs shall not be placed more than 24 hours preceding the opening of the polls, and shall be removed within 24 hours following the closing of the polls.
- (c) Signs indicating special events, such as a fair, carnival, festival, grand opening, sale, or similar non-permanent activity to be conducted within Lincoln County. Such sign shall not exceed 32 square feet in area and may be erected for a period not to exceed 30 days. Such signs shall be removed by the applicant within seven days after the event has taken place, and may be permitted only one time within a 12-month period.

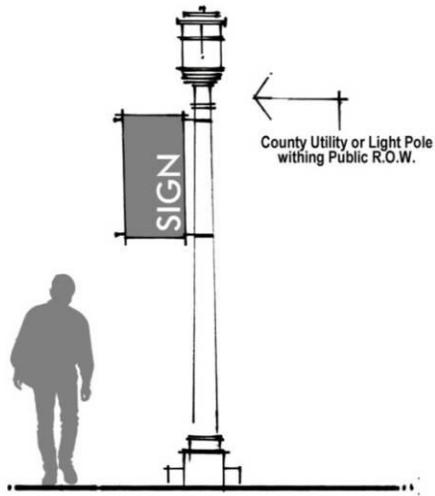


Figure 71. Temporary Signs

## Specific Sign Regulations

- (d) "Yard Sale" signs, located off-site from the property where such activity is to occur, shall be permitted outside of public rights-of-way. Such signs may not exceed four square feet in size. Signs shall not be erected more than seven consecutive days before the sale date and shall be removed within 48 hours of the sale date.
- (e) Church or nonprofit organizational direction signs may be located off-site; however, such signs may not exceed six square feet and no more than one sign per intersection shall be permitted. Such signs may be erected for a period of three consecutive days and must be removed by the applicant for a period of at least three days before placement in the same location is reestablished.

## 2. Tract Identification Signs

Up to two on-premises permanent subdivision, church, multi-family, civic club, fraternal organization, or community facility tract identification signs for each road frontage are permitted, but the sum of the areas of one face of these signs shall not exceed 40 square feet.

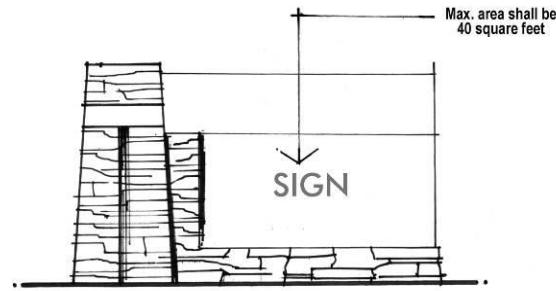


Figure 72. Tract Identification Sign

## 3. Product and Information Signs

On-premises product or information signs are permitted, so long as the sum of the areas of one face of these signs does not exceed 48 square feet, and the area of any single sign does not exceed 16 square feet in size.

## 4. Community Service Signs

A welcome sign, or a sign incorporating the insignias of more than one civic, governmental and/or nonprofit organization, may be permitted. Any such sign shall not exceed 100 square feet in area or 20 feet in height. Location within a public right-of-way may only be permitted with written approval of the State or County. Such sign may be on-premises or off-premises.

**§3.9.6. Exempt Signs**

The following signs shall not be subject to regulation hereunder:

