CITY OF LEXINGTON

Land Use Ordinance

Adopted: 2010

Updated through 12.12.2016

City of Lexington Unified Development Ordinance

City Council adopted the City of Lexington Land Use Plan on January 12, 2004. The plan provides a vision for future development that accommodates physical and economic expansion, while protecting the community's valuable natural, cultural, and historical assets. As a tool for implementing the plan, this ordinance provides regulations that respect private property rights while encouraging the type of growth that maximizes the City's investment in infrastructure and protects key conservation areas. This ordinance calls for a detailed site analysis of proposed land development projects to make sure they are properly located and fit the natural landscape and existing surrounding uses. Detailed design regulations are provided to result in development of an inter-connected, pedestrian-friendly community with a good mixture of land uses, vibrant streetscapes, and open spaces.

To prevent the negative consequences of conventional development patterns, this ordinance goes beyond providing the minimum regulations necessary to facilitate safe and orderly growth, by advocating more traditional and sustainable planning and development practices that encourage the types and patterns of land development that will preserve and enhance what is best about the community. Through careful planning, future growth will be integrated into the fabric of the community to form coherent, functional neighborhoods and activity centers; to increase community security and identity; to enhance quality of life; and to encourage greater economic, aesthetic, and social benefits for all residents.

Adopted the 8TH day of November 2010 by the Lexington City Council.

Updated through December 12, 2016 Ordinance Numbers: 12-16, 12-34, 12-25, 12-35, 13-06, 13-25, 14-04, 14-05, 14-15, 14-17, 15-04, 15-24,16-01, 16-26, 16-33, 16-56 and 17-08.

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UPDATED DECEMBER 12, 2016

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SECTION 1. AUTHORITY AND APPLICABILITY

1.1 TITLE

This ordinance is officially titled "The Unified Development Ordinance of the City of Lexington, North Carolina" and contains the official map designating the zoning districts. This ordinance includes both zoning and subdivision regulations, and therefore the following terms and titles are appropriately used when referring to this ordinance: "Unified Development Ordinance", "Land Use Ordinance," "Subdivision Regulations," "Zoning Ordinance," and "Zoning Map." This ordinance will be kept on file at the City Clerk's Office and maintained in digital format by the Director of Community Development. The Land Use Plan (2004) is a separate document upon which this Land Use Ordinance is based.

1.2 PURPOSE AND INTENT

In accordance with North Carolina General Statutes (GS) 160A-383, the purpose of this Land Use Ordinance is to implement the goals and policies of the Land Use Plan. In addition, this ordinance establishes an orderly process for the design, review, approval, development, and use of land within the jurisdiction of the City of Lexington that is clear and equitable. It is the intent of this ordinance to ensure that development occurs in a manner consistent with the goals and policies outlined in the Land Use Plan, and is generally harmonious with surrounding properties without the endangerment of the health, safety, and general welfare of existing and future owners and users of surrounding properties, and the public.

1.3 AUTHORITY

Planning provisions enacted within this ordinance are authorized under GS 160A-381, extending to cities the authority to enact regulations that promote the health, safety, morals, or general welfare of the community. Under Section 160A-382 cities are also authorized to regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures, or land. This section further authorizes the establishment of overlay districts in which additional regulations may be imposed upon properties that lie within the boundary of the district. These statutes also require that all such regulations will be uniform for property throughout each district, but that the regulations in one district may differ from those in other districts.

Subdivision regulations enacted within this ordinance are authorized under GS 160A-372, providing for the coordination of the subdivision of land and the development of streets and public utilities. This section further authorizes the dedication or reservation of open space and recreation areas. It also authorizes the distribution of population and traffic in a manner that will avoid congestion and overcrowding.

The enumeration of sections of the North Carolina General Statutes is not intended to exclude any other section of the General Statutes which grants or confirms authority to municipalities to promulgate ordinances, rules or regulations similar or identical to those set forth in this ordinance. North Carolina General Statutes 160A-400.1 – 160A-400.14 authorizes communities to designate areas with historic significance as local historic overlay districts subject to the Zoning Ordinance.

1.4 Jurisdiction

These regulations govern the development and use of all land and structures within the corporate limits of the City of Lexington, North Carolina.

1.5 Relation to Other Ordinances

It is not intended that this ordinance repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, vested rights, ordinances or building permits previously adopted or issued pursuant to law and currently effective, except that this ordinance will replace the prevailing "Land Development Ordinance," which was adopted December 13, 2004 and Section 17.5 Pushcart Vendor Regulations of the City of Lexington Code of Ordinances.

1.6 Separability

Should any section or provision of this ordinance be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision will not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

1.7 Applicability

No building, structure, or land will be used or occupied, nor any building, structure, or part thereof be erected, constructed, reconstructed, moved, or structurally altered, nor any land be clear-cut, graded, developed, or built-upon, nor any changed use be established for any building, structure, or land, unless in conformity with the general provisions of this ordinance and the specific provisions for the district in which it is located, except as otherwise provided by these regulations.

1.8 Rules of Meaning and Interpretation

For the purposes of these regulations, the following rules apply:

(1) These regulations will be construed to achieve the purposes for which they are adopted. Interpretations will be guided by statements of intent and policies of the Land Use Plan.

(2) Uses that are not expressly permitted within this ordinance are prohibited. However, if a use is not expressly permitted, but is similar in all characteristics relative to the regulations of this ordinance to another use that is expressly permitted, the Director of Community Development may categorically declare the use as permitted and apply any necessary conditions to ensure the similarity, after making the following findings of fact:

   a. The proposed use is similar in all characteristics relative to the regulations of this ordinance to another use that is expressly permitted within the Zoning District for which is applied; and

   b. The proposed use will not materially endanger the public health, safety, or general welfare; and

   c. The proposed use will not impact adjoining properties to a higher degree than the reference use that was expressly permitted.

(3) Otherwise, the use shall be prohibited.

(4) Development that does not fall clearly into one of the building types or structures listed in Section 4, shall be categorically classified by the Director of Community Development for the purpose of design regulations.

(5) In the event of any conflict in standards applying to a project, the standard more consistent with the Lexington Land Use Plan will apply.

(6) The words "shall" and "will" are mandatory in nature, implying an obligation or duty to comply with the particular provision.

(7) The word "may" is permissive in nature except when used in the negative.

(8) The term "may be approved" is meant to defer authority to approve the specific issue or item to the applicable Board, Council, or City Official approving the development or use.

(9) References to "days" will always be construed to be calendar days, unless the context of the language clearly indicates otherwise.

1.9 Administrative Corrections and Changes

The Director of Community is authorized to make minor corrections and changes to this ordinance. Minor corrections include typographical errors, grammatical errors, incorrect section references, and updating name of events, organizations, street or roads, etc. In addition, any regulation that is in direct conflict with a separate regulation contained herein may be corrected by the Director of Community Development in a manner most consistent with the Lexington Land Use Plan and the statements of intent of this ordinance. Minor changes include changes in format not affecting content, insertion of illustrations to convey meaning, insertion and/or changes to quick reference tables and forms. Such corrections and/or changes shall not be considered as amendments to this ordinance. All corrections and changes will be reported to the City Manager and City Council through correspondence.

1.10 Effective Date

This ordinance is effective the 8th day of November, 2010.

Amendments thereafter:

Ordinance No. 12-16 – Boundaries for Special Events

Ordinance No. 12-25 – Flea Markets

Ordinance No. 12-34 – Off-premise Church Signs and Commercial Ground Signs

Ordinance No. 12-35 – Family Care Homes

Ordinance No. 13-06 – Electronic Gaming

Ordinance No. 13-25 – Number of Commercial Signs

Ordinance No. 14-04 – Food Trucks

Ordinance No. 14-05 – Local Historic Overlay District

Ordinance No. 14-15 – Parking/Signage/Fences/Doghouse

Ordinance No. 14-17 – Parking/Accessory Structures/PODS

Ordinance No. 15-04 – Car Lot Regulations

Ordinance No. 15-24 – Production Shops

Ordinance No. 16-01 – Real Estate Signs

Ordinance No. 16-26 – Temporary Uses

Ordinance No. 16-33 - Crematories

Ordinance No. 16-56 – Site Placement of Commercial Buildings

SECTION 2. ZONING DISTRICTS AND BUILDING TYPES ESTABLISHED

2.1 ZONING DISTRICTS

The following Zoning Districts are hereby established:

Name	Intent
Suburban Neighborhood District	To accommodate existing and provide for low-density conventional single-family residential subdivisions and provide for limited, comparable infill development within existing neighborhoods. Previously, the "Suburban Neighborhood Planning District."
Traditional Neighborhood District	To accommodate existing and provide for new medium- to high-density residential neighborhoods. A range of housing types is permitted with density based on characteristics of the site and compatibility with surrounding uses. Previously, the "Traditional Neighborhood Planning District."
Mixed Use District	To provide for the clustering of limited commercial, office, service, civic, and residential uses in close proximity to existing residents. Mixed Use Zoning Districts are designed to be pedestrian-friendly, with architectural building styles compatible with one another, and are generally located at key intersections along collector roads. Previously, the "Neighborhood Center Planning District."
Uptown District	To support the vitality and growth of Historic Uptown Lexington. As the traditional focal point of community life, the Uptown is intended to serve as the hub of commerce, civic, cultural, and governmental activity. The shopfronts with upper-story residences, restaurants, civic uses and public uses, primarily along North and South Main Streets and East and West Center Streets, help to define the general character of this area. New infill development will be carefully designed to add to the character, charm, and economic strength of this vital, historic, community-wide activity center. Previously, the "Uptown Center Planning District."
Business District	To accommodate a wide range of retail, service, governmental, and office uses that serve not only the Lexington community, but also travelers along key highway corridors. This district provides an opportunity for economic development with

Name	Intent
	convenient automobile access, minimal traffic congestion, and reduced visual clutter along designated commercial corridors. Previously, the "Commerce Center Planning District."
Industrial District	To accommodate existing and provide for industrial, manufacturing, wholesaling, distribution, and warehousing uses, and encourage the planned development of new office and industrial parks. This district is intended to enhance the economic vitality of the City while mitigating impacts to the environment and adjacent properties, and to provide pedestrian-friendly work places with convenient access to nearby support services. Previously, the "Employment Center Planning District."
Planned Development District	The Planned Development District allows for development variation from the other district regulations in exchange for the expectation of higher quality development under a site-specific comprehensive Planned Development design. Planned Developments may vary from one large tract to multiple parcels, and are typically characterized by clustered buildings, uniformity in elements such as streetscape, signage and landscaping, common open space, public infrastructure, density increases, lot variations, and a mix of building types and land uses. Planned Developments are usually phased over a number of years, allowing some assurance on the part of the developer that the project will be able to continue to completion over time using the original planning concept. The primary focus can vary to include full mixed use, housing, shopping, entertainment, recreation, conservation, industrial, institutional, office, common interest, or any combination. Planned Developments are governed specifically by a Planned Development Agreement, which is a contractual document containing the concept plan, design and development standards, rules, and regulations of the development. Planned Development Agreements are to be recorded in the Davidson County Office of the Register of Deeds. Previously, the "Significant Development District" and "Conditional Use Districts."
Manufactured Home District	To accommodate existing manufactured home neighborhoods and allow for some new neighborhoods that include or are proposed to include manufactured homes. Previously, the "Manufactured Home Overlay District."

2.1.2 Overlay Districts

Name	Intent
Historic Overlay District	To protect areas of historic significance through administration of historic design guidelines applied as an overlay to the base zoning district regulations.

2.2 Building Types

Building types (including parking lots) are used as a regulatory mechanism in this ordinance. Section 3 regulates whether or not a building type is permitted within a specified zoning district. Section 4 contains design regulation for each building type. The following are hereby established:

Type	Description
Apartment Building	Residential buildings accommodating several households under a single deed/ownership. The units may be in one or more buildings. The entire property, including buildings, units, common areas, and amenities are managed under a single entity.
Commercial Building	Commercial Buildings are classified according to the type of occupancy. For the purpose of this ordinance, the classifications are grouped as follows: ❑ Assembly, Education and/or Institutional: Commercial Buildings classified for Assembly, Education, and/or Institutional Occupancy are commonly recognized in relation to, and synonymous with, the use for which the building was designed. Examples include churches, libraries, and schools. The scale and architectural sophistication of these buildings shall match their civic importance. ❑ Mercantile and/or Business: Commercial Buildings classified for Business and/or Mercantile occupancy include a variety of common forms such as shopfronts in the Uptown District, shopping centers, mixed-use buildings, condominiums, free-standing buildings, as well as gas stations. Regardless of the form, these buildings share design features that convey a sense of invitation to the public. ❑ Factory, Industrial, S-1 and S-2 Storage: Commercial buildings classified for Factory, Industrial, and/or S-1 and S-2 Storage range in size and scale. Although a presence may be established through stature, the building typically does not project a sense of open invitation to the general public. Most people on-site at any given time are employees. Uses include manufacturing, assembly, warehousing, distribution,

Type	Description
	wholesale, and processing, and also include uses such as airport hangers. These building types are typically found and permitted within the Industrial District and to a lesser degree, the Business District.
Duplex	Two attached residential units under a single ownership.
Single Family House	A single dwelling unit individually deeded, meeting a minimum of eight-foot side setbacks, and suitable for single-family occupancy. Single-family Houses are constructed to the standards of the North Carolina State Building Code.
Manufactured Home	Manufactured homes differ from modular homes in that manufactured homes are certified by the US Department of Housing and Urban Development, while modular homes are built according to the State Building Code. Manufactured homes are an affordable means of housing, but do not lend permanency to neighborhoods and therefore are permitted on a limited basis.
Parking Deck	Parking decks may be accessory features or primary features. Because they are vertical buildings, design is regulated in much the same way as a commercial building.
Parking Lot	An area, not within a building, where motor vehicles may be stored for the purposes of temporary, daily, or overnight off-street parking. Parking lots impact the appearance and function of the community in much the same way as construction of buildings, and therefore design is regulated. The following standards apply to parking lots developed as a principal use. Accessory parking lot standards are contained within the design regulations by building type.
Townhomes	Townhomes are units with individual deeds where the property owned is a parcel, typically smaller than that of a single-family parcel, which may or may not be directly adjacent to the wall of another unit. The common areas are managed by a Property Owner's Association. The scale can range from two units to a series of multiple units in multiple buildings.

SECTION 3. ZONING DISTRICT REGULATIONS

This ordinance regulates the use, development, permitting, lot standards and setbacks for land by zoning district. The application of district regulations shall comply with the overall intent of each district.

3.0 PERMITTING

A Zoning Permit is required for the use or development of land. The degree of review for issuance of a Zoning Permit is relative to the size, scale, complexity, location, or potential impact of the proposed use or development. Minor Zoning Permits are approved and issued at the staff level and may include a variety of permit types such as permits for Special Events and Signs. Major Zoning Permits require review by the Planning Board and approval by City Council. Special Use Permits are issued by the Board of Adjustment and are based on a proposal's ability to meet a specific set of conditions. Uses, Building types, structures, and features are used as regulatory mechanisms in this Ordinance. For each building type, structure, or feature, there is a corresponding set of Design Regulations contained within Section 4. All proposals shall comply with the District Regulations as well as the applicable Design Regulations in order to receive the necessary Zoning Permit. The approval process for issuance of Zoning Permits is outlined in Section 10.

3.1 ALL DISTRICTS – PROHIBITED USES

The City of Lexington is an urban community, meaning that a mixture of uses exist and interrelate in close proximity. Impacts from transitions between uses can be mitigated through landscape buffers, screening, and setbacks. Some uses are better located outside of urban areas due to the intrinsic negative impacts on nearby uses, requiring extremely large setbacks, buffers, barriers, resulting in low density development, which is contrary to the urban form of a city. In addition to other uses not expressly permitted within this ordinance, **the following uses are expressly prohibited, regardless of the zoning district, within the City of Lexington:**

(1) Animal-based Agricultural Industry
(2) Automobile Crushing
(3) Hazardous or Infectious Material Treatment or Storage Facility
(4) Kennel, Commercial
(5) Junkyard
(6) Landfill
(7) Lumber Mill and Lumber Storage Yard
(8) Non-governmental Off-site Land Clearing and Inert Debris Landfill
(9) Petroleum Storage Facility
(10) Power Generation Plant
(11) Quarry
(12) Raceway and Drag Strip
(13) Salvage Yard
(14) Sanitary Landfill
(15) Slaughter House or Meat Packing Plant
(16) Solid Waste Incineration
(17) Storage of salvage or used vehicles, equipment, manufactured homes

3.2 Special Event Regulations for All Districts

3.2.1 Description

A special event is the temporary use (solely or partially) of a privately-owned occupied or vacant lot or building for a use or occupancy that is not approved or operating under a Certificate of Occupancy for that location, and/or the temporary use of any portion of public right-of-way including a public street or sidewalk for a use other than normal. Elements of the temporary use often change the site character for the duration of the special event and may affect the ability of the site to comply with the design standards or district regulations under which it was originally approved. Examples of special events include, but are not limited to:

(1) A business holding a special tent sale for merchandise typically sold within the principal building;
(2) A business leasing out a parking lot during a one-day community event for non-profit agencies to set-up individual booths for fundraising activities;
(3) A restaurant having a band and/or dancing event outdoors different than normal food service operations for permitted outdoor dining;
(4) A business holding a customer appreciation event, seasonal or other type of promotion with outdoor food vendors (truck/trailer/pushcart/booth), demonstrations, activities, children's rides, and the like;
(5) A non-profit agency holding an outdoor fundraiser;
(6) A charitable or organized walk, run, or bicycle race that includes a registration process;
(7) A block party;
(8) A parade;
(9) A public protest held outdoors;
(10) A vigil held outdoors;
(11) The leasing of a vacant lot or part of a parking lot for a temporary seasonal use such as Christmas tree sales or Fourth of July fireworks sales;
(12) The leasing of a vacant lot or part of a parking lot for a temporary seasonal farmer's stand;
(13) Outdoor sales unrelated to the principal use in a private parking lot on the day of the Lexington Barbecue Festival;
(14) The Lexington Barbecue Festival; and
(15) Christmas Open House, Summer Strolls, and other similar events held by Uptown Lexington, Inc.

3.2.2 Prohibited Special Events

Unless otherwise expressly permitted, the following special events and/or uses are prohibited:

(1) Outdoor flea markets;
(2) For-profit vendors selling merchandise/food/beverage from parking lots, vacant lots, unoccupied businesses, or other private property where a business has not received a Special Event Permit, except that on the day of the Barbecue Festival or BBQ Capital Cook-off, property owners may be issued individual Special Event Permits for non-food / non-beverage sales in accordance with Special Event Regulations contained herein; or may be issued individual Special Event Permits for food/beverage sales that are located a minimum of one-quarter (¼) mile from the boundary of the event as shown or described on the Special Event Permit.
(3) Food vendor trucks/trailers/pushcarts setting up on private commercial or industrial property, apart from a separate approved Special Event Permit or food truck permit;

(4) Food vendor trucks/trailers/pushcarts setting up on private residentially zoned property without a special event permit or food truck permit;
(5) Any sales or activity deemed by the City to be in conflict with a previously approved special event due to the potential for increased liability and/or public safety risk;
(6) Yard sales at or in non-residential buildings or on vacant lots; and
(7) More than one yard sale at a residence within a three consecutive month time period.

3.2.3 Minimum Requirements

(1) All tables, structures, tents, signs, activities, etc. shall be setback a minimum of ten feet from front, side, and rear property lines.
(2) Music may not be played outdoors between the hours of 11:00 p.m. and 6:00 a.m.
(3) For any use of public property or City-owned property, applicants shall obtain an insurance certificate for $1 million general liability with the City assigned as additional insured. Said certificate must be approved by the City of Lexington Risk and Safety Manager. Additional insurance may be required in conjunction with alcohol sales on private property.
(4) For public safety and crowd control, applicants may be required to hire off-duty police officers by contacting the Lexington Police Department. The Chief of Police or his designee will determine the number of officers necessary.
(5) Adequate public restrooms and/or portable toilets shall be available on site. The Director of Community Development will determine the number of portable toilets necessary based upon the projected number of attendees.
(6) All vendors preparing or serving food must be approved by the Davidson County Health Department.
(7) Any propane tanks must be secured and strapped to a table or other structures that prevents the tank from moving. Tanks are not permitted to set directly on the ground without being secured.
(8) There shall be an adequate number of 2A 10 BC fire extinguisher(s) on hand through the entirety of the event, including during set-up. The number required will be determined by the City Fire Chief or his designee.
(9) Water is not provided by the City unless approved by the City Manager or his designee.
(10) Electricity is not provided by the City unless approved by the City Manager or his designee. Applicants may request a temporary electrical service to be located on-site by contacting the electric provider. Normal charges will apply.
(11) All electrical cords must be secured in such a way as to not cause tripping hazards.
(12) Applicants shall arrange for trash collection and disposal for all public and private property affected by the event. Trash left on private lots, the City streets, and sidewalks from the event, if removed by the City, may require reimbursement from the applicants. Contact the City of Lexington Sanitation Department regarding trash collection and disposal.
(13) The applicant must receive prior approval for the closing of streets or sidewalks from the Police Chief, City Manager, or their designee. If the proposal is to close a street under the jurisdiction of the North Carolina Department of Transportation (DOT) for more than two hours, approval may be required by City Council at the discretion of the Police Chief, City Manager, or their designee. The applicant shall provide to the City the written consent of any property or business owner that would be directly affected by any proposed street or alley closing associated with the special event. The applicant shall coordinate barricading closed streets with the City of Lexington Street Department.

3.2 Special Event Regulations for All Districts

3.2.4 Permitting

Special events are a temporary change in land use and therefore require a Minor Zoning Permit issued by the Director of Community Development or his designee.

3.2.5 Application

The applicant is required to submit a completed application for a Minor Zoning Permit for a Special Event on a form provided by the City to the Office of Community Development. Depending on the level of local or state approvals required, and due to the scale of the event, approval can take up to 30 days upon receipt of a complete application. The following attachments will be required with the application:

(1) If food or beverage is to be provided, letter of pre-approval or letter of exemption by the Davidson County Health Department.
(2) A site plan drawn to scale.
(3) A specification sheet for any tents to be used.
(4) Illustration (with measurements) of any proposed signage.
(5) Illustration (with measurements) for any structures to be erected.
(6) Illustration showing source and method of water or electric source. (May appear on site plan.)
(7) The number and location of portable toilets.
(8) The appropriate fee according to the most current fee schedule adopted by City Council.

3.2.6 Issuance based on Findings of Fact

Approval and issuance of the Minor Zoning Permit for a Special Event shall be based on the following findings of fact:

(1) The special event is temporary in nature;
(2) The application is complete and minimum requirements have been met;
(3) All necessary approvals have been obtained;
(4) The proposed special event will not impede normal traffic patterns, or if normal traffic patterns are to be altered, proper measures will be in place to ensure safe traffic patterns;
(5) The proposed special event will not materially endanger the public health, safety or welfare;
(6) The proposed special event will not substantially injure the value of adjoining property or interfere with the commerce of existing businesses located nearby without their consent; and
(7) The proposed special event will not conflict with an already approved special event or other community-wide event in terms of emergency response plans, increased liability for the approved event, or location and spacing for planned vehicular and pedestrian movement.

3.2.7 Exemptions

The following special events are exempt and do not require a Minor Zoning Permit:

(1) Churches holding outdoor events on the church's property;
(2) Schools holding outdoor events on the school's property;
(3) Events held at commercial establishments initially designed and approved for outdoor events;
(4) Events held at City parks in accordance with the regulations and policies for City parks;
(5) Weddings and receptions held on private property;
(6) Graduations held on private property or school property;

3.2 Special Event Regulations for All Districts

(7) Religious ceremonies at religious institutions;
(8) Parking during and related to nearby approved temporary uses, special events, parades, other community-wide events; and
(9) Up to one yard sale a residence within a three consecutive month time period.

3.3 Suburban Neighborhood District Regulations

3.3.1 Intent

The intent of the Suburban Neighborhood District is to accommodate existing low-density conventional single-family residential subdivisions and provide for limited, comparable infill development within existing neighborhoods.

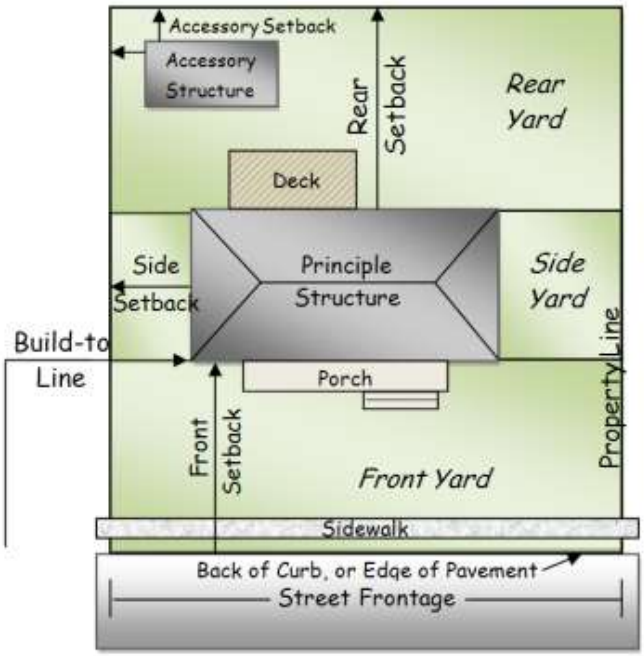
3.3.2 Minimum Buildable Lot Standards

3.3.2.1 Accessory Structures	Accessory structures shall be located on the same parcel as the principal building. Accessory structures may not be located on vacant lots. In the case that two adjoining lots are under common ownership with the principal building located on one of the tracts and the other remaining vacant, <u>and</u> where the lots have been sold or developed as one tract, <u>and</u> where there is no improved public street separating the two lots, then the two parcels shall be considered as one for the purpose of this section. For the purpose of measurement and placement, the lots shall be considered as one. See Section 4, Design Regulations for more specific information relating to Accessory Structures.
3.3.2.2 Single-family House and Commercial Building	Lot Standards (1) Minimum Lot Size: 10,000 square feet (2) Minimum Lot Width at Building Line: 70 feet (3) Minimum Public Street Frontage: 50 feet, 25 feet on cul-de-sacs (4) Direct access to public water and sewer is required. (5) Flag lots are neither permitted nor buildable. Lot lines shall run through the depth of the lot at an angle as close to perpendicular with the street as possible
3.3.2.3 Townhomes	Lot Standards (1) Overall Development: a. Minimum Lot Size: 10,000 square feet for the first unit, plus 5,000 square feet for each additional unit. b. A maximum of 4 units per building is permitted. c. Minimum Lot Width at Building Line: 100 feet d. Minimum Public Street Frontage 60 feet e. Flag lots are neither permitted nor buildable. Lot lines shall run through the depth of the lot at an angle as close to perpendicular to the street as possible. (2) Individual Townhome lots within the Development: a. Direct access or access through common area to public water and sewer is required. b. Lot sizes and widths are relative to each unit.

3.3 SUBURBAN NEIGHBORHOOD DISTRICT REGULATIONS	
3.3.3 Minimum Setback Regulations	
3.3.3.1 Principal Building	(1) Adequate access shall be provided for emergency vehicles. (2) Buildings, structures, and features shall be placed so as not to interfere with vehicular sight distance. (3) Front and side setbacks for the principal building exclude pedestrian uses such as stoops, walks, patios, etc. (4) Front Setback and Build-to Line: For infill development, the front build-to line shall be within 20% of the average of other principal buildings within 300 feet along the same street. Variations from this may be approved if necessary due to topography or for preservation of natural features. If there are no other principal buildings within 300 feet along the same street, the minimum front setback shall be 25 feet. Front setback and Built-to Line shall be measured from the back of curb or edge of pavement if no curb exists. The Build-to Line shall be outside of the street right-of-way. (5) Side Setback for Single-family House: 10 feet (6) Side Setback for Townhome Development and Commercial Building: 25 feet (7) Side Spacing between Townhome buildings: 16 feet (8) Side Spacing between Commercial buildings: refer to NC State Building Code (9) Rear Setback: 25 feet (10) Corner Lot Side Setback: No less than the average of other principal buildings within 300 feet along the side-facing street. Otherwise, 25 feet.
3.3.3.2 Accessory Structures	Accessory Structure setbacks are outlined within the Design Regulations contained within Section 4 and vary according to the type of structure. Unless a specific encroachment is permitted, or a lesser or greater setback is stated, the minimum for all accessory structures is 10 feet from any property line.

3.3 SUBURBAN NEIGHBORHOOD DISTRICT REGULATIONS

3.3.3.3 Illustration of Lot Measurements



3.3.4 Permitted Uses, Building Types, Structures and Features

3.3.4.1 MINOR ZONING PERMIT REQUIRED

A Minor Zoning Permit issued by the Office of Community Development is required for development of permitted uses, buildings, and structures as outlined below. All development must adhere to Design Regulations contained within Section 4. Items noted by (*) must meet specific criteria contained within Section 5. A Minimum Housing Code Inspection for residential uses and a Business Compliance Inspection and Certificate of Occupancy for non-residential uses are required prior to utility service. Changes to properties within the historic overlay district shall be regulated in accordance with the design guidelines found in Section 17.

3.3 SUBURBAN NEIGHBORHOOD DISTRICT REGULATIONS

❑ Accessory Structures and Uses

- Accessory Dwelling*
- Carport
- Cemetery*
- Detached Workshop
- Deck
- Detached Garage
- Fence
- Gazebo
- Hayfield*
- Home Occupation*
- Park
- Parking Lot
- Parish
- Patio
- Pond*
- Reforestation*
- Stable*
- Storage Building
- Swimming Pool*
- Timbering*
- Utility Station*

❑ Expansion of Existing Building
❑ Existing Commercial Building for Religious Institution Use (May require building improvements to meet NC Building Code for specific type of occupancy.)
❑ Existing Commercial Building for Public or Private School Use (May require building improvements to meet NC Building Code for specific type of occupancy.)
❑ Single-family House for Residential Use*
❑ Existing Townhomes for Residential Use
❑ Principal Structures and Uses

- Cemetery*
- Hayfield*
- Park
- Pond*
- Reforestation*
- Single-family House
- Timbering*
- Utility Station*

3.3.4.2 MAJOR ZONING PERMIT REQUIRED

A Major Zoning Permit, which is reviewed and recommended by the Planning Board and approved by City Council, is required for permitted developments, conversions, or uses as outlined below. All development must adhere to Design Regulations contained within Section 4. **Items noted by (*) must meet specific criteria contained within Section 5.** A Minimum Housing Code Inspection for residential uses and a Business Compliance Inspection and Certificate of Occupancy for non-residential uses are required prior to utility service. Changes to properties within the historic overlay district shall be regulated in accordance with the design guidelines found in Section 17.

NEW DEVELOPMENT	CONVERSION	USE
❑ Commercial Building ❑ Townhomes	❑ Conversion of any of the following building types to another building type: • Commercial Building • Single-family House • Townhomes	❑ Recreation Facility, Indoor ❑ Recreation Facility, Outdoor*

3.3 SUBURBAN NEIGHBORHOOD DISTRICT REGULATIONS	
3.3.5 Floodplain and Watercourse Protection Restrictions	
3.3.5.1 Applicability	(1) All area within the 1% (100-year) floodplain as shown on the most recent version of the Federal Emergency Management Agency Flood Insurance Rate Maps; and (2) All streams, creeks, rivers, etc. shown as watercourses on the most recent version of the Federal Emergency Management Agency Flood Insurance Rate Maps.
3.3.5.2 Exceptions to Applicability	(1) Non-conforming structures within the floodplain (2) Legal lots of record (conditions may be required to limit impact.) (3) The placement of necessary public utilities.
3.3.5.3 Floodplain Restrictions	Development shall not mar or disturb the ecological and environmental efficiency of the floodplain land, nor may it disturb or re-grade slopes to more than a 10% elevation or contour change. Building permits will not be issued for development within floodplain. Fill is prohibited. If land within the floodplain can be brought out of the floodplain by grading that causes no more than a 10% elevation or contour change, the land may become buildable.
3.3.5.4 Watercourse Buffer Required	A minimum 50-foot vegetative buffer is required along both sides of all watercourses. A 25-foot vegetative buffer is required around impoundments along watercourses. On each side of the watercourse, the required buffer will begin at the edge of the watercourse channel and extend perpendicular to the watercourse a distance equal to the lesser of 50 feet, or to a ridge line which changes the runoff flow to be away from the watercourse.
3.3.5.5 Development and Use Restrictions within Watercourse Buffers	(1) Development within the required watercourse buffer is limited to flood control, stream bank stabilization, water dependent structures and other public projects such as road crossings and greenways where no practical alternative exists. These activities shall minimize built-upon surface area, direct runoff away from the surface waters, and maximize the utilization of Best Management Practices (BMPs). Use within buffer is limited to the following, subject to the requirement that adjacent lands disturbed as a result of these uses are stabilized and replanted with native vegetation: a. Land-related activities with no permanent structures b. Near perpendicular (75 degrees or greater) utility watercourse crossings c. Parallel utility installation d. Near perpendicular (75 degrees or greater) watercourse crossings by greenway trails, bicycle paths, sidewalks, and other pedestrian path e. Near perpendicular (75 degrees or greater) crossings for farm animals with fencing to minimize the animals' impacts upon the buffers f. Narrow footpaths constructed with minimal vegetation disturbance that permit the landowner to walk to the water g. Incidental drainage improvements or repairs for maintenance

	h. Mitigation approved by a State or Federal agency acting under Sections 401 or 404 of the Clean Water Act i. The continuation of existing agricultural uses j. Other land uses within the buffers may be approved as part of a development plan subject to the requirement that the landowner demonstrate that the net result of the land use and strategy to mitigate the impact of the land use provide at least the same protection to the water quality and ecological integrity. (2) Land disturbances and vegetation clearing are prohibited within the buffer, except for placement of necessary public utilities. (3) Buildings are prohibited within the buffer. (4) Piping of watercourses is prohibited.

3.4 Traditional Neighborhood District Regulations

3.4.1 Intent

The intent of the Traditional Neighborhood District is to accommodate existing medium- to high-density residential neighborhoods, and provide opportunities for new single- and multi-family residential. A range of housing types is permitted with density based on characteristics of the site and compatibility with surrounding uses. A limited number of support uses and low-impact non-residential uses are permitted.

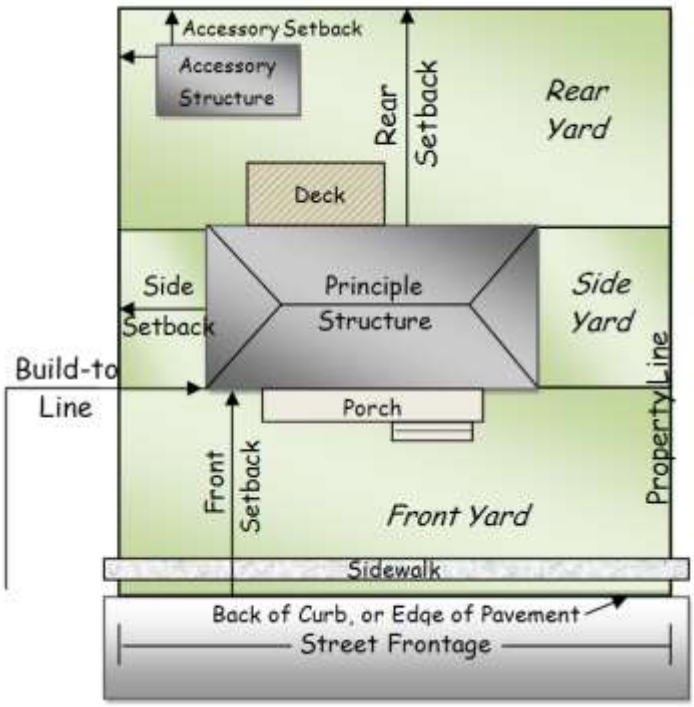
3.4.2 Minimum Buildable Lot Regulations

3.4.2.1 Accessory Structures	Accessory structures shall be located on the same parcel as the principal building. Accessory structures may not be located on vacant lots. In the case that two adjoining lots are under common ownership with the principal building located on one of the tracts and the other remaining vacant, <u>and</u> where the lots have been sold or developed as one tract, <u>and</u> where there is no improved public street separating the two lots, then the two parcels shall be considered as one for the purpose of this section. For the purpose of measurement and placement, the lots shall be considered as one. See Section 4, Design Regulations for more specific information relating to Accessory Structures.
3.4.2.2 Apartment Building	Lot Standards (1) Minimum Lot Size: 10,000 square feet for the first unit, plus 4,000 square feet for each additional unit (2) Minimum Lot Width at Building Line: 100 feet (3) Minimum Public Street Frontage: 60 feet (4) Direct access or access through common area to public water and sewer is required. (5) Flag lots are neither permitted nor buildable. Lot lines shall run through the depth of the lot at an angle as close to perpendicular to the street as possible.
3.4.2.3 Commercial Building	Lot Standards (1) Minimum Lot Size: 10,000 square feet (2) Minimum Lot Width at Building Line: 100 feet (3) Minimum Public Street Frontage: 60 feet (4) Direct access to public water and sewer is required.
3.4.2.4 Duplexes	Lot Standards (1) Minimum Lot Size: 9,000 square feet (2) Minimum Lot Width at Building Line: 75 feet (3) Minimum Public Street Frontage: 40 feet (4) Direct access to public water and sewer is required. (5) Flag lots are neither permitted nor buildable. Lot lines shall run through the depth of the lot at an angle as close to perpendicular to the street as possible.

3.4 TRADITIONAL NEIGHBORHOOD DISTRICT REGULATIONS	
3.4.2.5 Single-family House	Lot Standards (1) Minimum Lot Size: 6,000 square feet (2) Minimum Lot Width at Building Line: 50 feet (3) Minimum Public Street Frontage: 20 feet (4) Direct access to public water and sewer is required. (5) Flag lots are neither permitted nor buildable. Lot lines shall run through the depth of the lot at an angle as close to perpendicular to the street as possible.
3.4.2.6 Townhomes	Lot Standards (1) Overall Development: a. Minimum Lot Size: 10,000 square feet for the first unit, plus 4,000 square feet for each additional unit b. Minimum Lot Width at Building Line: 100 feet c. Minimum Public Street Frontage 60 feet d. Flag lots are neither permitted nor buildable. Lot lines shall run through the depth of the lot at an angle as close to perpendicular to the street as possible. (2) Individual Townhome lots within the Development: a. Direct access or access through common area to public water and sewer is required. b. Lot sizes and widths are relative to each unit.
3.4.3 Minimum Setback Regulations	
3.4.3.1 Principal Building	(1) Adequate access shall be provided for emergency vehicles. (2) Buildings, structures, and features shall be placed so as not to interfere with vehicular sight distance. (3) Front and side setbacks for the principal building exclude pedestrian uses such as plazas, stoops, walks, patios, etc. (4) Front Setback and Build-to Line: For infill development, the front build-to line shall be within 15% of the average of other principal buildings within 300 feet along the same street. Variations from this may be approved if necessary due to topography or for preservation of natural features. If there are no other principal buildings within 300 feet along the same street, the minimum front setback shall be 20 feet. Front setback and Built-to Line shall be measured from the back of curb or edge of pavement if no curb exists. The Build-to Line shall be outside of the street right-of-way. (5) Side Setback for Single-family House: 8 feet (6) Side Setback for Apartment or Townhome Development and Commercial Building: 25 feet (7) Side Spacing between Townhome buildings and between Apartment buildings: 16 feet

	(8) Side Spacing between Commercial buildings: refer to NC State Building Code (9) Rear Setback: 25 feet (10) Corner Lot Side Setback: No less than the average of other principal buildings within 300 feet along the side-facing street. Otherwise, 25 feet.
3.4.3.2 Accessory Structures	Accessory Structure setbacks are outlined within the Design Regulations contained within Section 4 and vary according to the type of structure. Unless a specific encroachment is permitted, or a lesser or greater setback is stated, the minimum for all accessory structures is 5 feet from any property line.

3.4.3.3 Illustration of Lot Measurements



3.4 TRADITIONAL NEIGHBORHOOD DISTRICT REGULATIONS

3.4.4 Permitted Uses, Building Types, Structures, and Features

3.4.41 MINOR ZONING PERMIT REQUIRED

A Minor Zoning Permit issued by the Office of Community Development is required for development of permitted uses, buildings, and structures as outlined below. All development must adhere to Design Regulations contained within Section 4. **Items noted by (*) must meet specific criteria contained within Section 5.** A Minimum Housing Code Inspection for residential uses and a Business Compliance Inspection and Certificate of Occupancy for non-residential uses are required prior to utility service. Changes to properties within the historic overlay district shall be regulated in accordance with the design guidelines found in Section 17.