- A.** Signs erected by or on behalf of or pursuant to the authorization of a governmental body.
- B.** Flags, pennants, or insignia of any governmental or nonprofit organization, when not displayed in connection with a commercial promotion or as an advertising device.
- C.** Signs directing and guiding traffic on private property that do not exceed four square feet in size each and that bear no advertising message.
- D.** Signs painted on or otherwise permanently attached to currently licensed, insured and operable motor vehicles that are not primarily used as signs.
- E.** Signs not exceeding four square feet in size that are customarily associated with residential use and that are not of a commercial nature, such as signs giving names of occupants, signs on mailboxes and paper tubes, and signs posted on private property relating to private parking or warning the public against trespassing or danger from animals.
- F.** "Yard Sale" signs located on-site and not exceeding four square feet in area not used in connection with any continuous commercial activity.
- G.** Signs containing the message that the real estate on which the sign is located is for sale, lease, or rent, together with information identifying the owner or agent, subject to the following requirements:
  - 1.** One on-site sign per street frontage not greater than 32 square feet in area may be located on the property being advertised. If the property so advertised lies on a corner lot or through lot, then a second sign may be permitted along the second street so long as the two signs are at least 100 feet apart as measured by the shortest straight line.
  - 2.** In addition, a maximum of three off-premise directional signs, each not exceeding four square feet in area, shall be permitted off the subject premises.
  - 3.** All of these signs shall be located off the street right-of-way.
  - 4.** The provisions regarding directional signs found in §3.9.5.B.2 shall not apply herein.
  - 5.** All such signs shall be removed within seven days after the property has been sold, rented, leased, etc.
  - 6.** No sign allowed under this subsection shall be lighted.
- H.** Temporary signs for a nonresidential use located in a nonresidential district, provided that:
  - 1.** Only one temporary sign shall be allowed per parcel of property; except in the case of a shopping center or other multi-tenant development, one sign per tenant shall be allowed.
  - 2.** No such sign shall exceed eight square feet in sign area and five feet in height.
  - 3.** No such sign shall be illuminated.

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Signs Prohibited

4. All such signs shall be located off the street right-of-way.
  - I. Displays, including lighting, erected in connection with the observance of holidays. Such signs shall be removed within ten days following the holiday.

**§3.9.7. Signs Prohibited**

The following signs are expressly prohibited within all zoning districts:

- A. Portable signs, including any signs painted on or displayed on vehicles or trailers usually parked in public places primarily for displays, except where provided for in paragraph §3.9.6 above. Additionally, any such prohibited sign designed to be portable shall not be permitted to be altered so as to be made permanent.
- B. Roof signs.
- C. Windblown signs, including banners, pennants, streamers, spinners, blimps, gas balloons, and no more than two flags, unless specifically provided for in paragraph §3.9.6 above.
- D. Any sign or device set into motion by mechanical, electrical, or other means.
- E. Any flashing sign or device displaying flashing or intermittent lights or lights of changing degrees or intensity, except a sign indicating time and/or temperature, with changes alternating on not less than a three-second cycle.
- F. Any sign which is a copy or imitation of an official sign, or which purports to have official status.
- G. Off-premises signs, unless specifically provided for in this section.
- H. Signs in rights-of-way pursuant to the requirements of NCGS 136-30 (a), NCGS 136-32 and NCGS 14-145.

**§3.9.8. Obsolete or Deteriorated Signs****A. Obsolete Signs**

1. Signs which identify business establishments no longer in existence, products no longer being sold, services no longer being rendered, or events which have already occurred shall be removed by the owner of the premises on which the sign is situated within 90 days of receipt of notification by the Director. In the case of sign structures designed to carry messages printed on non-permanent materials such as paper or cardboard, this provision applies only to the message, not the sign structure.
2. When a sign is determined to have particular historical or culturally significant value, such determination to be made by a majority vote of the Board of Commissioners, the terms of this section may be waived.

**B. Deteriorated Signs**

Any sign which, together with its supports, braces, anchors, and other structural elements, is not maintained in accordance with the provisions of the International Building Code, or which is otherwise determined to be unsound or unsafe, shall be removed or brought into compliance with all codes and ordinances within 30 days of notification by the Director.

**§3.9.9. Maintenance**

- A.** All signs shall be maintained in a state of good repair. The Director is authorized to inspect each sign periodically to determine that it meets the requirements set forth in this section. Whenever it shall appear to the Director that any sign has been structured or is being maintained in violation of this section, such sign shall be made to conform to all regulations herein, or shall be removed at the expense of the owner within ten days after written verification thereof by the Director.
- B.** Maintenance responsibilities including ensuring that signs are erected and maintained in a safe and attractive manner. The following maintenance requirements shall apply to all signs visible from any road right-of-way:
  - 1.** A sign shall have no more than 20 percent of its surface area covered with disfigured, cracked, ripped, or peeling paint, poster paper, or other material for a period of more than 30 successive days.
  - 2.** A sign shall not stand with bent or broken sign facing, with broken supports, with loose appendages or struts, or more than 15 percent from vertical for a period of no more than ten successive days.
  - 3.** A sign shall not have weeds, trees, vines, or other vegetation growing upon it, or obscuring the view of the sign from the road or right-of-way from which it is to be viewed, for a period of no more than 30 successive days.

## §3.10. Outdoor Storage and Display

### §3.10.1. Applicability

- A. Any merchandise, material or equipment stored outside of a fully-enclosed building shall be subject to the requirements of this section.
- B. Vehicles and housing for sale, lease or rent as part of a properly permitted use (including golf carts, motorcycles, and scooters, boats and manufactured housing) shall not be considered merchandise, material or equipment. (See §2.2.1)

### §3.10.2. Outdoor Display

- A. Outdoor display shall be defined as the outdoor display of products actively available for sale. The outdoor location of soft drink or similar vending machines shall not be considered outdoor display. Outdoor display shall not include merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers. Such merchandise shall be considered limited outdoor storage.
- B. Outdoor display shall be permitted in association with any nonresidential use following Board of Commissioners review of a major site plan in accordance with §9.7, Site Plan Review, illustrating the extent of the permitted area for outdoor display, provided it meets the standards below.

1. Outdoor display shall be permitted adjacent to the primary façade (façade with principal customer entrance) and shall extend no more than eight feet from such façade.
2. Outdoor display shall be located no closer than five feet from any public entrance.
3. Outdoor display shall occupy no more than 30 percent of the horizontal length of the façade.
4. Outdoor display shall not impair the ability of pedestrians to use the sidewalk or parking areas.

### §3.10.3. Outdoor Storage

#### A. General

Outdoor storage is more intensive than outdoor display. Materials stored in outdoor storage are not normally brought indoors overnight. Outdoor storage is broken in two categories as follows:

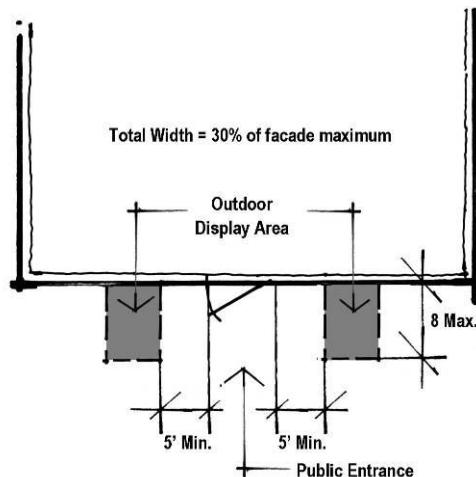


Figure 73. Outdoor Display

**B. Limited Outdoor Storage**

1. Limited outdoor storage shall be defined as the overnight outdoor storage of vehicles awaiting repair (includes the storage of vehicles at self-storage facility), merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers, shopping carts, garden supplies, building supplies, plants, fleet vehicles and other similar merchandise, material or equipment.
2. Limited outdoor storage shall only be permitted in the B-G, I-L and I-G districts following review of a site plan in accordance with §9.7, Site Plan Review, illustrating the extent of the permitted area for limited outdoor storage provided it meets the standards below.
3. Limited outdoor storage shall not be more than 12 feet in height and shall be fully screened from view from the public right-of-way, public parking areas, or adjacent residential development by a 100 percent opaque visual barrier or screen. Chain-link fencing with slats inserted may be considered acceptable for this screening, except where located abutting or across the road from a residential use or residentially-zoned property. Limited outdoor storage shall not be subject to the interior parking lot landscaping standards of §3.4.10.B.
4. All limited outdoor storage shall be located at least 15 feet from the public right-of-way and any abutting residential use or residentially-zoned district.
5. Limited outdoor storage shall be located in the rear yard.
6. Limited outdoor storage may be located to the side of a building, provided it is not located within the side yard.
7. Vehicles awaiting repair may be stored up to 14 days within the required screened storage area.