- ❑ Accessory Structures and Uses
  - Accessory Dwelling*
  - Carport
  - Cemetery*
  - Childcare Center (Accessory to Religious Institution only)
  - Childcare – At home business*
  - Detached Workshop
  - Deck
  - Detached Garage
  - Fence
  - Gazebo
  - Hayfield*
  - Home Occupation*
  - Park
  - Parking Lot
  - Parish
  - Patio
  - Pond*
  - Reforestation*
  - Stable*
  - Storage Building
  - Swimming Pool*
  - Recreation Facility, Outdoor*
  - Timbering*
  - Utility Station*
- ❑ Existing Apartment Building for Residential Use*
- ❑ Existing Commercial Building for the following uses: (May require building improvements to meet NC Building Code for specific type of occupancy.)
  - Cultural Facility
  - Governmental Agency
  - Recreation Facility-Indoor*
  - Religious Institution
  - School, Public or Private
- ❑ Existing Duplex for Residential Use*
- ❑ Existing Single-Family House for Residential Use*
- ❑ Existing Townhomes for Residential Use*
- ❑ Expansion of existing building
- ❑ Principal Structures and Uses
  - Duplex
  - Cemetery*
  - Hayfield*
  - Park
  - Pond*
  - Reforestation*
  - Single-family House
  - Stable*
  - Timbering*
  - Utility Station*

3.4.5.3 SPECIAL USE PERMIT REQUIRED

A Special Use Permit issued by the Board of Adjustment is required for development of permitted uses, buildings, and structures as outlined below. All development must adhere to Design Regulations contained within Section 4. **Items noted by (*) must meet specific criteria contained within Section 5**. A Minimum Housing Code Inspection for residential uses and a Business Compliance Inspection and Certificate of Occupancy for non-residential uses are required prior to utility service.

(1) Bed and Breakfast Inn*

(2) Rooming House*

3.4.4.4 MAJOR ZONING PERMIT REQUIRED

A Major Zoning Permit, which is reviewed and recommended by the Planning Board and approved by City Council, is required for permitted developments, conversions, or uses as outlined below. All development must adhere to Design Regulations contained within Section 4. Items noted by (*) must meet specific criteria contained within Section 5. A Minimum Housing Code Inspection for residential uses and a Business Compliance Inspection and Certificate of Occupancy for non-residential uses are required prior to utility service. Changes to properties within the historic overlay district shall be regulated in accordance with the design guidelines found in Section 17.

NEW DEVELOPMENT	CONVERSION	USE
❑ Apartment Building ❑ Commercial Building ❑ Townhomes	❑ Conversion of any of the following building types to another building type: • Apartment Building • Commercial Building • Single-family House • Townhomes	❑ Recreation Facility, Indoor ❑ Recreation Facility, Outdoor*

3.4.5 Floodplain and Watercourse Protection Restrictions

3.4.51 Applicability	(1) All area within the 1% (100-year) floodplain as shown on the most recent version of the Federal Emergency Management Agency Flood Insurance Rate Maps; and (2) All streams, creeks, rivers, etc. shown as watercourses on the most recent version of the Federal Emergency Management Agency Flood Insurance Rate Maps.
3.4.5.2 Exceptions to Applicability	(1) Existing Development (2) Legal lots of record (conditions may be required to limit impact.) (3) The placement of necessary public utilities.
3.4.5.3 Floodplain Restrictions	Development shall not mar or disturb the ecological and environmental efficiency of the floodplain land, nor may it disturb or re-grade slopes to more than a 10% elevation or

	contour change. Building permits will not be issued for development within floodplain. Fill is prohibited.
3.4.5.4 Watercourse Buffer Required	A minimum 50-foot vegetative buffer is required along both sides of all watercourses. A 25-foot vegetative buffer is required around impoundments along watercourses. On each side of the watercourse, the required buffer will begin at the edge of the watercourse channel and extend perpendicular to the watercourse a distance equal to the lesser of 50 feet, or to a ridge line which changes the runoff flow to be away from the watercourse.
3.4.5.5 Development and Use Restrictions within Watercourse Buffers	(1) Development within the required watercourse buffer is limited to flood control, stream bank stabilization, water dependent structures and other public projects such as road crossings and greenways where no practical alternative exists. These activities shall minimize built-upon surface area, direct runoff away from the surface waters, and maximize the utilization of Best Management Practices (BMPs). Use within buffer is limited to the following, subject to the requirement that adjacent lands disturbed as a result of these uses are stabilized and replanted with native vegetation: a. Land-related activities with no permanent structures b. Near perpendicular (75 degrees or greater) utility watercourse crossings c. Parallel utility installation d. Near perpendicular (75 degrees or greater) watercourse crossings by greenway trails, bicycle paths, sidewalks, and other pedestrian path e. Near perpendicular (75 degrees or greater) crossings for farm animals with fencing to minimize the animals' impacts upon the buffers f. Narrow footpaths constructed with minimal vegetation disturbance that permit the landowner to walk to the water g. Incidental drainage improvements or repairs for maintenance h. Mitigation approved by a State or Federal agency acting under Sections 401 or 404 of the Clean Water Act i. The continuation of existing agricultural uses j. Other land uses within the buffers may approved as part of a development plan subject to the requirement that the landowner demonstrate that the net result of the land use and strategy to mitigate the impact of the land use provide at least the same protection to the water quality and ecological integrity. (2) Land disturbances and vegetation clearing are prohibited within the buffer, except for placement of necessary public utilities. (3) Buildings are prohibited within the buffer. (4) Piping of watercourses is prohibited.

3.5 MIXED USE DISTRICT REGULATIONS

3.5.1 Intent

The intent of the Mixed Use District is to provide for the clustering of limited commercial, office, service, civic, and residential uses in close proximity to existing residents. Mixed Use Districts are designed to be pedestrian-friendly, with architectural building styles compatible with one another, and are generally located at key intersections along collector roads.

3.5.2 Minimum Buildable Lot Regulations

3.5.2.1 Accessory Structures	Accessory structures shall be located on the same parcel as the principal building. Accessory structures may not be located on vacant lots. In the case that two adjoining lots are under common ownership with the principal building located on one of the tracts and the other remaining vacant, <u>and</u> where the lots have been sold or developed as one tract, <u>and</u> where there is no improved public street separating the two lots, then the two parcels shall be considered as one for the purpose of this section. For the purpose of measurement and placement, the lots shall be considered as one. See Section 4, Design Regulations for more specific information relating to Accessory Structures.
3.5.2.2 Apartment Building	(1) Minimum Lot Size: 10,000 square feet for the first unit, plus 3,000 square feet for each additional unit. (2) Minimum Lot Width at Building Line: 75 feet (3) Minimum Public Street Frontage: 60 feet (4) Direct access or access through common area to public water and sewer is required. (5) Flag lots are neither permitted nor buildable. Lot lines shall run through the depth of the lot at an angle as close to perpendicular with the street as possible.
3.5.2.3 Commercial Building	(1) Minimum Lot Size: N/A (2) Minimum Frontage: Lots must meet one of the following requirements: a. A minimum of 25 feet of frontage upon a public street or improved public alley. b. A minimum of 25 feet of frontage upon a private street meeting the following requirements: i. The private street shall be built to City standards; and ii. Maintenance of the private street shall be provided for through a maintenance agreement between private property owners or a property owners association. c. A minimum 25-foot wide access easement / right-of-way to a public street (may cross or include shared parking lot area). d. A minimum 25-foot wide access easement / right-of-way to a private street (may cross or include shared parking lot area). The private street must meet the following requirements: i. The private street shall be built to City standards; and ii. Maintenance of the private street shall be provided for through a maintenance agreement between private property owners or a property owners association.

	(3) Direct access or access through common area to public water and sewer is required.
3.5.2.4 Duplex	(1) Minimum Lot Size: 9,000 square feet (2) Minimum Lot Width at Building Line: 75 feet (3) Minimum Public Street Frontage: 40 feet (4) Direct access to public water and sewer is required. (5) Flag lots are neither permitted nor buildable. Lot lines shall run through the depth of the lot at an angle as close to perpendicular with the street as possible.
3.5.2.5 Single-family House	(1) Minimum Lot Size: 6,000 square feet (2) Minimum Lot Width at Building Line: 50 feet (3) Minimum Public Street Frontage: 20 feet (4) Direct access to public water and sewer is required. (5) Flag lots are neither permitted nor buildable. Lot lines shall run through the depth of the lot at an angle as close to perpendicular with the street as possible.
3.5.2.6 Townhomes	(1) Overall Development: a. Minimum Lot Size: 10,000 square feet for the first unit, plus 3,000 square feet for each additional unit b. Minimum Lot Width at Building Line: 75 feet c. Minimum Public Street Frontage 60 feet d. Flag lots are neither permitted nor buildable. Lot lines shall run through the depth of the lot at an angle as close to perpendicular to the street as possible. (2) Individual Townhome lots within the Development: a. Direct access or access through common area to public water and sewer is required. (3) Lot sizes and widths are relative to each unit.
3.5.3 Minimum Setback Regulations	
3.5.3.1 Principal Building	(1) Adequate access shall be provided for emergency vehicles. (2) Buildings, structures, and features shall be placed so as not to interfere with vehicular sight distance.

(3) Front and side setbacks for the principal building exclude pedestrian uses such as plazas, stoops, walks, patios, etc.

(4) Front Setback and Build-to Line: For infill development, the front build-to line shall be within 10% of the average of other principal buildings within 300 feet along the same street. Variations from this may be approved if necessary due to topography or for preservation of natural features. If there are no other principal buildings within 300 feet along the same street, the minimum front setback shall be 15 feet. Front setback and Built-to Line shall be measured from the back of curb or edge of pavement if no curb exists. The Build-to Line shall be outside of the street right-of-way.

(5) Side Setback: Refer to NC State Building

(6) Rear Setback: 25 feet

(7) Corner Lot Side Setback: No less than the average of other principal buildings within 300 feet along the side-facing street. Otherwise, 20 feet.

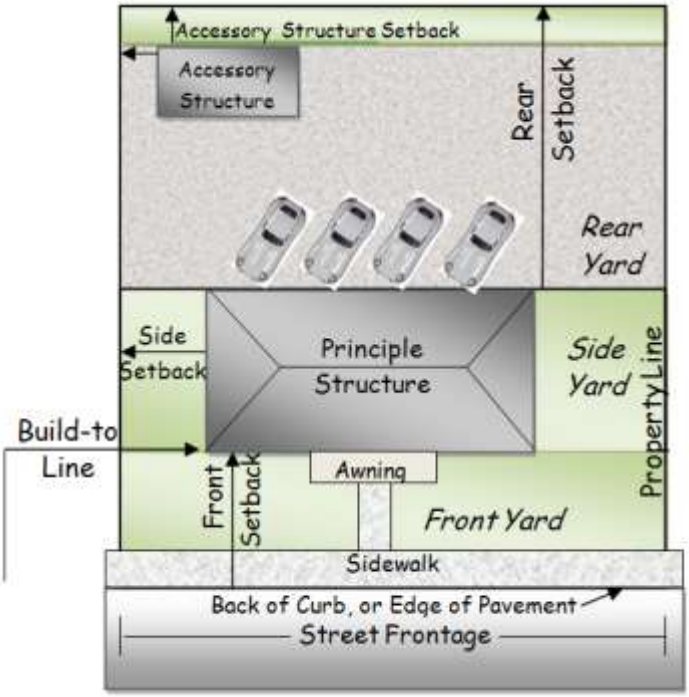
(8) Rear Setback: 25 feet

(9) Corner Lot Side Setback: No less than the average of other principal buildings within 300 feet along the side-facing street. Otherwise, 25 feet.

3.5.3.2 Accessory Structures

Accessory Structure setbacks are outlined within the Design Regulations contained within Section 4 and vary according to the type of structure. Unless a specific encroachment is permitted, or a lesser or greater setback is stated, the minimum for all accessory structures is 5 feet from any property line.

3.5.3.3 Illustration of Setbacks



3.5 MIXED USE DISTRICT REGULATIONS

3.5.4 Permitted Uses, Building Types, Structures, and Features

3.5.4.1 MINOR ZONING PERMIT REQUIRED

A Minor Zoning Permit issued by the Office of Community Development is required for development of permitted uses, buildings, and structures as outlined below. All development must adhere to Design Regulations contained within Section 4. **Items noted by (*) must meet specific criteria contained within Section 5.** A Minimum Housing Code Inspection for residential uses and a Business Compliance Inspection and Certificate of Occupancy for non-residential uses are required prior to utility service. Changes to properties within the historic overlay district shall be regulated in accordance with the design guidelines found in Section 17.

- ❑ Accessory Structures and Uses:
  - Accessory Dwelling*
  - Carport
  - Childcare Center*
  - Childcare – At home business*
  - Communication Antenna*
  - Daycare Center for Adults*
  - Detached Workshop
  - Deck
  - Detached Garage
  - Farmer's Stand
  - Fence
  - Gazebo
  - Home Occupation*
  - Outdoor Dining, Private Property*
  - Outdoor Dining, Public Sidewalk*
  - Outdoor Display, Private Property*
  - Outdoor Display, Public Sidewalk*
  - Parking Lot
  - Parish
  - Patio
  - Pond*
  - Pushcart Vendor*
  - Recreation Facility, Indoor
  - Recreation Facility, Outdoor*
  - Stable*
- ❑ Conversion of Single-family House or Duplex to Commercial Building
- ❑ Existing Buildings:
  - Apartment Building for Residential Use*
  - Commercial Building (May require building improvements to meet NC Building Code for specific type of occupancy.) for the following uses:
    - ➢ Amusement, Indoor
    - ➢ Carwash
    - ➢ Childcare Center*
    - ➢ Convenience Store
    - ➢ Cultural Facility
    - ➢ Daycare Center for Adults*
    - ➢ Dependent Care Center*
    - ➢ Fitness, Indoor
    - ➢ Governmental Agency
    - ➢ Grocery Store
    - ➢ Hotel, Motel, Inn
    - ➢ Mixed Use*
    - ➢ Restaurant
    - ➢ Retail
    - ➢ School, Public or Private
    - ➢ Studio
  - Duplex for Residential Use*
  - Single-family House for the following uses
    - ➢ Bed and Breakfast Inn*
    - ➢ Office
    - ➢ Residential Use*
    - ➢ Rooming House*
  - Townhomes for Residential Use*
- ❑ Expansion of existing building
- ❑ Principal Structures and Uses
  - Duplex
  - Cemetery*
  - Farmers Market*
  - Farmer's Stand*
  - Hayfield*
  - Park
  - Pond*
  - Reforestation*
  - Single-family House
  - Stable*
  - Timbering*
  - Utility Station*
- ❑ Principal Use on Public Sidewalk
  - Pushcart Vendor*

• Storage Building • Swimming Pool*	➢ Mixed Use* with upper story Residential Use* ➢ Office ➢ Professional Service ➢ Recreation Facility, Indoor* ➢ Recreation Facility, Outdoor* ➢ Recycling Collection Site* ➢ Religious Institution	

3.5.4.2 MAJOR ZONING PERMIT REQUIRED

A Major Zoning Permit, which is reviewed and recommended by the Planning Board and approved by City Council, is required for permitted developments, conversions, or uses as outlined below. All development must adhere to Design Regulations contained within Section 4**. Items noted by (*) must meet specific criteria contained within Section 5**. A Minimum Housing Code Inspection for residential uses and a Business Compliance Inspection and Certificate of Occupancy for non-residential uses are required prior to utility service. Changes to properties within the historic overlay district shall be regulated in accordance with the design guidelines found in Section 17.

NEW DEVELOPMENT	CONVERSION	USE
❑ Apartment Building ❑ Commercial Building ❑ Parking Deck ❑ Townhomes	❑ Conversion of any of the following building types to another building type • Apartment Building • Commercial Building • Townhomes	❑ Pub, Private Club* ❑ Recreation Facility, Outdoor* ❑ Wine Bar, Private Club*

3.5.5 Floodplain and Watercourse Protection Restrictions

3.5.5.1 Applicability	(1) All area within the 1% (100-year) floodplain as shown on the most recent version of the Federal Emergency Management Agency Flood Insurance Rate Maps; and (2) All streams, creeks, rivers, etc. shown as watercourses on the most recent version of the Federal Emergency Management Agency Flood Insurance Rate Maps.

3.5 MIXED USE DISTRICT REGULATIONS	
3.5.5.2 Exceptions to Applicability	(1) Existing Development (2) Legal lots of record (conditions may be required to limit impact.) (3) The placement of necessary public utilities.
3.5.5.3 Floodplain Restrictions	Development shall not mar or disturb the ecological and environmental efficiency of the floodplain land, nor may it disturb or re-grade slopes to more than a 10% elevation or contour change. Building permits will not be issued for development within floodplain. Fill is prohibited.
3.5.5.4 Watercourse Buffer Required	A minimum 50-foot vegetative buffer is required along both sides of all watercourses. A 25-foot vegetative buffer is required around impoundments along watercourses. On each side of the watercourse, the required buffer will begin at the edge of the watercourse channel and extend perpendicular to the watercourse a distance equal to the lesser of 50 feet, or to a ridge line which changes the runoff flow to be away from the watercourse.
3.5.5.5 Development and Use Restrictions within Watercourse Buffers	(1) Development within the required watercourse buffer is limited to flood control, stream bank stabilization, water dependent structures and other public projects such as road crossings and greenways where no practical alternative exists. These activities shall minimize built-upon surface area, direct runoff away from the surface waters, and maximize the utilization of Best Management Practices (BMPs). Use within buffer is limited to the following, subject to the requirement that adjacent lands disturbed as a result of these uses are stabilized and replanted with native vegetation: a. Land-related activities with no permanent structures b. Near perpendicular (75 degrees or greater) utility watercourse crossings c. Parallel utility installation d. Near perpendicular (75 degrees or greater) watercourse crossings by greenway trails, bicycle paths, sidewalks, and other pedestrian path e. Near perpendicular (75 degrees or greater) crossings for farm animals with fencing to minimize the animals' impacts upon the buffers f. Narrow footpaths constructed with minimal vegetation disturbance that permit the landowner to walk to the water g. Incidental drainage improvements or repairs for maintenance h. Mitigation approved by a State or Federal agency acting under Sections 401 or 404 of the Clean Water Act i. The continuation of existing agricultural uses j. Other land uses within the buffers may approved as part of a development plan subject to the requirement that the landowner demonstrate that the net result of the land use and strategy to mitigate the impact of the land use provide at least the same protection to the water quality and ecological integrity.

	(2) Land disturbances and vegetation clearing are prohibited within the buffer, except for placement of necessary public utilities. (3) Buildings are prohibited within the buffer. (4) Piping of watercourses is prohibited.

3.6 UPTOWN DISTRICT REGULATIONS

3.6.1 Intent

The intent of the Uptown District is to support the vitality and growth of Historic Uptown Lexington. As the traditional focal point of community life, the Uptown is intended to serve as the hub of commerce, civic, cultural, and governmental activity. The storefront shops with upper-story residences, restaurants, civic uses and public uses, primarily along North and South Main Streets and East and West Center Streets, help to define the general character of this area. New infill development will be carefully designed to add to the character, charm, and economic strength of this vital, historic, community-wide activity center.

3.6.2 Minimum Buildable Lot Regulations

3.6.2.1 Accessory Structures	Accessory structures shall be located on the same parcel as the principal building. Accessory structures may not be located on vacant lots. In the case that two adjoining lots are under common ownership with the principal building located on one of the tracts and the other remaining vacant, <u>and</u> where the lots have been sold or developed as one tract, <u>and</u> where there is no improved public street separating the two lots, then the two parcels shall be considered as one for the purpose of this section. For the purpose of measurement and placement, the lots shall be considered as one. See Section 4, Design Regulations for more specific information relating to Accessory Structures.
3.6.2.2 Apartment Building	(1) Minimum Lot Size: 10,000 square feet, plus 3,000 square feet for each additional unit over three. (2) Minimum Lot Width at Building Line: 75 feet (3) Minimum Public Street Frontage: 60 feet (4) Direct access or access through common area to public water and sewer is required. (5) Flag lots are neither permitted nor buildable. Lot lines shall run through the depth of the lot at an angle as close to perpendicular with the street as possible.
3.6.2.3 Commercial Building	(1) Minimum Lot Size: N/A (2) Minimum Frontage: Lots must meet one of the following requirements: a. A minimum of 25 feet of frontage upon a public street or improved public alley. b. A minimum of 25 feet of frontage upon a private street meeting the following requirements: i. The private street shall be built to City standards; and ii. Maintenance of the private street shall be provided for through a maintenance agreement between private property owners or a property owners association. c. A minimum 25-foot wide access easement / right-of-way to a public street (may cross or include shared parking lot area). d. A minimum 25-foot wide access easement / right-of-way to a private street (may cross or include shared parking lot area). The private street must meet the following requirements: i. The private street shall be built to City standards; and

	ii. Maintenance of the private street shall be provided for through a maintenance agreement between private property owners or a property owners association. (3) Direct access or access through common area to public water and sewer is required.
3.6.2.4 Duplex	(1) Minimum Lot Size: 9,000 square feet (2) Minimum Lot Width at Building Line: 75 feet (3) Minimum Public Street Frontage: 40 feet (4) Direct access to public water and sewer is required. (5) Flag lots are neither permitted nor buildable. Lot lines shall run through the depth of the lot at an angle as close to perpendicular with the street as possible.
3.6.2.5 Single-family House	(1) Minimum Lot Width at Building Line: 50 feet (2) Minimum Lot Size: 6,000 square feet (3) Minimum Public Street Frontage: 20 feet (4) Direct access to public water and sewer is required. (5) Flag lots are neither permitted nor buildable. Lot lines shall run through the depth of the lot at an angle as close to perpendicular with the street as possible.
3.6.2.6 Townhomes	(1) Overall Development: a. Minimum Lot Size: 10,000 square feet, plus 3,000 square feet for each additional unit over three. b. Minimum Lot Width at Building Line: 75 feet c. Minimum Public Street Frontage 60 feet d. Flag lots are neither permitted nor buildable. Lot lines shall run through the depth of the lot at an angle as close to perpendicular to the street as possible. (2) Individual Townhome lots within the Development: a. Direct access or access through common area to public water and sewer is required. b. Lot sizes and widths are relative to each unit.

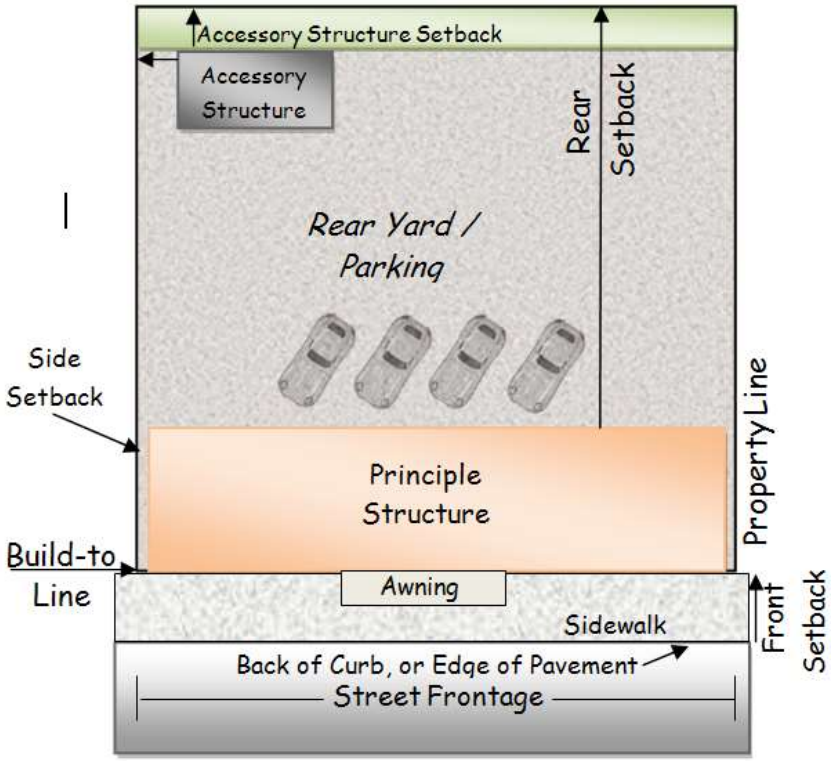
3.6 UPTOWN DISTRICT REGULATIONS

3.6.3 Minimum Setback Regulations

3.6.3.1 Principal Building	(1) Adequate access shall be provided for emergency vehicles. (2) Buildings, structures, and features shall be placed so as not to interfere with vehicular sight distance. (3) Front and side setbacks for the principal building exclude pedestrian uses such as plazas, stoops, walks, patios, etc. (4) Front Setback and Build-to Line: For infill development, the front build-to line shall be within 10% of the average of other principal buildings within 300 feet along the same street. Variations from this may be approved if necessary due to topography or for preservation of natural features. If there are no other principal buildings within 300 feet along the same street, the minimum front setback shall be 10 feet. Front Setback and Build-to Line shall be measured from the back of curb or edge of pavement if no curb exists. The Build-to Line shall be outside of the street right-of-way. Buildings fronting North and South Main Street shall be set at the sidewalk. Upper story balconies may not extend beyond one-half (1/2) the depth of the sidewalk. (5) Side Setback: Refer to State Building Code (6) Rear Setback: 25 feet (7) Corner Lot Side Setback: No less than the average of other principal buildings within 300 feet along the side-facing street. Otherwise, 10 feet.
3.6.3.2 Accessory Structures	Accessory Structure setbacks are outlined within the Design Regulations contained within Section 4 and vary according to the type of structure. Unless a specific encroachment is permitted, or lesser or greater setback is stated, the minimum for all accessory structures is 10 feet from any property line. Unless otherwise stated, all accessory structures shall be located in the rear yard.

3.6 UPTOWN DISTRICT REGULATIONS

3.6.3.2 Illustration of Setbacks



3.6.5 Permitted Uses, Building Types, Structures, and Features

3.6.5.2 MINOR ZONING PERMIT REQUIRED

A Minor Zoning Permit issued by the Office of Community Development is required for development of permitted uses, buildings, and structures as outlined below. All development must adhere to Design Regulations contained within Section 4**. Items noted by (*) must meet specific criteria contained within Section 5.** A Minimum Housing Code Inspection for residential uses and a Business Compliance Inspection and Certificate of Occupancy for non-residential uses are required prior to utility service. Changes to properties within the historic overlay district shall be regulated in accordance with the design guidelines found in Section 17.

3.6 Uptown District Regulations

- ❑ Accessory Structures or Accessory Uses
  - Accessory Dwelling*
  - Carport
  - Cemetery*
  - Childcare Center* (Accessory to Religious Institution only)
  - Communication Antenna*
  - Dependent Care Center*
  - Dependent Care Home*
  - Detached Workshop
  - Deck
  - Detached Garage
  - Farmers Market*
  - Fence
  - Gazebo
  - Home Occupation*
  - Outdoor Dining*
  - Outdoor Display, Private Property*
  - Outdoor Display, Public Sidewalk*
  - Parking Lot
  - Park
  - Parish
  - Patio
  - Pond*
  - Recreation Facility, Indoor*
  - Recreation Facility, Outdoor*
  - Sidewalk Café*
  - Storage Building
  - Swimming Pool*
  - Utility Station*
- ❑ Conversion of a Single-family House or Duplex to Commercial Building
- ❑ Existing Buildings:
  - Apartment Building for Residential Use
  - Commercial Building for the following uses: (May require building improvements to meet NC Building Code for specific type of occupancy.)
    - ➢ Automotive Service
    - ➢ Carwash
    - ➢ Childcare Center*
    - ➢ Convenience Store
    - ➢ Cultural Facility
    - ➢ Daycare Center for Adults*
    - ➢ Dependent Care Center*
    - ➢ Farmer's Market*
    - ➢ Fitness, Indoor
    - ➢ Governmental Agency
    - ➢ Grocery Store
    - ➢ Hotel, Motel, Inn
    - ➢ Mixed Use*
    - ➢ Office
    - ➢ Parking Deck
    - ➢ Professional Service
    - ➢ Recreation Facility, Indoor
    - ➢ Recreation Facility, Outdoor*
    - ➢ Religious Institution*
    - ➢ Restaurant
    - ➢ Retail
    - ➢ School, Public or Private
    - ➢ Studio
  - Duplex for Residential Use
  - Single-family House for the following uses
    - ➢ Bed and Breakfast Inn*
    - ➢ Office
    - ➢ Residential Use
  - Townhomes for Residential Use
- ❑ Expansion of existing building
- ❑ Principal Structures or Uses
  - Cemetery*
  - Farmers Market*
  - Park
  - Pond*
  - Utility Station*
  - Parking Lot
- ❑ Principal Use on Public Sidewalk
  - Pushcart Vendor*

3.6 UPTOWN DISTRICT REGULATIONS

3.6.5.3 MAJOR ZONING PERMIT REQUIRED

A Major Zoning Permit, which is reviewed and recommended by the Planning Board and approved by City Council, is required for permitted developments, conversions, or uses as outlined below. All development must adhere to Design Regulations contained within Section 4**. Items noted by (*) must meet specific criteria contained within Section 5.** A Minimum Housing Code Inspection for residential uses and a Business Compliance Inspection and Certificate of Occupancy for non-residential uses are required prior to utility service. Changes to properties within the historic overlay district shall be regulated in accordance with the design guidelines found in Section 17.

NEW DEVELOPMENT	CONVERSION	USE
❑ Apartment Building ❑ Commercial Building ❑ Duplex ❑ Parking Deck ❑ Single-family House ❑ Townhomes	❑ Conversion of any of the following building types to another building type • Apartment Building • Commercial Building • Townhomes	❑ Nightclub, Private Club* ❑ Pub, Private Club* ❑ Recreation Facility, Outdoor* ❑ Wine Bar, Private Club*

3.6.6 Floodplain and Stream Protection Restrictions

3.6.6.1 Applicability	(1) All area within the 1% (100-year) floodplain as shown on the most recent version of the Federal Emergency Management Agency Flood Insurance Rate Maps; and (2) All streams, creeks, rivers, etc. shown as watercourses on the most recent version of the Federal Emergency Management Agency Flood Insurance Rate Maps.
3.6.6.2 Exceptions to Applicability	(1) Existing Development (2) Legal lots of record (conditions may be required to limit impact.) (3) The placement of necessary public utilities.
3.6.6.3 Floodplain Restrictions	Development shall not mar or disturb the ecological and environmental efficiency of the floodplain land, nor may it disturb or re-grade slopes to more than a 10% elevation or contour change. Building permits will not be issued for development within floodplain. Fill is prohibited.
3.6.6.4 Watercourse Buffer Required	A minimum 50-foot vegetative buffer is required along both sides of all watercourses. A 25-foot vegetative buffer is required around impoundments along watercourses. On each side of the watercourse, the required buffer will begin at the edge of the watercourse channel and extend perpendicular to the watercourse a distance equal to the lesser of 50 feet, or to a ridge line which changes the runoff flow to be away from the watercourse.

3.6.6.5 Development and Use Restrictions within Watercourse Buffers	(1) Development within the required watercourse buffer is limited to flood control, stream bank stabilization, water dependent structures and other public projects such as road crossings and greenways where no practical alternative exists. These activities shall minimize built-upon surface area, direct runoff away from the surface waters, and maximize the utilization of Best Management Practices (BMPs). Use within buffer is limited to the following, subject to the requirement that adjacent lands disturbed as a result of these uses are stabilized and replanted with native vegetation: a. Land-related activities with no permanent structures b. Near perpendicular (75 degrees or greater) utility watercourse crossings c. Parallel utility installation d. Near perpendicular (75 degrees or greater) watercourse crossings by greenway trails, bicycle paths, sidewalks, and other pedestrian path e. Near perpendicular (75 degrees or greater) crossings for farm animals with fencing to minimize the animals' impacts upon the buffers f. Narrow footpaths constructed with minimal vegetation disturbance that permit the landowner to walk to the water g. Incidental drainage improvements or repairs for maintenance h. Mitigation approved by a State or Federal agency acting under Sections 401 or 404 of the Clean Water Act i. The continuation of existing agricultural uses j. Other land uses within the buffers may approved as part of a development plan subject to the requirement that the landowner demonstrate that the net result of the land use and strategy to mitigate the impact of the land use provide at least the same protection to the water quality and ecological integrity. (2) Land disturbances and vegetation clearing are prohibited within the buffer, except for placement of necessary public utilities. (3) Buildings are prohibited within the buffer. (4) Piping of watercourses is prohibited.

3.7 Business District Regulations

3.7.1 Intent

The intent of the Business District is to accommodate a wide range of retail, service, governmental, and office uses that serve not only the Lexington community, but also travelers along key highway corridors. This district provides an opportunity for economic development with convenient automobile access, minimal traffic congestion, and reduced visual clutter along designated commercial corridors.

3.7.2 Minimum Buildable Lot Regulations

3.7.2.1 Apartment Building	(1) Minimum Lot Size: 10,000 square feet, plus 3,000 square feet for each additional unit over three. (2) Minimum Lot Width at Building Line: 75 feet (3) Minimum Public Street Frontage: 60 feet (4) Direct access or access through common area to public water and sewer is required. (5) Flag lots are neither permitted nor buildable. Lot lines shall run through the depth of the lot at an angle as close to perpendicular with the street as possible.
3.7.2.2 Commercial Building	(1) Minimum Lot Size: N/A (2) Minimum Frontage: Lots must meet one of the following requirements: a. A minimum of 25 feet of frontage upon a public street or improved public alley. b. A minimum of 25 feet of frontage upon a private street meeting the following requirements: i. The private street shall be built to City standards; and ii. Maintenance of the private street shall be provided for through a maintenance agreement between private property owners or a property owners association. c. A minimum 25-foot wide access easement / right-of-way to a public street (may cross or include shared parking lot area). d. A minimum 25-foot wide access easement / right-of-way to a private street (may cross or include shared parking lot area). The private street must meet the following requirements: i. The private street shall be built to City standards; and ii. Maintenance of the private street shall be provided for through a maintenance agreement between private property owners or a property owners association. (3) Direct access or access through common area to public water and sewer is required.
3.7.2.3 Duplex	(1) Minimum Lot Width at Building Line: 75 feet Minimum Lot Size: 9,000 square feet (2) Minimum Public Street Frontage: 75 feet, 50 feet on cul-de-sac (3) Direct access to public water and sewer is required. (4) Flag lots are neither permitted nor buildable. Lot lines shall run through the depth of the lot at an angle as close to perpendicular with the street as possible.

3.7 BUSINESS DISTRICT REGULATIONS	
3.7.2.4 Single-family House	(1) Minimum Lot Width at Building Line: 50 feet (2) Minimum Lot Size: 6,000 square feet (3) Minimum Public Street Frontage: 20 feet (4) Direct access to public water and sewer is required. (5) Flag lots are neither permitted nor buildable. Lot lines shall run through the depth of the lot at an angle as close to perpendicular with the street as possible.
3.7.2.5 Townhomes	(1) Overall Development: a. Minimum Lot Size: 10,000 square feet, plus 3,000 square feet for each additional unit over three. b. Minimum Lot Width at Building Line: 75 feet c. Minimum Public Street Frontage 60 feet d. Flag lots are neither permitted nor buildable. Lot lines shall run through the depth of the lot at an angle as close to perpendicular to the street as possible. (2) Individual Townhome lots within the Development: a. Direct access or access through common area to public water and sewer is required. b. Lot sizes and widths are relative to each unit.

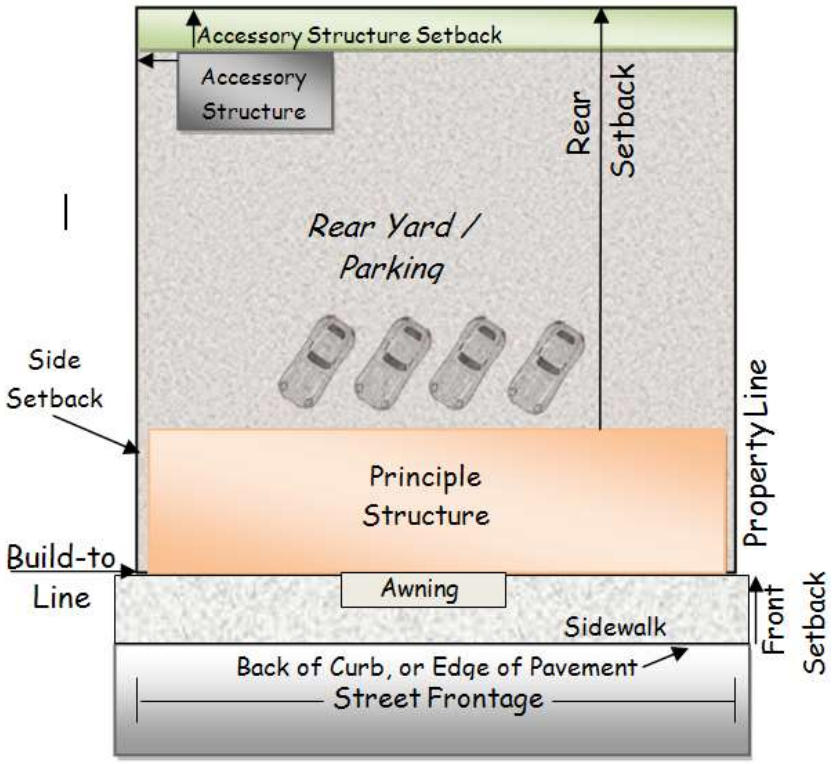
3.7 Business District Regulations

3.7.3 Minimum Setback Regulations

3.7.3.1 Principal Building	(1) Minimum Setback regulations for Single-family House, Duplex, Townhomes, and Apartment Building are the same as for the Traditional Neighborhood District. (2) Adequate access shall be provided for emergency vehicles. (3) Buildings, structures, and features shall be placed so as not to interfere with vehicular sight distance. (4) Front and side setbacks for the principal building exclude pedestrian uses such as plazas, stoops, walks, patios, etc. (5) Front Setback and Build-to Line: For infill development, the front build-to line shall be within 20% of the average of other principal buildings within 300 feet along the same street. Variations from this may be approved if necessary due to topography or for preservation of natural features. If there are no other principal buildings within 300 feet along the same street, the minimum front setback shall be 0 feet against a public sidewalk and 20 if no sidewalk is present. Front setback shall be measured from the back of curb. The front build-to line shall be outside of the street right-of-way. (6) Side Setback for Principal Structure: Refer to the NC State Building Code. (7) Rear Setback for Principal Structure: 25 feet (8) Corner Lot Side Setback: No less than the average of other principal buildings within 300 feet along the side-facing street. Otherwise, 25 feet.
3.7.3.2 Accessory Structure	Accessory Structure setbacks are outlined within the design guidelines and vary according to the type of structure. Unless a specific encroachment is permitted, or lesser or greater setback is stated, the minimum for all accessory structures is 10 feet from any property line. Unless otherwise stated, accessory structure shall be located in the rear yard.

3.7 Business District Regulations

3.7.3.3 Illustration of Setbacks



3.7.4 RESERVED

3.7.5 Permitted Uses, Building Types, Structures, and Features

3.7.5.1 MINOR ZONING PERMIT REQUIRED

A Minor Zoning Permit issued by the Office of Community Development is required for development of permitted uses, buildings, and structures as outlined below. All development must adhere to Design Regulations contained within Section 4. **Items noted by (*) must meet specific criteria contained within Section 5**. A Minimum Housing Code Inspection for residential uses and a Business Compliance Inspection and Certificate of Occupancy for non-residential uses are required prior to utility service. Changes to properties within the historic overlay district shall be regulated in accordance with the design guidelines found in Section 17.

- ❑ Accessory Structures and Uses
  - Accessory Dwelling*
  - Carport
  - Cemetery*
  - Childcare – At home business*
  - Childcare Center*
  - Communication Antenna*
  - Communication Tower*
  - Sidewalk Café*
  - Stable, Commercial*
  - Stable, Private*
  - Storage Building
  - Swimming Pool*
  - Timbering*
  - Utility Stations
- ❑ Conversion of Single-family House or Duplex to Commercial Building
- ❑ Existing Buildings
- ➢ Professional Service
- ➢ Recreation Facility, Indoor
- ➢ Recreation Facility, Outdoor*
- ➢ Recycling Collection Site*

3.7 BUSINESS DISTRICT REGULATIONS

- Construction Material Supply Yard*
- Daycare Center for Adults*
- Deck
- Dependent Care Home*
- Detached Garage
- Detached Workshop
- Electronic Gaming Operation*
- Farmer's Market*
- Farmer's Stand*
- Fence
- Gazebo
- Greenhouse / Nurseries*
- Hayfield*
- Home Occupation*
- Outdoor Dining*
- Outdoor Display, Private Property*
- Outdoor Display, Public Property*
- Park
- Parking Lot
- Patio
- Pond*
- Pushcart Vendor*
- Recreation Facility, Outdoor*
- Recycling Collection Site*
- Reforestation*

- Apartment Building for Residential Use
- Commercial Building for the following uses: (May require building improvements to meet NC Building Code for specific type of occupancy.)
  - Amusement, Indoor
  - Automotive Repair
  - Automotive Service
  - Carwash
  - Childcare Center*
  - Convenient Store
  - Crematory*
  - Cultural Facility
  - Daycare Center for Adults*
  - Dependent Care Center*
  - Electronic Gaming Operation*
  - Farmer's Market*
  - Fitness, Indoor
  - Gas Station
  - Governmental Agency
  - Grocery Store
  - Hotel, Motel, Inn
  - Lodge
  - Mixed Use*
  - Office
  - Production Shop
  - Religious Institution
  - Restaurant
  - Retail
  - School, Public or Private
  - Studio
- Duplex for Residential Use
- Single-family House for the following uses:
  - Bed and Breakfast Inn*
  - Office
  - Residential
- Townhomes for Residential Use

❑ Expansion / addition to existing building

❑ Principal Structures and Uses

- Cemetery*
- Greenhouse / Nurseries*
- Farmers Market*
- Farmer's Stand*
- Hayfield*
- Parking Lot
- Pond*
- Reforestation*
- Timbering*
- Utility Station

❑ Principal Use on Public Sidewalk

Pushcart Vendor*

3.7.5.2 MAJOR ZONING PERMIT REQUIRED

A Major Zoning Permit, which is reviewed and recommended by the Planning Board and approved by City Council, is required for permitted developments, conversions, or uses as outlined below. All development must adhere to Design Regulations contained within Section 4**. Items noted by (*) must meet specific criteria contained within Section 5**. A Minimum Housing Code Inspection for residential uses and a Business Compliance Inspection and Certificate of Occupancy for non-residential uses are required prior to

utility service. Changes to properties within the historic overlay district shall be regulated in accordance with the design guidelines found in Section 17.