**C. General Outdoor Storage**

1. General outdoor storage shall be defined as salvage yards, vehicle storage yards, overnight outdoor storage of shipping containers, lumber, pipe, steel, junk and other similar merchandise, material or equipment.
2. General outdoor storage shall only be permitted in the I-L and I-G districts following review of a site plan in accordance with §9.7, Site Plan Review, illustrating the extent of the permitted area for general outdoor storage provided it meets the standards below.
3. General outdoor storage shall be screened by 100 percent opaque, eight foot high visual barrier or screen, except where located abutting or across the road from a residential use or residentially-zoned property such screening shall be high enough to completely conceal all outdoor storage from view. General outdoor storage shall not be subject to the interior parking lot landscaping standards of §3.4.10.B.
4. All general outdoor storage shall be located at least 15 feet from the public right-of-way and any abutting residential use or residential district.
5. No general outdoor storage shall be permitted in a road yard or otherwise forward of the front building line.
6. General outdoor storage may be located in the side or rear yard.

**Applicability****§3.11. Outdoor Lighting****§3.11.1. Applicability**

- A. Unless specifically exempt, all existing and proposed development for which site plan approval is required (see §9.7) shall meet the provisions of this section.
- B. Buildings and structures lawfully existing as of the effective date of this UDO, may be redeveloped, renovated or repaired without modifying outdoor lighting in conformance with this section, provided there is no increase in gross floor area in such building or structure or impervious area on the site.
- C. Where a building or structure existed as of the effective date of this UDO, and such building is enlarged in gross floor area or impervious area on the site by ten percent or 2,000 square feet, whichever is less, outdoor lighting as specified in this section shall be provided.

**§3.11.2. Prohibited Light Sources**

The following light fixtures and sources shall not be used within the County where the direct light emitted is visible from adjacent areas:

- A. Low-pressure sodium and mercury vapor light sources;
- B. Cobra-head-type fixtures having dished or drop lenses or refractors which house other than incandescent sources; and
- C. Searchlights and other high-intensity narrow-beam fixtures.

**§3.11.3. Design Requirements**

Outdoor lighting shall primarily be used to provide safety while secondarily accenting key architectural elements and to emphasize landscape features. Light fixtures shall be designed as an integral design element that complements the design of the project. This may be accomplished through style, material or color. All lighting fixtures designed or placed so as to illuminate any portion of a site shall meet the following requirements:

**A. Fixture (Luminarie)**

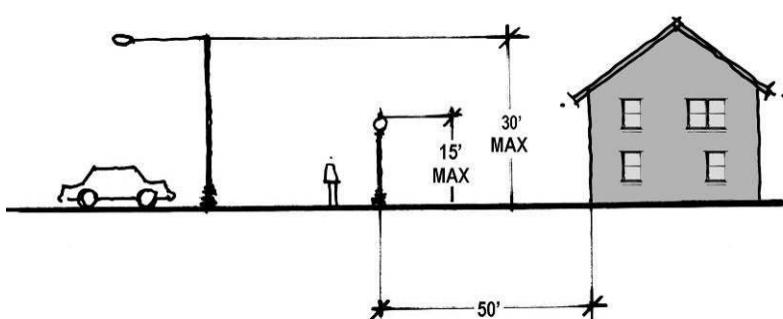
The light source shall be concealed and shall not be visible from any road right-of-way or adjacent properties. In order to direct light downward and minimize the amount of light spillage into the night sky and onto adjacent properties, all lighting fixtures shall be full cutoff fixtures.

**B. Fixture Height**

Lighting fixtures shall be a maximum of 30 feet in height within parking areas and shall be a

maximum of

15 feet in height within non-vehicular pedestrian areas. All light fixtures located within 50 feet of any



**Figure 74. Fixture Height (Light)**

residential use or residential property boundary shall not exceed 15 feet in height.