NEW DEVELOPMENT	CONVERSION	USE
❑ Apartment Building ❑ Commercial Building ❑ Duplex ❑ Parking Deck ❑ Single-family House ❑ Townhomes	❑ Conversion of any of the following building types to another building type • Apartment Building • Commercial Building • Townhomes	❑ Adult Establishment* ❑ Emporium* ❑ Nightclub, Private Club* ❑ Outdoor Sales, Lease or Display of: • Large Vehicles, Heavy Equipment, and/or Farm Equipment* • Manufactured and/or Modular Homes* • Motor Vehicles (New and Used Car, Truck, or Boat Lots)* • Metal Carports* • Storage Buildings* ❑ Pub, Private Club* ❑ Wine Bar, Private Club* ❑ Recreation Facility, Outdoor*

3.7.5.3 SPECIAL USE PERMIT REQUIRED

A Special Use Permit issued by the Board of Adjustment is required for development of permitted uses, buildings, and structures listed below. All development must adhere to Design Regulations contained within Section 4, **Items noted by (*) must meet specific criteria contained within Section 5**. A minimum Housing Code Inspection for residential uses and a Business compliance Inspection and Certificate of Occupancy for non-residential uses are required prior to utility service."

(1) Flea Market, Indoor and/or Outdoor*

3.7.6 Floodplain and Watercourse Protection Restrictions

3.7.6.1 Applicability	(1) All area within the 1% (100-year) floodplain as shown on the most recent version of the Federal Emergency Management Agency Flood Insurance Rate Maps; and

	(2) All streams, creeks, rivers, etc. shown as watercourses on the most recent version of the Federal Emergency Management Agency Flood Insurance Rate Maps.
3.7.6.2 Exceptions to Applicability	(1) Existing Development (2) Legal lots of record (conditions may be required to limit impact.) (3) The placement of necessary public utilities.
3.7.6.3 Floodplain Restrictions	Development shall not mar or disturb the ecological and environmental efficiency of the floodplain land, nor may it disturb or re-grade slopes to more than a 10% elevation or contour change. Building permits will not be issued for development within floodplain. Fill is prohibited
3.7.6.4 Watercourse Buffer Required	A minimum 50-foot vegetative buffer is required along both sides of all watercourses. A 25-foot vegetative buffer is required around impoundments along watercourses. On each side of the watercourse, the required buffer will begin at the edge of the watercourse channel and extend perpendicular to the watercourse a distance equal to the lesser of 50 feet, or to a ridge line which changes the runoff flow to be away from the watercourse.
3.7.6.5 Development and Use Restrictions within Watercourse Buffers	(1) Development within the required watercourse buffer is limited to flood control, stream bank stabilization, water dependent structures and other public projects such as road crossings and greenways where no practical alternative exists. These activities shall minimize built-upon surface area, direct runoff away from the surface waters, and maximize the utilization of Best Management Practices (BMPs). Use within buffer is limited to the following, subject to the requirement that adjacent lands disturbed as a result of these uses are stabilized and replanted with native vegetation: a. Land-related activities with no permanent structures b. Near perpendicular (75 degrees or greater) utility watercourse crossings c. Parallel utility installation d. Near perpendicular (75 degrees or greater) watercourse crossings by greenway trails, bicycle paths, sidewalks, and other pedestrian path e. Near perpendicular (75 degrees or greater) crossings for farm animals with fencing to minimize the animals' impacts upon the buffers f. Narrow footpaths constructed with minimal vegetation disturbance that permit the landowner to walk to the water g. Incidental drainage improvements or repairs for maintenance h. Mitigation approved by a State or Federal agency acting under Sections 401 or 404 of the Clean Water Act i. The continuation of existing agricultural uses j. Other land uses within the buffers may approved as part of a development plan subject to the requirement that the landowner demonstrate that the net result of the land use and strategy to mitigate the impact of the land use provide at least the same protection to the water quality and ecological integrity.

	(2) Land disturbances and vegetation clearing are prohibited within the buffer, except for placement of necessary public utilities. (3) Buildings are prohibited within the buffer. (4) Piping of watercourses is prohibited.

3.8 Industrial District Regulations

3.8.1 Intent

The intent of the Industrial District is to accommodate existing and future industrial, manufacturing, wholesaling, distribution, and warehousing uses, and encourage the planned development of new office and industrial parks. This district is intended to enhance the economic vitality of the City while mitigating impacts to the environment and adjacent properties, and to provide pedestrian-friendly work places with convenient access to nearby support services.

3.8.2 Minimum Buildable Lot Regulations

3.8.2.1 Apartment Building	(1) Minimum Lot Size: 12,000 square feet, plus 3,000 square feet for each additional unit over three. (2) Minimum Lot Width at Building Line: 75 feet (3) Minimum Public Street Frontage: 60 feet (4) Direct access or access through common area to public water and sewer is required. (5) Flag lots are neither permitted nor buildable. Lot lines shall run through the depth of the lot at an angle as close to perpendicular with the street as possible.
3.8.2.2 Commercial Building	(1) Minimum Lot Size: N/A (2) Minimum Frontage: Lots must meet one of the following requirements: a. A minimum of 25 feet of frontage upon a public street or improved public alley. b. A minimum of 25 feet of frontage upon a private street meeting the following requirements: i. The private street shall be built to City standards; and ii. Maintenance of the private street shall be provided for through a maintenance agreement between private property owners or a property owners association. c. A minimum 25-foot wide access easement / right-of-way to a public street (may cross or include shared parking lot area). d. A minimum 25-foot wide access easement / right-of-way to a private street (may cross or include shared parking lot area). The private street must meet the following requirements: i. The private street shall be built to City standards; and ii. Maintenance of the private street shall be provided for through a maintenance agreement between private property owners or a property owners association. (3) Direct access or access through common area to public water and sewer is required.
3.8.2.3 Duplexes	(1) Minimum Lot Width at Building Line: 75 feet Minimum Lot Size: 9,000 square feet (2) Minimum Public Street Frontage: 75 feet, 50 feet on cul-de-sac (3) Direct access to public water and sewer is required.

	(4) Flag lots are neither permitted nor buildable. Lot lines shall run through the depth of the lot at an angle as close to perpendicular with the street as possible.
3.8.2.4 Single-family House	(1) Minimum Lot Width at Building Line: 50 feet (2) Minimum Lot Size: 6,000 square feet (3) Minimum Public Street Frontage: 20 feet (4) Direct access to public water and sewer is required. (5) Flag lots are neither permitted nor buildable. Lot lines shall run through the depth of the lot at an angle as close to perpendicular with the street as possible.
3.8.2.5 Townhomes	(1) Overall Development: a. Minimum Lot Size: 12,000 square feet, plus 3,000 square feet for each additional unit over three. b. Minimum Lot Width at Building Line: 75 feet c. Minimum Public Street Frontage 60 feet d. Flag lots are neither permitted nor buildable. Lot lines shall run through the depth of the lot at an angle as close to perpendicular to the street as possible. (2) Individual Townhome lots within the Development: a. Direct access or access through common area to public water and sewer is required. b. Lot sizes and widths are relative to each unit.
3.8.3 Minimum Setback Regulations	
3.8.3.1 Principal Building	(1) Adequate access shall be provided for emergency vehicles. (2) Buildings, structures, and features shall be placed so as not to interfere with vehicular sight distance. (3) Front and side setbacks for the principal building exclude pedestrian uses such as plazas, stoops, walks, patios, etc. (4) Front Setback and Build-to Line: For infill development, the front build-to line shall be within 20% of the average of other principal buildings within 300 feet along the same street. Variations from this may be approved if necessary due to topography or for preservation of natural features. If there are no other principal buildings within 300 feet along the same street, the minimum front setback shall be 30 feet against a public sidewalk and 20 feet if no sidewalk is present. Front setback shall be measured from the back of curb. The front build-to line shall be outside of the street right-of-way. Side Setback for Principal Structure: Refer to NC State Building Code (5) Rear Setback for Principal Structure: 30 feet (6) Corner Lot Side Setback: No less than the average of other principal buildings within 300 feet along the side-facing street. Otherwise, 25 feet.

3.8 INDUSTRIAL DISTRICT REGULATIONS

3.8.3.2 Accessory Structures	Accessory Structure setbacks are outlined within the design guidelines and vary according to the type of structure. Unless a specific encroachment is permitted, or lesser or greater setback is stated, the minimum for all accessory structures is 10 feet from any property line. Unless otherwise stated, accessory structures shall be located in the rear yard.
3.8.3.3 Illustration of Setbacks	RESERVED

3.8.5 Permitted Uses, Building Types, Structures, and Features

3.8.5.1 MINOR ZONING PERMIT REQUIRED

A Minor Zoning Permit issued by the Office of Community Development is required for development of permitted uses, buildings, and structures as outlined below. All development must adhere to Design Regulations contained within Section 4. **Items noted by (*) must meet specific criteria contained within Section 5**. A Minimum Housing Code Inspection for residential uses and a Business Compliance Inspection and Certificate of Occupancy for non-residential uses are required prior to utility service. Changes to properties within the historic overlay district shall be regulated in accordance with the design guidelines found in Section 17.

- ❑ Accessory Structures and Uses
  - Accessory Dwelling*
  - Carport
  - Childcare – At home business*
  - Childcare Center*
  - Communication Antenna* (Towers, Utility Structures only)
  - Construction Material Supply Yard*
  - Daycare Center for Adults*
  - Deck
  - Dependent Care Home*
  - Detached Garage
  - Detached Workshop
  - Farmer's Market*
  - Timbering*
  - Utility Station*
- ❑ Conversion of a Single-family House or Duplex to Commercial
- ❑ Existing Buildings:
  - Apartment Building for Residential Use
  - Commercial Building for the following uses: (May require building improvements to meet NC Building Code for specific type of occupancy.)
    - ➢ Amusement, Indoor
    - ➢ Automotive Service
    - ➢ Automobile Repair
    - ➢ Carwash*
    - ➢ Childcare Center*
    - ➢ Recreation Facility, Outdoor*
    - ➢ Recycling Collection Site*
    - ➢ Religious Institution
    - ➢ Research Facility (No Hazardous or Infectious Material Handling)
    - ➢ Restaurant
    - ➢ Retail
    - ➢ School, Public or Private
    - ➢ Self-Service Storage*
    - ➢ Studio
    - ➢ Transfer station of organic and

3.8 INDUSTRIAL DISTRICT REGULATIONS

- Farmer's Stand*
- Fence
- Gazebo
- Greenhouse / Nursery*
- Hayfield*
- Home Occupation*
- Outdoor Dining*
- Outdoor Display, Private Property*
- Outdoor Display, Public Sidewalk*
- Outdoor Storage of Large Vehicles, Heavy Equipment, and/or Farm Equipment*
- Park
- Parking Lot
- Patio
- Pond*
- Produce Stand*
- Pushcart Vendor*
- Recreation Facility, Indoor
- Recreation Facility, Outdoor*
- Reforestation*
- Sidewalk Café*
- Stable, Commercial*
- Stable, Private*
- Storage Building
- Swimming Pool

➢ Convenient Store
➢ Correctional Facility
➢ Crematory*
➢ Cultural Facility
➢ Daycare Center for Adults*
➢ Dependent Care Center*
➢ Distribution
➢ Farmer's Market*
➢ Fitness, Indoor
➢ Gas Station
➢ Governmental Agency
➢ Grocery Store
➢ Hotel, Motel, Inn
➢ Lodge
➢ Office
➢ Manufacturing
➢ Mixed Use*
Packaging
➢ Processing
➢ Production Shop
➢ Professional Service
➢ Pub, Private Club*
➢ Recreation Facility, Indoor

inorganic waste products
➢ Warehouse
➢ Wholesale
➢ Wine Bar, Private Club*

- Duplex for Residential Use
- Single-family House for the following uses:
  ➢ Office
  ➢ Residential
- Townhomes for Residential Use

❑ Expansion / addition to existing building
❑ Principal Structures and Uses
- Farmer's Stand*
- Greenhouse / Nursery*
- Hayfield*
- Pond*
- Recycling Collection Site*
- Reforestation*
- Stable, Commercial*
- Trucking Terminal*
- Utility Station*

❑ Principal Use on Public Sidewalk
- Pushcart Vendor*

3.8.5.2 MAJOR ZONING PERMIT REQUIRED

A Major Zoning Permit, which is reviewed and recommended by the Planning Board and approved by City Council, is required for permitted developments, conversions, or uses as outlined below. All development must adhere to Design Regulations contained within Section 4. **Items noted by (*) must meet specific criteria contained within Section 5.** A Minimum Housing Code Inspection for residential uses and a Business Compliance Inspection and Certificate of Occupancy for non-residential uses are required prior

to utility service. Changes to properties within the historic overlay district shall be regulated in accordance with the design guidelines found in Section 17.

DEVELOPMENT	CONVERSION	USE	
❑ Commercial Building ❑ Single-family House	❑ Conversion of any of the following building types to another building type • Apartment Building • Commercial Building • Townhomes	❑ Airport ❑ Communication Tower* ❑ Nightclub, Private Club* ❑ Outdoor Sales, Lease or Display of: • Large Vehicles, Heavy Equipment, and/or Farm Equipment • Manufactured and/or Modular Homes* • Motor Vehicles (New and Used Car, Truck, or Boat Lots)* • Metal Carports and/or Storage Buildings*	❑ Outdoor Storage of Vehicles in Common Ownership* ❑ Pub, Private Club* ❑ Recreation Facility, Outdoor* ❑ Self Service Storage Units* ❑ Towing Business with Accessory Outdoor Storage of Towed Vehicles* ❑ Wine Bar, Private Club* ❑ Utility Treatment Plant

3.8.5.3 SPECIAL USE PERMIT REQUIRED

A Special Use Permit issued by the Board of Adjustment is required for development of permitted uses, buildings, and structures listed below. All development must adhere to Design Regulations contained within Section 4, **Items noted by (*) must meet specific criteria contained within Section 5**. A minimum Housing Code Inspection for residential uses and a Business compliance Inspection and Certificate of Occupancy for non-residential uses are required prior to utility service.

(1) Flea Market, Indoor and/or Outdoor*

3.8.6 Floodplain and Watercourse Protection Restrictions

3.8.6.1 Applicability	(1) All area within the 1% (100-year) floodplain as shown on the most recent version of the Federal Emergency Management Agency Flood Insurance Rate Maps; and

	(2) All streams, creeks, rivers, etc. shown as watercourses on the most recent version of the Federal Emergency Management Agency Flood Insurance Rate Maps.
3.8.6.2 Exceptions to Applicability	(1) Existing Development (2) Legal lots of record (conditions may be required to limit impact.) (3) The placement of necessary public utilities.
3.8.6.3 Floodplain Restrictions	Development shall not mar or disturb the ecological and environmental efficiency of the floodplain land, nor may it disturb or re-grade slopes to more than a 10% elevation or contour change. Building permits will not be issued for development within floodplain. Fill is prohibited.
3.8.6.4 Watercourse Buffer Required	A minimum 50-foot vegetative buffer is required along both sides of all watercourses. A 25-foot vegetative buffer is required around impoundments along watercourses. On each side of the watercourse, the required buffer will begin at the edge of the watercourse channel and extend perpendicular to the watercourse a distance equal to the lesser of 50 feet, or to a ridge line which changes the runoff flow to be away from the watercourse.
3.8.6.5 Development and Use Restrictions within Watercourse Buffers	(1) Development within the required watercourse buffer is limited to flood control, stream bank stabilization, water dependent structures and other public projects such as road crossings and greenways where no practical alternative exists. These activities shall minimize built-upon surface area, direct runoff away from the surface waters, and maximize the utilization of Best Management Practices (BMPs). Use within buffer is limited to the following, subject to the requirement that adjacent lands disturbed as a result of these uses are stabilized and replanted with native vegetation: a. Land-related activities with no permanent structures b. Near perpendicular (75 degrees or greater) utility watercourse crossings c. Parallel utility installation d. Near perpendicular (75 degrees or greater) watercourse crossings by greenway trails, bicycle paths, sidewalks, and other pedestrian path e. Near perpendicular (75 degrees or greater) crossings for farm animals with fencing to minimize the animals' impacts upon the buffers f. Narrow footpaths constructed with minimal vegetation disturbance that permit the landowner to walk to the water g. Incidental drainage improvements or repairs for maintenance h. Mitigation approved by a State or Federal agency acting under Sections 401 or 404 of the Clean Water Act i. The continuation of existing agricultural uses j. Other land uses within the buffers may approved as part of a development plan subject to the requirement that the landowner demonstrate that the net result of the land use and strategy to mitigate the impact of the land use provide at least the same protection to the water quality and ecological integrity.

	(2) Land disturbances and vegetation clearing are prohibited within the buffer, except for placement of necessary public utilities. (3) Buildings are prohibited within the buffer. (4) Piping of watercourses is prohibited.

3.9 Planned Development District Regulations

3.9.1 Intent

The Planned Development District allows variation from basic regulations found in other Districts in exchange for the expectation of higher quality development under a site-specific comprehensive plan. The intent is to create better form and design through flexibility. Planned Developments may vary from one large tract to multiple parcels, and are typically characterized by clustered buildings, uniformity in elements such as streetscape, signage and landscaping, common open space, public infrastructure, density increases, lot variations, and a mix of building types and land uses. Development is usually phased over a number of years, allowing some assurance on the part of the developer that the project will be able to continue to completion over time using the original planning concept.

3.9.2 Permitted Uses

The primary focus of a Planned Development can vary to include mixed use, housing, shopping, entertainment, civic, recreation, conservation, industrial, institutional, office, common interest, business, theme, or any combination. A Planned Development District is governed by a Planned Development Agreement, which is a contractual document containing the concept plan, uses, design and development standards, rules, and regulations of the development and which shall be recorded in the Office of the Register of Deeds.

(1) Planned Development Agreements shall include/address the following elements:
   a. Conceptual plan
   b. Statement of Intent – a narrative describing the use(s), form, character, and focus of the development
   c. Phasing schedule
   d. Transportation impacts
   e. Conversions – possible land use substitutions in the future
   f. Edge treatments and use transitions shall be required in order to blend appropriately to adjacent development.

(2) For the purpose of parking, impact buffers, and recreation uses, the entire site may be considered as one, or as individual units.

3.9.3 Permitting

The process for approving a Planned Development consists of City Council's adoption of an ordinance to rezone the subject property to Planned Development District, simultaneous to City Council's approval of a Planned Development Agreement and any preliminary subdivision plats, if applicable. The Planned Development Agreement serves as the master planning document, as well as the zoning regulations for the associated Planning Development District. Planned Developments are approved by City Council with Planning Board recommendation. Individual development within an approved Planned Development District may be approved at staff level in accordance with the Planned Development Agreement. Final subdivision plats consistent with an approved Planned Development Agreement may be approved by the Director of Community Development. Changes to properties within the historic overlay district shall be regulated in accordance with the design guidelines found in Section 17.

3.9.4 Floodplain and Watercourse Protection Restrictions

3.9.4.1 Applicability	(1) All area within the 1% (100-year) floodplain as shown on the most recent version of the Federal Emergency Management Agency Flood Insurance Rate Maps; and (2) All streams, creeks, rivers, etc. shown as watercourses on the most recent version of the Federal Emergency Management Agency Flood Insurance Rate Maps.
3.9.4.2 Exceptions to Applicability	(1) Existing Development (2) Legal lots of record (conditions may be required to limit impact.) (3) The placement of necessary public utilities.
3.9.4.3 Floodplain Restrictions	Development shall not mar or disturb the ecological and environmental efficiency of the floodplain land, nor may it disturb or re-grade slopes to more than a 10% elevation or contour change. Building permits will not be issued for development within floodplain. Fill is prohibited.
3.9.4.4 Watercourse Buffer Required	A minimum 50-foot vegetative buffer is required along both sides of all watercourses. A 25-foot vegetative buffer is required around impoundments along watercourses. On each side of the watercourse, the required buffer will begin at the edge of the watercourse channel and extend perpendicular to the watercourse a distance equal to the lesser of 50 feet, or to a ridge line which changes the runoff flow to be away from the watercourse.
3.9.4.5 Development and Use Restrictions within	(1) Development within the required watercourse buffer is limited to flood control, stream bank stabilization, water dependent structures and other public projects such as road crossings and greenways where no practical alternative exists. These activities shall minimize built-upon surface area, direct runoff away from the surface waters, and maximize the utilization of Best Management Practices (BMPs). Use within buffer is

Watercourse Buffers	limited to the following, subject to the requirement that adjacent lands disturbed as a result of these uses are stabilized and replanted with native vegetation: a. Land-related activities with no permanent structures b. Near perpendicular (75 degrees or greater) utility watercourse crossings c. Parallel utility installation d. Near perpendicular (75 degrees or greater) watercourse crossings by greenway trails, bicycle paths, sidewalks, and other pedestrian path e. Near perpendicular (75 degrees or greater) crossings for farm animals with fencing to minimize the animals' impacts upon the buffers f. Narrow footpaths constructed with minimal vegetation disturbance that permit the landowner to walk to the water g. Incidental drainage improvements or repairs for maintenance h. Mitigation approved by a State or Federal agency acting under Sections 401 or 404 of the Clean Water Act i. The continuation of existing agricultural uses j. Other land uses within the buffers may approved as part of a development plan subject to the requirement that the landowner demonstrate that the net result of the land use and strategy to mitigate the impact of the land use provide at least the same protection to the water quality and ecological integrity. (2) Land disturbances and vegetation clearing are prohibited within the buffer, except for placement of necessary public utilities. (3) Buildings are prohibited within the buffer. (4) Piping of watercourses is prohibited.

3.10 Manufactured Home District Regulations

3.10.1 Intent

The intent of the Manufactured Home District is to accommodate existing manufactured home neighborhoods and allow for some new neighborhoods that include or are proposed to include manufactured homes. The requirements herein are intended to ensure compatibility with existing housing stock by imposing supplemental appearance standards for manufactured housing.

3.10.2 Minimum Buildable Lot Regulations

3.10.3.1 Apartment Building	(1) Minimum Lot Size: 10,000 square feet, plus 4,000 square feet for each additional unit over three. (2) Minimum Lot Width at Building Line: 100 feet (3) Minimum Public Street Frontage 60 feet (4) Direct access or access through common area to public water and sewer is required. (5) Flag lots are neither permitted nor buildable. Lot lines shall run through the depth of the lot at an angle as close to perpendicular to the street as possible.
3.10.3.2 Commercial Building	(1) Minimum Lot Size: 10,000 square feet (2) Minimum Lot Width at Building Line: 100 feet (3) Minimum Public Street Frontage: 60 feet (4) Direct access to public water and sewer is required.
3.10.3.3 Duplexes	(1) Minimum Lot Size: 9,000 square feet (2) Minimum Lot Width at Building Line: 75 feet (3) Minimum Public Street Frontage: 40 feet (4) Direct access to public water and sewer is required. (5) Flag lots are neither permitted nor buildable. Lot lines shall run through the depth of the lot at an angle as close to perpendicular to the street as possible.
3.10.3.4 Single-family House Lots	(1) Minimum Lot Size: 6,000 square feet (2) Minimum Lot Width at Building Line: 50 feet (3) Minimum Public Street Frontage: 20 feet (4) Direct access to public water and sewer is required. (5) Flag lots are neither permitted nor buildable. Lot lines shall run through the depth of the lot at an angle as close to perpendicular to the street as possible.
3.10.3.5 Manufactured Home Lots (within Manufactured Home Neighborhood)	(1) Individual homes shall be placed on separately platted lots. (2) Minimum Lot Size: 6,000 square feet (3) Minimum Lot width Fronting a Public or Private Street: 50 feet (4) Minimum Public or Private Street Frontage: 20 feet (5) Direct access or access through common area to public water and sewer is required. (6) Flag lots are neither permitted nor buildable. Lot lines shall run through the depth of the lot at an angle as close to perpendicular to the street as possible.

3.10 MANUFACTURED HOME DISTRICT REGULATIONS	
3.10.3.6 Manufactured Home Neighborhood	(1) Minimum Development Size: 5 acres (2) Maximum Development Size: 25 acres (3) Individual homes shall be placed on separately platted lots meeting minimum buildable lot standards (See Section 3.10.3.5). (4) Neighborhoods with 20 or more lots shall have at least two entrances.
3.10.3.7 Townhomes	(1) Overall Development: a. Minimum Lot Size: 10,000 square feet for the first unit, plus 4,000 square feet for each additional unit. b. Minimum Lot Width at Building Line: 100 feet c. Minimum Public Street Frontage 60 feet d. Flag lots are neither permitted nor buildable. Lot lines shall run through the depth of the lot at an angle as close to perpendicular to the street as possible. (2) Individual Townhome lots within the Development: a. Direct access or access through common area to public water and sewer is required. b. Lot sizes and widths are relative to each unit.
3.10.3 Minimum Setback Regulations	
3.10.3.1 Principal Building (includes individual Manufactured Homes on lots within Manufactured Home Neighborhood)	(1) Adequate access shall be provided for emergency vehicles. (2) Buildings, structures, and features shall be placed so as not to interfere with vehicular sight distance. (3) Front and side setbacks for the principal building exclude pedestrian uses such as plazas, stoops, walks, patios, etc. (1) Front Setback and Build-to Line: For infill development, the front build-to line shall be within 15% of the average of other principal buildings within 300 feet along the same street. Variations from this may be approved if necessary due to topography or for preservation of natural features. If there are no other principal buildings within 300 feet along the same street, the minimum front setback shall be 20 feet. Front setback and Built-to Line shall be measured from the back of curb or edge of pavement if no curb exists. The Build-to Line shall be outside of the street right-of-way. (2) Side Setback for Single-family House/ Manufactured Home: 8 feet (3) Side Setback for Apartment or Townhome Development and Commercial Building: 25 feet (4) Side Spacing between Townhome buildings and between Apartment buildings: 16 feet (5) Side Spacing between Commercial buildings: refer to NC State Building Code (6) Rear Setback: 25 feet

	(7) Corner Lot Side Setback: No less than the average of other principal buildings within 300 feet along the side-facing street. Otherwise, 25 feet.
3.10.3.2 Accessory Structures	(1) Accessory Structure setbacks are outlined within the Design Regulations within Section 4 and vary according to the type of structure. Unless a specific encroachment is permitted, or a lesser or greater setback is stated, the minimum for all accessory structures is 10 feet from any property line. Unless otherwise stated, all accessory structures shall be located in the rear yard.
3.10.3.3 Illustration of Setbacks	See Section 3.4.3.3

3.10.5 Permitted Uses, Building Types, Structures, and Features

3.10.5.1 MINOR ZONING PERMIT REQUIRED

A Minor Zoning Permit issued by the Office of Community Development is required for development of permitted uses, buildings, and structures as outlined below. All development must adhere to Design Regulations contained within Section 4. **Items noted by (*) must meet specific criteria contained within Section 5**. A Minimum Housing Code Inspection for residential uses and a Business Compliance Inspection and Certificate of Occupancy for non-residential uses are required prior to utility service. Changes to properties within the historic overlay district shall be regulated in accordance with the design guidelines found in Section 17.

- ❑ Accessory Structures and Accessory Uses
  - Carport
  - Cemetery*
  - Childcare Center* (Accessory to Religious Institution only)
  - Deck
  - Detached Garage
  - Detached Workshop
  - Fence
  - Gazebo
  - Patio
  - Storage Building
  - Swimming Pool*
- ❑ Existing Buildings
  - Apartment Building for Residential Use*
  - Manufactured Home for Residential Use*
  - Single-family House for Residential Use*
- ❑ Principal Structures and Uses
  - Duplex
  - Cemetery*
  - Manufactured Homes on Individual Lots
  - Manufactured Homes within an existing Manufactured Home Neighborhood
  - Recreation Facility, Outdoor*
  - Single-family House
  - Utility Station*

• Commercial Building for the following uses: (May require building improvements to meet NC Building Code for specific type of occupancy.) ➢ Childcare Center* ➢ Community Center ➢ Cultural Facility ➢ Daycare Center for Adults* ➢ Dependent Care Center* ➢ Governmental Agency ➢ Recreation Facility, Indoor* ➢ Religious Institution ➢ School, Public or Private	

3.10.5.2 MAJOR ZONING PERMIT REQUIRED

A Major Zoning Permit, which is reviewed and recommended by the Planning Board and approved by City Council, is required for permitted developments, conversions, or uses as outlined below. All development must adhere to Design Regulations contained within Section 4. **Items noted by (*) must meet specific criteria contained within Section 5**. A Minimum Housing Code Inspection for residential uses and a Business Compliance Inspection and Certificate of Occupancy for non-residential uses are required prior to utility service. Changes to properties within the historic overlay district shall be regulated in accordance with the design guidelines found in Section 17.

DEVELOPMENT

❑ Manufactured Home Neighborhood*

3.10.6 Floodplain and Watercourse Protection Restrictions

3.10.6.1 Applicability	(1) All area within the 1% (100-year) floodplain as shown on the most recent version of the Federal Emergency Management Agency Flood Insurance Rate Maps; and (2) All streams, creeks, rivers, etc. shown as watercourses on the most recent version of the Federal Emergency Management Agency Flood Insurance Rate Maps.
3.10.6.2 Exceptions	(1) Nonconforming structures within Floodplain. (2) Legal lots of record (conditions may be required to limit impact.) (3) The placement of necessary public utilities.
3.10.6.3 Floodplain Restrictions	Development shall not mar or disturb the ecological and environmental efficiency of the floodplain land, nor may it disturb or re-grade slopes to more than a 10% elevation or contour change. Building permits will not be issued for development within floodplain. Fill is prohibited.
3.10.6.4 Watercourse	A minimum 50-foot vegetative buffer is required along both sides of all watercourses. A 25-foot vegetative buffer is required around impoundments along watercourses. On each side of the watercourse, the required buffer will begin at the edge of the watercourse channel

Buffer Required	and extend perpendicular to the watercourse a distance equal to the lesser of 50 feet, or to a ridge line which changes the runoff flow to be away from the watercourse.
3.10.6.5 Development and Use Restrictions within Watercourse Buffers	(1) Development within the required watercourse buffer is limited to flood control, stream bank stabilization, water dependent structures and other public projects such as road crossings and greenways where no practical alternative exists. These activities shall minimize built-upon surface area, direct runoff away from the surface waters, and maximize the utilization of Best Management Practices (BMPs). Use within buffer is limited to the following, subject to the requirement that adjacent lands disturbed as a result of these uses are stabilized and replanted with native vegetation: a. Land-related activities with no permanent structures b. Near perpendicular (75 degrees or greater) utility watercourse crossings c. Parallel utility installation d. Near perpendicular (75 degrees or greater) watercourse crossings by greenway trails, bicycle paths, sidewalks, and other pedestrian path e. Near perpendicular (75 degrees or greater) crossings for farm animals with fencing to minimize the animals' impacts upon the buffers f. Narrow footpaths constructed with minimal vegetation disturbance that permit the landowner to walk to the water g. Incidental drainage improvements or repairs for maintenance h. Mitigation approved by a State or Federal agency acting under Sections 401 or 404 of the Clean Water Act i. The continuation of existing agricultural uses j. Other land uses within the buffers may approved as part of a development plan subject to the requirement that the landowner demonstrate that the net result of the land use and strategy to mitigate the impact of the land use provide at least the same protection to the water quality and ecological integrity. (2) Land disturbances and vegetation clearing are prohibited within the buffer, except for placement of necessary public utilities. (3) Buildings are prohibited within the buffer. (4) Piping of watercourses is prohibited.

SECTION 4. DESIGN REGULATIONS

4.1 CHANGE IN USE OR OCCUPANCY FOR EXISTING STRUCTURES

With a change in use or occupancy of an existing structure, design standards will only apply regarding the aspects of a building, structure, or feature directly affected by any proposed changes to the building, structure, or feature such as landscaping, parking, signage, fencing, and site design.

4.2 EXISTING STRUCTURES AND FEATURES

(1) All new construction, including additions to existing buildings, shall comply with design regulations for the building, structure, or feature type.

(2) When features such as landscaping, parking, signage, fencing, and site design are affected with a renovation project, such site features will comply with the design regulations to the level possible as determined by the Director of Community Development.

(3) Routine maintenance and repair are exempt from these design regulations.

(4) Resurfacing an existing paved parking lot will not invoke the landscape regulations for parking lots. However, expansion of a paved area of a parking lot will invoke the landscaping regulations and applicable impact buffer regulations for parking lots relative to the proposed newly paved area, and otherwise to the extent possible as determined by the Director of Community Development. Exception: Lots used in conjunction with a loading dock at an Industrial property.

(5) Creation of a new parking lot incidental to a new principal building, whether or not the lot is previously paved, will invoke landscape regulations as well as any applicable impact buffers. Exception: Lots used in conjunction with a loading dock at an Industrial property will not invoke the landscaping regulations, but will invoke any applicable impact buffers.

(6) Existing gravel lots and other pervious surfaces that are proposed for paving shall comply with the design and landscape regulations for parking lots, and applicable impact buffer regulations.

(7) Regulations for Accessory Structures, Uses, and Features for Duplex and Single-family Houses shall immediately apply for outdoor storage, outdoor furniture and décor, parking and vehicle storage, and any other Accessory Structure, Use, or Feature not already approved through issuance of a building permit. Exception: New driveways will not be required at existing residences.

4.3 VACANT LOTS

(1) Vacant lots may not be used except as expressly permitted as land uses or otherwise by this ordinance.

(2) Vacant lots may remain densely wooded; otherwise, previously cleared lots not approved for Reforestation or Hayfield by Minor Development Permit shall be mowed and kept free of tall grass, overgrown vegetation, junk, debris, or other storage.

4.4 PUBLIC RIGHT-OF-WAY AND UTILITY EASEMENTS

Land within a public right-of-way dedicated for public access and/or transportation use and utility easements may not be used except as expressly permitted otherwise by this ordinance

4.5 Design Regulations for Apartment Buildings

4.5.1 Description

Apartment Buildings are residential buildings accommodating several households under a single deed/ownership. The units may be in one or more buildings. The entire property, including buildings, units, common areas, and amenities are managed under a single entity.

Note: Changes to properties within the historic overlay district shall be regulated in accordance with the design guidelines found in Section 17.

4.5.2 Sustainability

Incorporating the following sustainable elements into development is permitted and encouraged:

(1) White roofs (applicable for flat roofs)
(2) Landscaped roofs and walls
(3) Solar panels
(4) South-facing buildings / windows
(5) Use of recycled materials
(6) Wind turbines (with setbacks equal to height if pole-mounted)
(7) Energy efficient construction practices
(8) Clothes lines
(9) Community garden plots or raised garden beds
(10) Composting
(11) Food-producing or edible landscaping
(12) On-site water retention and reuse

4.5.3 Site

(1) The first building shall front and parallel a public street. Additional buildings may front an improved common area with pedestrian access. No apartment building shall front the rear or side of another apartment building.
(2) See Section 3, District Regulations for setbacks.
(3) Mechanical equipment, utility meters, storage areas, individual trash containers and enclosures, transformers, generators, and similar features or other utility hardware on roof, ground, or buildings will be screened from public view with materials similar to the principal building, or they will be so located as not to be visible from any public view. None of these elements may be located in the front yard.
(4) Each unit shall have the street address number, a minimum of four inches in height, posted on the side of the building fronting the public street. The design and placement of the street address numbers shall be uniform.

4.5.4 Relation to Existing Environment

(1) Buildings located within the Uptown District shall not have residential units on any first floor facing a public street.
(2) Buildings shall not be more than one story above adjacent existing buildings without additional setback equal to the height of each story over two.

(3) New development shall not overshadow adjacent sites in such a way as to prohibit existing or future solar energy usage or reasonable access to natural light.
(4) Infill development will be sensitive to predominant characteristics of the neighborhood, including built form, vegetation, and influences such as road layout, lot size, and pattern.

4.5.5 Architecture and Building Materials

(1) All sides of the building shall use materials consistent with those on the front.
(2) The color of roof stacks, flashing, vents, power exhaust fans, and metal chimney caps shall blend with the roof colors.
(3) Primary finish materials shall cover a minimum of 75% of the exterior wall surface excluding window and door opening, and shall be limited to: brick; stone; stucco; wood siding; concrete siding; and/or decorative stamped and stained concrete.
(4) Secondary finish materials may cover no more than 25% of any exterior wall surface excluding window and door opening, and shall be limited to: vinyl siding, Exterior Finish Insulation System (EFIS).
(5) Where any sloped roofs and structural canopies are used, they will be covered with: asphalt shingles; natural clay tiles; slate; concrete tiles; ribbed metal; and wood shakes or shingles.
(6) Piecemeal patching with materials that do not match is prohibited.
(7) Garages may not protrude beyond the front plane of the unit/building.
(8) Accessory buildings shall be of similar design and color as the principal building.

4.5.6 Parking

4.5.6.1 Parking Requirements	(1) All requirements of the North Carolina State Building Code shall be met concerning Handicapped Parking. (2) One parking space shall be provided per dwelling. Exception: Developments specific to persons with limited driving needs shall provide a minimum of .25 parking spaces per unit. On-street or off-site parking nearby may be used to help meet parking space requirements with the provision of pedestrian access between the street and the unit. (3) Overflow parking shall utilize on-street parking or a nearby parking lot, not the front or side yard. If on-street parking is utilized, it shall be contained within the area immediately fronting the unit and not be in front of other surrounding units or properties.

4.5.6.2 Parking Lot Design

(1) See Section 4.5.7.3 for Parking Lot Landscaping requirements.

(2) Parking lots shall be paved, concrete, brick pavers or other similar material. Gravel, mulch, dirt, or other dust causing material is not permitted.

(3) For buildings fronting North and South Main Street and East and West Center Street within the Uptown District, parking lots shall be located beside or behind the building. For properties fronting North and South Main Street and East and West Center Street within the Uptown District, and for properties fronting Winston Road Between 9th Street and Biesecker Road, Building shall face the major thoroughfare and parking lots shall be located beside or behind the building.

(4) All parking lots will meet the requirements of the City of Lexington Public Works Construction Manual.

(5) Curb cuts will be minimized.

(6) Extension of pedestrian facilities will be required where existing pedestrian facilities adjoin.

(7) Adjoining parking lots shall be interconnected to the extent possible. Where vehicular access is provided between adjoining uses and the operating hours are conducive to sharing, all of the required parking spaces may be shared. The joint use of shared off-street parking between two uses shall be guaranteed by a contract or other legally binding document between two or more adjacent property owners and a copy shall be provided to the Director of Community Development.

(8) Parking and vehicular surface areas, except for shared parking lots, interconnections and driveways crossing perpendicular or near perpendicular to the street, shall be set back from property lines and the street in order to provide for applicable screening and street trees.

(9) Parking lots will be designed to allow pedestrians to move safely from their vehicles to the building. The use of internal sidewalks and/or crosswalks may be required.

(10) Driveways to parking areas shall be limited to 24 feet in width unless approved by the City of Lexington or North Carolina Department of Transportation.

(11) Off-street parking areas will be designed to facilitate adequate movement and access by emergency, and other public service vehicles.

(12) Parking lots shall be designed so that parked vehicles do not encroach upon or extend onto public rights-of-way, sidewalks, or landscaped areas.

(13) Parking lots shall be designed so that cars are not required to back directly into public streets in order to park or leave.

(14) Parking area aisle widths will conform to the following table:

Angle of Parking	0°	30°	45°	60°	90°
Lanes	Required Aisle Width (feet)				
One Way Traffic	12	14	16	16	18
Two Way Traffic	18	20	22	22	24

4.5.6.3 Storage of some types of Vehicles and/or Heavy Equipment Prohibited	(1) Domestic and recreational vehicles such as boats, camper trailers, and utility trailers shall be stored off of the street and may not be located in the front or side yard. There may be a common designated parking area in the rear yard for boat and trailer parking of residents of the development. Said parking area shall be setback a minimum of 25 feet from rear or side property lines. (2) No passenger buses, school or activity buses, horse trailers, tractors, truck trailers, dump trucks, tractor trucks, semi trailers, one-ton or larger commercially licensed trucks and vans, house trailers, or heavy equipment such as bulldozers and backhoes shall be stored on the street or on site. (3) No residential unit or lot may be used as the base operation for any freight-hauling truck.
4.5.7 Landscaping	
4.5.7.1 General Description	Landscaping around buildings and paved areas not only approves the appearance of the site, it also provides an opportunity for on-site water retention and use. Landscaping reduces runoff and should be designed in such a way that water is captured naturally and absorbed by landscaped areas. In addition to ground plantings, roofs and walls may be landscaped. In order to provide a more sustainable environment for residents, fruit and nut trees are encouraged and will be classified as large trees. Developers are encouraged to incorporate the use of other food-producing or edible plants, which may be substituted for large shrubs except within impact buffers.
4.5.7.2 Building Perimeter Landscaping	A landscape area with an average width of at least 5 feet is required between any vehicular surface area and the front or side of a building. Sidewalks around the building may be located between the landscape area and the building, or to the outside of the landscape area adjacent to vehicular surface area. Breaks in the landscape area will be permitted for perpendicular sidewalks leading to the building or for patios. The landscape area shall contain, at a minimum, the following: (1) One small tree per 30 feet; and (2) Eight small shrubs per 100 linear feet.
4.5.7.3 Parking Lot Landscaping	(1) Threshold a. Parking lots with a vehicular surface area, including all drives, paved or impervious areas, and parking spaces, with a total of 5,000 square feet or less, are exempt from parking lot landscaping requirements. b. All areas not specifically required for parking or circulation shall be landscaped or grassed. c. For lots with 36 spaces or less, landscaping will be required at the perimeter; for lots with more than 36 spaces, landscaping will be required at the perimeter and within the interior.

	d. Parking lot landscaping adjacent to a street will replace required street trees. e. If the parking lot is adjacent to a required impact buffer, then the impact buffer may replace required parking lot perimeter landscaping. (2) Perimeter Landscaping a. All parking lots, including driveways, shall be screened up to a height of 3 feet using shrubs. There shall be no openings in the screening greater than 2 feet except openings for pedestrian passage, which should be at least 5 feet in width. In addition, large trees planted 60 feet on center shall be installed at the perimeter of the parking areas. The planting bed containing the shrubs and trees shall be a minimum of 8 feet in width. Where pre-existing overhead utility lines prevent the use of large trees, two small trees may be substituted for each large tree and shall be planted 30 feet on center. Existing landscaping or natural vegetation located in the perimeter landscape area that meets these standards may be applied toward these landscaping requirements. A brick wall 3 feet in height (matching the brick used in the principal structure) may be used in place of the shrubs, and the trees may be planted to the interior or exterior of the brick wall. (3) Interior Landscaping a. Landscape islands shall have a minimum diameter of 8 feet, and a curb at least 6 inches in height. Each landscape island shall contain, at a minimum, one large tree, and shall be located so that no parking space is more than 80 feet from a tree. Where pre-existing overhead utility lines prevent use of large trees, two small trees may be substituted for each large tree.
4.5.7.4 Street Trees	(1) A row of large trees planted 60 feet on center shall be provided along the public street. Where pre-existing overhead utility lines prevent use of large trees, two small trees may be substituted for each large tree and shall be planted 30 feet on center. (2) The trees shall be planted between the sidewalk and street. If no sidewalk exists, the trees shall be planted within 10 feet of the back of curb or edge of pavement. If the building is set at the sidewalk, the trees may be incorporated into the sidewalk by use of grates, provided that a minimum of five feet clearance is required along the sidewalk. Minor variations in location may be approved to accommodate topography, utilities, or specific elements of the site. (3) Street trees will not be required where parking lot perimeter landscaping areas abut the street.

4.5.7.5 Impact Buffer	An impact buffer shall be provided where the property is adjacent to any property zoned Suburban Neighborhood District or Traditional Neighborhood District. (1) The minimum impact buffer requirement may be met by any one of the following: a. Preserving an existing natural vegetated area a minimum of 20 feet in width. (Some additional plantings may be required to reach a visually impervious buffer.) b. Installing a 15-foot wide landscape yard consisting of a minimum of small trees planted 30 feet on center, and two staggered rows of medium or large evergreen shrubs planted 6 feet on center (by row) in order to provide continuous coverage. Small trees shall be a minimum of 6 feet in height at installation and shrubs shall be a minimum of 3 feet in height at installation. c. Installing a minimum six-foot high wooden shadowbox or similar fence and installing a row of medium or large evergreen shrubs planted 6 feet on center. Boards on the fence shall be spaced no more than 2 inches apart. Supporting members shall be located to the inside of the fence. Shrubs shall be planted on the exterior side of the fence and shall be a minimum of 3 feet in height at installation. d. Constructing a solid wall, a minimum of 6 feet in height, made of stone, brick, or block with stucco or similar finish. (2) Watercourse Protection Buffers will remain completely undisturbed. (3) Mechanical equipment is prohibited within the impact buffer area. (4) Permanent detention basins and temporary erosion and sedimentation control basins are prohibited within the impact buffer area. (5) Alternative screening methods that perform to the same or higher level may be approved. (6) Utility easements may cross but not be placed within the long dimension of an impact buffer area. (7) Pedestrian access may be required to cross through the impact buffer area. (8) Where an impact buffer and a landscape area would be required, the impact buffer shall replace the requirement for a landscape area.
4.5.8 Accessory Structures, Uses, and Features	
4.5.8.1 Description	A structure, use, or feature that is: subordinate to and serves a principal use or building; clearly subordinate in area, extent, or purpose to the principal use or building served; and located on the same parcel as the principal use or building. Examples of accessory structures, uses, and features include: storage buildings, carports, detached garages, gazebos, swimming pools, satellite dishes, clothes lines, outdoor furniture and decor, dog lots, dog houses, decks, patios, and playground equipment. See Section 3, District Regulations, for a list of permitted Accessory Structures and Uses and those requiring a zoning permit.

4.5 Design Regulations for Apartment Buildings	
4.5.8.2 On-site Requirement	Accessory structures for individual units shall be located on the same parcel as the unit. Accessory structures common to the development shall be located on the same parcel as the principal building(s) and shall be maintained by the owners of the Apartments. Otherwise, accessory structures may not be located on vacant lots. In the case that two adjoining lots are under common ownership with the principal building located on one of the tracts and the other remaining vacant, and where the lots have been sold or developed as one tract, then the two parcels shall be considered as one for the purpose of this section. For the purpose of measurement and placement, the lots shall be considered as one.
4.5.8.3 Carports and Detached Garages	(1) Shall be constructed of the same materials, style, and color as the principal building. Metal carports are strictly prohibited. (2) Shall be no taller than the principal building. (3) Shall be located in the side yard or rear yard only; (4) Shall be setback a minimum of ten feet from any side property line; and (5) Shall be setback a minimum of 25 feet from any rear property line.
4.5.8.4 Accessory Buildings	(1) Accessory buildings shall match the principal building in terms of exterior finish materials, style, and color and shall be clad in the same materials. Wooden pallets, fabric, tarp, or other woven materials are strictly prohibited as a building material for accessory structures. (2) All sides of accessory buildings shall use materials consistent with those on the front if visible from public streets or neighboring properties. Piecemeal embellishment and frequent changes in material is prohibited. (3) Where any sloped roofs and structural canopies are used, they will be covered with: asphalt shingles; natural clay tiles; slate; concrete tiles; ribbed metal; wood shakes; or shingles. (4) Accessory buildings shall be no taller than the principal building. (5) The aggregate floor area of all accessory buildings for an individual unit, excluding open patios and decks, may not exceed half of the total first floor area of the unit. (6) Truck trailers, Personal On-Demand Storage Units (PODS), vans, buses, and other vehicles are not permitted to be used for storage and are not permitted to be used as accessory structures.
4.5.8.5 Doghouses and Dog Lots	Reference the City of Lexington's Code of Ordinance, Chapter 5, Section 5-9 Setbacks and Standards for Stables, Pens, Enclosures, Dog Lots, Tethering, Underground Fencing, Containment Structures from Dangerous Dogs, Etc.
4.5.8.6 Patios and Decks	Patios and Decks may be located in the side yard or rear yard and shall be setback ten feet from side or rear property lines.

4.5 Design Regulations for Apartment Buildings	
4.5.8.7 Dumpsters	(1) Shall be setback a minimum of five feet from any property zoned Business, Planned Development, Industrial, Uptown, or Mixed Use Districts, and shall be setback a minimum of 25 feet from any property zoned Traditional Neighborhood, Suburban Neighborhood or Manufactured Home Districts; (2) Shall be enclosed by a wooden privacy fence, other solid fence approved by the Director of Community Development, or a wall with any of the following finish materials: brick, stone, stucco, finished concrete, concrete block with stucco finish, or split-face block. (3) Shall be located in the rear yard and/or side yard only, as-long-as they do not front a public street.
4.5.8.8 Outdoor Furniture and Décor	(1) Outdoor lawn furniture, planters, outdoor lights, fire pits, grills, and the like are permitted in the front, side, or rear yard. (2) Upholstered or other furniture designed or manufactured exclusively for indoor use is prohibited to be exposed in an open area, including porches. (3) Any worn-out, deteriorated or abandoned household or office furniture, or appliances of any kind which are kept in open areas, including porches is prohibited.
4.5.8.9 Other Accessory Structures, Uses, or Features	All other accessory structures, uses, or features permitted, but not specifically addressed otherwise in this section, shall be located in the rear yard only and shall be set back a minimum of ten feet from the side and rear property lines.
4.5.8.10 Outdoor Storage	Outdoor storage (outside of an accessory building) is prohibited.
4.5.9 Fences and Walls	
4.5.9.1 Front Yard Fences and Walls	(1) Fences and walls shall be setback a minimum of seven feet from the back of curb or edge of pavement if no sidewalk is present. Otherwise, setback shall be two feet from back of sidewalk if present. Fences all walls shall be located out of right-of-way and shall not interfere with vehicular site distance. (2) Maximum height is four (4) feet. (3) Fences or walls shall be constructed wholly or in combination of wood, stone, brick, decorative concrete block, wrought iron, or products created to resemble these materials. (4) Materials such as, but not limited to: chain link, electric wire, barbed wire, razor wire, plywood, particle board, sheet metal, concrete slabs, concrete barriers, tarps

	or other woven/fabric material, sheets of tin, hog wire, chicken wire, palettes, and erosion screen are prohibited. (5) Finish shall be to the exterior with support structures to the interior. (6) Retaining walls over 5 feet in height will require a Certified Engineer's design and seal.
4.5.9.2 Rear and Side Yard Fences and Walls for Corner Lots	(1) Applicable for the side of the fence extending directly parallels to a public street. (2) Fences and walls shall be setback a minimum of seven feet from the back of curb or edge of pavement if no sidewalk is present. Otherwise, setback shall be two feet from back of sidewalk if present. Fences all walls shall be located out of right-of-way and shall not interfere with vehicular site distance. (3) The maximum height is four (4) feet with the follow exceptions: a. Fences or walls located in a side or rear yard that are located more than 25 feet from the back of curb shall meet the Rear and Side Yard regulations for interior lots (Section 4.5.9.3). b. Fences or walls located in a side or rear yard that extends parallel to and within 25 feet or a public street may be six feet in height if a landscape screen is planted to the exterior of the fence or wall. The landscaping shall consist of a minimum of small trees planted thirty foot on center and a row of medium shrubs planted six feet on center between the small trees. (4) Fences or walls shall be constructed wholly or in combination of wood, stone, brick, decorative concrete block, wrought iron, or products created to resemble these materials. (5) Materials such as, but not limited to: chain link, electric wire, barbed wire, razor wire, plywood, particle board, sheet metal, concrete slabs, concrete barriers, tarps or other woven/fabric material, sheets of tin, hog wire, chicken wire, palettes, and erosion screen are prohibited. (6) Finish shall be to the exterior with support structures to the interior. (7) Retaining walls over 5 feet in height will require a Certified Engineer's design and seal.
4.5.9.3 Rear and Side Yard Fences and Walls for Interior Lots	(1) May be located on common property lines with written consent from both property owners. Otherwise a minimum setback of two feet is required to allow for maintenance. (Exception: See Section 4.5.9.2 for setbacks for rear and side yard fences for corner lots) (2) Maximum height is six (6) feet. (3) Fences or walls shall be constructed wholly or in combination of wood, stone, brick, decorative concrete block, wrought iron, or products created to resemble these materials.

(4) Materials such as, but not limited to, chain link, electric wire, barbed wire, razor wire, plywood, particle board, sheet metal, concrete slabs, concrete barriers, tarps or other woven/fabric material, sheets of tin, hog wire, chicken wire, palettes, and erosion screen are prohibited.
(5) Finish shall be to the exterior with support structures to the interior.
(6) Retaining walls over 5 feet in height will require a Certified Engineer's design and seal.

4.5.10 Recreation Facility

(1) Residential developments with ten or more total units are required to contain either an Indoor or Outdoor Recreation Facility, or a combination of the two. Said facility shall be centrally located within the development to the degree possible.
(2) This requirement may be waived by the approving authority if a public park exists within one-fourth mile of all proposed residences and is easily accessible via a maintained pedestrian access.
(3) The Recreation Facility shall relate to and be of adequate size to accommodate the needs of the proposed community.
(4) Outdoor Recreation Facilities shall be improved and cleared of underbrush and debris and contain elements such as: landscaping, sidewalks, statues, fountains, ball fields, playground equipment, swimming pool and clubhouse, exercise equipment, outdoor furniture, picnic shelters, trails, greenways, etc.
(5) Indoor Recreation Facilities shall include uses such as fitness room with exercise equipment, basketball court, gym, swimming pool and clubhouse, etc.
(6) The cost and responsibility of maintaining the Recreation Facility shall be borne by the owner of the Apartment Building(s).

4.5.11 Lighting

(1) Lighting intensities shall be controlled so that no more than one-fourth of a foot-candle of light spills over onto adjoining residential or residentially-zoned properties.
(2) Outdoor lighting will be designed, located, and mounted so as to improve safety, while protecting the street and neighboring properties from direct glare or hazardous interference.
(3) No flickering or flashing lights will be permitted.

4.5.12 Sidewalk

(1) A sidewalk shall be constructed along the fronting public or private street. Developments on corner lots shall provide for sidewalks along each public or private street. One or both of these requirements may be waived by the approving authority based on the following findings of fact:
    a. Requiring a sidewalk would not serve the public or the future residents of the proposed development in any real way; <u>and</u>
    b. There is no existing sidewalk system in the vicinity to support a connection or future connection to sidewalks; <u>or</u>

c. There are existing sidewalks that are easily accessible from the subject site that meet the needs of the public or future residents of the proposed development.

(2) Sidewalks shall be concrete, brick paver, or other similar material. Sidewalks may not be mulch, pine needles, dirt, gravel, or other dust causing material.

(3) Sidewalks shall be a minimum of 5 feet in width and shall be constructed in accordance with the design and construction standards of the City of Lexington. The Director of Public Works will approve design and construction specifications.

(4) The owner may dedicate sidewalks constructed along a public street as public right-of-way and the City may accept the public sidewalk for maintenance.

4.5.13 *Signage*

(1) See Section 6 for Signage Regulations.

4.6 Design Regulations for Commercial Buildings - Assembly, Education, and/or Institutional Occupancy

4.6.1 Description

Commercial Buildings are classified according to the type of occupancy. For the purpose of this ordinance, the classifications are grouped as follows:

(1) Assembly, Education and/or Institutional;
(2) Mercantile and/or Business (See Section 4.7)
(3) Factory, Industrial, S-1 and S-2 Storage (See Section 4.8)

Commercial Buildings classified for Assembly, Education, and/or Institutional Occupancy are commonly recognized in relation to, and synonymous with, the use for which the building was designed. Examples include churches, libraries, and schools. The scale and architectural sophistication of these buildings shall match their civic importance.

Note: Changes to properties within the historic overlay district shall be regulated in accordance with the design guidelines found in Section 17.

4.6.2 Sustainability

Incorporating the following sustainable elements into development is permitted and encouraged:

(1) White roofs (applicable for flat or non-visible roofs)
(2) Landscaped roofs and walls
(3) Solar panels
(4) South-facing buildings / windows
(5) Use of recycled materials
(6) Wind turbines (with setbacks equal to height if pole mounted)
(7) Energy efficient construction practices
(8) Clothes lines
(9) Community gardens or raised garden beds
(10) Composting
(11) Food-producing or edible landscaping
(12) On-site water retention and reuse

4.6.3 Site

(1) Building shall parallel and front on the primary thoroughfare as determined by the Director of Business and Community Development or his/her designee. If no primary thoroughfare is established or there are particular difficulties due to lot size, configuration and topography, buildings shall parallel and front on a public street or private street or shall extend parallel to a common improved area with pedestrian access and parking areas to the side or rear.
(2) See Section 3, District Regulations for setbacks.
(3) Churches and Religious Institutions located within the Uptown District shall not be located within attached commercial units or commercial buildings originally designed for mercantile or business occupancy.
(4) Development shall support a pedestrian environment. Extension of pedestrian facilities will be required where existing pedestrian facilities adjoin.

(5) Elements such as satellite dishes, mechanical equipment, utility meters, storage areas, trash enclosures, transformers, generators, and similar features or other utility hardware will be screened from public view with materials similar to the structure, or they will be so located as not to be visible from any public view or from potential buildings nearby.
(6) Rooftop mechanical equipment shall not be visible from adjacent streets or adjoining properties.
(7) The street address number, a minimum of eight inches in height, shall be posted on the side of the building fronting the public street.

4.6.4 Relation to Existing Environment

(1) Important street vistas shall terminate in a focal point, such as a building or other architectural or natural feature.
(2) New buildings will respect the general spacing of structures, height, mass, scale, materials, the design and placement of windows and doors, and street frontage relationships of existing buildings in the surrounding area.
(3) New development shall not overshadow adjacent sites in such a way as to prohibit existing or future solar energy usage or reasonable access to natural light.
(4) Infill development will be sensitive to predominant characteristics of the surrounding area, including built form, vegetation, topography, and influences such as road layout, lot size, and pattern.
(5) New buildings are required to relate to the street at a pedestrian scale.

4.6.5 Architecture and Building Materials

(1) Storage buildings, trailers, and manufactured homes may not be used as commercial buildings.
(2) Buildings shall have a recognizable top course consisting of, but not limited to: cornice treatments, other than just colored stripes or bands, with integrally textured materials such as stone, or other masonry, or differently colored materials; sloping roof with overhangs and brackets; stepped parapets; and/or a cornice capping the top of a building wall.
(3) Buildings shall have a recognizable base course consisting of, but not limited to: thicker walls, ledges or sills; integrally textured materials such as stone or other masonry; integrally colored and patterned materials such as smooth finished stone or tile; lighter or darker colored materials, mullions, or panels; and planters.
(4) Where two wall materials are combined on one façade, the "heavier" material shall be used on the first floor (e.g. use brick below with wood siding above). Rooflines will accommodate simple lines such as hip, flat, shed, gable to front, or gable to side, and avoid excessive joints.
(5) Reflective or highly tinted glass is prohibited on street-facing façade windows.
(6) Bays and garage entrances may not front a public street.
(7) Large buildings fronting multiple streets shall provide multiple entrances.
(8) Architectural elements like openings, sill details, posts, and other architectural features will be used to establish human scale at the street level.

4.6 Design Regulations for Commercial Buildings - Assembly, Education, and/or Institutional Occupancy

(9) Buildings will avoid long, monotonous, uninterrupted walls or roof planes of more than 25 feet on their street fronting facades. Building wall offsets, including projections, recesses, and changes in floor level will be used in order to: add architectural interest and variety; relieve the visual effect of a single, long wall; and subdivide the wall into human size proportions. Similarly, roofline offsets will be provided to lend architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.

(10) Exterior finish materials shall be limited to: brick; stone; integrally tinted, textured masonry block; stucco; wood lap siding (*if permitted by NC State Building Code*); concrete siding; Exterior Insulation Finish System (EFIS); flat metal interlocking panels with stucco or orange peel finish; and/or decorative stamped and stained concrete. Ribbed metal may be used on a roof or awning, but is not permitted as a finishing material for external walls or top courses. Metal wrapping is permitted for trim.

(11) All sides of the building shall use materials consistent with those on the front if visible from public streets.

(12) Where any sloped roofs and structural canopies are used, they may be covered with: asphalt shingles; natural clay tiles; slate; concrete tiles; ribbed metal; wood shakes or shingles.

(13) The color of roof stacks, flashing, vents, power exhaust fans, and metal chimney caps will blend with the roof colors.

(14) Piecemeal patching with materials or colors that do not match is prohibited.

(15) Accessory buildings shall be of similar design and color as the principal building.

4.6.6 Lighting

(1) Lighting intensities shall be controlled so that no more than one-fourth of a foot-candle of light spills over onto adjoining residential or potentially residential properties.

(2) Outdoor lighting will be designed, located, and mounted so as to protect the street and neighboring properties from direct glare or hazardous interference of any kind.

(3) No flickering or flashing lights will be permitted.

4.6.7 Parking

4.6 DESIGN REGULATIONS FOR COMMERCIAL BUILDINGS - ASSEMBLY, EDUCATION, AND/OR INSTITUTIONAL OCCUPANCY	
4.6.7.1 Parking Requirements	(1) All requirements of the North Carolina State Building Code shall be met concerning Handicapped Parking. (2) Adequate parking shall be provided and the number of spaces shall reasonably accommodate the specific use. (3) On-street parking or off-site parking within ¼ mile with pedestrian access may be used to meet the minimum number of required parking spaces. (4) Where vehicular or pedestrian access is provided between non-residential adjoining uses and the operating hours of the uses do not overlap, all of the required parking spaces may be shared. (5) If the operating hours of non-residential adjoining uses overlap five or fewer hours each day, half of the required parking spaces may be shared. (6) The joint use of shared off-street parking between two uses shall be guaranteed by a contract or other legally binding document between the property owners and a copy shall be provided to the Director of Community Development.
4.6.7.2 Parking Lot Design	(1) See Section 4.6.8.3 for Parking Lot Landscaping requirements. (2) For buildings fronting North and South Main Street and East and West Center Street within the Uptown District, parking lots shall be located beside or behind the building. For properties fronting North and South Main Street and East and West Center Street within the Uptown District, and for properties fronting Winston Road Between 9th Street and Biesecker Road, Building shall face the major thoroughfare and parking lots shall be located beside or behind the building. (3) Parking lots shall be paved, concrete, brick pavers or other similar material. Gravel, mulch, dirt, or other dust causing material is not permitted. (4) Curb cuts will be minimized. (5) All parking lots will be curbed using a standard curb with a minimum width of 18 inches or other curb approved by the Director of Public Works. This requirement may be waived by the Director of Public Works in order to permit sheet flow drainage into pervious areas or as part of an alternative engineered storm water retention system. (6) Adjoining parking lots shall be interconnected to the extent possible. Where vehicular access is provided between adjoining uses and the operating hours are conducive to sharing, all of the required parking spaces may be shared. The joint use of shared off-street parking between two uses shall be guaranteed by a contract or other legally binding document between two or more adjacent

property owners and a copy shall be provided to the Director of Community Development.

(7) Parking and vehicular surface areas, except for shared parking lots, interconnections and driveways crossing perpendicular or near perpendicular to the street, shall be set back from property lines and the street in order to provide for applicable screening and street trees.

(8) Parking lots will be designed to allow pedestrians to move safely from their vehicles to the building. The use of internal sidewalks and/or crosswalks may be required.

(9) Driveways to parking areas shall not exceed 24 feet in width except as required by the City of Lexington or North Carolina Department of Transportation (NCDOT).

(10) Off-street parking areas will be designed to facilitate adequate movement and access by sanitation, emergency, and other public service vehicles.

(11) Parking lots shall be designed so that parked vehicles do not encroach upon or extend onto public rights-of-way, sidewalks, or landscaped areas.

(12) Parking lots shall be designed so that cars are not required to back directly into public streets in order to leave.

(13) Parking area aisle widths will conform to the following table:

Angle of Parking	0°	30°	45°	60°	90°
Lanes	Required Aisle Width (feet)				
One Way Traffic	12	14	16	16	18
Two Way Traffic	18	20	22	22	24

4.6.7.3 Parking Lot Usage

Parking lots shall be used to store the vehicles of employees, patrons, and vehicles associated with deliveries to the site. The storage of vehicles for sale, or other types of vehicles such as domestic and recreational vehicles such as boats, camper trailers, and utility trailers, passenger buses, school or activity buses, horse trailers, tractors, truck trailers, dump trucks, tractor trucks, semi trailers, one-ton or larger commercially licensed trucks and vans, house trailers, or heavy equipment such as bulldozers and backhoes, separate and apart from the normal operation of the use is prohibited.

4.6.8 Landscaping

4.6.8.1 General Description

Landscaping around buildings and paved areas not only improves the appearance of the site, it also provides an opportunity for on-site water retention and use. Landscaping reduces runoff and should be designed in such a way that water is

	captured naturally and absorbed by landscaped areas. In addition to ground plantings, roofs and walls may be landscaped. In order to provide a more sustainable environment for residents, fruit and nut trees are encouraged and will be classified as large trees. Developers are encouraged to incorporate the use of food-producing or edible plants, which may be substituted for shrubs except within impact buffers.
4.6.8.2 Building Perimeter Landscaping	Except for the front of buildings built directly at the public sidewalk, a landscape area with an average width of at least 5 feet is required between any vehicular surface area and the front or side of a building. Sidewalks around the building may be located between the landscape area and the building, or to the outside of the landscape area adjacent to vehicular surface area. Breaks in the landscape area will be permitted for perpendicular sidewalks leading the building or for patios. The landscape area shall contain, at a minimum, one small tree per 30 feet.
4.6.8.3 Parking Lot Landscaping	(1) Threshold a. Parking lots with a vehicular surface area, including all drives, paved or impervious areas, and parking spaces, with a total of 5,000 square feet or less, are exempt from parking lot landscaping requirements. b. All areas not specifically required for parking or circulation shall be seeded in grass or landscaped. c. For lots with 36 spaces or less, landscaping will be required at the perimeter; for lots with more than 36 spaces, landscaping will be required at the perimeter and within the interior. d. Parking lot landscaping adjacent to a street will replace required street trees. e. If the parking lot is adjacent to a required impact buffer, then the impact buffer shall replace required perimeter landscaping. (2) Perimeter Landscaping a. All parking lots, including driveways, shall be screened up to a height of 3 feet using shrubs. There shall be no openings in the screening greater than 2 feet except openings for pedestrian passage, which should be at least 5 feet in width. In addition, large trees planted 60 feet on center shall be installed at the perimeter of the parking areas. The planting bed containing the shrubs and trees shall be a minimum of 8 feet in width. Where pre-existing overhead utility lines prevent the use of large trees, two small trees may be substituted for each large tree and shall be planted 30 feet on center. Existing landscaping or natural vegetation located in the perimeter landscape area that meets these standards may be applied toward these landscaping requirements. A

	brick wall 3 feet in height (matching the brick used in the principal structure) may be used in place of the shrubs, and the trees may be planted to the interior or exterior of the brick wall. (3) Interior Landscaping Landscape islands shall have a minimum diameter of 8 feet, and a curb at least 6 inches in height. Each landscape island shall contain, at a minimum, one large tree, and shall be located so that no parking space is more than 80 feet from a large tree. Where pre-existing overhead utility lines prevent use of large trees, two small trees may be substituted for each large tree.
4.6.8.4 Street Trees	(1) A row of large trees planted 60 feet on center shall be provided along the public street. The trees shall be planted between the sidewalk and street. If no sidewalk exists, the trees shall be planted within 10 feet of the back of curb or edge of pavement. If the building is set at the sidewalk, the trees may be incorporated into the sidewalk by use of grates, provided that a minimum of five feet clearance is required along the sidewalk. (2) Additional street trees will not be required where parking lot perimeter landscaping areas abut a street.
4.6.8.5 Impact Buffer	An impact buffer shall be provided where the property is adjacent to any property zoned Suburban Neighborhood District or Traditional Neighborhood District. (1) The minimum impact buffer requirement may be met by any one of the following: a. Preserving an existing natural vegetated area a minimum of 25 feet in width. (Some additional plantings may be required to reach a visually impervious buffer.) b. Installing a 15-foot wide landscape yard consisting of small trees planted 30 feet on center, and two staggered rows of medium or large evergreen shrubs planted 6 feet on center in order to provide continuous coverage. Small trees shall be a minimum of 6 feet in height at installation. Shrubs shall be a minimum of 3 feet in height at installation. c. Installing a six-foot high wooden shadowbox fence and installing a row of medium or large evergreen shrubs planted 6 feet on center. There shall be no more than two inches between pickets. Shrubs shall be planted on the exterior side of the fence. Shrubs shall be a minimum of 3 feet in height at installation. d. Constructing a solid wall, a minimum of 6 feet in height, made of stone, brick, or block with stucco or similar finish.

	(2) Watercourse Protection Buffers will remain completely undisturbed. (3) Mechanical equipment is prohibited within the impact buffer area. (4) Permanent detention basins and temporary erosion and sedimentation control basins are prohibited within the impact buffer area. (5) Alternative screening methods that perform to the same or higher level may be approved. (6) Utility easements may cross but not be placed within the long dimension of an impact buffer area. (7) Pedestrian access may be required through the impact buffer area. (8) Where an impact buffer and a landscape yard would be required, the impact buffer shall replace the requirement for a landscape yard.
	4.6.9 Sidewalk (1) A sidewalk shall be constructed along the fronting public or private street. Developments on corner lots shall provide for sidewalks along each public or private street. One or both of these requirements may be waived by the approving authority based on the following findings of fact: a. Requiring a sidewalk would not serve the public in any real way; and b. There is no existing sidewalk system in the vicinity to support a connection or future connection to sidewalks; or c. There are existing sidewalks that are easily accessible from the subject site that meet the needs of the public. (2) Sidewalks shall be concrete, brick pavers, or other similar material. Sidewalks may not be mulch, pine needles, dirt, gravel, or other dust causing material. (3) Sidewalks shall be a minimum of 5 feet in width and shall be constructed in accordance with the design and construction standards of the City of Lexington. The Director of Public Works will approve design and construction specifications. (4) The owner may dedicate sidewalks constructed along a public street as public right-of-way and the City Council may accept the public sidewalk for maintenance.
4.6.10 Accessory Structures, Uses, and Features	
4.6.10.1 Description	A structure, use, or feature that is: subordinate to and serves a principal use or building; clearly subordinate in area, extent, or purpose to the principal use or building served; and located on the same parcel as the principal use or building. Examples of accessory structures include: storage buildings, carports, detached garages, gazebos, swimming pools, satellite dishes, dog lots, outdoor storage, outdoor furniture and décor, dog houses, decks, patios, and playground equipment.

4.6 DESIGN REGULATIONS FOR COMMERCIAL BUILDINGS - ASSEMBLY, EDUCATION, AND/OR INSTITUTIONAL OCCUPANCY	
4.6.10.2 On-site Requirement	Accessory structures shall be located on the same parcel as the principal building. Accessory structures may not be located on vacant lots. In the case that two adjoining lots are under common ownership with the principal building located on one of the tracts and the other remaining vacant, and where the lots have been sold or developed as one tract, then the two parcels shall be considered as one for the purpose of this section. For the purpose of measurement and placement, the lots shall be considered as one.
4.6.10.3 Carports and Detached Garages	(1) Shall be constructed of the same materials, style, and color as the principal building. Metal carports are strictly prohibited. (2) Shall be no taller than the principal building. (3) Shall be located in the side yard or rear yard only; (4) Shall be setback a minimum of ten feet from any side property line; and (5) Shall be setback a minimum of 25 feet from any rear property line.
4.6.10.4 Accessory Buildings	(1) Accessory buildings shall closely match the principal building in terms of construction materials, style, and color. The exterior walls of accessory buildings shall be clad in: brick, masonry, or stone; stucco; wood siding; concrete siding; metal; or vinyl siding. Wooden pallets, fabric, tarp, or other woven material is strictly prohibited as a building material for accessory structures. (2) All sides of accessory buildings shall use materials consistent with those on the front if visible from public streets or neighboring properties. Piecemeal embellishment and frequent changes in material is prohibited. (3) Where any sloped roofs and structural canopies are used, they will be covered with: asphalt shingles; natural clay tiles; slate; concrete tiles; ribbed metal; wood shakes; or shingles. (4) Accessory buildings shall be no taller than the principal building. (5) The aggregate floor area of all accessory buildings, excluding open patios and decks, may not exceed the total first floor area of the principal building. (6) Truck trailers, Personal On-Demand Storage Units (PODS), vans, buses, and other vehicles are not permitted to be used for storage and are not permitted to be used as accessory structures.
4.6.10.5 Patios and Decks	(1) Patios for outdoor dining may be located in the front, side, or rear yard. Front yard patios for outdoor dining may be located at the sidewalk. If no sidewalks exists, the front setback is ten feet. (2) Patios and Decks may be located in the side yard or rear yard and shall be setback ten feet from side or rear property lines.

4.6 DESIGN REGULATIONS FOR COMMERCIAL BUILDINGS - ASSEMBLY, EDUCATION, AND/OR INSTITUTIONAL OCCUPANCY	
4.6.10.6 Dumpsters	(1) Shall be located in the rear yard and/or side yard only, as-long-as they do not front a public street.. (2) Shall be setback a minimum of five feet from any property zoned Business, Planned Development, Industrial, Uptown, or Mixed Use Districts, and shall be setback a minimum of 25 feet from any property zoned Traditional Neighborhood, Suburban Neighborhood or Manufactured Home Districts; (3) Shall be enclosed by a wooden privacy fence, other solid fence approved by the Director of Community Development, or a wall with any of the following finish materials: brick, stone, stucco, finished concrete, concrete block with stucco finish, or split-face block.
4.6.10.7 Outdoor Furniture and Decor	(1) Outdoor lawn furniture, planters, outdoor lights, fire pits, grills, and the like are not permitted in the front or side yard. (2) Upholstered or other furniture designed or manufactured exclusively for indoor use is prohibited in the front yard, including porches. (3) Any worn-out, deteriorated or abandoned household or office furniture, or appliances of any kind are prohibited in the front yard, including porches.
4.6.10.8 Outdoor Storage	(1) Includes the storage of equipment or materials, but does not include other accessory structures, uses, or features addressed otherwise in this ordinance. (2) Outdoor storage is prohibited in the front or side yard. (3) Outdoor storage is permitted in the rear yard only and must meet the following requirements: a. No more than 5% of the rear yard shall be used for outdoor storage; b. The storage area shall be divided into no more than two separate areas; c. The storage area shall be screened from view from any street or adjoining property by the installation of either a wooden privacy fence or an opaque landscaping screen to be approved by the Director of Community Development; d. Shall not contain materials that are combustible; e. Shall not contain perishable materials that would attract rodents or insects or materials that would otherwise be harmful to human health; f. Shall be secured; g. The storage area shall be setback a minimum of 20 feet from any side or rear property line; and h. The storage area shall be kept clear of weeds and organic material.

4.6 DESIGN REGULATIONS FOR COMMERCIAL BUILDINGS - ASSEMBLY, EDUCATION, AND/OR INSTITUTIONAL OCCUPANCY	
4.6.10.9 Other Accessory Structures	All other accessory structures not specifically addressed otherwise, shall be located in the rear yard only and shall be set back a minimum of ten feet from the side and rear property lines.
4.6.11 Fences and Walls	
4.6.11.1 Outdoor Garden Areas	Fences and walls used to create outdoor garden areas in the side or rear yard adjacent to the building shall comply with the following: (1) Maximum height is ten (10) feet. (2) Fences or walls shall be constructed wholly or in combination of wood, stone, brick, decorative concrete block, wrought iron, chain link, or products created to resemble these materials. Slats are not permitted in chain link or wire fencing except for dumpster enclosures. Black screen for use as a sun or wind barrier may be applied to fencing upon approval by the Director of Community Development. (3) Materials such as, but not limited to, electric wire, barbed wire, razor wire, plywood, particle board, sheet metal, concrete slabs, concrete barriers, tarps or other woven/fabric material, sheets of tin, hog wire, chicken wire, palettes, and erosion screen are prohibited. (4) Finish shall be to the exterior with support structures to the interior. (5) Retaining walls over 5 feet in height will require a Certified Engineer's design and seal.
4.6.11.2 Front Yard Fences and Walls	(1) Fences and walls shall be setback a minimum of seven feet from the back of curb or edge of pavement if no sidewalk is present. Otherwise, setback shall be two feet from back of sidewalk if present. Fences all walls shall be located out of right-of-way and shall not interfere with vehicular site distance. (2) Maximum height is four (4) feet. (3) Fences or walls shall be constructed wholly or in combination of wood, stone, brick, decorative concrete block, wrought iron, or products created to resemble these materials. (4) Materials such as, but not limited to, chain link, electric wire, barbed wire, razor wire, plywood, particle board, sheet metal, concrete slabs, concrete barriers, tarps or other woven/fabric material, sheets of tin, hog wire, chicken wire, palettes, and erosion screen are prohibited. (5) Finish shall be to the exterior with support structures to the interior. (6) Retaining walls over 5 feet in height will require a Certified Engineer's design and seal.

4.6.11.3 Rear and Side Yard Fences and Walls for Corner Lots	(1) Applicable for the side of the fence extending directly parallel to the street. (2) Fences and walls shall be setback a minimum of seven feet from the back of curb or edge of pavement if no sidewalk is present. Otherwise, setback shall be two feet from back of sidewalk if present. Fences all walls shall be located out of right-of-way and shall not interfere with vehicular site distance. (3) The maximum height is four (4) feet with the follow exceptions: a. Fences or walls located in a side or rear yard that are located more than 25 feet from the back of curb shall meet the Rear and Side Yard regulations for interior lots (Section 4.6.11.4). b. Fences or walls located in a side or rear yard that extends parallel to and within 25 feet or a public street may be six feet in height if a landscape screen is planted to the exterior of the fence or wall. The landscaping shall consist of a minimum of small trees planted thirty foot on center and a row of medium shrubs planted six feet on center between the small trees. (4) Fences or walls shall be constructed wholly or in combination of wood, stone, brick, decorative concrete block, wrought iron, or products created to resemble these materials. (5) Materials such as, but not limited to, chain link, electric wire, barbed wire, razor wire, plywood, particle board, sheet metal, concrete slabs, concrete barriers, tarps or other woven/fabric material, sheets of tin, hog wire, chicken wire, palettes, and erosion screen are prohibited. (6) Finish shall be to the exterior with support structures to the interior. (7) Retaining walls over 5 feet in height will require a Certified Engineer's design and seal.
4.6.11.4 Rear and Side Yard Fences and Walls for Interior Lots	(1) May be located on common property lines with written consent from both property owners. Otherwise a minimum setback of two feet is required to allow for maintenance. (Exception: See Section 4.6.11.3 for setbacks for rear and side yard fences for corner lots) (2) Maximum height is six (6) feet. (3) Fences or walls shall be constructed wholly or in combination of wood, stone, brick, decorative concrete block, wrought iron, chain link, or products created to resemble these materials. Slats are not permitted in chain link or wire fencing except for dumpster enclosures. (4) Materials such as, but not limited to, electric wire, barbed wire, razor wire, plywood, particle board, sheet metal, concrete slabs, concrete barriers, tarps or other woven/fabric material, sheets of tin, hog wire, chicken wire, palettes, and erosion screen are prohibited.

	(5) Finish shall be to the exterior with support structures to the interior. (6) Retaining walls over 5 feet in height will require a Certified Engineer's design and seal.
4.6.12 *Signage* See Section 6 for Signage Regulations	

4.7 Design Regulations for Commercial Buildings - Business and/or Mercantile Occupancy

4.7.1 Description

Commercial Buildings are classified according to the type of occupancy. For the purpose of this ordinance, the classifications are grouped as follows:

(1) Business and/or Mercantile

(2) Assembly, Education and/or Institutional (see Section 4.6)

(3) Factory, Industrial, and/or S-1 and S-2 Storage (see Section 4.8)

Commercial Buildings classified for Business and/or Mercantile occupancy include a variety of common forms such as shopfronts in the Uptown District, shopping centers, mixed-use buildings, condominiums, free-standing buildings, as well as gas stations. Regardless of the form, these buildings share design features that convey a sense of invitation to the public.

Note: Changes to properties within the historic overlay district shall be regulated in accordance with the design guidelines found in Section 17.