**C. Light Source (Lamp)**

Only incandescent, fluorescent, metal halide, or color corrected high-pressure sodium may be used. The same light source type shall be used for the same or similar types of lighting on any one site throughout any development.

**D. Mounting**

Fixtures shall be mounted in such a manner that the cone of light is contained on-site and does not cross any property line of the site. (See also subsection A, above)

**E. Limit Lighting to Periods of Activity**

The use of sensor technologies, timers or other means to activate lighting during times when it will be needed may be required by the Director to conserve energy, provide safety and promote compatibility between different land uses.

**§3.11.4. Specific Lighting Standards**

**A. Security Lighting**

1. Building-mounted security light fixtures such as wall packs shall not project above the fascia or roof line of the building and shall be shielded.
2. Security fixtures shall not face a residential property.
3. Security fixtures shall not be substituted for parking area or walkway lighting and shall be restricted to loading, storage, service and similar locations.

**B. Accent Lighting**

Only lighting used to accent architectural features, landscaping or art may be directed upward, provided that the fixture shall be located, aimed or shielded to minimize light spill into the night sky.

**C. Canopy Area Lighting**

All development that incorporates a canopy area over fuel sales, automated teller machines or similar installations shall use a recessed lens cover flush with the bottom surface of the canopy that provides a cutoff or shielded light distribution.

**D. Entrances and Exits in Nonresidential and Multi-family Development**

All entrances and exits to buildings used for nonresidential purposes and open to the general public, along with all entrances and exits in multi-family residential buildings containing more than four units, shall be adequately lighted to ensure the safety of persons and the security of the building.

**E. Commercial Parking Area Lighting**

All commercial parking areas shall be required to provide lighting during nighttime hours of operation.

**§3.11.5. Excessive Illumination**

- A. Lighting within any lot that unnecessarily illuminates and substantially interferes with the use or enjoyment of any other property shall be prohibited. Lighting unnecessarily illuminates another lot if it exceeds the requirements of this section.
- B. Lighting shall not be oriented so as to direct glare or excessive illumination onto roads in a manner that may distract or interfere with the vision of drivers.

## §3.12. Operational Performance Standards

### §3.12.1. Purpose

The operational performance standards of this section are intended to protect the health, safety and welfare of the citizens of the County by regulating potential nuisance features associated with certain land uses.

### §3.12.2. Applicability

The operational performance standards of this section shall apply to all uses, buildings and structures within the jurisdiction of the County and shall be a continuing obligation of such uses, buildings and structures, unless otherwise specifically indicated.

### §3.12.3. Exemptions

The following are exempt from the operational performance standards of this section:

- A. Temporary construction, excavation and grading associated with development for which applicable permits have been issued and with the installation of roads or utilities; and
- B. Demolition activities that are necessary and incidental to permitted development on the same lot, on several lots being developed at the same time or in public rights-of-way or easement.

### §3.12.4. Standards

Under this section, the following standards shall apply:

#### A. Noise

Sites shall be laid out and uses shall be operated to prevent noise from becoming a nuisance to adjacent single-family detached and two-family houses and residential districts.

#### B. Vibration

All uses shall be operated so that ground vibration is not perceptible outside the lot lines of the site on which the use is located.

#### C. Fire and Explosive Hazards

Underground storage tanks for flammable liquids and gasses shall be located at least 50 feet from the lot line of lots with residential zoning or that contain a single-family or duplex use. Aboveground tanks shall be set back from such lot lines in accordance with Fire Code requirements. The storage tank setback requirements of this section shall not apply to tanks that are necessary to single-family detached or two-family houses.

#### D. Electromagnetic Interference

No operations or activities shall be conducted that cause electrical disturbances to be transmitted across lot lines.

### §3.12.5. Compliance

Any use existing at the effective date of this UDO that does not comply with one or more of the operational performance standards of this section shall not be deemed a nonconforming use, solely for reason of noncompliance with this section.