4.7.2 Sustainability

Incorporating the following sustainable elements into development is permitted and encouraged:

(1) White roofs (applicable for flat or non-visible roofs)
(2) Landscaped roofs and walls
(3) Solar panels
(4) South-facing buildings / windows
(5) Use of recycled materials
(6) Wind turbines (with setbacks equal to height if pole mounted)
(7) Energy efficient construction practices
(8) Clothes lines
(9) Community gardens or raised garden beds
(10) Composting
(11) Food-producing or edible landscaping
(12) On-site water retention and reuse

4.7.3 Site

(1) Building shall parallel and front on a public street or private street or shall extend parallel to a common improved area with pedestrian access. For buildings fronting North and South Main Street within the Uptown District, and fronting East and West Center Street within the Uptown District, and for buildings fronting Winston Road between 9th Street and Biesecker Road, parking lots shall be located beside or behind the building. All buildings on parcels adjacent to more than one street, or on street frontage on more than one side, shall parallel and front on the higher-order, larger, more prominent and/or more primary of the streets as determined by the Director of Business and Community Development or his/her designee. The City may waive this requirement within the Major Zoning Permit without variance if no primary order of streets is established or determined for the project by the Director, or if there are particular difficulties due to lot size, configuration, and/or topography that prevent proper placement.

(2) See Section 3, District Regulations for setbacks.

(3) Development shall support a pedestrian environment. Extension of pedestrian facilities will be required where existing pedestrian facilities adjoin.

(4) Elements such as satellite dishes, mechanical equipment, utility meters, storage areas, trash enclosures, transformers, generators, and similar features or other utility hardware will be screened from public view with materials similar to the structure, or they will be so located as not to be visible from any public view or from potential buildings nearby.
(5) Rooftop mechanical equipment shall not be visible from adjacent streets or adjoining properties.
(6) The street address number, a minimum of eight inches in height, shall be posted on the side of the building fronting the public street.

4.7.4 Relation to Existing Environment

(1) New buildings will respect the general spacing of structures, height, mass, scale, materials, fenestration (design and placement of windows and doors), and street frontage relationships of existing buildings in the surrounding area.
(2) New development shall not overshadow adjacent sites in such a way as to prohibit existing or future solar energy usage or reasonable access to natural light.
(3) Infill development will be sensitive to predominant characteristics of the surrounding area, including built form, vegetation, topography, and influences such as road layout, lot size, and pattern.
(4) New buildings are required to relate to the street at a pedestrian scale.

4.7.5 Architecture and Building Materials

(1) Storage buildings, trailers, and manufactured homes may not be used as a commercial building.
(2) The first floor shall be taller than upper floors and shall be differentiated architecturally to create a sense of human scale.
(3) Buildings shall have a recognizable top course consisting of, but not limited to: cornice treatments, other than just colored stripes or bands, with integrally textured materials such as stone, or other masonry, or differently colored materials; sloping roof with overhangs and brackets; stepped parapets; and/or a cornice capping the top of a building wall.
(4) Buildings shall have a recognizable base course consisting of, but not limited to: thicker walls, ledges or sills; integrally textured materials such as stone or other masonry; integrally colored and patterned materials such as smooth finished stone or tile; lighter or darker colored materials, mullions, or panels; and planters.
(5) Where two wall materials are combined on one façade, the "heavier" material shall be used on the first floor (e.g. use brick below with wood siding above).Rooflines will accommodate simple lines such as hip, flat, shed, gable to front, or gable to side, and avoid excessive joints.
(6) Reflective or highly tinted glass is prohibited on street-facing façade windows.
(7) Street-facing first floor facades will maintain a minimum 50% window or glass area.
(8) Street-facing second floor façades will maintain a minimum 25% window or glass area.
(9) Bays and garage entrances may not front a public street.
(10) Large buildings fronting multiple streets shall provide multiple entrances.

4.7 Design Regulations for Commercial Buildings - Business and/or Mercantile Occupancy

(11) Architectural elements like openings, sill details, posts, and other architectural features will be used to establish human scale at the street level.

(12) Buildings will avoid long, monotonous, uninterrupted walls or roof planes of more than 25 feet on their street fronting facades. Building wall offsets, including projections, recesses, and changes in floor level will be used in order to: add architectural interest and variety; relieve the visual effect of a single, long wall; and subdivide the wall into human size proportions. Similarly, roofline offsets will be provided to lend architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.

(13) Exterior finish materials shall be limited to: brick; stone; integrally tinted, textured masonry block; stucco; wood lap siding (*if permitted by NC State Building Code*); concrete siding; Exterior Insulation Finish System (EFIS); flat metal interlocking panels with stucco or orange peel finish; and/or decorative stamped and stained concrete. Ribbed metal may be used on a roof or awning, but is not permitted as a finishing material for external walls or top courses. Metal wrapping is permitted for trim.

(14) All sides of the building shall use materials consistent with those on the front if visible from public streets.

(15) Where any sloped roofs and structural canopies are used, they may be covered with: asphalt shingles; natural clay tiles; slate; concrete tiles; ribbed metal; wood shakes or shingles.

(16) The color of roof stacks, flashing, vents, power exhaust fans, and metal chimney caps will blend with the roof colors.

(17) Piecemeal patching with materials or colors that do not match is prohibited.

(18) Accessory buildings shall be of similar design and color as the principal building.

4.7.6 Lighting

(1) Lighting intensities shall be controlled so that no more than one-fourth of a foot-candle of light spills over onto adjoining residential or potentially residential properties.

(2) Outdoor lighting will be designed, located, and mounted so as to protect the street and neighboring properties from direct glare or hazardous interference of any kind.

(3) No flickering or flashing lights will be permitted.

4.7.7 Parking

4.7.7.1 Parking Requirements	(1) All requirements of the North Carolina State Building Code shall be met concerning Handicapped Parking. (2) On-street parking or off-site parking within ¼ mile with pedestrian access may be used to meet the minimum number of required parking spaces. (3) One parking space per 500 square feet of gross floor area is the minimum number of spaces required for commercial buildings. One parking space per 150 square feet is the maximum number of spaces permitted for commercial buildings.

a. Exceptions:
   i. The maximum number of spaces permitted does not apply to freestanding restaurants.
   ii. For banks, up to 15 employee parking spaces will be allowed in addition to the maximum number of spaces permitted.
   iii. For commercial buildings where **all** parking spaces are located to the rear or side of the building **and/or** all parking areas are installed with pervious asphalt or concrete, grasscrete, or other similar green pervious material, the number of parking spaces may be increased by 20%. Said parking material must be maintained as pervious and shall be noted so on the zoning permit.
   iv. Development within the Uptown District is exempt from the minimum and maximum number of spaces.

(4) Where vehicular or pedestrian access is provided between non-residential adjoining uses and the operating hours of those uses do not overlap, all of the required parking spaces may be shared.

(5) Adjoining parking lots shall be interconnected to the extent possible. Where vehicular access is provided between adjoining uses and the operating hours are conducive to sharing, all of the required parking spaces may be shared. The joint use of shared off-street parking between two uses shall be guaranteed by a contract or other legally binding document between two or more adjacent property owners and a copy shall be provided to the Director of Community Development.

4.7.7.2 Parking Lot Design

(1) See Section 4.7.8.3 for Parking Lot Landscaping requirements.

(2) For buildings fronting North and South Main Street and East and West Center Street within the Uptown District, parking lots shall be located beside or behind the building. For properties fronting North and South Main Street and East and West Center Street within the Uptown District, and for properties fronting Winston Road Between 9th Street and Biesecker Road, Building shall face the major thoroughfare and parking lots shall be located beside or behind the building.

(3) Parking lots shall be paved, concrete, brick pavers or other similar material. Gravel, mulch, dirt, or other dust causing material is not permitted.

(4) Curb cuts will be minimized.

(5) All parking lots will be curbed using a standard curb with a minimum width of 18 inches or other curb approved by the Director of Public Works. This requirement may be waived by the Director of Public Works in order to permit sheet flow drainage into pervious areas or as part of an alternative engineered storm water retention system.

(6) Adjoining parking lots serving non-residential buildings shall be interconnected to the extent possible.

(7) Parking and vehicular surface areas, except for shared parking lots, interconnections and driveways crossing perpendicular or near perpendicular to the street, shall be set back from property lines and the street in order to provide for applicable screening and street trees.

(8) Parking lots will be designed to allow pedestrians to move safely from their vehicles to the building. The use of internal sidewalks and/or crosswalks may be required.

(9) Driveways to parking areas shall not exceed 24 feet in width except as required by the City of Lexington or North Carolina Department of Transportation (NCDOT).

(10) Off-street parking areas will be designed to facilitate adequate movement and access by sanitation, emergency, and other public service vehicles.

(11) Parking lots shall be designed so that parked vehicles do not encroach upon or extend onto public rights-of-way, sidewalks, or landscaped areas.

(12) Parking lots shall be designed so that cars are not required to back directly into public streets in order to leave.

(13) Parking area aisle widths will conform to the following table:

Angle of Parking	0°	30°	45°	60°	90°
Lanes	Required Aisle Width (feet)				
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4.7 Design Regulations for Commercial Buildings - Business and/or Mercantile Occupancy	
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4.7.8 Landscaping	
4.7.8.1 General Description	Landscaping around buildings and paved areas not only improves the appearance of the site, it also provides an opportunity for on-site water retention and use. Landscaping reduces runoff and should be designed in such a way that water is captured naturally and absorbed by landscaped areas. In addition to ground plantings, roofs and walls may be landscaped. In order to provide a more sustainable environment for residents, fruit and nut trees are encouraged and will be classified as large trees. Developers are encouraged to incorporate the use of food-producing or edible plants, which may be substituted for shrubs except within impact buffers.
4.7.8.2 Building Perimeter Landscaping	Except for the front of buildings built directly at the public sidewalk, a landscape area with an average width of at least 5 feet is required between any vehicular surface area and the front or side of a building. Sidewalks around the building may be located between the landscape area and the building, or to the outside of the landscape area adjacent to vehicular surface area. Breaks in the landscape area will be permitted for perpendicular sidewalks leading the building or for patios. The landscape area shall contain, at a minimum, one small tree per 30 feet.
4.7.8.3 Parking Lot Landscaping	(1) Threshold a. Parking lots with a vehicular surface area, including all drives, paved or impervious areas, and parking spaces, with a total of 5,000 square feet or less, are exempt from parking lot landscaping requirements. b. All areas not specifically required for parking or circulation shall be seeded in grass or landscaped. c. For lots with 36 spaces or less, landscaping will be required at the perimeter; for lots with more than 36 spaces, landscaping will be required at the perimeter and within the interior. d. Parking lot landscaping adjacent to a street will replace required street trees. e. If the parking lot is adjacent to a required impact buffer, then the impact buffer shall replace required perimeter landscaping.

	(2) Perimeter Landscaping a. All parking lots, including driveways, shall be screened up to a height of 3 feet using shrubs. There shall be no openings in the screening greater than 2 feet except openings for pedestrian passage, which should be at least 5 feet in width. In addition, large trees planted 60 feet on center shall be installed at the perimeter of the parking areas. The planting bed containing the shrubs and trees shall be a minimum of 8 feet in width. Where pre-existing overhead utility lines prevent the use of large trees, two small trees may be substituted for each large tree and shall be planted 30 feet on center. Existing landscaping or natural vegetation located in the perimeter landscape area that meets these standards may be applied toward these landscaping requirements. A brick wall 3 feet in height (matching the brick used in the principal structure) may be used in place of the shrubs, and the trees may be planted to the interior or exterior of the brick wall. (3) Interior Landscaping a. Landscape islands shall have a minimum diameter of 8 feet, and a curb at least 6 inches in height. Each landscape island shall contain, at a minimum, one large tree, and shall be located so that no parking space is more than 80 feet from a large tree. Where pre-existing overhead utility lines prevent use of large trees, two small trees may be substituted for each large tree.
4.7.8.4 Street Trees	(1) A row of large trees planted 60 feet on center shall be provided along the public street. The trees shall be planted between the sidewalk and street. If no sidewalk exists, the trees shall be planted within 10 feet of the back of curb or edge of pavement. If the building is set at the sidewalk, the trees may be incorporated into the sidewalk by use of grates, provided that a minimum of five feet clearance is required along the sidewalk. (2) Additional street trees will not be required where parking lot perimeter landscaping areas abut a street.
4.7.8.5 Impact Buffer	(1) An impact buffer shall be provided where the property is adjacent to any property zoned Suburban Neighborhood District or Traditional Neighborhood District. (2) The minimum impact buffer requirement may be met by any one of the following:

a. Preserving an existing natural vegetated area a minimum of 25 feet in width. (Some additional plantings may be required to reach a visually impervious buffer.)
b. Installing a 15-foot wide landscape yard consisting of small trees planted 30 feet on center, and two staggered rows of medium or large evergreen shrubs planted 6 feet on center in order to provide continuous coverage. Small trees shall be a minimum of 6 feet in height at installation. Shrubs shall be a minimum of 3 feet in height at installation.
c. Installing a six-foot high wooden shadowbox fence and installing a row of medium or large evergreen shrubs planted 6 feet on center. There shall be no more than two inches between pickets. Shrubs shall be planted on the exterior side of the fence. Shrubs shall be a minimum of 3 feet in height at installation.
d. Constructing a solid wall, a minimum of 6 feet in height, made of stone, brick, or block with stucco or similar finish.

(3) Watercourse Protection Buffers will remain completely undisturbed.
(4) Mechanical equipment is prohibited within the impact buffer area.
(5) Permanent detention basins and temporary erosion and sedimentation control basins are prohibited within the impact buffer area.
(6) Alternative screening methods that perform to the same or higher level may be approved.
(7) Utility easements may cross but not be placed within the long dimension of an impact buffer area.
(8) Pedestrian access may be required through the impact buffer area.
(9) Where an impact buffer and a landscape yard would be required, the impact buffer shall replace the requirement for a landscape yard.

4.7.9 Sidewalk

(1) A sidewalk shall be constructed along the fronting public or private street. Developments on corner lots shall provide for sidewalks along each public or private street. One or both of these requirements may be waived by the approving authority based on the following findings of fact:
   a. Requiring a sidewalk would not serve the public in any real way; and
   b. There is no existing sidewalk system in the vicinity to support a connection or future connection to sidewalks; or
   c. There are existing sidewalks that are easily accessible from the subject site that meet the needs of the public.

(2) Sidewalks shall be concrete, brick pavers, or other similar material. Sidewalks may not be mulch, pine needles, dirt, gravel, or other dust causing material.

(3) Sidewalks shall be a minimum of 5 feet in width and shall be constructed in accordance with the design and construction standards of the City of Lexington. The Director of Public Works will approve design and construction specifications.

(4) The property owner may dedicate sidewalks constructed along a public street as public right-of-way and the City Council may accept the public sidewalk for maintenance.

4.7.10 Outdoor Display on Private Property

(1) The merchandise shall be owned by the merchant holding the Certificate of Occupancy for the principal building and shall be related to or also for sale at the principal building in front of which the merchandise is located.

(2) The merchandise shall be on the same parcel, or a contiguous parcel under the same ownership as the principal building.

(3) Merchandise shall be located adjacent to the principal building and not be located in front of any other building.

(4) Vending machines are not permitted for outdoor display.

(5) Merchandise may not hang from poles or trees.

(6) Merchandise may not be placed in required landscape areas, parking lot islands, or impact buffers.

(7) Outdoor display of merchandise is prohibited on a vacant lot, the site of a vacant building, the site of a business outside of open operating hours, or the site of a closed or out-of-business use.

(8) Merchandise or fixtures may not interfere with vehicular sight distance.

(9) Outdoor display areas may not contain additional signage.

(10) Outdoor display is prohibited within the street right-of-way, except in accordance with Outdoor Display on Public Sidewalk (Section 5.25).

(11) Outdoor display areas shall not contain or utilize metal carports, trailers / tractor-trailers, storage buildings, portable storage units, or similar structures as storage and/or display of merchandise.

(12) The parking lot area may be used for temporary outdoor display, but the display area may not displace parking spaces required to meet the parking requirements. Outdoor display within parking lots shall be situated and designated in such a way as not to cause a conflict between pedestrians and vehicles or impede traffic patterns.

(13) **Front Yard display areas or areas abutting a public street** may extend for no more than 25% of the linear width of the building where the building faces a street. (A building that is 100 feet in width may have no more than 25 feet of the frontage containing outdoor display.) The cumulative outdoor display area(s) outside of a designated semi-enclosed display area, shall total no more than 10% of the size of the footprint of the principal commercial building. All fencing shall comply with design regulations for fences, walls, and hedges. Merchandise may extend upward no more than 6 feet from the ground. Merchandise shall be removed from cardboard boxes and larger shipping containers and shall be displayed in a secured, neat fashion. Boxes, other than shoe boxes or packaging are not permitted in display area. Only merchandise such as planters and other devices that are normally placed

directly on the ground are permitted to sit directly on the ground. Otherwise, merchandise must be displayed on tables, stands, or racks.

(14) Attached or detached designated display areas may be established adjacent to the principal building in the **side or rear yard not abutting a public street** and shall meet setbacks required for the principal commercial building. The display area shall be visually designated by use of fencing, wall, landscaping, or other barrier approved by the Director of Community Development. The maximum height of fencing used as a barrier is 12 feet. If chain link, mesh, or wire fencing is used, it shall be coated in black or dark green. Chain link fence slats are prohibited. Barbed wire, razor wire, and other similar materials are prohibited. The display area may have a roof covered in metal, wood shakes, shingles, or roof-type covering made of canvass, screen, glass, Plexiglas, wood, or other material approved by the Director of Community Development. The designated display area may cover an area no greater than the footprint of the principal building. (Greenhouses and Nurseries are permitted otherwise with specific conditions.) Display and storage racks within the designated display area may not extend above twenty feet or the height of the principal building, whichever is less.

4.7.11 Outdoor Display on Public Sidewalk

(1) Only permitted in conjunction with Commercial Buildings.

(2) The merchandise shall be owned by the merchant holding a current Certificate of Occupancy for the principal commercial building and shall be related to or also for sale at the principal commercial building in front of which the merchandise is located.

(3) The display area is limited to 25% of the linear width of the street-facing side of a building and shall extend no more than four feet into the sidewalk area from the building. (A building 100 feet in width may have an area 25' x 4' = 100 square feet of the frontage containing outdoor display.)

(4) The display area is limited to the portion of the sidewalk immediately abutting the principal building, not in front of any other building.

(5) A minimum of five feet in width along the sidewalk shall be maintained at all times as a clear, straight path for pedestrian traffic.

(6) Merchandise may be displayed only on one side of a building. Double-frontage display and corner lot display on two sides is prohibited. Merchandise shall be located adjacent to the principal building.

(7) Merchandise may extend upward no more than 6 feet from the ground.

(8) Merchandise may not hang from poles or trees.

(9) Merchandise may not be placed on landscaped areas or tree grates.

(10) Covers, shelters, metal carports, etc. may not be used to display merchandise.

(11) Individual advertising signage may not be placed on the merchandise.

(12) Businesses are prohibited from using outdoor amplified speaker/public address systems.

(13) Only merchandise such as planters and other devices that are normally placed directly on the ground are permitted to sit directly on the sidewalk. Otherwise, merchandise must be displayed on tables, stands, or racks. Merchandise shall be removed from cardboard boxes and larger shipping containers

and shall be displayed in a secured, neat fashion. Boxes, other than shoe boxes for shoes, are not permitted in display area.

(14) Vending machines are not permitted on the public sidewalk.

(15) Outdoor display merchandise or fixtures may not interfere with vehicular sight distance.

4.7.12 Accessory Structures, Uses, and Features	
4.7.12.1 Description	A structure, use, or feature that is: subordinate to and serves a principal use or building; clearly subordinate in area, extent, or purpose to the principal use or building served; and located on the same parcel as the principal use or building. Examples of accessory structures include: storage buildings, carports, detached garages, gazebos, swimming pools, satellite dishes, dog lots, outdoor storage, outdoor furniture and décor, dog houses, decks, patios, and playground equipment. See Section 3, District Regulations, for a list of Accessory Structures and Uses that require a zoning permit.
4.7.12.2 On-site Requirement	Accessory structures shall be located on the same parcel as the principal building. Accessory structures may not be located on vacant lots. In the case that two adjoining lots are under common ownership with the principal building located on one of the tracts and the other remaining vacant, and where the lots have been sold or developed as one tract, then the two parcels shall be considered as one for the purpose of this section. For the purpose of measurement and placement, the lots shall be considered as one.
4.7.12.3 Carports and Detached Garages	(1) Shall be constructed of the same materials, style, and color as the principal building. Metal carports are strictly prohibited. (2) Shall be no taller than the principal building. (3) Shall be located in the side yard or rear yard only; (4) Shall be setback a minimum of ten feet from any side property line; and (5) Shall be setback a minimum of 25 feet from any rear property line.
4.7.12.4 Accessory Buildings	(1) Accessory buildings shall closely match the principal building in terms of construction materials, style, and color. The exterior walls of accessory buildings shall be clad in: brick, masonry, or stone; stucco; wood siding; concrete siding; metal; or vinyl siding. Wooden pallets, fabric, tarp, or other woven material is strictly prohibited as a building material for accessory structures. (2) All sides of accessory buildings shall use materials consistent with those on the front if visible from public streets or neighboring properties. Piecemeal embellishment and frequent changes in material is prohibited.

	(3) Where any sloped roofs and structural canopies are used, they will be covered with: asphalt shingles; natural clay tiles; slate; concrete tiles; ribbed metal; wood shakes; or shingles. (4) Accessory buildings shall be no taller than the principal building. (5) The aggregate floor area of all accessory buildings, excluding open patios and decks, may not exceed the total first floor area of the principal building. (6) Truck trailers, Personal On-Demand Storage Units (PODS), vans, buses, and other vehicles are not permitted to be used for storage and are not permitted to be used as accessory structures.
4.7.12.5 Patios and Decks	(1) Patios for outdoor dining may be located in the front, side, or rear yard. Front yard patios for outdoor dining may be located at the sidewalk. If no sidewalk exists, the front setback is ten feet. (2) Patios and Decks may be located in the side yard or rear yard and shall be setback ten feet from side or rear property lines.
4.7.12.6 Dumpsters	(1) Shall be setback a minimum of 25 feet from any property line; (2) Shall be enclosed by a wooden privacy fence, other solid fence approved by the Director of Community Development, or a wall with any of the following finish materials: brick, stone, stucco, finished concrete, concrete block with stucco finish, or split-face block.
4.7.12.7 Doghouses and Dog Lots	Reference the City of Lexington's Code of Ordinance, Chapter 5, Section 5-9 Setbacks and Standards for Stables, Pens, Enclosures, Dog Lots, Tethering, Underground Fencing, Containment Structures from Dangerous Dogs, Etc.
4.7.12.8 Outdoor Furniture and Decor	(1) Outdoor lawn furniture, planters, outdoor lights, fire pits, grills, and the like are permitted in the rear yard only. (2) Upholstered or other furniture designed or manufactured exclusively for indoor use is prohibited to be exposed in an open area, including porches. (3) Any worn-out, deteriorated or abandoned household or office furniture, or appliances of any kind which are kept in open areas, including porches is prohibited.
4.7.12.9 Outdoor Storage	(1) Includes the storage of equipment or materials, but does not include other accessory structures, uses, or features addressed otherwise in this ordinance. (2) Outdoor storage is prohibited in the front or side yard. (3) Outdoor storage is permitted in the rear yard only and must meet the following requirements:

	a. No more than 5% of the rear yard shall be used for outdoor storage; b. The storage area shall be divided into no more than two separate areas; c. The storage area shall be screened from view from any street or adjoining property by the installation of either a wooden privacy fence or an opaque landscaping screen to be approved by the Director of Community Development; d. Shall not contain materials that are combustible; e. Shall not contain perishable materials that would attract rodents or insects or materials that would otherwise be harmful to human health; f. Shall be secured; g. The storage area shall be setback a minimum of 20 feet from any side or rear property line; and h. The storage area shall be kept clear of weeds, food waste, and other health hazards.
4.7.12.10 Other Accessory Structures	All other accessory structures not specifically addressed otherwise, shall be located in the rear yard only and shall be set back a minimum of ten feet from the side and rear property lines.
4.7.13 Fences and Walls	
4.7.13.1 Outdoor Garden Areas	(1) Fences and walls used to create outdoor garden areas in the side or rear yard adjacent to the building shall comply with the following: (2) Maximum height is ten (10) feet. (3) Fences or walls shall be constructed wholly or in combination of wood, stone, brick, decorative concrete block, wrought iron, chain link, or products created to resemble these materials. Slats are not permitted in chain link or wire fencing except for dumpster enclosures. Black screen for use as a sun or wind barrier may be applied to fencing upon approval by the Director of Community Development. (4) Materials such as, but not limited to, electric wire, barbed wire, razor wire, plywood, particle board, sheet metal, concrete slabs, concrete barriers, tarps or other woven/fabric material, sheets of tin, hog wire, chicken wire, palettes, and erosion screen are prohibited. (5) Finish shall be to the exterior with support structures to the interior. (6) Retaining walls over 5 feet in height will require a Certified Engineer's design and seal.

4.7.13.2 Front Yard Fences and Walls:	(1) Fences and walls shall be setback a minimum of seven feet from the back of curb or edge of pavement if no sidewalk is present. Otherwise, setback shall be two feet from back of sidewalk if present. Fences all walls shall be located out of right-of-way and shall not interfere with vehicular site distance. (2) Maximum height is four (4) feet. (3) Fences or walls shall be constructed wholly or in combination of wood, stone, brick, decorative concrete block, wrought iron, or products created to resemble these materials. (4) Materials such as, but not limited to, chain link, electric wire, barbed wire, razor wire, plywood, particle board, sheet metal, concrete slabs, concrete barriers, tarps or other woven/fabric material, sheets of tin, hog wire, chicken wire, palettes, and erosion screen are prohibited. (5) Finish shall be to the exterior with support structures to the interior. (6) Retaining walls over 5 feet in height will require a Certified Engineer's design and seal.
4.7.13.3 Rear and Side Yard Fences and Walls for Corner Lots	(1) Applicable for the side of the fence extending directly parallel to the street. (2) Fences and walls shall be setback a minimum of seven feet from the back of curb or edge of pavement if no sidewalk is present. Otherwise, setback shall be two feet from back of sidewalk if present. Fences all walls shall be located out of right-of-way and shall not interfere with vehicular site distance. (3) The maximum height is four (4) feet with the follow exceptions: a. Fences or walls located in a side or rear yard that are located more than 25 feet from the back of curb shall meet the Rear and Side Yard regulations for interior lots (Section 4.6.13.4). b. Fences or walls located in a side or rear yard that extends parallel to and within 25 feet or a public street may be six feet in height if a landscape screen is planted to the exterior of the fence or wall. The landscaping shall consist of a minimum of small trees planted thirty foot on center and a row of medium shrubs planted six feet on center between the small trees. (4) Fences or walls shall be constructed wholly or in combination of wood, stone, brick, decorative concrete block, wrought iron, or products created to resemble these materials. (5) Materials such as, but not limited to, chain link, electric wire, barbed wire, razor wire, plywood, particle board, sheet metal, concrete slabs, concrete barriers, tarps or other woven/fabric material, sheets of tin, hog wire, chicken wire, palettes, and erosion screen are prohibited. (6) Finish shall be to the exterior with support structures to the interior.

	(7) Retaining walls over 5 feet in height will require a Certified Engineer's design and seal.
4.7.13.4 Rear and Side Yard Fences and Walls for Interior Lots	(1) May be located on common property lines with written consent from both property owners. Otherwise a minimum setback of two feet is required to allow for maintenance. (Exception: See Section 4.6.13.3 for setbacks for rear and side yard fences for corner lots) (2) Maximum height is six (6) feet. (3) Fences or walls shall be constructed wholly or in combination of wood, stone, brick, decorative concrete block, wrought iron, chain link, or products created to resemble these materials. Slats are not permitted in chain link or wire fencing except for dumpster enclosures. (4) Materials such as, but not limited to, electric wire, barbed wire, razor wire, plywood, particle board, sheet metal, concrete slabs, concrete barriers, tarps or other woven/fabric material, sheets of tin, hog wire, chicken wire, palettes, and erosion screen are prohibited. (5) Finish shall be to the exterior with support structures to the interior. (6) Retaining walls over 5 feet in height will require a Certified Engineer's design and seal.
4.7.14 Signage See Section 6 for Signage Regulations	

4.8 Design Regulations for Commercial Buildings - Factory, Industrial, and/or S-1 and S-2 Storage Occupancy

4.8.1 Description

Commercial Buildings are classified according to the type of occupancy. For the purpose of this ordinance, the classifications are grouped as follows:

(1) Factory, Industrial, and/or S-1 and S-2 Storage

(2) Assembly, Education and/or Institutional (see Section 4.6)

(3) Business and/or Mercantile (see Section 4.7)

Commercial buildings classified for Factory, Industrial, and/or S-1 and S-2 Storage range in size and scale. Although a presence may be established through stature, the building typically does not project a sense of open invitation to the general public. Most people on-site at any given time are employees. Uses include manufacturing, assembly, warehousing, distribution, wholesale, and processing, and also include uses such as airport hangers. These building types are typically found and permitted within the Industrial District and to a lesser degree, the Business District.

Note: Changes to properties within the historic overlay district shall be regulated in accordance with the design guidelines found in Section 17.

4.8.2 Site

(1) Buildings shall parallel and front on a public or private street. The arrangement of multiple buildings on a single lot shall be done in a manner to establish building facades generally parallel to the frontage property lines along existing streets and proposed interior streets.

(2) See Section 3, District Regulations for setbacks.

(3) Development shall support a pedestrian environment. Extension of pedestrian facilities will be required where existing pedestrian facilities adjoin.

(4) Elements such as satellite dishes, mechanical equipment, utility meters, storage areas, trash enclosures, transformers, generators, and similar features or other utility hardware will be screened from public view with materials similar to the structure, or they will be so located as not to be visible from any public view or from potential buildings nearby.

(5) Dumpsters shall be screened by an enclosure constructed of wood, brick, block or other material approved by the Director of Community Development and shall be a minimum of 25 feet from any property line.

(6) Rooftop mechanical equipment will not be visible from the street.

(7) Noise from HVAC or other operation equipment associated with the function of proposed structures will not exceed 55 decibels as measured on a sound meter from the nearest property line.

(8) The street address number, a minimum of six inches in height, shall be posted in a conspicuous location on the side of the building fronting the public street.

4.8.3 Relation to Existing Environment

(1) Along existing streets, new buildings will respect the general spacing of structures, building mass and scale, materials, the design and placement of windows and doors, and street frontage relationships of existing buildings.

(2) New development shall not overshadow adjacent sites in such a way as to prohibit existing or future solar energy usage or reasonable access to light.
(3) Each building shall be designed to form part of a larger composition of the area in which it is situated. Adjacent buildings shall thus be of similar scale, height, and configuration.

4.8.4 Architecture and Building Materials

(1) Storage buildings, trailers, and mobile homes may not be used as an industrial building.
(2) Reflective or highly tinted glass is prohibited on street-facing façade windows.
(3) Rooflines will accommodate simple lines such as hip, flat, shed, gable to front, or gable to side, and avoid excessive joints.
(4) Exterior finish materials shall be limited to: brick; stone; integrally tinted, textured masonry block; stucco; wood lap siding (*if permitted by NC State Building Code*); concrete siding; Exterior Insulation Finish System (EFIS); flat metal interlocking panels with stucco or orange peel finish; and/or decorative stamped and stained concrete, or other material approved by the Director of Community Development. Ribbed metal may be used on a roof or awning, but is prohibited as a finishing material for external walls or top courses. Metal wrapping is permitted for trim.
(5) Where any sloped roofs and structural canopies are used, they may be covered with: asphalt shingles; natural clay tiles; slate; concrete tiles; ribbed metal; wood shakes or shingles, provided the roof includes required fire protection.
(6) The color of roof stacks, flashing, vents, power exhaust fans, and metal chimney caps will blend with the roof colors.
(7) Piecemeal patching with materials that do not match is prohibited.

4.8.5 Lighting

(1) Lighting intensities shall be controlled so that no more than one-fourth of a foot-candle of light spills over onto adjoining residential or potentially residential properties.
(2) Outdoor lighting will be designed, located, and mounted so as to protect the street and neighboring properties from direct glare or hazardous interference of any kind.
(3) No flickering or flashing lights will be permitted.

4.8.6 Parking

4.8.6.1 Parking Requirements	(1) If the building is within the Uptown District, accessory parking lots shall be located to the rear or be off-site within ¼ mile. Off-site parking within ¼ mile and on-street parking may be utilized.

	(2) The number of parking spaces required for an industrial building is directly tied to the proposed use for the building. Parking shall be adequate to provide for employee parking and function of the site. (3) All requirements of the North Carolina State Building Code shall be met concerning Handicapped Parking above the requirements contained herein.
4.8.6.2 Parking Lot Design	(1) Parking lots shall be paved, gravel, concrete, brick paver or other similar material. Dirt or other dust causing material is not permitted. (2) Curb cuts will be minimized. (3) All parking lots will be curbed using a standard curb with a minimum width of 18 inches. This requirement may be waived by the Director of Public Works in order to permit sheet flow drainage into pervious areas or as part of an alternative engineered storm water retention system. (4) For buildings fronting North and South Main Street and East and West Center Street within the Uptown District, parking lots shall be located beside or behind the building. For properties fronting North and South Main Street and East and West Center Street within the Uptown District, and for properties fronting Winston Road Between 9th Street and Biesecker Road, Building shall face the major thoroughfare and parking lots shall be located beside or behind the building. (5) Adjoining parking lots shall be interconnected to the extent possible. Where vehicular access is provided between adjoining uses and the operating hours are conducive to sharing, all of the required parking spaces may be shared. The joint use of shared off-street parking between two uses shall be guaranteed by a contract or other legally binding document between two or more adjacent property owners and a copy shall be provided to the Director of Community Development. (6) Parking and vehicular surface areas, except for shared parking lots, interconnections and driveways crossing perpendicular or near perpendicular to the street, shall be set back from property lines and the street in order to provide for applicable screening and street trees. (7) Parking lots will be designed to allow pedestrians to move safely from their vehicles to the building. The use of internal sidewalks and/or crosswalks may be required. (8) Driveways to parking areas shall not exceed 24 feet in width except as required by the City of Lexington or North Carolina Department of Transportation (NCDOT). (9) Off-street parking areas will be designed to facilitate adequate movement and access by sanitation, emergency, and other public service vehicles. (10) Parking lots shall be designed so that parked vehicles do not encroach upon or extend onto public rights-of-way, sidewalks, or landscaped areas.

(11) Parking lots shall be designed so that cars are not required to back directly into public rights-of-way in order to park or leave.

(12) Parking area aisle widths will conform to the following table:

Angle of Parking	0°	30°	45°	60°	90°
Lanes	Required Aisle Width (feet)				
One Way Traffic	12	14	16	16	18
Two Way Traffic	18	20	22	22	24

4.8.6.3 Parking Lot Landscaping

(1) Threshold

a. Parking lots with five or less spaces are exempt from parking lot landscaping requirements.

b. All areas not specifically required for parking or circulation shall be seeded in grass or landscaped.

c. For lots with 50 spaces or less, landscaping will be required at the perimeter; for lots with more than 50 spaces, landscaping will be required at the perimeter and within the interior.

d. Parking lot landscape areas adjacent to a street will replace required street trees.

e. If the parking lot is adjacent to a required impact buffer, then the impact buffer shall replace required perimeter landscaping.

(2) Perimeter Landscaping

a. All parking lots, including driveways, shall be screened up to a height of 3 feet using shrubs. There shall be no openings in the screening greater than 2 feet except openings for pedestrian passage, which should be at least 5 feet in width. In addition, large trees planted 60 feet on center shall be installed at the perimeter of the parking areas. The planting bed containing the shrubs and trees shall be a minimum of 8 feet in width. Where pre-existing overhead utility lines prevent the use of large trees, two small trees may be substituted for each large tree and shall be planted 30 feet on center. Existing landscaping or natural vegetation located in the perimeter landscape area that meets these standards may be applied toward these landscaping requirements. A brick wall 3 feet in height (matching the brick used in the principal structure) may be used in place of the shrubs, and the trees may be planted to the interior or exterior of the brick wall.

(3) Interior Landscaping

a. Landscape islands shall have a minimum diameter of 8 feet, and a curb at least 6 inches in height. Each landscape island shall contain, at a minimum, one large tree, and shall be located so that no parking space is more than 80 feet from a tree. Where pre-existing overhead utility

	lines prevent use of large trees, two small trees may be substituted for each large tree.

4.8.7 Street Trees

(1) A row of large trees planted 60 feet on center shall be provided along the public street.

(2) The trees shall be planted between the sidewalk and street. If no sidewalk exists, the trees shall be planted within 10 feet of the back of curb or edge of pavement. If the building is set at the sidewalk, the trees may be incorporated into the sidewalk by use of grates, provided that a minimum of five feet clearance is required along the sidewalk.

(3) Additional street trees will not be required where parking lot perimeter landscaping areas abut a street.

4.8.8 Impact Buffer

An impact buffer shall be provided where the property is adjacent to any property zoned Suburban Neighborhood District or Traditional Neighborhood District.

(1) The minimum impact buffer requirement may be met by any one of the following:

- Preserving an existing natural vegetated area a minimum of 30 feet in width. (Some additional plantings may be required to reach a visually impervious buffer.)
- Installing a 15-foot wide landscape area consisting of small trees planted 30 feet on center, and two staggered rows of medium or large evergreen shrubs planted 6 feet on center in order to provide continuous coverage. Small trees shall be a minimum of 6 feet in height at installation and shrubs shall be a minimum of 3 feet in height at installation.
- Installing a six-foot high wooden shadowbox fence and installing a row of medium or large evergreen shrubs planted 6 feet on center. There shall be no more than one inch between pickets. Shrubs may be planted on either side of the fence. Shrubs shall be a minimum of 3 feet in height at installation.
- Constructing a solid wall, a minimum of 6 feet in height, made of stone, brick, or block with stucco or similar finish.

(2) Stream Protection Buffers will remain completely undisturbed.

(3) Mechanical equipment is prohibited within the impact buffer area.

(4) Permanent detention basins and temporary erosion and sedimentation control basins are prohibited within the impact buffer area.

(5) Alternative screening methods that perform to the same or higher level may be approved.

(6) Utility easements may cross but not be placed within the long dimension of an impact buffer area.

(7) Pedestrian access may be required through the impact buffer area.

(8) Where an impact buffer and a landscape area would be required, the impact buffer shall replace the requirement for a landscape area.

4.8.9 Sidewalk

(1) A sidewalk shall be constructed along the fronting public or private street. Developments on corner lots shall provide for sidewalks along each public or private street. One or both of these requirements may be waived by the approving authority based on the following findings of fact:
   a. Requiring a sidewalk would not serve the public in any real way; and
   b. There is no existing sidewalk system in the vicinity to support a connection or future connection to sidewalks; or
   c. There are existing sidewalks that are easily accessible from the subject site that meet the needs of the public.

(2) Sidewalks shall be concrete, brick pavers, or other similar material. Sidewalks may not be mulch, pine needles, dirt, gravel, or other dust causing material.

(3) Sidewalks shall be a minimum of 5 feet in width and shall be constructed in accordance with the design and construction standards of the City of Lexington. The Director of Public Works will approve design and construction specifications.

(4) The property owner may dedicate sidewalks constructed along a public street as public right-of-way and the Director of Public Works may accept the public sidewalk for maintenance.

4.8.10 Accessory Structures, Uses, and Features

4.8.10.1 Description	A structure, use, or feature that is: subordinate to and serves a principal use or building; clearly subordinate in area, extent, or purpose to the principal use or building served; and located on the same parcel as the principal use or building. Examples of accessory structures include: warehouses for industrial buildings, storage buildings, carports, detached garages, gazebos, swimming pools, satellite dishes, outdoor storage, outdoor furniture and décor, dog houses, decks, patios, and playground equipment.
4.8.10.2 On-site Requirement	Accessory structures for individual units shall be located on the same parcel as the principal building or use. Accessory structures may not be located on vacant lots. In the case that two adjoining lots are under common ownership with the principal building located on one of the tracts and the other remaining vacant, and where the lots have been sold or developed as one tract, then the two parcels shall be considered as one for the purpose of this section. For the purpose of measurement and placement, the lots shall be considered as one.
4.8.10.3 Carports and Detached Garages	(1) Shall be constructed of the same materials, style, and color as the principal building. Metal carports other than those with flat roofs are strictly prohibited. (2) Shall be no taller than the principal building. (3) Shall be located in the side yard or rear yard only; (4) Shall be setback a minimum of ten feet from any side property line; and (5) Shall be setback a minimum of 25 feet from any rear property line.

4.8 DESIGN REGULATIONS FOR COMMERCIAL BUILDINGS - FACTORY, INDUSTRIAL, AND/OR S-1 AND S-2 STORAGE OCCUPANCY	
4.8.10.4 Accessory Buildings	(1) Accessory buildings shall closely match the principal building in terms of construction materials, style, and color. The exterior walls of accessory buildings shall be clad in: brick, masonry, or stone; stucco; wood siding; concrete siding; metal; or vinyl siding. Fabric, tarp, or other woven material is strictly prohibited as a building material for accessory structures. (2) All sides of accessory buildings shall use materials consistent with those on the front if visible from public streets or neighboring properties. Piecemeal embellishment and frequent changes in material is prohibited. (3) Where any sloped roofs and structural canopies are used, they will be covered with: asphalt shingles; natural clay tiles; slate; concrete tiles; ribbed metal; wood shakes; or shingles. (4) Accessory buildings shall be no taller than the principal building. (5) The aggregate floor area of all accessory buildings, excluding open patios and decks, may not exceed half of the total first floor area of the duplex. (6) Truck trailers, Personal On-Demand Storage Units (PODs), vans, buses, and other vehicles are not permitted to be used for storage and are not permitted to be used as accessory structures.
4.8.10.5 Doghouses and Dog Lots for Security Dogs	Reference the City of Lexington's Code of Ordinance, Chapter 5, Section 5-9 Setbacks and Standards for Stables, Pens, Enclosures, Dog Lots, Tethering, Underground Fencing, Containment Structures from Dangerous Dogs, Etc.
4.8.10.6 Patios and Decks	Patios and Decks may be located in the side yard or rear yard and shall be setback ten feet from side or rear property lines.
4.8.10.7 Outdoor Storage	(1) Includes the storage of equipment or materials, but does not include other accessory structures, uses, or features addressed otherwise in this ordinance. (2) Outdoor storage is prohibited in the front or side yard. (3) Outdoor storage is permitted in the rear yard only and must meet the following requirements: a. No more than 5% of the rear yard shall be used for outdoor storage; b. The storage area shall be divided into no more than two separate areas; c. The storage area shall be screened from view from any street or adjoining property by the installation of either a wooden privacy fence or an opaque landscaping screen to be approved by the Director of Community Development; d. The storage area shall not contain materials that are combustible and shall be kept clear of weeds, food waste, and other health hazards.

	e. The storage area shall be setback a minimum of 20 feet from any side or rear property line; and f. The storage area shall be kept clear of weeds and organic material.
4.8.10.8 Other Accessory Structures	All other accessory structures not specifically addressed otherwise, shall be located in the rear yard only and shall be set back a minimum of ten feet from the side and rear property lines.
4.8.11 Fences and Walls	
4.8.11.1 Fences for Outdoor Garden Areas	Fences and walls used to create outdoor garden areas in the side or rear yard adjacent to the building shall comply with the following: (1) Maximum height is ten (10) feet. (2) Fences or walls shall be constructed wholly or in combination of wood, stone, brick, decorative concrete block, wrought iron, chain link, or products created to resemble these materials. Slats are not permitted in chain link or wire fencing except for dumpster enclosures. Black screen for use as a sun or wind barrier may be applied to fencing upon approval by the Director of Community Development. (3) Materials such as, but not limited to, electric wire, barbed wire, razor wire, plywood, particle board, sheet metal, concrete slabs, concrete barriers, tarps or other woven/fabric material, sheets of tin, hog wire, chicken wire, palettes, and erosion screen are prohibited. (4) Finish shall be to the exterior with support structures to the interior. (5) Retaining walls over 5 feet in height will require a Certified Engineer's design and seal.
4.8.11.2 Front Yard Fences and Walls	(1) Fences and walls shall be setback a minimum of seven feet from the back of curb or edge of pavement if no sidewalk is present. Otherwise, setback shall be two feet from back of sidewalk if present. Fences all walls shall be located out of right-of-way and shall not interfere with vehicular site distance. (2) Maximum height is four (4) feet. (3) Fences or walls shall be constructed wholly or in combination of wood, stone, brick, decorative concrete block, wrought iron, or products created to resemble these materials. (4) Materials such as, but not limited to, chain link, electric wire, barbed wire, razor wire, plywood, particle board, sheet metal, concrete slabs, concrete barriers, tarps or other woven/fabric material, sheets of tin, hog wire, chicken wire, palettes, and erosion screen are prohibited.

	(5) Finish shall be to the exterior with support structures to the interior. (6) Retaining walls over 5 feet in height will require a Certified Engineer's design and seal.
4.8.11.3 Rear and Side Yard Fences and Walls for Corner Lots	(1) Applicable for the side of the fence extending directly parallel to the street. (2) Fences and walls shall be setback a minimum of seven feet from the back of curb or edge of pavement if no sidewalk is present. Otherwise, setback shall be two feet from back of sidewalk if present. Fences all walls shall be located out of right-of-way and shall not interfere with vehicular site distance. (3) The maximum height is four (4) feet with the follow exceptions: a. Fences or walls located in a side or rear yard that are located more than 25 feet from the back of curb shall meet the Rear and Side Yard regulations for interior lots (Section 4.8.11.4). b. Fences or walls located in a side or rear yard that extends parallel to and within 25 feet or a public street may be six feet in height if a landscape screen is planted to the exterior of the fence or wall. The landscaping shall consist of a minimum of small trees planted thirty foot on center and a row of medium shrubs planted six feet on center between the small trees. (4) Fences or walls shall be constructed wholly or in combination of wood, stone, brick, decorative concrete block, wrought iron, or products created to resemble these materials. (5) Materials such as, but not limited to, chain link, electric wire, barbed wire, razor wire, plywood, particle board, sheet metal, concrete slabs, concrete barriers, tarps or other woven/fabric material, sheets of tin, hog wire, chicken wire, palettes, and erosion screen are prohibited. (6) Finish shall be to the exterior with support structures to the interior. (7) Retaining walls over 5 feet in height will require a Certified Engineer's design and seal.
4.8.11.4 Rear and Side Yard Fences and Walls for Interior Lots	(1) May be located on common property lines with written consent from both property owners. Otherwise a minimum setback of two feet is required to allow for maintenance. (Exception: See Section 4.8.11.3 for setbacks for rear and side yard fences for corner lots) (2) Maximum height is six (6) feet. (3) Fences or walls shall be constructed wholly or in combination of wood, stone, brick, decorative concrete block, wrought iron, chain link, or products created to resemble these materials. Slats are not permitted in chain link or wire fencing except for dumpster enclosures.

	(4) Materials such as, but not limited to, electric wire, barbed wire, razor wire, plywood, particle board, sheet metal, concrete slabs, concrete barriers, tarps or other woven/fabric material, sheets of tin, hog wire, chicken wire, palettes, and erosion screen are prohibited. (5) Finish shall be to the exterior with support structures to the interior. (6) Retaining walls over 5 feet in height will require a Certified Engineer's design and seal.
4.8.12 *Signage* See Section 6 for Signage Regulations	

4.9 Design Regulations for Duplexes

4.9.1 Description

Two attached residential units under a single ownership.

Note: Changes to properties within the historic overlay district shall be regulated in accordance with the design guidelines found in Section 17.

4.9.2 Site

(1) Duplexes on corner lots shall provide double-frontage, so that each dwelling unit within the duplex appears as a Single-family House from the fronting street.
(2) Duplexes mid-block shall appear as a Single-family House from the front, so that one main entrance is provided with separate entrances internally.
(3) See Section 3, District Regulations for setbacks.
(4) Mechanical equipment, utility meters, storage areas, trash containers and enclosures, transformers, generators, and similar features or other utility hardware on roof, ground, or buildings will be screened from public view with materials similar to the principal building, or they will be so located as not to be visible from any public view. None of these elements may be located in the front yard.
(5) Each unit shall have the street address number, a minimum of four inches in height, posted on the side of the building fronting the public street. The design and placement of the numbers shall be uniform.

4.9.3 Sustainability

Incorporating the following sustainable elements into development is permitted and encouraged:

(1) Solar panels
(2) South-facing buildings / windows
(3) Use of recycled materials
(4) Wind turbines (with setbacks equal to height if pole mounted)
(5) Energy efficient construction practices
(6) Clothes lines
(7) Gardens or raised garden beds
(8) Composting
(9) Food-producing or edible landscaping
(10) On-site water retention and reuse

4.9.4 Relation to Existing Environment

(1) New Duplexes shall demonstrate compatibility by adhering to the architectural detailing, scale, materials, massing, volume, roof pitch, design and placement of windows and doors, spacing, and setback of existing residential buildings in the surrounding area.
(2) Infill development shall be sensitive to predominant characteristics of the neighborhood, including built form, vegetation, topography, and influences such as road layout, lot size, and pattern.
(3) House plans shall be varied so that identical or virtually identical houses are not adjacent, across the street, or diagonally across from each other.
(4) New development shall not overshadow adjacent sites in such a way as to prohibit existing or future solar energy usage or reasonable access to natural light.

4.9 Design Regulations for Duplexes

4.9.5 Architecture and Building Materials

(1) The front porch and/or ground floor elevation of any Duplex with a front yard setback of less than 20 shall be elevated a minimum of two feet above the sidewalk or street.
(2) All sides of the building shall use materials consistent with those on the front if visible from public streets or neighboring properties.
(3) The color of roof stacks, flashing, vents, power exhaust fans, and metal chimney caps will blend with the roof colors.
(4) Finish materials shall be limited to: brick, masonry, or stone; stucco; wood siding; concrete siding; and vinyl siding.
(5) Where any sloped roofs and structural canopies are used, they will be covered with: asphalt shingles; natural clay tiles; slate; concrete tiles; ribbed metal; and wood shakes or shingles.
(6) Piecemeal patching with materials that do not match is prohibited.
(7) Garages shall be placed at or behind the front plane of each unit.
(8) Accessory buildings shall be of similar design and color as the principal building.

4.9.6 Parking and Storage of Vehicles

4.9.6.1 Parking Requirements	(1) A minimum of four off-street spaces is required. The four spaces shall be located on a driveway(s), or within a garage. Driveways may be located in the front, side, or rear yard. Parking in the front yard, not on a driveway, is prohibited. No more than 25% of the front yard space may be used for driveway. (2) No more than 5% of the rear yard shall be used for the storage of any type of vehicles or trailers if the two required driveway or garage parking spaces are located in the front or side yard, and no more than 10% of the rear yard shall be used for the storage of any type of vehicles or trailers if the two required driveway or garage parking spaces are located in the rear yard (includes garage space). (3) Driveways shall be paved, concrete, brick pavers or other similar material. Gravel or dirt driveways are prohibited for new development. Driveways shall be set back a minimum of five feet from side and rear property lines. (4) Overflow parking shall utilize on-street parking, not the front or side yard areas outside of a driveway. If on-street parking is utilized, it shall be contained within the area immediately fronting the property and not be in front of other surrounding properties. (5) Domestic and recreational vehicles such as RVs, boats, four-wheelers, personal watercraft and sports boats, camper trailers, utility trailers, and lawn mowers shall be stored off of the street and may not be located in the established required front or side yard. The height of any such vehicle shall not extend above the height of the house. Such vehicles may be located in the rear yard only and shall setback a minimum of 10 feet from any side or rear property line.
4.9.6.2 Storage of some types of	(1) No passenger buses, school or activity buses, horse trailers, tractors, truck trailers, dump trucks, tractor trucks, semi trailers, one-ton or larger

Vehicles and/or Heavy Equipment Prohibited	commercially licensed trucks and vans, mobile or manufactured homes, house trailers, or heavy equipment such as bulldozers and backhoes, shall be stored on the street or on-site. (Exception: horse trailers and tractors may be located on farms or at stables.) (2) No vehicle may be used for the purpose of storage. (3) No residentially developed lot may be used as the base operation for any freight-hauling truck.

4.9.7 Sidewalk

(1) A sidewalk shall be constructed along the fronting public or private street. Duplexes on corner lots shall provide for sidewalks along each public or private street. One or both of these requirements may be waived by the approving authority based on the following findings of fact:
   a. Requiring a sidewalk would not serve the public in any real way; <u>and</u>
   b. There is no existing sidewalk system in the vicinity to support a connection or future connection to sidewalks; <u>or</u>
   c. There are existing sidewalks that are easily accessible from the subject site that meet the needs of the public.

(2) Sidewalks shall be concrete, brick pavers, or other similar material. Sidewalks may not be mulch, pine needles, dirt, gravel, or other dust causing material.

(3) Sidewalks shall be a minimum of five feet in width and shall be constructed in accordance with the design and construction standards of the City of Lexington. The Director of Public Works will approve design and construction specifications.

(4) The owner may dedicate sidewalks constructed along a public street as public right-of-way and the City Council may accept the public sidewalk for maintenance.

4.9.8 Accessory Structures, Uses, and Features

4.9.8.1 Description	A structure, use, or feature that is: subordinate to and serves a principal use or building; clearly subordinate in area, extent, or purpose to the principal use or building served; and located on the same parcel as the principal use or building. Examples of accessory structures, uses, and features include: storage buildings, carports, detached garages, gazebos, swimming pools, satellite dishes, clothes lines, outdoor storage, outdoor furniture and décor, dog houses, decks, patios, and playground equipment.
4.9.8.2 On-site Requirement	Accessory structures for individual units shall be located on the same parcel as the duplex. Accessory structures may not be located on vacant lots. In the case that two adjoining lots are under common ownership with the principal building located on one of the tracts and the other remaining vacant, <u>and</u> where the lots have been sold or developed as one tract, then the two parcels shall be considered as one for the purpose of this section. For the purpose of measurement and placement, the lots shall be considered as one.

4.9 DESIGN REGULATIONS FOR DUPLEXES	
4.9.8.3 Carports and Detached Garages	(1) Shall be constructed of the same materials, style, and color as the principal building. Metal carports other than those with flat roofs, are strictly prohibited. (2) Shall be no taller than the principal building. (3) Shall be located in the side yard or rear yard only; (4) Shall be setback a minimum of five feet from any side property line, except that side setback shall be a minimum of 10 feet in the Suburban Neighborhood District; and (5) Shall be setback a minimum of 10 feet from any rear property line.
4.9.8.4 Accessory Buildings	(1) Accessory buildings shall closely match the principal building in terms of construction materials, style, and color. The exterior walls of accessory buildings shall be clad in: brick, masonry, or stone; stucco; wood siding; concrete siding; metal; or vinyl siding. Fabric, tarp, or other woven material is strictly prohibited as a building material for accessory structures. (2) All sides of accessory buildings shall use materials consistent with those on the front if visible from public streets or neighboring properties. Piecemeal embellishment and frequent changes in material is prohibited. (3) Where any sloped roofs and structural canopies are used, they will be covered with: asphalt shingles; natural clay tiles; slate; concrete tiles; ribbed metal; wood shakes; or shingles. (4) Accessory buildings shall be no taller than the principal building. (5) The aggregate floor area of all accessory buildings, excluding open patios and decks, may not exceed half of the total first floor area of the duplex. (6) Truck trailers, Personal On-Demand Storage Units (PODs), vans, buses, and other vehicles are not permitted to be used for storage and are not permitted to be used as accessory structures.
4.9.8.5 Doghouses and Dog Lots	Reference the City of Lexington's Code of Ordinance, Chapter 5, Section 5-9 Setbacks and Standards for Stables, Pens, Enclosures, Dog Lots, Tethering, Underground Fencing, Containment Structures from Dangerous Dogs, Etc.
4.9.8.6 Patios and Decks	Patios and Decks may be located in the side yard or rear yard and shall be setback ten feet from side or rear property lines.
4.9.8.7 Dumpsters	(1) Shall be setback a minimum of 25 feet from any property line; (2) Shall be enclosed by a wooden privacy fence, other solid fence approved by the Director of Community Development, or a wall with any of the following finish materials: brick, stone, stucco, finished concrete, concrete block with stucco finish, or split-face block.

4.9 DESIGN REGULATIONS FOR DUPLEXES	
4.9.8.8 Outdoor Furniture and Decor	(1) Outdoor lawn furniture, planters, outdoor lights, fire pits, grills, and the like are permitted in the front, side, or rear yard. (2) Upholstered or other furniture designed or manufactured exclusively for indoor use is prohibited to be exposed in an open area, including porches. (3) Any worn-out, deteriorated or abandoned household or office furniture, or appliances of any kind which are kept in open areas, including porches is prohibited.
4.9.8.9 Outdoor Storage	Outdoor storage (outside of an accessory building) is prohibited.
4.9.8.10 Other Accessory Structures	All other accessory structures not specifically addressed otherwise, shall be located in the rear yard only and shall be set back a minimum of ten feet from the side and rear property lines.
4.9.9 Fences and Walls	
4.9.9.1 Front Yard Fences and Walls	(1) Fences and walls shall be setback a minimum of seven feet from the back of curb or edge of pavement if no sidewalk is present. Otherwise, setback shall be two feet from back of sidewalk if present. Fences all walls shall be located out of right-of-way and shall not interfere with vehicular site distance. (2) Maximum height is four (4) feet. (3) Fences or walls shall be constructed wholly or in combination of wood, stone, brick, decorative concrete block, wrought iron, or products created to resemble these materials. (4) Materials such as, but not limited to, chain link, electric wire, barbed wire, razor wire, plywood, particle board, sheet metal, concrete slabs, concrete barriers, tarps or other woven/fabric material, sheets of tin, hog wire, chicken wire, palettes, and erosion screen are prohibited. (5) Finish shall be to the exterior with support structures to the interior. (6) Retaining walls over 5 feet in height will require a Certified Engineer's design and seal.
4.9.9.2 Rear and Side Yard Fences and Walls for Corner Lots	(1) Applicable for the side of the fence extending directly parallel to a public street. (2) Fences and walls shall be setback a minimum of seven feet from the back of curb or edge of pavement if no sidewalk is present. Otherwise, setback shall be two feet from back of sidewalk if present. Fences all walls shall be located out of right-of-way and shall not interfere with vehicular site distance. (3) The maximum height is four (4) feet with the follow exceptions:

	a. Fences or walls located in a side or rear yard that are located more than 25 feet from the back of curb shall meet the Rear and Side Yard regulations for interior lots (Section 4.9.9.3). b. Fences or walls located in a side or rear yard that extends parallel to and within 25 feet or a public street may be six feet in height if a landscape screen is planted to the exterior of the fence or wall. The landscaping shall consist of a minimum of small trees planted thirty foot on center and a row of medium shrubs planted six feet on center between the small trees. (4) Fences or walls shall be constructed wholly or in combination of wood, stone, brick, decorative concrete block, wrought iron, or products created to resemble these materials. (5) Materials such as, but not limited to: chain link, electric wire, barbed wire, razor wire, plywood, particle board, sheet metal, concrete slabs, concrete barriers, tarps or other woven/fabric material, sheets of tin, hog wire, chicken wire, palettes, and erosion screen are prohibited. (6) Finish shall be to the exterior with support structures to the interior. (7) Retaining walls over 5 feet in height will require a Certified Engineer's design and seal.
4.9.9.3 Rear and Side Yard Fences and Walls for Interior Lots	(1) May be located on common property lines with written consent from both property owners. Otherwise a minimum setback of two feet is required to allow for maintenance. (Exception: See Section 4.9.9.2 for setbacks for rear and side yard fences for corner lots) (2) Maximum height is six (6) feet. (3) Fences or walls shall be constructed wholly or in combination of wood, stone, brick, decorative concrete block, wrought iron, or products created to resemble these materials. (4) Materials such as, but not limited to, chain link, electric wire, barbed wire, razor wire, plywood, particle board, sheet metal, concrete slabs, concrete barriers, tarps or other woven/fabric material, sheets of tin, hog wire, chicken wire, palettes, and erosion screen are prohibited. (5) Finish shall be to the exterior with support structures to the interior. (6) Retaining walls over 5 feet in height will require a Certified Engineer's design and seal.
4.9.10 Signage See Section 6 for Sign Regulations	

4.10 Design Regulations for Single-family Houses

4.10.1 Description

A single dwelling unit individually deeded, meeting a minimum of eight-foot side setbacks, and suitable for single-family occupancy. Single-family Houses are constructed to the standards of the North Carolina State Building Code.

Note: Changes to properties within the historic overlay district shall be regulated in accordance with the design guidelines found in Section 17.

4.10.2 Site

(1) Balconies, stoops, stairs, chimneys, open porches, bay windows, and raised doorways are permitted to encroach into the front setback a maximum of twelve feet, but shall remain a minimum of five feet outside of any right-of-way.

(2) Open decks and patios are permitted to encroach into the rear setback, but shall remain a minimum of ten feet from rear or side property lines.

(3) See Section 3, District Regulations for setbacks.

(4) Mechanical equipment, utility meters, storage areas, trash containers and enclosures, transformers, generators, and similar features or other utility hardware on roof, ground, or buildings will be screened from public view with materials similar to the principal building, or they will be so located as not to be visible from any public view. None of these elements may be located in the front yard.

(5) The street address number, a minimum of four inches in height, shall be posted in a conspicuous location on the side of the house fronting the public street.

(6) Houses developed on corner lots may front the corner.

4.10.3 Relation to Existing Environment

(1) New houses shall demonstrate compatibility by adhering to the architectural detailing, scale, materials, massing, volume, design and placement of windows and doors, spacing, and setback of existing residential buildings along fronting streets.

(2) New development shall not overshadow adjacent sites in such a way as to prohibit existing or future solar energy usage or that blocks access to natural light.

(3) Infill development will be sensitive to predominant characteristics of the neighborhood, including built form, vegetation, topography, and influences such as road layout, lot size, and pattern.

(4) Building elevations shall be varied so that identical or virtually identical houses are not located on adjacent lots or directly across the street from each other.

4.10.4 Architecture and Building Materials

(1) The front porch and/or ground floor elevation of any house with a front yard setback of less than 20 feet shall be elevated a minimum of two feet above the sidewalk or street.

(2) All sides of the building shall use materials consistent with those on the front if visible from public streets or neighboring properties.
(3) The color of roof stacks, flashing, vents, power exhaust fans, and metal chimney caps will blend with the roof colors.
(4) Finish materials shall be limited to: brick, masonry, or stone; stucco; wood siding; concrete siding; vinyl siding.
(5) Where any sloped roofs and structural canopies are used, they will be covered with: asphalt shingles; natural clay tiles; slate; concrete tiles; ribbed metal; wood shakes or shingles.
(6) Garages shall be placed at or behind the front plane of the structure.
(7) Piecemeal embellishment and frequent changes in material shall be avoided.

4.10.5 Parking and Storage of Vehicles

4.10.5.1 Parking Requirements	(1) A minimum of two off-street spaces is required. The two spaces shall be located on a driveway, or within a garage. Driveways may be located in the front, side, or rear yard. Driveways shall be paved, concrete, brick pavers or other similar material. Gravel or dirt driveways are prohibited for new development. Driveways shall be set back a minimum of five feet from side and rear property lines. No more than 10% of the front yard space may be used for driveway. (2) Parking in the front yard, not on a driveway, is prohibited. (3) No more than 5% of the rear yard shall be used for the storage of any type of vehicles or trailers if the two required driveway or garage parking spaces are located in the front or side yard, and no more than 10% of the rear yard shall be used for the storage of any type of vehicles or trailers if the two required driveway or garage parking spaces are located in the rear yard (includes garage space). (4) Overflow parking shall utilize on-street parking, not the front or side yard areas outside of a driveway. If on-street parking is utilized, it shall be contained within the area immediately fronting the property and not be in front of other surrounding properties. (5) Domestic and recreational vehicles such as RVs, boats, four-wheelers, personal watercraft and sports boats, camper trailers, utility trailers, and lawn mowers shall be stored off of the street and may not be located in the established required front or side yard. The height of any such vehicle shall not extend above the height of the house. Such vehicles may be located in the rear yard only and shall setback a minimum of 10 feet from any side or rear property line.
4.10.5.2 Storage of some types of Vehicles and/or Heavy Equipment Prohibited	(1) No passenger buses, school or activity buses, horse trailers, tractors, truck trailers, dump trucks, tractor trucks, semi trailers, one-ton or larger commercially licensed trucks and vans, mobile or manufactured homes, house trailers, or heavy equipment such as bulldozers or backhoes, shall be stored on the street or on site. (Exception: horse trailers and tractors may be located on bona fide farms or approved stables.) (2) No vehicle may be used for the purpose of storage.

	(3) No residentially developed lot may be used as the base operation for any freight-hauling truck.

4.10.5 Sidewalk

(1) A sidewalk shall be constructed along the fronting public or private street. Developments on corner lots shall provide for sidewalks along each public or private street. One or both of these requirements may be waived by the approving authority based on the following findings of fact:
   a. Requiring a sidewalk would not serve the public in any real way; and
   b. There is no existing sidewalk system in the vicinity to support a connection or future connection to sidewalks; or
   c. There are existing sidewalks that are easily accessible from the subject site that meet the needs of the public.

(2) Sidewalks shall be concrete, brick pavers, or other similar material. Sidewalks may not be mulch, pine needles, dirt, gravel, or other dust causing material.

(3) Sidewalks shall be a minimum of 5 feet in width and shall be constructed in accordance with the design and construction standards of the City of Lexington. The Director of Public Works will approve design and construction specifications.

(4) The owner may dedicate sidewalks constructed along a public street as public right-of-way and the City Council may accept the public sidewalk for maintenance.

4.10.6 Accessory Structures, Uses, and Features

4.10.6.1 Description	A structure, use, or feature that is: subordinate to and serves a principal use or building; clearly subordinate in area, extent, or purpose to the principal use or building served; and located on the same parcel as the principal use or building. Examples of accessory structures include: barns for bona fide farms, storage buildings, carports, detached garages, gazebos, swimming pools, satellite dishes, clothes lines, outdoor storage, outdoor furniture and décor, dog houses, dog lots, decks, patios, and playground equipment.
4.10.6.2 On-site Requirement	Accessory structures shall be located on the same parcel as the house. Accessory structures may not be located on vacant lots. In the case that two adjoining lots are under common ownership with the principal building located on one of the tracts and the other remaining vacant, <u>and</u> where the lots have been sold or developed as one tract, then the two parcels shall be considered as one for the purpose of this section. For the purpose of measurement and placement, the lots shall be considered as one.
4.10.6.3 Carports and Detached Garages	(1) Carports with flat roofs or roofs matching the principal structure in pitch and material: a. The carport is permitted in the side and rear yard. b. The carport may encroach into the established front yard by not more than 5 feet. Carports encroaching into the front yard may not

	encroach into the front yard required setback or beyond the front of other houses within 300 feet along the same street. c. The carport may encroach into the side and rear setback, but shall be a minimum of three feet from side and rear property lines. d. The carport shall be brick, white, black, or otherwise match the primary or trim color of the principal building. e. The carport shall be no taller than the principal building. (2) Carports with roofs that are not flat or do not match the principal structure in pitch and material: a. The carport shall be located in the rear yard only and shall be a minimum of five feet from side and rear property lines. b. For corner lots, the carport shall not extend beyond the established side setback of the house, so that it is located no closer to any street than the house. c. The carport shall be no taller than the principal building. (3) Detached Garages a. Detached garages may encroach into the front yard by not more than half of the depth of the garage. Detached garages encroaching into the front yard may not encroach into the front yard setback. b. Detached garages may encroach into the side and rear setback, but shall be a minimum of five feet from any rear or side property line. c. Detached garages shall be constructed of materials to match the principal building. d. Detached garages shall be no taller than the principal building.
4.10.6.5 Accessory Buildings	(1) Accessory buildings shall closely match the principal building in terms of construction materials, style, and color. The exterior walls of accessory buildings shall be clad in: brick, masonry, or stone; stucco; wood siding; concrete siding; metal; or vinyl siding. Wooden pallets, fabric, tarp, or other woven material is strictly prohibited as a building material for accessory structures. (2) All sides of accessory buildings shall use materials consistent with those on the front if visible from public streets or neighboring properties. Piecemeal embellishment and frequent changes in material is prohibited. (3) Where any sloped roofs and structural canopies are used, they will be covered with: asphalt shingles; natural clay tiles; slate; concrete tiles; ribbed metal; wood shakes; or shingles. (4) Accessory buildings shall be no taller than the principal building. (5) The aggregate floor area of all accessory buildings, excluding open patios and decks, may not exceed half of the total first floor area of the house, except that

	houses located on parcels greater than two acres in size and bona fide farms are exempt from this requirement. (6) Truck trailers, personal on-demand storage units, vans, buses, and other vehicles are not permitted to be used for storage and are not permitted to be used as accessory structures.
4.10.6.6 Doghouses and Dog Lots	Reference the City of Lexington's Code of Ordinance, Chapter 5, Section 5-9 Setbacks and Standards for Stables, Pens, Enclosures, Dog Lots, Tethering, Underground Fencing, Containment Structures from Dangerous Dogs, Etc.
4.10.6.7 Patios and Decks	Patios and Decks may be located in the side yard or rear yard and shall be setback ten feet from side or rear property lines.
4.10.6.8 Outdoor Furniture and Decor	(1) Outdoor lawn furniture, planters, outdoor lights, fire pits, grills, and the like are permitted in the rear yard only. (2) Upholstered or other furniture designed or manufactured exclusively for indoor use is prohibited to be exposed in a front yard, including porches. (3) Any worn-out, deteriorated or abandoned household or office furniture, or appliances of any kind which are kept in open areas, including porches is prohibited.
4.10.6.9 Outdoor Storage	(1) Includes the storage of equipment or materials, but does not include other accessory structures, uses, or features addressed otherwise in this ordinance. (2) Outdoor storage is prohibited in the front or side yard. (3) Outdoor storage is permitted in the rear yard only and must meet the following requirements: a. No more than 5% of the rear yard shall be used for outdoor storage; b. The storage area shall be divided into no more than two separate areas; c. The storage area shall be screened from view from any street or adjoining property by the installation of either a wooden privacy fence or an opaque landscaping screen to be approved by the Director of Community Development; d. Shall not contain materials that are combustible; e. Shall not contain perishable materials that would attract rodents or insects or materials that would otherwise be harmful to human health; f. Shall be secured; g. The storage area shall be setback a minimum of 20 feet from any side or rear property line; and h. The storage area shall be kept clear of weeds and organic material.

4.10.6.10 Other Accessory Structures, Uses, and Features	All other accessory structures, uses, and features not specifically addressed otherwise, shall be located in the rear yard only and shall be set back a minimum of ten feet from the side and rear property lines.
4.10.7 Fences and Walls	
4.10.7.1 Front Yard Fences and Walls	(1) Fences and walls shall be setback a minimum of seven feet from the back of curb or edge of pavement if no sidewalk is present. Otherwise, setback shall be two feet from back of sidewalk if present. Fences all walls shall be located out of right-of-way and shall not interfere with vehicular site distance. (2) Maximum height is four (4) feet. (3) Fences or walls shall be constructed wholly or in combination of wood, stone, brick, decorative concrete block, wrought iron, or products created to resemble these materials. (4) Materials such as, but not limited to, chain link, electric wire, barbed wire, razor wire, plywood, particle board, sheet metal, concrete slabs, concrete barriers, tarps or other woven/fabric material, sheets of tin, hog wire, chicken wire, palettes, and erosion screen are prohibited. (5) Finish shall be to the exterior with support structures to the interior. (6) Retaining walls over 5 feet in height will require a Certified Engineer's design and seal.
4.10.7.2 Rear and Side Yard Fences and Walls for Corner Lots	(1) Applicable for the side of the fence extending directly parallel to a public street. (2) Fences and walls shall be setback a minimum of seven feet from the back of curb or edge of pavement if no sidewalk is present. Otherwise, setback shall be two feet from back of sidewalk if present. Fences all walls shall be located out of right-of-way and shall not interfere with vehicular site distance. (3) The maximum height is four (4) feet with the follow exceptions: a. Fences or walls located in a side or rear yard that are located more than 25 feet from the back of curb shall meet the Rear and Side Yard regulations for interior lots (Section 4.10.7.3). b. Fences or walls located in a side or rear yard that extends parallel to and within 25 feet or a public street may be six feet in height if a landscape screen is planted to the exterior of the fence or wall. The landscaping shall consist of a minimum of small trees planted thirty foot on center and a row of medium shrubs planted six feet on center between the small trees.

	(4) Fences or walls shall be constructed wholly or in combination of wood, stone, brick, decorative concrete block, wrought iron, or products created to resemble these materials. (5) Materials such as, but not limited to: chain link, electric wire, barbed wire, razor wire, plywood, particle board, sheet metal, concrete slabs, concrete barriers, tarps or other woven/fabric material, sheets of tin, hog wire, chicken wire, palettes, and erosion screen are prohibited. (6) Finish shall be to the exterior with support structures to the interior. (7) Retaining walls over 5 feet in height will require a Certified Engineer's design and seal.
4.10.7.3 Rear and Side Yard Fences and Walls for Interior Lots	(1) May be located on common property lines with written consent from both property owners. Otherwise a minimum setback of two feet is required to allow for maintenance. (Exception: See Section 4.10.7.2 for setbacks for rear and side yard fences for corner lots) (2) Maximum height is six (6) feet. (3) Fences or walls shall be constructed wholly or in combination of wood, stone, brick, decorative concrete block, chain link, wrought iron, or products created to resemble these materials. (4) Materials such as, but not limited to, ~~chain link,~~ electric wire, barbed wire, razor wire, plywood, particle board, sheet metal, concrete slabs, concrete barriers, tarps or other woven/fabric material, sheets of tin, hog wire, chicken wire, palettes, and erosion screen are prohibited. (5) Finish shall be to the exterior with support structures to the interior. (6) Retaining walls over 5 feet in height will require a Certified Engineer's design and seal.
4.10.8 Signage See Section 6 for Sign Regulations	

4.11 Design Regulations for Manufactured Homes

4.11.1 Description

Manufactured homes differ from modular homes in that manufactured homes are certified by the US Department of Housing and Urban Development, while modular homes are built according to the State Building Code. Manufactured homes are an affordable means of housing, but do not lend permanency to neighborhoods and therefore are permitted on a limited basis.

Note: Changes to properties within the historic overlay district shall be regulated in accordance with the design guidelines found in Section 17.

4.11.2 Applicability and Building Standards

(1) Manufactured homes are only permitted within a manufactured home neighborhood in a Manufactured Home District.
(2) A manufactured home shall bear a seal certifying that it was built to the standards adopted on July 1, 1976 that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction.
(3) In no instance may a manufactured home be used for a non-residential use.
(4) The manufactured home shall be set up in accordance with the standards set by the North Carolina Department of Insurance.

4.11.3 Sustainability

Incorporating the following sustainable elements into development is permitted and encouraged:

(1) White roofs (applicable for flat or non-visible roofs)
(2) Landscaped roofs and walls
(3) Solar panels
(4) South-facing buildings / windows
(5) Use of recycled materials
(6) Wind turbines (with setbacks equal to height if pole-mounted)
(7) Energy efficient construction practices
(8) Clothes lines
(9) Community garden plots or raised garden beds
(10) Composting
(11) Food-producing or edible landscaping
(12) On-site water retention and reuse

4.11.4 Site

(1) The wider side of the building shall extend parallel to the public or private street.
(2) See Section 3, District Regulations for setbacks.
(3) Balconies, stoops, stairs, chimneys, open porches, bay windows, and raised doorways are permitted to encroach into the front setback a maximum of twelve feet, but shall remain a minimum of five feet outside of any right-of-way.

(4) Open decks and patios are permitted to encroach into the rear setback, but shall remain a minimum of ten feet from rear or side property lines.
(5) Outdoor storage outside of the home or storage building is prohibited.
(6) Mechanical equipment, utility meters, storage areas, trash containers and enclosures, transformers, generators, and similar features or other utility hardware on roof, ground, or buildings will be screened from public view with materials similar to the principal building, or they will be so located as not to be visible from any public view. None of these elements may be located in the front yard.
(7) The street address number, a minimum of six inches in height, shall be posted in a conspicuous location on the side of the home fronting the public street.

4.11.5 Relation to Existing Environment

(1) New homes shall demonstrate compatibility by adhering to the architectural detailing, scale, materials, massing, volume, fenestration, spacing, and setback of existing residential buildings along fronting streets.
(2) Infill development will be sensitive to predominant characteristics of the neighborhood, including built form, vegetation, topography, and influences such as road layout, lot size, and pattern.
(3) Building elevations shall be varied so that identical or virtually identical homes are not located on adjacent lots or directly across the street from each other.

4.11.6 Architecture and Building Materials

(1) The exterior siding shall consist of wood, hardboard, vinyl, brick, or aluminum and shall be comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.
(2) The pitch of the roof shall have a minimum vertical rise of four (4) feet for each twelve (12) feet of horizontal run.
(3) The roof of the manufactured home shall have an overhang (eave) extending at least ten (10) inches from the vertical exterior wall. A site-installed gutter may be counted in the width of the eave except for replacement units within an existing manufactured home neighborhood.
(4) The roof shall be finished with one of the following: asphalt shingles; natural clay tiles; slate; concrete tiles; ribbed metal; wood shakes or shingles.
(5) Where any sloped roofs and structural canopies are used, they will be covered with: asphalt shingles; natural clay tiles; slate; concrete tiles; ribbed metal; wood shakes or shingles.
(6) The manufactured home shall have a continuous, non-flammable, non-combustible skirting or curtain wall (having the appearance of a conventional load-bearing wall), unpierced except for required ventilation and access, installed under the perimeter.
(7) Stairs, porches, entrance platforms, and other means of entrance and exit to the manufactured home shall be installed and constructed in accordance with the standards set by the NC Department of Insurance.
(8) The tongue, axles, transporting lights, and removable towing apparatus shall be removed after placement on the lot and before occupancy.

(9) The street address number, a minimum of 6 inches in height, shall be posted in a conspicuous location on the side of the manufactured home fronting the public street. The design and placement of the numbers shall be uniform throughout a manufactured home neighborhood.

(10) The front porch and/or ground floor elevation of any house with a front yard setback of less than 20 feet shall be elevated a minimum of two feet above the sidewalk or street.

(11) All sides of the building shall use materials consistent with those on the front if visible from public streets or neighboring properties.

(12) The color of roof stacks, flashing, vents, power exhaust fans, and metal chimney caps will blend with the roof colors.

(13) Garages shall be placed at or behind the front plane of the structure.

(14) Piecemeal embellishment and frequent changes in material shall be avoided.

4.11.7 Parking and Storage of Vehicles

4.11.7.1 Parking Requirements	(1) A minimum of two off-street spaces is required. The two spaces shall be located on a driveway, or within a garage. Driveways may be located in the front, side, or rear yard. Driveways shall be paved, concrete, brick pavers or other similar material. Gravel or dirt driveways are prohibited for new development. Driveways shall be set back a minimum of five feet from side and rear property lines. No more than 10% of the front yard space may be used for driveway. (2) Parking in the front yard, not on a driveway, is prohibited. (3) No more than 5% of the rear yard shall be used for the storage of any type of vehicles or trailers if the two required driveway or garage parking spaces are located in the front or side yard, and no more than 10% of the rear yard shall be used for the storage of any type of vehicles or trailers if the two required driveway or garage parking spaces are located in the rear yard (includes garage space). (4) Overflow parking shall utilize on-street parking, not the front or side yard areas outside of a driveway. If on-street parking is utilized, it shall be contained within the area immediately fronting the property and not be in front of other surrounding properties. (5) Domestic and recreational vehicles such as RVs, boats, four-wheelers, personal watercraft and sports boats, camper trailers, utility trailers, and lawn mowers shall be stored off of the street and may not be located in the established required front or side yard. The height of any such vehicle shall not extend above the height of the house. Such vehicles may be located in the rear yard only and shall setback a minimum of 10 feet from any side or rear property line.
4.11.7.2 Storage of some types of Vehicles and/or	(1) No passenger buses, school or activity buses, horse trailers, tractors, truck trailers, dump trucks, tractor trucks, semi trailers, one-ton or larger commercially licensed trucks and vans, mobile or manufactured homes, house

Heavy Equipment Prohibited	trailers, or heavy equipment such as bulldozers or backhoes, shall be stored on the street or on site. (Exception: horse trailers and tractors may be located on bona fide farms or approved stables.) (2) No vehicle may be used for the purpose of storage. (3) No residentially developed lot may be used as the base operation for any freight-hauling truck.

4.11.8 Sidewalk

(1) A sidewalk shall be constructed along the fronting public or private street. Developments on corner lots shall provide for sidewalks along each public or private street. One or both of these requirements may be waived by the approving authority based on the following findings of fact:
   a. Requiring a sidewalk would not serve the public in any real way; and
   b. There is no existing sidewalk system in the vicinity to support a connection or future connection to sidewalks; or
   c. There are existing sidewalks that are easily accessible from the subject site that meet the needs of the public.

(2) Sidewalks shall be concrete, brick pavers, or other similar material. Sidewalks may not be mulch, pine needles, dirt, gravel, or other dust causing material.

(3) Sidewalks shall be a minimum of 5 feet in width and shall be constructed in accordance with the design and construction standards of the City of Lexington. The Director of Public Works will approve design and construction specifications.

(4) The owner may dedicate sidewalks constructed along a public street as public right-of-way and the City Council may accept the public sidewalk for maintenance.

4.11.9 Accessory Structures, Uses, and Features

4.11.9.1 Description	A structure, use, or feature that is: subordinate to and serves a principal use or building; is clearly subordinate in area, extent, or purpose to the principal use or building served; and located on the same parcel as the principal use or building. Examples of accessory structures include: warehouses for industrial buildings, barns for bona fide farms, storage buildings, carports, detached garages, gazebos, swimming pools, satellite dishes, outdoor furniture and décor, dog lots, dog houses, decks, patios, and playground equipment.
4.11.9.2 On-site Requirement	Within the manufactured home neighborhood, accessory structures for individual units shall be located on the same lot as the unit. Accessory structures common to the manufactured home neighborhood shall be located on land common to the development and shall be maintained by the owner of the development. Otherwise, accessory structures may not be located on vacant lots. In the case that two adjoining lots are under common ownership with the principal building located on one of the tracts and the other remaining vacant, and where the lots

	have been sold or developed as one tract, then the two parcels shall be considered as one for the purpose of this section. For the purpose of measurement and placement, the lots shall be considered as one.
4.11.9.3 Carports and Detached Garages	(1) Shall be constructed of the same materials, style, and color as the principal building. Metal carports are strictly prohibited. (2) Shall be no taller than the principal building. (3) Shall be located in the side yard or rear yard only; (4) Shall be setback a minimum of ten feet from any side property line not within the development; (5) May be located on common lot within the development; and (6) Shall be setback a minimum of 25 feet from any rear property line.
4.11.9.4 Accessory Buildings	(1) Accessory buildings shall closely match the principal building in terms of construction materials, style, and color. The exterior walls of accessory buildings shall be clad in: brick, masonry, or stone; stucco; wood siding; concrete siding; metal; or vinyl siding. Fabric, tarp, or other woven material is strictly prohibited as a building material for accessory structures. (2) All sides of accessory buildings shall use materials consistent with those on the front if visible from public streets or neighboring properties. Piecemeal embellishment and frequent changes in material is prohibited. (3) Where any sloped roofs and structural canopies are used, they will be covered with: asphalt shingles; natural clay tiles; slate; concrete tiles; ribbed metal; wood shakes; or shingles. (4) Accessory buildings shall be no taller than the principal building. (5) The aggregate floor area of all accessory buildings for an individual unit, excluding open patios and decks, may not exceed half of the total first floor area of the unit. (6) Truck trailers, PODs, vans, buses, and other vehicles are not permitted to be used for storage and are not permitted to be used as accessory structures.
4.11.9.5 Doghouses and Dog Lots	Reference the City of Lexington's Code of Ordinance, Chapter 5, Section 5-9 Setbacks and Standards for Stables, Pens, Enclosures, Dog Lots, Tethering, Underground Fencing, Containment Structures from Dangerous Dogs, Etc.
4.11.9.6 Patios and Decks	Patios and Decks may be located in the side yard or rear yard and shall be setback ten feet from side or rear property lines not within the development.

4.11.9.7 Dumpsters for Manufactured Home Neighborhoods	(1) Shall be setback a minimum of 25 feet from any property line; (2) Shall be enclosed by a wooden privacy fence, chain link fence with black slats, other solid fence approved by the Director of Community Development, or a wall with any of the following finish materials: brick, stone, stucco, finished concrete, concrete block with stucco finish, or split-face block.
4.11.9.8 Outdoor Furniture and Décor	(1) Outdoor lawn furniture, planters, outdoor lights, fire pits, grills, and the like are permitted in the front, side, or rear yard. (2) Upholstered or other furniture designed or manufactured exclusively for indoor use is prohibited to be exposed in an open area, including porches. (3) Any worn-out, deteriorated or abandoned household or office furniture, or appliances of any kind which are kept in open areas, including porches is prohibited.
4.11.9.9 Outdoor Storage	(1) Includes the storage of equipment or materials, but does not include other accessory structures, uses, or features addressed otherwise in this ordinance. (2) Outdoor storage is prohibited in the front or side yard. (3) Outdoor storage is permitted in the rear yard only and must meet the following requirements: a. No more than 5% of the rear yard shall be used for outdoor storage; b. The storage area shall be divided into no more than two separate areas; c. The storage area shall be screened from view from any street or adjoining property by the installation of either a wooden privacy fence or an opaque landscaping screen to be approved by the Director of Community Development; d. Shall not contain materials that are combustible; e. Shall not contain perishable materials that would attract rodents or insects or materials that would otherwise be harmful to human health; f. Shall be secured; g. The storage area shall be setback a minimum of 20 feet from any side or rear property line; and h. The storage area shall be kept clear of weeds and organic material.
4.11.9.10 Other Accessory Structures	All other accessory structures not specifically addressed otherwise, shall be located in the rear yard only and shall be set back a minimum of ten feet from the side and rear property lines.

4.11 DESIGN REGULATIONS FOR MANUFACTURED HOMES	
4.11.10 Fences and Walls	
4.11.10.1 Front Yard Fences and Walls	(1) Fences and walls shall be setback a minimum of seven feet from the back of curb or edge of pavement if no sidewalk is present. Otherwise, setback shall be two feet from back of sidewalk if present. Fences all walls shall be located out of right-of-way and shall not interfere with vehicular site distance. (2) Maximum height is three and one-half (3 and ½) feet. (3) Fences or walls shall be constructed wholly or in combination of wood, stone, brick, decorative concrete block, wrought iron, or products created to resemble these materials. (4) Materials such as, but not limited to, chain link, electric wire, barbed wire, razor wire, plywood, particle board, sheet metal, concrete slabs, concrete barriers, tarps or other woven/fabric material, sheets of tin, hog wire, chicken wire, palettes, and erosion screen are prohibited. (5) Finish shall be to the exterior with support structures to the interior. (6) Retaining walls over 5 feet in height will require a Certified Engineer's design and seal.
4.11.10.2 Rear and Side Yard Fences and Walls for Corner Lots	(1) Applicable for the side of the fence extending directly parallel to a public street. (2) Fences and walls shall be setback a minimum of seven feet from the back of curb or edge of pavement if no sidewalk is present. Otherwise, setback shall be two feet from back of sidewalk if present. Fences all walls shall be located out of right-of-way and shall not interfere with vehicular site distance. (3) The maximum height is four (4) feet with the follow exceptions: a. Fences or walls located in a side or rear yard that are located more than 25 feet from the back of curb shall meet the Rear and Side Yard regulations for interior lots (Section 4.11.10.3). b. Fences or walls located in a side or rear yard that extends parallel to and within 25 feet or a public street may be six feet in height if a landscape screen is planted to the exterior of the fence or wall. The landscaping shall consist of a minimum of small trees planted thirty foot on center and a row of medium shrubs planted six feet on center between the small trees. (4) Fences or walls shall be constructed wholly or in combination of wood, stone, brick, decorative concrete block, wrought iron, or products created to resemble these materials. (5) Materials such as, but not limited to: chain link, electric wire, barbed wire, razor wire, plywood, particle board, sheet metal, concrete slabs, concrete

	barriers, tarps or other woven/fabric material, sheets of tin, hog wire, chicken wire, palettes, and erosion screen are prohibited. (6) Finish shall be to the exterior with support structures to the interior. (7) Retaining walls over 5 feet in height will require a Certified Engineer's design and seal.
4.11.10.4 Rear and Side Yard Fences and Walls for Interior Lots	(1) May be located on common property lines with written consent from both property owners. Otherwise a minimum setback of two feet is required to allow for maintenance. (Exception: See Section 4.10.11.2 for setbacks for rear and side yard fences for corner lots) (2) Maximum height is six (6) feet. (3) Fences or walls shall be constructed wholly or in combination of wood, stone, brick, decorative concrete block, wrought iron, or products created to resemble these materials. (4) Materials such as, but not limited to, chain link, electric wire, barbed wire, razor wire, plywood, particle board, sheet metal, concrete slabs, concrete barriers, tarps or other woven/fabric material, sheets of tin, hog wire, chicken wire, palettes, and erosion screen are prohibited. (5) Finish shall be to the exterior with support structures to the interior. (6) Retaining walls over 5 feet in height will require a Certified Engineer's design and seal.
4.11.11 Signage See Section 6 for Sign Regulations	

4.12 Design Regulations for Parking Decks (Aboveground)

4.12.1 Description

Parking decks may be accessory features or primary features. Because they are vertical buildings, design is regulated in much the same way as a commercial building.

Note: Changes to properties within the historic overlay district shall be regulated in accordance with the design guidelines found in Section 17.

4.12.2 Location

Locating parking structures at the interior of the block, surrounded by buildings, is the preferred method.

4.12.3 Site

(1) Buildings shall parallel and front on a public or private street.
(2) See Section 3, District Regulations for setbacks.
(3) Development shall support a pedestrian environment. Sidewalks are required with new construction.
(4) Dumpsters shall be screened by an enclosure constructed of wood, brick, block or other material approved by the Director of Community Development and shall be a minimum of 25 feet from any property line.
(5) The street address number, a minimum of 6 inches in height, shall be posted in a conspicuous location on the side of the building fronting the public street.

4.12.4 Relation to Existing Environment

(1) Important street vistas shall terminate in a focal point, such as a building or other architectural or natural feature, not a parking deck.
(2) Along existing streets, new parking decks will respect the general spacing of structures, building mass and scale, materials, design and placement of windows and doors (or other openings), and street frontage relationships of existing buildings.
(3) Building materials will be similar to the materials already being used in the neighborhood, or if dissimilar materials are being proposed, other characteristics such as scale and proportion, form, architectural detailing, or color and texture, will be used to ensure that enough similarity exists to relate to the rest of the neighborhood.

4.12.5 Architecture and Building Materials

(1) Finish materials shall be limited to: brick, masonry, or stone; integrally tinted, textured masonry block; stucco; or concrete siding. Ribbed metal may be used on a roof or awning, but is not permitted as a finishing material for external walls or top courses.
(2) Parking decks shall have a recognizable top course consisting of, but not limited to: cornice treatments, other than just colored stripes or bands, with integrally textured materials such as stone, or other masonry, or differently colored materials; stepped parapets; and a cornice capping the top of a building wall.
(3) Parking decks shall have a recognizable base course consisting of, but not limited to: thicker walls, ledges or sills; integrally textured materials such as stone or other masonry; integrally colored

and patterned materials such as smooth finished stone or tile; lighter or darker colored materials, mullions, or panels; and planters.

(4) Where two wall materials are combined on one façade, the "heavier" material shall be used on the first floor (e.g. use brick below with wood siding above).

(5) Lower floors shall be differentiated architecturally to create a sense of human scale.

(6) All sides of the parking deck will use materials consistent with those on the front if visible from public streets or neighboring properties.

4.12.6 Lighting

(1) Lighting intensities shall be controlled so that no more than one-fourth of a foot-candle of light spills over onto adjoining residential or potentially residential properties.

(2) Lighting will be designed, located, and mounted so as to protect the street and neighboring properties from direct glare or hazardous interference of any kind.

(3) No flickering or flashing lights will be permitted.

4.12.7 Landscaping

A 20-foot wide landscape yard shall be provided around the outside of the parking deck and shall incorporate at a minimum the use of small trees planted 30 feet on center and a minimum of 8 medium shrubs per 100 linear feet.

4.12.8 Sidewalk

(1) A sidewalk shall be constructed along the fronting public or private street. Developments on corner lots shall provide for sidewalks along each public or private street. One or both of these requirements may be waived by the approving authority based on the following findings of fact:

a. Requiring a sidewalk would not serve the public in any real way; <u>and</u>

b. There is no existing sidewalk system in the vicinity to support a connection or future connection to sidewalks; <u>or</u>

c. There are existing sidewalks that are easily accessible from the subject site that meet the needs of the public.

(2) Sidewalks shall be concrete, brick pavers, or other similar material. Sidewalks may not be mulch, pine needles, dirt, gravel, or other dust causing material.

(3) Sidewalks shall be a minimum of five feet in width and shall be constructed in accordance with the design and construction standards of the City of Lexington. The Director of Public Works will approve design and construction specifications.

(4) The property owner may dedicate sidewalks constructed along a public street as public right-of-way and the Director of Public Works may accept the public sidewalk for maintenance.

4.12.9 Signage

See Section 6 for Sign Regulations

4.13 Design Regulations for Parking Lots

4.13.1 Description

An area, not within a building, where motor vehicles may be stored for the purposes of temporary, daily, or overnight off-street parking. Parking lots impact the appearance and function of the community in much the same way as construction of buildings, and therefore design is regulated. The following standards apply to parking lots developed as a principal use. Accessory parking lot standards are contained within the design regulations by building type.

Note: Changes to properties within the historic overlay district shall be regulated in accordance with the design guidelines found in Section 17.

4.13.2 Location

Locating parking lots at the interior of the block, surrounded by buildings, is the preferred method.

4.13.3 Site

Accessory parking lots within the Uptown District on properties fronting North and South Main Street, and East and West Center Street, shall be located to the rear or side of the principal building.

4.13.4 Shared Parking Lots

The joint use of shared off-street parking between two uses shall be guaranteed by a contract or other legally binding document between the property owners and a copy shall be provided to the Director of Community Development.

4.13.5 Relation to Existing Environment

(1) Important street vistas shall terminate in a focal point, such as a building or other architectural or natural feature, not a parking lot.

(2) Along existing streets, new parking lots will respect the general spacing of structures, building mass and scale, materials, and street frontage relationships of existing buildings.

4.13.6 Design

(1) All requirements of the North Carolina State Building Code shall be met concerning Handicapped Parking.

(2) Parking lots shall be paved, concrete, brick pavers or other similar material. Pervious concrete or asphalt, grasscrete, and other green materials are encouraged. Gravel, mulch, dirt, or other dust causing material is not permitted. (Exception: Lots within the Industrial District may be gravel.)

(3) Curb cuts will be minimized.

(4) All parking lots will be curbed using a standard curb, or other type of curb approved by the Director of Public Works, with a minimum width of 18 inches. This requirement may be waived by the Director of Public Works in order to permit sheet flow drainage into pervious areas or as part of an alternative engineered storm water retention system.

(5) Adjoining parking lots serving non-residential buildings shall be interconnected to the extent possible.

(6) Parking and vehicular surface areas, except for shared parking lots, interconnections and driveways crossing perpendicular or near perpendicular to the street, will be set back from property lines and the street in order to provide for applicable screening and street trees.

(7) Parking lots will be designed to allow pedestrians to move safely from their vehicles to the building. The use of internal sidewalks and/or crosswalks may be required.
(8) Driveways to parking areas shall not exceed 24 feet in width except as required by the City of Lexington or North Carolina Department of Transportation (NCDOT).
(9) Off-street parking areas will be designed to facilitate adequate movement and access by sanitation, emergency, and other public service vehicles.
(10) Parking lots shall be designed so that parked vehicles do not encroach upon or extend onto public rights-of-way, sidewalks, or landscaped areas.
(11) Parking lots shall be designed so that cars are not required to back directly into public rights-of-way in order to park or leave.
(12) Parking area aisle widths will conform to the following table:

Angle of Parking	0°	30°	45°	60°	90°
Lanes	Required Aisle Width (feet)				
One Way Traffic	12	14	16	16	18
Two Way Traffic	18	20	22	22	24

4.13.7 Lighting

(1) Lighting intensities shall be controlled so that no more than one-fourth of a foot-candle of light spills over onto adjoining residential or potentially residential properties.
(2) Lighting will be designed, located, and mounted so as to protect the street and neighboring properties from direct glare or hazardous interference of any kind.
(3) No flickering or flashing lights will be permitted.

4.13.8 Landscaping

Threshold

(1) Parking lots with five or less spaces are exempt from parking lot landscaping requirements.
(2) Lots within the Industrial District which are used in conjunction with a loading dock are exempt from parking lot landscaping requirements.
(3) All areas not specifically required for parking or circulation shall be seeded in grass or landscaped.
(4) For lots with more than five spaces and with 36 spaces or less, landscaping will be required at the perimeter; for lots with more than 36 spaces, landscaping will be required at the perimeter and within the interior.
(5) Parking lot landscaping adjacent to a street will replace required street tree plantings.
(6) If the parking lot is adjacent to a required impact buffer, then the impact buffer shall replace required perimeter landscaping.

Perimeter Landscaping

a. All parking lots, including driveways, shall be screened up to a height of 3 feet using shrubs. There shall be no openings in the screening greater than 2 feet except openings for pedestrian passage, which should be at least 5 feet in width. In addition, large trees planted 60 feet on center shall be installed at the perimeter of the parking areas. The planting bed containing the shrubs and trees shall be a minimum of 8 feet in width. Where pre-existing overhead utility lines prevent the use of large trees, two small trees may be substituted for each large

tree and shall be planted 30 feet on center. Existing landscaping or natural vegetation located in the perimeter landscape area that meets these standards may be applied toward these landscaping requirements. A brick wall 3 feet in height (matching the brick used in the principal structure) may be used in place of the shrubs, and the trees may be planted to the interior or exterior of the brick wall.

Interior Landscaping

(7) Landscape islands shall have a minimum diameter of 8 feet, and a curb at least 6 inches in height.

(8) Large trees shall be planted within the interior landscape islands so that no space is more than 40 feet from a large tree.

(9) Where pre-existing overhead utility lines prevent use of large trees, two small trees may be substituted for each large tree.

4.13.9 Sidewalk

(1) A sidewalk shall be constructed along the fronting public or private street. Parking lots on corner lots shall provide for sidewalks along each public or private street. One or both of these requirements may be waived by the approving authority based on the following findings of fact:

(2) Requiring a sidewalk would not serve the public in any real way; <u>and</u>

(3) There is no existing sidewalk system in the vicinity to support a connection or future connection to sidewalks; <u>or</u>

(4) There are existing sidewalks that are easily accessible from the subject site that meet the needs of the public.

(5) Sidewalks shall be concrete, brick pavers, or other similar material. Sidewalks may not be mulch, pine needles, dirt, gravel, or other dust causing material.

(6) Sidewalks shall be a minimum of 5 feet in width and shall be constructed in accordance with the design and construction standards of the City of Lexington. The Director of Public Works will approve design and construction specifications.

(7) The property owner may dedicate sidewalks constructed along a public street as public right-of-way and the Director of Public Works may accept the public sidewalk for maintenance.

4.13.10 Vehicle Storage

The overnight storage of vehicles for sale, or other types of vehicles such as domestic and recreational vehicles such as boats, camper trailers, and utility trailers, passenger buses, school or activity buses, horse trailers, tractors, truck trailers, dump trucks, tractor trucks, semi trailers, one-ton or larger commercially licensed trucks and vans, or house trailers shall be prohibited.

4.13.11 Signage

See Section 6 for Sign Regulations

4.14 Design Regulations for Townhomes

4.14.1 Description

Townhomes are units with individual deeds where the property owned is a parcel, typically smaller than that of a single-family parcel, which may or may not be directly adjacent to the wall of another unit. The common areas are managed by a Property Owner's Association. The scale can range from two units to a series of multiple units in multiple buildings.

Note: Changes to properties within the historic overlay district shall be regulated in accordance with the design guidelines found in Section 17.

4.14.2 Sustainability

Incorporating the following sustainable elements into development is permitted and encouraged:

(1) White roofs (applicable for flat or non-visible roofs)
(2) Landscaped roofs and walls
(3) Solar panels
(4) South-facing buildings / windows
(5) Use of recycled materials
(6) Wind turbines (with setbacks equal to height if pole-mounted)
(7) Energy efficient construction practices
(8) Clothes lines
(9) Community garden plots or raised garden beds
(10) Composting
(11) Food-producing or edible landscaping
(12) On-site water retention and reuse

4.14.3 Site

(1) First Building shall front and parallel a public street. Additional buildings may front an improved common area with pedestrian access.
(2) See Section 3, District Regulations for setbacks.
(3) Each Townhome development shall be platted.
(4) Each Townhome development shall be accompanied by establishment of a homeowners association relative to maintenance of the building exteriors and common area.
(5) Units shall front and extend parallel to a public or private street; or shall front and extend parallel to a common improved area with pedestrian access.
(6) Individual buildings shall be separated by a minimum of 16 feet. Side setback against Single-family Houses, Duplexes, or residentially zoned property is increased to 25 feet.
(7) Upper level balconies, bay windows, and their supports may encroach into the front or rear setbacks, but shall remain outside of the right-of-way.
(8) Outdoor storage is not permitted on-site.
(9) Mechanical equipment, utility meters, storage areas, individual trash containers and enclosures, transformers, generators, and similar features or other utility hardware on roof, ground, or buildings will be screened from public view with materials similar to the principal building, or they will be so located as not to be visible from any public view. None of these elements may be located in the front yard.

(10) Each unit shall have the street address number, a minimum of six inches in height, posted on the side of the building fronting the public street. The design and placement of the street address numbers shall be uniform.

4.14.4 Relation to Existing Environment

(1) Buildings located within the Uptown District shall not have residential units on any first floor facing a public street.
(2) New buildings will respect the general spacing of structures, height, mass, scale, materials, fenestration, and street frontage relationships of existing buildings in the surrounding area.
(3) Buildings shall not be more than one story above adjacent existing buildings without additional setback equal to the height of each story over two.
(4) No more than four units will be permitted per building so that buildings will not be out of scale with nearby single family residential houses.
(5) New development shall not overshadow adjacent sites in such a way as to prohibit existing or future solar energy usage or reasonable access to natural light.
(6) Infill development will be sensitive to predominant characteristics of the neighborhood, including built form, vegetation, topography, and influences such as road layout, lot size, and pattern.
(7) Where a single building design is used repeatedly, materials and detailing of major façade elements shall be varied.

4.14.5 Architecture and Building Materials

(1) All sides of the building shall use materials consistent with those on the front.
(2) The color of roof stacks, flashing, vents, power exhaust fans, and metal chimney caps will blend with the roof colors.
(3) Primary finish materials shall cover a minimum of 75% of the exterior wall surface excluding window and door opening, and shall be limited to: brick; stone; stucco; wood siding; concrete siding; and/or decorative stamped and stained concrete.
(4) Secondary finish materials may cover no more than 25% of any exterior wall surface excluding window and door opening, and shall be limited to: vinyl siding, Exterior Finish Insulation System (EFIS); or metal panel system with stucco, orange peel, or similar finish.
(5) Where any sloped roofs and structural canopies are used, they will be covered with: asphalt shingles; natural clay tiles; slate; concrete tiles; ribbed metal; and wood shakes or shingles.
(6) Piecemeal patching with materials that do not match is prohibited.
(7) Garages may not protrude beyond the front plane of the unit.
(8) Accessory buildings shall be of similar design and color as the principal building.

4.14.6 Parking

4.14.6.1 Parking Requirements	(1) All requirements of the North Carolina State Building Code shall be met concerning Handicapped Parking. (2) One parking space shall be provided per dwelling. Exception: Developments specific to persons with limited driving needs shall provide a minimum of .25 parking spaces per unit. On-street or off-site parking nearby may be used to help meet parking space requirements with the provision of pedestrian access between the street and the unit. (3) Overflow parking shall utilize on-street parking or a nearby parking lot, not the front or side yard. If on-street parking is utilized, it shall be contained within the area immediately fronting the unit and not be in front of other surrounding units or properties. (4) Domestic and recreational vehicles such as boats, camper trailers, and utility trailers shall be stored off of the street and may not be located in the front or side yard. There may be a common designated parking area in the rear yard for boat and trailer parking of residents of the development. Said parking area shall be setback a minimum of 25 feet from rear or side property lines.
4.14.6.2 Parking Lot Design	(1) See Section 4.14.7.3 for Parking Lot Landscaping requirements. (2) Parking lots shall be paved, concrete, brick pavers or other similar material. Gravel, mulch, dirt, or other dust causing material is not permitted. (3) For buildings fronting North and South Main Street and East and West Center Street within the Uptown District, parking lots shall be located beside or behind the building. (4) All parking lots will meet the requirements of the City of Lexington Public Works Construction Manual. (5) Curb cuts will be minimized. (6) Extension of pedestrian facilities will be required where existing pedestrian facilities adjoin. (7) Adjoining parking lots shall be interconnected to the extent possible. Where vehicular access is provided between adjoining uses and the operating hours are conducive to sharing, all of the required parking spaces may be shared. The joint use of shared off-street parking between two uses shall be guaranteed by a contract or other legally binding document between two or more adjacent property owners and shall be provided to the Director of Community Development. (8) Parking and vehicular surface areas, except for shared parking lots, interconnections and driveways crossing perpendicular or near perpendicular to the street, shall be set back from property lines and the street in order to provide for applicable screening and street trees. (9) Parking lots will be designed to allow pedestrians to move safely from their vehicles to the building. The use of internal sidewalks and/or crosswalks may be required. (10) Driveways to parking areas shall not exceed 24 feet in width except as required by the City of Lexington or North Carolina Department of Transportation. (11) Off-street parking areas will be designed to facilitate adequate movement and access by emergency, and other public service vehicles.

(12) Parking lots shall be designed so that parked vehicles do not encroach upon or extend onto public rights-of-way, sidewalks, or landscaped areas.

(13) Parking lots shall be designed so that cars are not required to back directly into public streets in order to park or leave.

(14) Parking area aisle widths will conform to the following table:

Angle of Parking	0°	30°	45°	60°	90°
Lanes	Required Aisle Width (feet)				
One Way Traffic	12	14	16	16	18
Two Way Traffic	18	20	22	22	24

4.14.6.3 Storage of some types of Vehicle and/or Heavy Equipment Prohibited

(1) No passenger buses, school or activity buses, horse trailers, tractors, truck trailers, dump trucks, tractor trucks, semi trailers, one-ton or larger commercially licensed trucks and vans, house trailers, or heavy equipment such as bulldozers and backhoes, shall be stored on the street or on site.

(2) No residential unit or lot may be used as the base operation for any freight-hauling truck.

4.14.7 Landscaping

4.14.7.1 General Description

Landscaping around buildings and paved areas not only approves the appearance of the site, it also provides an opportunity for on-site water retention and use. Landscaping reduces runoff and should be designed in such a way that water is captured naturally and absorbed by landscaped areas. In addition to ground plantings, roofs and walls may be landscaped.

In order to provide a more sustainable environment for residents, fruit and nut trees are encouraged and will be classified as large trees. Developers are encouraged to incorporate the use of other food-producing or edible plants, which may be substituted for shrubs except within impact buffers.

4.14.7.2 Building Perimeter Landscaping

A landscape area with an average width of at least 5 feet is required between any vehicular surface area and the front or side of a building. Sidewalks around the building may be located between the landscape area and the building, or to the outside of the landscape area adjacent to vehicular surface area. Breaks in the landscape area will be permitted for perpendicular sidewalks leading to the building or for patios. The landscape area shall contain, at a minimum the following:

(1) One small tree per 30 feet; and

(2) Eight small shrubs per 100 linear feet.

4.14.7.3 Parking Lot Landscaping	(1) Threshold a. Parking lots with less than 5 spaces are exempt from parking lot landscaping requirements. b. All areas not specifically required for parking or circulation shall be landscaped. c. For lots with 36 spaces or less, landscaping will be required at the perimeter; for lots with more than 36 spaces, landscaping will be required at the perimeter and within the interior. d. Parking lot landscaping adjacent to a street will replace required street trees. e. If the parking lot is adjacent to a required impact buffer, then the impact buffer may replace required parking lot perimeter landscaping. (2) Perimeter Landscaping a. All parking lots, including driveways, shall be screened up to a height of 3 feet using shrubs. There shall be no openings in the screening greater than 2 feet except openings for pedestrian passage, which should be at least 5 feet in width. In addition, large trees planted 60 feet on center shall be installed at the perimeter of the parking areas. The planting bed containing the shrubs and trees shall be a minimum of 8 feet in width. Where pre-existing overhead utility lines prevent the use of large trees, two small trees may be substituted for each large tree and shall be planted 30 feet on center. Existing landscaping or natural vegetation located in the perimeter landscape area that meets these standards may be applied toward these landscaping requirements. A brick wall 3 feet in height (matching the brick used in the principal structure) may be used in place of the shrubs, and the trees may be planted to the interior or exterior of the brick wall. (3) Interior Landscaping a. Landscape islands shall have a minimum diameter of 8 feet, and a curb at least 6 inches in height. Each landscape island shall contain, at a minimum, one large tree, and shall be located so that no parking space is more than 80 feet from a large tree. Where pre-existing overhead utility lines prevent use of large trees, two small trees may be substituted for each large tree.
4.14.7.4 Street Trees	(1) A row of large trees planted 40 feet on center shall be provided along the public street. (2) The trees shall be planted between the sidewalk and street. If no sidewalk exists, the trees shall be planted within 10 feet of the back of curb or edge of pavement. If the building is set at the sidewalk, small or large trees may be incorporated into the sidewalk by use of grates, provided that a minimum of five feet clearance is

	required along the sidewalk. Minor variations in location may be approved to accommodate topography, utilities, or specific elements of the site. (3) Street trees will not be required where parking lot perimeter landscaping areas abut the street.
4.14.7.5 Impact Buffer	(1) An impact buffer shall be provided where the property is adjacent to any property zoned Suburban Neighborhood District or Traditional Neighborhood District. (2) The minimum impact buffer requirement may be met by any one of the following: a. Preserving an existing natural vegetated area a minimum of 20 feet in width. (Some additional plantings may be required to reach a visually impervious buffer.) b. Installing a 15-foot wide landscape yard consisting of a minimum of small trees planted 30 feet on center, and two staggered rows of medium or large evergreen shrubs planted 6 feet on center (by row) in order to provide continuous coverage. Small trees shall be a minimum of 6 feet in height at installation and shrubs shall be a minimum of 3 feet in height at installation. c. Installing a minimum six-foot high wooden shadowbox or similar fence and installing a row of medium or large evergreen shrubs planted 6 feet on center. Boards on the fence shall be spaced no more than 2 inches apart. Supporting members shall be located to the inside of the fence. Shrubs shall be planted on the exterior side of the fence and shall be a minimum of 3 feet in height at installation. d. Constructing a solid wall, a minimum of 6 feet in height, made of stone, brick, or block with stucco or similar finish. (3) Watercourse Protection Buffers will remain completely undisturbed. (4) Mechanical equipment is prohibited within the impact buffer area. (5) Permanent detention basins and temporary erosion and sedimentation control basins are prohibited within the impact buffer area. (6) Alternative screening methods that perform to the same or higher level may be approved. (7) Utility easements may cross (at perpendicular or near perpendicular angels) but not be placed within the long dimension of an impact buffer area. (8) Pedestrian access may be required to cross through the impact buffer area. (9) Where an impact buffer and a landscape area would be required, the impact buffer shall replace the requirement for a landscape area.
4.14.8 Accessory Structures, Uses, and Features	

4.14 DESIGN REGULATIONS FOR TOWNHOMES	
4.14.8.1 Description	A structure, use, or feature that is: subordinate to and serves a principal use or building; clearly subordinate in area, extent, or purpose to the principal use or building served; and located on the same parcel as the principal use or building. Examples of accessory structures, uses, and features include: storage buildings, carports, detached garages, gazebos, swimming pools, satellite dishes, clothes lines, outdoor furniture and decor, dog lots, dog houses, decks, patios, and playground equipment. See Section 3, District Regulations, for a list of Accessory Structures and Uses that require a zoning permit.
4.14.8.2 On-site Requirement	Accessory structures for individual units shall be located on the same parcel as the unit. Accessory structures common to the development shall be located on land common to the development and maintained by the Homeowners Association. Otherwise, accessory structures may not be located on vacant lots. In the case that two adjoining lots are under common ownership with the principal building located on one of the tracts and the other remaining vacant, <u>and</u> where the lots have been sold or developed as one tract, then the two parcels shall be considered as one for the purpose of this section. For the purpose of measurement and placement, the lots shall be considered as one.
4.14.8.3 Carports and Detached Garages	(1) Shall be constructed of the same materials, style, and color as the principal building. Metal carports are strictly prohibited. (2) Shall be no taller than the principal building. (3) Shall be located in the side yard or rear yard only; (4) Shall be setback a minimum of ten feet from any side property line not within the development; (5) May be located on common property lines within a development of Townhomes; and (6) Shall be setback a minimum of 25 feet from any rear property line.
4.14.8.4 Accessory Buildings	(1) Accessory buildings shall closely match the principal building in terms of construction materials, style, and color. The exterior walls of accessory buildings shall be clad in: brick, masonry, or stone; stucco; wood siding; concrete siding; metal; or vinyl siding. Wooden pallets, fabric, tarp, or other woven material is strictly prohibited as a building material for accessory structures. (2) All sides of accessory buildings shall use materials consistent with those on the front if visible from public streets or neighboring properties. Piecemeal embellishment and frequent changes in material is prohibited. (3) Where any sloped roofs and structural canopies are used, they will be covered with: asphalt shingles; natural clay tiles; slate; concrete tiles; ribbed metal; wood shakes; or shingles. (4) Accessory buildings shall be no taller than the principal building. (5) The aggregate floor area of all accessory buildings for an individual unit, excluding open patios and decks, may not exceed half of the total first floor area of the unit.

	(6) Truck trailers, Personal On-Demand Storage Units (PODS), vans, buses, and other vehicles are not permitted to be used for storage and are not permitted to be used as accessory structures.
4.14.8.5 Doghouses and Dog Lots	Reference the City of Lexington's Code of Ordinance, Chapter 5, Section 5-9 Setbacks and Standards for Stables, Pens, Enclosures, Dog Lots, Tethering, Underground Fencing, Containment Structures from Dangerous Dogs, Etc.
4.14.8.6 Patios and Decks	Patios and Decks may be located in the side yard or rear yard and shall be setback ten feet from side or rear property lines not within the development.
4.14.8.7 Dumpsters	(1) Shall be setback a minimum of 25 feet from any property line; (2) Shall be enclosed by a wooden privacy fence, other solid fence approved by the Director of Community Development, or a wall with any of the following finish materials: brick, stone, stucco, finished concrete, concrete block with stucco finish, or split-face block.
4.14.8.8 Outdoor Furniture and Décor	(1) Outdoor lawn furniture, planters, outdoor lights, fire pits, grills, and the like are permitted in the front, side, or rear yard. (2) Upholstered or other furniture designed or manufactured exclusively for indoor use is prohibited to be exposed in an open area, including porches. (3) Any worn-out, deteriorated or abandoned household or office furniture, or appliances of any kind which are kept in open areas, including porches is prohibited.
4.14.8.9 Other Accessory Structures, Uses, or Features	All other accessory structures, uses, or features permitted, but not specifically addressed otherwise in this section, shall be located in the rear yard only and shall be set back a minimum of ten feet from the side and rear property lines.
4.14.8.10 Outdoor Storage	Outdoor storage (outside of an accessory building) is prohibited.

4.14 Design Regulations for Townhomes

4.14.9 Fences and Walls

4.14.9.1 Front Yard Fences and Walls	1. Fences and walls shall be setback a minimum of seven feet from the back of curb or edge of pavement if no sidewalk is present. Otherwise, setback shall be two feet from back of sidewalk if present. Fences all walls shall be located out of right-of-way and shall not interfere with vehicular site distance. 2. Maximum height is three and one-half (3 and ½) feet. 3. Fences or walls shall be constructed wholly or in combination of wood, stone, brick, decorative concrete block, wrought iron, or products created to resemble these materials. 4. Materials such as, but not limited to: chain link, electric wire, barbed wire, razor wire, plywood, particle board, sheet metal, concrete slabs, concrete barriers, tarps or other woven/fabric material, sheets of tin, hog wire, chicken wire, palettes, and erosion screen are prohibited. 5. Finish shall be to the exterior with support structures to the interior. 6. Retaining walls over 5 feet in height will require a Certified Engineer's design and seal.
4.14.9.2 Rear and Side Yard Fences and Walls for Corner Lots	(1) Applicable for the side of the fence extending directly parallels to a public street. (2) Fences and walls shall be setback a minimum of seven feet from the back of curb or edge of pavement if no sidewalk is present. Otherwise, setback shall be two feet from back of sidewalk if present. Fences all walls shall be located out of right-of-way and shall not interfere with vehicular site distance. (3) The maximum height is four (4) feet with the follow exceptions: a. Fences or walls located in a side or rear yard that are located more than 25 feet from the back of curb shall meet the Rear and Side Yard regulations for interior lots (Section 4.14.9.2). b. Fences or walls located in a side or rear yard that extends parallel to and within 25 feet or a public street may be six feet in height if a landscape screen is planted to the exterior of the fence or wall. The landscaping shall consist of a minimum of small trees planted thirty foot on center and a row of medium shrubs planted six feet on center between the small trees. (4) Fences or walls shall be constructed wholly or in combination of wood, stone, brick, decorative concrete block, wrought iron, or products created to resemble these materials. (5) Materials such as, but not limited to: chain link, electric wire, barbed wire, razor wire, plywood, particle board, sheet metal, concrete slabs, concrete barriers, tarps or other woven/fabric material, sheets of tin, hog wire, chicken wire, palettes, and erosion screen are prohibited.

	(6) Finish shall be to the exterior with support structures to the interior. (7) Retaining walls over 5 feet in height will require a Certified Engineer's design and seal.
4.14.9.3 Rear and Side Yard Fences and Walls for Interior Lots	(1) May be located on common property lines with written consent from both property owners. Otherwise a minimum setback of two feet is required to allow for maintenance. (Exception: See Section 4.14.9.2 for setbacks for rear and side yard fences for corner lots) (2) Maximum height is six (6) feet. (3) Fences or walls shall be constructed wholly or in combination of wood, stone, brick, decorative concrete block, wrought iron, or products created to resemble these materials. (4) Materials such as, but not limited to, chain link, electric wire, barbed wire, razor wire, plywood, particle board, sheet metal, concrete slabs, concrete barriers, tarps or other woven/fabric material, sheets of tin, hog wire, chicken wire, palettes, and erosion screen are prohibited. (5) Finish shall be to the exterior with support structures to the interior. (6) Retaining walls over 5 feet in height will require a Certified Engineer's design and seal.

4.14.10 Recreation Facility

(1) Residential developments with twelve or more total units are required to contain either an Indoor or Outdoor Recreation Facility, or a combination of the two.

(2) This requirement may be waived by the approving authority if a public park exists within one-fourth mile of all proposed residences and is easily accessible via a maintained pedestrian access.

(3) The Recreation Facility shall relate to and be of adequate size to accommodate the needs of the proposed community.

(4) Outdoor Recreation Facilities shall be improved and cleared of underbrush and debris and contain elements such as: landscaping, walks, statues, fountains, ball fields, playground equipment, swimming pool and clubhouse, exercise equipment, outdoor furniture, picnic shelters, trails, greenways, etc.

(5) Indoor Recreation Facilities shall include uses such as fitness room with exercise equipment, basketball court, gym, swimming pool and clubhouse, etc.

(6) A Recreation Facility shall be located within one-quarter mile (1,320 feet) of each residential building in a new development, as measured along public street right-of-way and shall be accessible and usable by persons living nearby.

(7) The cost and responsibility of maintaining the Recreation Facility will be borne by the Homeowners Association.

4.14 DESIGN REGULATIONS FOR TOWNHOMES

4.14.11 Lighting

(1) Lighting intensities shall be controlled so that no more than one-fourth of a foot-candle of light spills over onto adjoining residential or potentially residential properties.

(2) Outdoor lighting will be designed, located, and mounted so as to improve safety, while protecting the street and neighboring properties from direct glare or hazardous interference.

(3) No flickering or flashing lights will be permitted.

4.14.12 Sidewalk

(1) A sidewalk shall be constructed along the fronting public or private street. Developments on corner lots shall provide for sidewalks along each public or private street. One or both of these requirements may be waived by the approving authority based on the following findings of fact:

a. Requiring a sidewalk would not serve the public or the future residents of the proposed development in any real way; <u>and</u>

b. There is no existing sidewalk system in the vicinity to support a connection or future connection to sidewalks; <u>or</u>

c. There are existing sidewalks that are easily accessible from the subject site that meet the needs of the public or future residents of the proposed development.

(2) Sidewalks shall be concrete, brick paver, or other similar material. Sidewalks may not be mulch, pine needles, dirt, gravel, or other dust causing material.

(3) Sidewalks shall be a minimum of 5 feet in width and shall be constructed in accordance with the design and construction standards of the City of Lexington. The Director of Public Works will approve design and construction specifications.

(4) The owner may dedicate sidewalks constructed along a public street as public right-of-way and the City may accept the public sidewalk for maintenance.

4.14.13 Signage

- See Section 6 for Signage Regulations.

SECTION 5. CRITERIA FOR SPECIFIC USES

The requirements listed below are not all inclusive. These requirements are meant to be the basis for evaluating the use, but additional requirements or conditions may be imposed to meet the intent of this ordinance and the overall community good and thereby gain approval for development. Development shall comply with all required design regulations for the building type, structure, or feature. In addition, the following requirements shall apply:

5.1 SPECIFIC CRITERIA / REGULATIONS

5.1.1 ACCESSORY DWELLING

(1) The intent of allowing accessory dwellings is to provide a living opportunity for relatives, elderly parents, college students, etc. in order to provide affordability, close proximity to a family, while establishing a level of independence and privacy.

(2) The principal use of the lot shall be a Single-family House, built to the standards of the North Carolina State Building Code and local ordinances.

(3) An accessory dwelling may be attached to, within, or separate from, the principal dwelling.

(4) The accessory dwelling shall be in the rear yard and shall setback 10 feet from side property lines and 25 feet from the rear property line.

(5) The accessory dwelling shall be built to the standards of the North Carolina State Building Code and other local ordinances.

(6) No more than one accessory dwelling will be permitted on a single deeded lot in conjunction with the principal dwelling unit.

(7) The principal dwelling unit shall be owner-occupied.

(8) The accessory dwelling shall be served by the driveway serving the principal dwelling, or may be served by a separate driveway from the rear.

(9) A detached accessory dwelling space may not exceed ½ the size of the principal dwelling; the lot must meet the maximum size allocations for accessory structures, including the accessory dwelling;

(10) The accessory structure may be a dwelling only, or may combine a dwelling with a garage, workshop, studio, or similar use.

(11) A detached accessory dwelling shall be located in the established rear yard and match the principal dwelling in color and material.

(12) The accessory dwelling shall be located outside of any required setback for the principal dwelling.

(13) No more than one additional off-street parking space may be created for the accessory dwelling.

5.1.2 ADULT ESTABLISHMENT

(1) The intent of these conditions is to prevent the concentration of adult establishments, and to separate adult establishments from residential neighborhoods, schools, religious institutions, child care centers, parks, and play grounds which are frequented by children. Adult establishments are permitted in the Business District subject to the following conditions:

(2) Only permitted within Commercial Buildings.

(3) Any structure in which an adult establishment is the principal or accessory use shall be separated by a distance of at least one thousand (1,000) feet from any of the following principal or accessory uses: dwelling units, schools, religious institutions, child care centers, public parks, playgrounds, hospitals, medical facilities, and government buildings - as measured from property line to property line by a straight line (not street distance).

(4) Any structure in which an adult establishment is the principal or accessory use shall be separated by a distance of at least five hundred (500) feet from any zoning district other than the Commercial or Industrial District - as measured from property line to district boundary line by a straight line (not street distance).

(5) Any structure in which an adult establishment is the principal or accessory use shall be separated by a distance of at least one thousand (1000) feet from any existing or permitted adult establishment - as measured from property line to property line by a straight line (not street distance).

(6) No more than one adult establishment may be located within the same structure or on the same deeded lot.

(7) An adult establishment lawfully operated as a conforming use is not rendered a nonconforming use by the subsequent location of a Single-family House, Duplex, Apartment Building or Unit, Attached House, other residential unit, church, school, public park, childcare center, Suburban Neighborhood District, Traditional Neighborhood District, Mixed Use District, Uptown District, or other residential district with respect to the spacing requirements above.

(8) All existing adult establishments that are nonconforming may be granted a two (2) calendar year amortization period from the effective date of this ordinance, at the end of which time each adult establishment shall either come into compliance with the requirements of this ordinance or discontinue the nonconforming aspects of its operation.

5.1.3 BED AND BREAKFAST

(1) Two parking spaces, plus one parking space for each guest room shall be provided. On-street parking along the frontage of the property may be counted in satisfying the minimum parking requirements. Bed and Breakfast Inns are exempt from parking requirements if located within the Uptown District.

5.1.4 CEMETERY

(1) Individual plots shall be a minimum of 20 feet from any adjoining property line.

(2) The perimeter of the cemetery shall be bordered by a landscape buffer with medium shrubs planted a maximum of 6 foot on-center. Additional plants and trees may be added. Other bordering, such as walls, may be used in conjunction with, or in lieu of shrubbery.

5.1.5 CHILDCARE – AT HOME BUSINESS

(1) The operation must be licensed by the North Carolina Department of Human Resources.

(2) Minimum Lot Size is one and one-half times the minimum lot size for single family houses within the zoning district.

(3) No more than one employee is permitted that is not a full time resident of the property.

(4) Not permitted in Duplexes, Condominiums, Townhomes, or Apartment Units.

(5) The day care home operation shall be located within a Single-family House and shall be occupied by the operator of the service. Service is limited to 6 pre-school age children not related to the operator, plus an additional 6 school-age children for after school care. During non-school months, service is limited to a total of 12 children not related to the operator.

(6) Outdoor play space shall be located in the rear yard and fenced or otherwise enclosed on all sides and may not include driveways, parking areas, or land otherwise unsuited for children's play space.

(7) A day care home shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling; all building and lot standards for residential dwellings shall be maintained.

(8) There are no specific limitations on the hours of operation.

5.1.6 CHILDCARE CENTER

(1) The operation must be licensed by the North Carolina Department of Human Resources.

(2) Outdoor play space shall be located in the rear yard and fenced or otherwise enclosed on all sides and may not include driveways, parking areas, or land otherwise unsuited for children's play space.

5.1.7 COMMUNICATION ANTENNA

(1) Antenna may be located on existing Communication Towers, Water Towers, Electric Towers, or other existing utility towers or structures.

(2) Antenna may not extend by more than 25 feet beyond the height of the principal tower or structure.

(3) Antennae for government and/or emergency service operations are exempt from the criteria listed above.

5.1.8 COMMUNICATION TOWER – OVER 90 FEET IN HEIGHT

(1) Equipment, mobile or immobile, not used in direct support of the transmission or relay facility, may not be stored or parked on the site unless related to repairs that are being made.

(2) A fence, a minimum of eight feet in height, shall be installed around the site and include any parking, accessory structures, and accessory equipment.

(3) A landscape area shall be located along the exterior of the fence except at the gate. The landscape area shall contain, at a minimum, large trees planted forty feet on center, and large shrubs planted 8 feet on center between the trees.

(4) The fenced area shall be setback from side, and rear property lines of adjacent properties in the Suburban Neighborhood, Traditional Neighborhood, Mixed Use, or Uptown Districts, an amount equal to 200% of the height of the tower. Otherwise the fenced area shall be setback from side and rear property lines an amount equal to 80% of the height of the tower.

(5) The front setback for the fenced area shall be equal to 80% of the height of the tower.

(6) Towers shall be of a monopole construction (lattice and guyed towers are not permitted).

(7) The maximum height of a communication tower is one-hundred-eighty (180) feet. Antenna may not extend by more than 25 feet beyond the height of the tower.

(8) No signs or logos of any type shall be allowed on any tower at any time.

(9) Towers shall meet the American National Standards Institute (ANSI) standards and applicable Federal Communications Commission (FCC) and Federal Aviation Administration (FAA) regulations, and comply with all other federal, state, and local laws and regulations. A structural engineer licensed to work in North Carolina shall certify that the plans for construction and erection or installation of the tower or antenna meet or exceed current safety and design standards of applicable codes.

(10) Any tower which is unused for the original permitted use for a period of 180 consecutive days shall be removed by the owner of said tower, within 120 days of receipt of notification by the City to that effect. If the owner fails to remove the tower as required by this section, then the City of Lexington may choose to remove the tower or have the tower removed by a third party and the owner shall reimburse the City for all expenses incurred thereby, including without limitation all engineering, demolition, transportation, disposal, and legal fees and costs.

(11) Towers colors shall blend with surroundings.

(12) Towers and accessory structures may not be artificially lighted, except where otherwise required by the FAA, FCC, or other federal or state agencies.

5.1.9 Communication Tower – Up to 90 feet in height

(1) Towers over 90 feet in height shall comply with additional requirements of "Communication Towers – Principal Use" outlined in 5.6.

(2) If the tower is an accessory use or on the same parcel as a principal building, the tower shall be located within the rear yard.

(3) Tower shall be adequately protected by a non-climbable fence with a lockable gate.

(4) A landscape area shall be located along the exterior of the fence and shall contain, at a minimum, small trees planted thirty feet on center, and large shrubs planted 8 feet on center between the small trees.

(5) Equipment storage related to the tower cannot exceed 144 square feet gross floor area and shall meet all required setback requirements for an accessory building.

5.1.10 Construction Material Supply Yard (Accessory Use)

(1) Construction Material Supply Yard refers to construction supply businesses that store larger materials outside, which are typically retrieved by an employee and loaded for the customer, as well as contractors that store materials used in the course of their work outside on site at the construction

office. Retail home improvement businesses that display of merchandise typically loaded by the customer onto a cart is classified as outdoor display and regulated otherwise by this ordinance.

(2) Requires a Minor Zoning Permit, unless approved as part of a Major Zoning Permit or Special Use Permit for the entire site. (Outdoor Sales, Lease, or Display of Manufactured and/or Modular Homes, Motor Vehicles, Metal Carports and/or Storage Buildings, and Large Vehicles, Heavy Equipment and/or Farm Equipment, is permitted otherwise and only by Special Use Permit.)

(3) The materials shall be owned by the merchant holding the Certificate of Occupancy for the principal building and shall be related to or also for sale at the principal building in front of which the merchandise is located.

(4) The merchandise shall be on the same parcel, or a contiguous parcel under the same ownership as the principal building.

(5) Materials may not be placed in required landscape areas, parking lot islands, or impact buffers.

(6) Storage of materials is prohibited on a vacant lot, the site of a vacant building, the site of a business outside of open operating hours, or the site of a closed or out-of-business use.

(7) Materials shall not interfere with vehicular sight distance.

(8) The material supply yard shall not be located in any front yard area. Any material supply yard abutting a public street shall be setback a minimum of 40 feet and shall be screened up to six feet in height with the use of a wooden privacy fence and/or shrubs. There shall be no break in the screening greater than 2 feet in width except for approved vehicular and pedestrian access.

5.1.11 CREMATORY

(1) Location to Existing Dwelling. No such facility may be located within five-hundred (500) feet, measured by a direct line, of an existing dwelling.
(2) Location to Existing Crematory/Crematorium. No such facility may be located within one-half (1/2) mile, measured by a direct line, of an existing crematory/crematorium.
(3) Chamber Limit. Any crematory operations shall contain no more than one (1) cremation chamber.
(4) License. Any funeral home or stand-alone crematory operation shall have a licensed crematory manager on staff and keep in full force and effect all other license required under the North Carolina Crematory Act, as amended or superseded.
(5) Air Quality. A certification by the North Carolina Department of Environment and Natural Resources that either all air quality regulations have been complied with or that no permits are required.
(6) Other Requirements. A crematory must comply and remain in compliance with all applicable public health and environmental laws and rules and must contain the equipment which meets all of the standards established by the North Carolina Crematory Act, as amended or superseded, and any additional rules and regulations issued by the North Carolina Board of Funeral Services. Any building, new or existing containing crematory equipment shall meet the cremation equipment manufacturer's specifications for size, wall, floor, and ceiling clearances to ensure proper operation of equipment to prevent particulate matter, visible or invisible, from causing a public nuisance.

5.1.12 DAY CARE CENTER FOR ADULTS

(1) The operation must be licensed by the North Carolina Department of Human Resources.

(2) There is no limit on the hours of operation of an Adult Day Care Center, but it may not serve any client on a continuous 24-hour basis.

5.1.13 DEPENDENT CARE CENTER

(1) Dependent Care Centers shall meet the design regulations for Apartment Buildings, Townhomes, Civic Building, or Commercial Building. Dependent Care Centers located in the Uptown District shall not contain residential units on the first floor.

5.1.14 EMPORIUM

(1) Emporiums may only be located within a free-standing commercial buildings and shall be prohibited within shopping centers, shopfront buildings, attached commercial units, or group development. The building shall meet the Design Regulations for Commercial Building for Business or Mercantile Occupancy. (See Section 4.)

5.1.15 FAMILY CARE HOME

(1) No such facility may be located within one-half (1/2) mile, measured by a direct line, of an existing family care home.

5.1.16 FARMERS MARKET

(1) The market shall be endorsed by the Davidson County Cooperative Extension.

(2) The market shall be a cooperative effort with multiple farmers and growers, not a single produce stand.

5.1.17 FARMER'S STAND

(1) The purpose of permitting this use is to support local farmers. Farmer's Stands address individual farmers, as opposed to farmers markets, which are not considered here. In addition, the sale of fruits, vegetables, and plants from within an approved commercial building, nursery, or greenhouse is not considered here.

(2) A temporary permit shall be issued by the Office of Community Development for a period not to exceed 90 days.

(3) Wholesale is prohibited.

(4) The sale of items other than fruit, vegetable, and/or plant is prohibited.

(5) The produce stand, vehicle, table, or any other materials associated with the produce stand shall not interfere with vehicular site distance.

(6) Only one sign, identifying the name of the farm or farmer may be displayed. Such signage shall not exceed 15 square feet and shall be placed within 20 feet of the produce stand.

(7) The stand and setup shall be on private property.

5.1.18 FLEA MARKET, INDOOR AND/OR OUTDOOR

(1) Minimum site development area: 20 acres
(2) Minimum separation of from other flea markets within the city limits: 7 miles
(3) An impact buffer is required around the perimeter of the site anywhere the property adjoins a public street or residentially zoned land or existing residential uses. The impact buffer shall be a minimum of 30 feet wide and shall contain two rows of staggered Nellie Stevens Holly trees planted 60 feet on center. Nellie Stevens Hollies shall be a minimum of two feet at planting. Anywhere the property adjoins a public street, the impact buffer shall also contain a row of crepe myrtles planted 60 feet on center between the Hollies and any public street. The Crepe

Myrtles shall be a minimum of four feet at planting. If the property is fenced with chain link or similar fencing, the impact buffer shall be planted to the exterior of the fence if possible but must remain outside of the right-of-way. Breaks in the impact buffer are permitted at existing, approved driveways. Equivalent materials may be used to substitute with approval from the Director of Community Development. Existing opaque wooded areas of at least 50 feet in width may suffice for impact buffers where required. Impact buffer shall be planted as shown: (C=Crepe Myrtle, H = Nellie Stevens Holly, xxx = fence)

```
_____public street right-of-way _____
        C                       C                       C
H               60 ft.          H               60 ft.          H               60 ft.
                H               60 ft.          H               60ft.           H
xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx
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(4) Tables and display sites must be maintained in straight rows for the purpose of emergency vehicle access. Travel lanes between tables must be 20 feet wide with 50 foot radius at end of rows.
(5) The applicant shall submit a site plan illustrating the following elements: tables, storage buildings, carports / covers, buildings, site perimeter and adjacent zoning and land uses, driveways, parking areas, fences with type and size identified, gates, existing wooded areas to be used for impact buffering, the proposed location of impact buffer and type of materials to be planted, and lighting.
(6) Display areas are limited to tables and may also contain storage building no greater than 10 x 12 to the rear of each display site, and may also contain a metal roof structure (i.e. carport or lean-to) over each display area. No display is permitted directly on the ground. No stacked boxes are permitted directly on ground. Additional table areas may be added by a separate minor zoning permit.
(7) The flea market may also be contained partially or in whole inside of a building that is constructed to NC Building Code.
(8) Final site plan shall be approved by the City of Lexington Fire Marshall and Building Inspector.
(9) Any buildings containing flea market or related activities will be required to provide public restrooms in accordance with the building code. However, portable restrooms may be located on the property for the convenience of the public during the initial start-up period that shall not exceed two years. The portable restroom area must be screened by a wooden wall a minimum of eight feet in height. The wall shall be constructed in the same manner as a shadow-box privacy fence to permit air flow. Other wall materials may be substituted that meet the overall objective of screening and air flow. Portable hand washing stations may be located outside of the screened restroom area. The portable restroom area shall be located in a relatively inconspicuous area of the site. After the initial start-up period, the operator shall provide for indoor restroom facilities connected to public water, public sewer or an approved septic tank system. The Director of Community Development shall inspect the portable restrooms at six month intervals during the start-up period to ensure continued compliance. The number of portable restrooms shall be adequate for the number of persons on site. The portable restrooms must be maintained weekly through a contract with a service provider. A copy of the contract shall be provided to the Director of Community Development.

5.1.19 FOOD TRUCKS

(1) Food trucks are permitted with a minor zoning permit (food truck permit) on public property, City-owned property, County-owned property, and private property in accordance with the requirements contained herein.

(2) An individual Minor Zoning Permit is required for the operation of a food truck unless it is permitted as part of a Special Event Permit. The City may limit or prohibit operation of a food truck at any given time and/or any location if it is found to be in conflict with the intent of this ordinance, any special event, event, or land use.

(3) Proof of permit by a county health department within the State of North Carolina must be provided with the application for Minor Zoning Permit. The applicant shall provide proof that contact has been established with the Davidson County Health Department and an official from said department has cleared the applicant for operating a food truck within Davidson County.

(4) In order to operate on City-owned property, the City Manager must grant permission in writing by signing the permit. In order to operate on County-owned property, the County Manager must grant permission in writing. In order to operate on private property, the property owner must grant permission in writing. Proof of permission shall be provided with the application for minor zoning permit.

(5) Food trucks are permitted within the Mixed Use District, Uptown District, Business District, Planned District, and the Industrial District. Food trucks will be permitted in the Traditional Neighborhood District or Suburban Neighborhood District in conjunction with a Special Event.

(6) Minimum distances from certain elements and uses are required. Distance shall be measured in a straight line between the closest point of the proposed food truck location and the closet point of the buffered object, or in the case of a restaurant, measured from the closed point of the restaurant's main entrance.

   a. Food trucks must be located at least 150 feet from the front door of any restaurant and/or a restaurant's accessory outdoor dining area during the operating hours of the restaurant.

   b. Food trucks must be parked at least 15 feet from any fire hydrant.

   c. Food trucks must be a minimum of 5 feet from any driveway, utility box or vault, handicapped ramp, building entrance or exit or emergency call box.

   d. Food trucks must be located at least 150 feet from the boundary of any event under an approved Special Event Permit unless the food truck is included within said permit. Additional distance may be required by the City in order to avoid any negative impacts for the special event.

(7) Food trucks may not be parked on North and South Main Street except as part of a Special Event Permit.

(8) Parking stalls beyond the minimum requirement may be used to park a food truck. Required parking stalls may be utilized outside of normal operating hours or under a special event permit. Food trucks shall not be parked in front of a business on a public or private street during that business' operating hours without the business owner's written consent. Food trucks may not park in handicapped accessible parking spaces, nor in access or drive aisles.

(9) Temporary outdoor seating for food trucks may be utilized provided there is a minimum of 5 foot of clearance on any public sidewalks, and the seating may not be located in a public street unless part of an approved street closure.

(10) Food trucks and associated outdoor seating shall be removed from all permitted locations during impermissible hours of operation and shall not be stored, parked, or left overnight on any public street or sidewalk.

(11) A copy of the minor zoning permit shall be kept on the food truck at all times. These permits must each be renewed annually on July 1st.

(12) All distance requirements concerning food relative to the Barbecue Festival and Barbecue Capital Cook-off are applicable. (See Section 3.2.2.2(2)—Not permitted within ¼ mile of the boundary of either event unless part of the special event permit for that event.)

(13) A fire extinguisher of minimum Class 2A, 10B, and C grade will be kept on the truck. If deep frying is proposed, a Class K fire extinguisher must also be kept on the truck/trailer.

(14) A copy of vehicle or trailer registration, and location of approved grease disposal facility must be maintained on the truck as well.

(15) Food trucks may operate between the hours of 6:00 a.m. and 3:00 a.m., unless the food truck is located within 150 feet of a property with a single family residential dwelling. When located within 150 feet of this residential dwelling, the hours of operation shall be between 7:00 a.m. and 10:00 p.m. This measurement is taken from the closest point on the residential structure, including any covered porches or overhangs, in a straight line to the closest point of the approved food truck location.

(16) Food trucks may not use audio amplification or free standing signage. All equipment associated with the food truck, except tables and chairs, must be located within 3 feet of the food truck.

(17) The food truck operator is responsible for disposing of all trash associated with the operation of the food truck. City trash receptacles may not be used to dispose trash or waste. All areas relative to the food truck must be kept clean. Grease and liquid waste may not be disposed in tree pits, storm drains, the sanitary sewer system or public streets.

(18) Additional conditions may be included on the Minor Zoning Permit by the City in order for the food truck operation to comply with the intent of this ordinance and to protect the public health, safety, and welfare.

5.1.20 GREENHOUSE / NURSERY

(1) The site shall be designed in accordance with site regulations for a commercial or civic building.

(2) Only plants may be stored outdoors.

5.1.21 HAYFIELD

(1) A mowing and planting schedule must be submitted with the application for Minor Zoning Permit and shall include the crop type.

(2) The hayfield shall be a minimum of two acres.

(3) No outdoor storage is permitted.

(4) The hayfield must be mowed at least twice per year, once in the Spring and once in the Fall.

(5) A boundary of at least twenty feet adjacent to any private or public street or property line must be mowed at least once per month during growing season and once at the end of the regular growing season.

5.1.22 HOME OCCUPATION

(1) Examples of home occupations include beauty salon, barber shop, seamstress, massage therapist, internet business, Realty office, and other uses that typically only have one or two clients on site at any given time.

(2) Not permitted in duplexes, townhomes, condominiums, or apartment units.

(3) The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling.

(4) A home occupation conducted in an accessory structure shall be housed only in a garage or other accessory structure typically associated with a dwelling and meeting the design guidelines for accessory structures.

(5) The use shall employ no more than one person who is not a resident of the dwelling.

(6) A home occupation housed within the dwelling shall occupy no more than 25 percent of the total floor area of the dwelling.

(7) There shall be no visible outside display of stock which is sold on the premises.

(8) Except for outdoor kilns used for the firing of pottery, there shall be no outdoor storage or visible evidence of equipment or materials used in the home occupation, excepting equipment or materials of a type and quantity that could reasonably be associated with the principal residential use. Outdoor kilns, if used, shall be located in the rear yard and screened from view from the street and by adjacent properties located in residential districts, shall have a secured work area, and shall be a minimum of 10 feet from abutting property lines.

(9) Only vehicles used primarily as passenger vehicles may be permitted in connection with the conduct of the home occupation.

(10) The home occupation shall not utilize mechanical, electrical, or other equipment that produces noise, electrical or magnetic interference, vibration, heat, glare, or other nuisances outside the dwelling or accessory structure housing the home occupation.

(11) Home occupations shall be limited to those uses that draw no more than one additional vehicle to the dwelling at a time, except that a short overlap is permissible to allow for waiting times.

5.1.23 INTERNET SWEEPSTAKES / INTERNET CAFÉ

(1) Requires a minor zoning permit within the Business District. Not permitted within any other zoning district.
(2) No more than six Internet Sweepstakes / Internet Cafes will be permitted to operate within the City of Lexington at any given time.
(3) Six electronic sweepstakes business licenses will be made available by the City. No more than six such licenses will be issued at any given time.

(4) Each license will expire on July 1st of each year if not renewed.

(5) Annual Fee: Each license will be $1,000, plus $500 per computer terminal or machine equipped with sweepstakes software. For fees not paid on July 1 of each year, the fee will be prorated on a daily rate. Remaining fees will be non-refundable if business closes during the licensed period. The City reserves the right to deny a license or revoke a license for any illegal activity on site or any related zoning violations.

(6) A change in ownership of a licensed business requires a minor zoning permit and a transfer of license fee of $500.

(7) Amortization: Legal Internet Sweepstakes / Internet Cafes operating under a valid Certificate of Occupancy for Electronic Gaming Operation must obtain a license within six months from the date of this ordinance in order to continue operating. Written notice shall be given to the business within ten days of the date of the adoption of this ordinance by the Director of Business and Community Development or her designee. A license shall be held by the City for a period not to exceed six months for each existing legal business in order to allow existing legal businesses the opportunity to obtaining a license. In order to be eligible for a license, the existing business shall not contain any illegal video gambling machines and shall be in compliance with the original certificate of occupancy issued to the business, with any approved amendments that followed. Existing businesses may expand in accordance with regulations contained herein for new Internet Sweepstakes / Internet Cafes.

(8) Application for license shall be made at the Office of Business and Community Development. The Director of Business and Community Development may require lab-certification or other documentation as necessary to declare any sweepstakes terminals and machines on site as legal in accordance with State law. Said application will be accompanied by the required fee. Said fee shall be returnable in the event that a license or accompanying minor zoning permit is denied.

(9) Internet Sweepstakes Business / Internet Café, and expansion of existing legal non-conforming Internet Sweepstakes Business / Internet Cafes must comply with the following:
   a. Minimum number of 30 electronic sweepstakes computer terminals.
   b. Minimum building size 2,000 square feet.
   c. Internal minimum spacing of two feet required between machines / terminals.

(10) Impact buffer required between designated parking area of any electronic sweepstakes business and any abutting residential business (excludes abutting street right-of-way).

5.1.24 MANUFACTURED HOME NEIGHBORHOOD

(1) Only permitted within a Manufactured Home District

(2) Minimum Development Size: 5 acres

(3) Maximum Development Size: 40 acres

(4) Lot and building specifications for the Traditional Neighborhood District will be met.

(5) Open space preservation and Recreation Facilities will be equal to that required for Apartment Building.

(6) Individual homes shall be placed on separately platted lots.

(7) Neighborhoods with 20 or more lots shall have at least two entrances.

(8) All homes shall be a minimum of Class A or Class AA.

(9) For manufactured home neighborhoods, an application to rezone property to the MH-O district shall be accompanied by a site plan, subdivision plat, landscape plan, and utility plan.

5.1.25 MIXED USE

(1) Residential uses shall not be located on the first floor.

5.1.26 NIGHTCLUB, PRIVATE CLUB

(1) If alcohol is served, the applicant must meet the regulations of the Alcoholic Beverage Control Board for a private club.

(2) The nightclub shall be separated by a distance of at least five hundred (500) feet from any Suburban Neighborhood or Traditional Neighborhood District or any residential district under the jurisdiction of Davidson County.

(3) The nightclub shall be within a building meeting the design regulations for a commercial building or an industrial building.

5.1.27 OUTDOOR DINING, PRIVATE PROPERTY

(1) In order to protect against small children wandering away from the dining area and into nearby traffic, patios, decks, and other outdoor dining facilities are required to be enclosed by a fence, railing, or wall at least three feet in height with the maximum opening of 4 inches and child-proof latches on any gate openings.

5.1.28 OUTDOOR DINING, PUBLIC SIDEWALK

(1) Only permitted for Restaurants

(2) Only tables (with or without umbrellas) and chairs are permitted. No bars, stages, or other structures are permitted.

(3) Activities, tables, umbrellas, or chairs shall not interfere with or impede the safe and orderly flow of pedestrian and vehicular traffic; shall leave clear for pedestrian traffic a continuous area of paved sidewalk at least six (6) feet wide; and shall leave clear for access purposes an area at least three (3) feet wide next to the curb or edge of public streets where parking or standing of vehicles is permitted. No doorway to any building, alleyway or handicap accessibility may be blocked by activities related to the outdoor dining, tables, umbrellas, chairs, or related barriers.

(4) Tables shall have a maximum length of five (5) feet and a maximum width of three (3) feet.

(5) Tables and chairs shall be located only at grade level and may not be placed on any type of platform.

(6) Umbrellas are not permitted to extend beyond the edge of the table and chairs. The bottom edge of umbrellas shall be at least seven feet above the sidewalk. Umbrellas shall be secured and shall be removed or lowered during sustained winds of 15 miles per hour.

(7) The business shall agree to indemnify the City of Lexington from any damages or claims and shall provide evidence of a general liability insurance policy, which policy names the city as an additional insured, with minimum liability coverage of one hundred thousand dollars ($100,000.00) per person bodily injury; three hundred thousand dollars ($300,000.00) per occurrence bodily injury and twenty-five thousand dollars ($25,000.00) per person occurrence property damage.

(8) Activities authorized under this article shall comply with all applicable laws, ordinances and regulations, including but not limited to those pertaining to noise control, health, fire protection, litter control, business licenses, zoning, signs, and traffic safety.

(9) Tables, chairs and any related barriers placed on the sidewalk must be removed by 10:00 p.m. and may not be placed on the sidewalk prior to 7:00 a.m. Tables, chairs and any related barriers must be removed in inclement weather.

(10) Upon notice by the Director of Community Development of any city council endorsed event, including but not limited to the Barbecue Festival, which requires use of the sidewalks by the public, the business shall remove all tables, chairs and related barriers from the sidewalk.

5.1.29 OUTDOOR DISPLAY ON PRIVATE PROPERTY

(1) The merchandise shall be owned by the merchant holding the Certificate of Occupancy for the principal building and shall be related to or also for sale at the principal building in front of which the merchandise is located.

(2) The merchandise shall be on the same parcel, or a contiguous parcel under the same ownership as the principal building.

(3) Merchandise shall be located adjacent to the principal building and not be located in front of any other building.

(4) Vending machines are not permitted for outdoor display.

(5) Merchandise may not hang from poles or trees.

(6) Merchandise may not be placed in required landscape areas, parking lot islands, or impact buffers.

(7) Outdoor display of merchandise is prohibited on a vacant lot, the site of a vacant building, the site of a business outside of open operating hours, or the site of a closed or out-of-business use.

(8) Merchandise or fixtures may not interfere with vehicular sight distance.

(9) Outdoor display areas may not contain additional signage.

(10) Outdoor display is prohibited within the street right-of-way, except in accordance with Outdoor Display on Public Sidewalk (Section 5.25).

(11) Outdoor display areas shall not contain or utilize metal carports, trailers / tractor-trailers, storage buildings, portable storage units, or similar structures as storage and/or display of merchandise.

(12) The parking lot area may be used for temporary outdoor display, but the display area may not displace parking spaces required to meet the parking requirements. Outdoor display within parking lots shall be situated and designated in such a way as not to cause a conflict between pedestrians and vehicles or impede traffic patterns.

(13) **Front Yard display areas or areas abutting a public street** may extend for no more than 25% of the linear width of the building where the building faces a street. (A building that is 100 feet in width may have no more than 25 feet of the frontage containing outdoor display.) The cumulative outdoor display area(s) outside of a designated semi-enclosed display area, shall total no more than 10% of the size of the footprint of the principal commercial building. All fencing shall comply with design regulations for fences, walls, and hedges. Merchandise

may extend upward no more than 6 feet from the ground. Merchandise shall be removed from cardboard boxes and larger shipping containers and shall be displayed in a secured, neat fashion. Boxes, other than shoe boxes or packaging are not permitted in display area. Only merchandise such as planters and other devices that are normally placed directly on the ground are permitted to sit directly on the ground. Otherwise, merchandise must be displayed on tables, stands, or racks.

(14) Attached or detached designated display areas may be established adjacent to the principal building in the **side or rear yard not abutting a public street** and shall meet setbacks required for the principal commercial building. The display area shall be visually designated by use of fencing, wall, landscaping, or other barrier approved by the Director of Community Development. The maximum height of fencing used as a barrier is 12 feet. If chain link, mesh, or wire fencing is used, it shall be coated in black or dark green. Chain link fence slats are prohibited. Barbed wire, razor wire, and other similar materials are prohibited. The display area may have a roof covered in metal, wood shakes, shingles, or roof-type covering made of canvass, screen, glass, Plexiglas, wood, or other material approved by the Director of Community Development. The designated display area may cover an area no greater than the footprint of the principal building. (Greenhouses and Nurseries are permitted otherwise with specific conditions.) Display and storage racks within the designated display area may not extend above twenty feet or the height of the principal building, whichever is less.

5.1.30 OUTDOOR DISPLAY ON PUBLIC SIDEWALK

(1) Only permitted in conjunction with Commercial Buildings.

(2) The merchandise shall be owned by the merchant holding a current Certificate of Occupancy for the principal commercial building and shall be related to or also for sale at the principal commercial building in front of which the merchandise is located.

(3) The display area is limited to 25% of the linear width of the street-facing side of a building and shall extend no more than four feet into the sidewalk area from the building. (A building 100 feet in width may have an area 25’ x 4’ = 100 square feet of the frontage containing outdoor display.)

(4) The display area is limited to the portion of the sidewalk immediately abutting the principal building, not in front of any other building.

(5) A minimum of five feet in width along the sidewalk shall be maintained at all times as a clear, straight path for pedestrian traffic.

(6) Merchandise may be displayed only on one side of a building. Double-frontage display and corner lot display on two sides is prohibited. Merchandise shall be located adjacent to the principal building.

(7) Merchandise may extend upward no more than 6 feet from the ground.

(8) Merchandise may not hang from poles or trees.

(9) Merchandise may not be placed on landscaped areas or tree grates.

(10) Covers, shelters, metal carports, etc. may not be used to display merchandise.

(11) Individual advertising signage may not be placed on the merchandise.

(12) Businesses are prohibited from using outdoor amplified speaker/public address systems.

(13) Only merchandise such as planters and other devices that are normally placed directly on the ground are permitted to sit directly on the sidewalk. Otherwise, merchandise must be displayed on tables, stands, or racks. Merchandise shall be removed from cardboard boxes and larger shipping containers and shall be displayed in a secured, neat fashion. Boxes, other than shoe boxes for shoes, are not permitted in display area.

(14) Vending machines are not permitted on the public sidewalk.

(15) Outdoor display merchandise or fixtures may not interfere with vehicular sight distance.

5.1.31 OUTDOOR SALES, LEASE, OR DISPLAY OF LARGE VEHICLES, HEAVY EQUIPMENT, AND/OR FARM EQUIPMENT

(1) Large Vehicles, Heavy Equipment, and/or Farm Equipment refers to tractor trailers; one-ton or larger commercial vehicles, dump trucks, and the like; Motor Homes, campers, and the like; bulldozers, back hoes, skid steers, loaders, and the like; tractors, combines, tractor accessories, and the like.

(2) There shall be an office on-site, the office shall be a minimum of 500 square feet and shall meet the Section 4 Design Regulations for a commercial building. All structures shall meet NC State Building Code. In addition to the following, the development shall meet the design regulations for a Commercial Building except as pertains to parking requirements.

(3) The merchant shall have a current and valid certificate of occupancy to operate a business in the principal building on the lot. The outdoor sale, lease, and/or display of more than one vehicle at any given time is prohibited on a vacant lot, the site of a vacant building, the site of a business outside of open operating hours, or the site of a closed or out-of-business use.

(4) Lighting shall not illuminate any lot or structure used for residential purposes. The maximum height for lighting (pole mounted and wall mounted) shall be 20 feet, including the base/mounting fixture. Lighting shall be directed downward and light spillover minimized with the use of hoods and similar devices. Lighting fixtures that produce glare visible from adjacent property(s) and public rights-of-way are prohibited.

(5) All setbacks for the building and accessory structures are 15 feet.

(6) No merchandise shall be parked or displayed in required landscape areas.

(7) There shall be no outside storage of dismantled equipment on the lot.

(8) The applicant shall follow a washing plan that is determined to be environmentally safe and approved by the City of Lexington Public Works Director. The plan shall meet the following requirements:

- Only biodegradable solvents are permitted.
- The washing area or facility shall have impervious flooring that drains to the public sanitary sewer system.
- The washing area may be open or enclosed and shall be considered an accessory structure if covered.
- The washing area shall be setback from the property line a minimum of five feet.
- The drain shall contain a trap approved by the Office of Community Development.

(9) All fencing shall comply with design regulations for fences, walls, and hedges except that chain link fencing may be used to surround parcels greater than two acres in size. Chain link fencing, if used in any yard area abutting a public street, shall be black or dark green.

(10) An impact buffer shall be provided where the property is adjacent to any property zoned Suburban Neighborhood District or Traditional Neighborhood District. The impact buffer requirement may be met by any one of the following:

- Preserving an existing natural vegetated area a minimum of 20 feet in width. (Some additional plantings may be required to reach a visually impervious buffer.)
- Installing a 15-foot wide landscape yard consisting of small trees planted 30 feet on center, and two staggered rows of medium or large evergreen shrubs planted 6 feet on center in order to provide continuous coverage. Small trees shall be a minimum of 6 feet in height at installation and shrubs shall be a minimum of 3 feet in height at installation.
- Installing a six-foot high wooden shadowbox fence and installing a row of medium or large evergreen shrubs planted 6 feet on center. Boards on each side of the fence shall have no more than 2 inches between pickets. Shrubs may be planted on either side of the fence and shall be a minimum of 3 feet in height at installation.
- Constructing a solid wall, a minimum of 6 feet in height, made of stone, brick, or block with stucco or similar finish.

(11) Stream Protection Buffers will remain completely undisturbed.

(12) Mechanical equipment is prohibited within the impact buffer area.

(13) Permanent detention basins and temporary erosion and sedimentation control basins are prohibited within the impact buffer area.

(14) Where existing topography prevents the strict application of these standards, alternative screening methods that perform to the same or higher level will be considered.

(15) Utility easements may cross but not be placed within the long dimension of an impact buffer area.

(16) Pedestrian access through the impact buffer area may be required by the approving authority.

5.1.32 Outdoor Sales, Lease or Display of Manufactured and/or Modular Homes

(1) Excludes storage of salvage manufactured and modular homes.

(2) Lot shall front on a major or minor thoroughfare.

(3) Minimum lot size is 10 acres.

(4) Each manufactured home space shall be clearly numbered with a marker corresponding to a number on the site plan.

(5) Diagonal, perpendicular or parallel stacking so that the ends of the mobile home are readily visible will be prohibited.

(6) All siding shall be in place on all units (including double units).

(7) Depending on the overall slope of the site and closeness of the mobile/modular homes, temporary anchoring could be a requirement.

(8) No open-air repairs or demolition of any units will be allowed.

(9) No outside open storage of parts, building materials, or equipment will be allowed. All such storage shall be screened from public view or contained within an enclosed building and shall be shown on the site plan.

(10) All buildings on site shall meet the Design Requirements of Section 5 and Zoning District requirements for the district in which the development is to be located.

(11) The radius of the turns at the ends of each isle shall be a minimum of 90 feet and shall remain clear of any permanent or temporary structures or parked vehicles.

(12) A lock-box shall be located outside of any locked gate containing the keys to the gate. The Lexington Police Department and Lexington Fire Department shall be given a key to the lockbox.

(13) The Lexington Police Department and Lexington Fire Department shall be given the name and phone number of a contact for emergency situations.

(14) The developer shall provide an engineer's certification that the proposed plan will allow maneuverability for all fire trucks owned and operated by the Lexington Fire Department.

(15) The developer shall provide an engineer's certification that all interior roads meet a minimum compaction to sustain fire department trucks within the site. This compaction shall be maintained throughout the duration of this use.

(16) A fire lane, a minimum of 14 feet in width, shall be shown along and around all lanes of mobile/modular homes in order that a fire truck may pass freely through each section and make a single-point turn to reach the next lane. The fire lane shall be open at all times and there shall be a minimum setback of 20 feet from the fire lane to the end of each mobile/modular home or other structure.

(17) A minimum separation of 10 feet between each mobile/modular home shall be shown and maintained in order to decrease the chances of fire jumping from one to another.

(18) The maximum height for lighting (pole mounted and wall mounted) shall be 20 feet, including the base/mounting fixture. Floodlights are not permitted for parking lot illumination. Lighting shall be directed downward and light spillover minimized with the use of hoods and similar devices. Lighting fixtures that produce glare visible from adjacent property(s) and public rights-of -way are prohibited.

(19) All fencing shall comply with design regulations for fences, walls, and hedges.

(20) An impact buffer shall be provided where the property is adjacent to any property zoned Suburban Neighborhood District or Traditional Neighborhood District.

(21) The impact buffer requirement may be met by any one of the following:

- Preserving an existing natural vegetated area a minimum of 20 feet in width. (Some additional plantings may be required to reach a visually impervious buffer.)
- Installing a 15-foot wide landscape yard consisting of small trees planted 30 feet on center, and two staggered rows of medium or large evergreen shrubs planted 6 feet on center in order to provide continuous coverage. Small trees shall be a minimum of 6 feet in height at installation and shrubs shall be a minimum of 3 feet in height at installation.

- Installing a six-foot high wooden shadowbox fence and installing a row of medium or large evergreen shrubs planted 6 feet on center. Boards on each side of the fence shall have no more than 2 inches between pickets. Shrubs may be planted on either side of the fence and shall be a minimum of 3 feet in height at installation.
- Constructing a solid wall, a minimum of 6 feet in height, made of stone, brick, or block with stucco or similar finish.

(22) Stream Protection Buffers will remain completely undisturbed.

(23) Mechanical equipment is prohibited within the impact buffer area.

(24) Permanent detention basins and temporary erosion and sedimentation control basins are prohibited within the impact buffer area.

(25) Where existing topography prevents the strict application of these standards, alternative screening methods that perform to the same or higher level will be considered.

(26) Utility easements may cross but not be placed within the long dimension of an impact buffer area.

(27) Pedestrian access may be required through the impact buffer area.

5.1.33 Outdoor Sales, Lease, or Display of Motor Vehicles (New and Used Car and/or Truck and/or Boat) Lots

(1) There shall be an office on-site, the office shall be a minimum of 500 square feet and shall meet the Section 4 Design Regulations for a commercial building. All structures shall meet NC State Building Code. In addition to the following, the development shall meet the design regulations for a Commercial Building except as pertains to parking requirements.

(2) The merchant shall have a current and valid certificate of occupancy to operate a business in the principal building on the lot. The outdoor sale, lease, and/or display of more than one vehicle at any given time is prohibited on a vacant lot, the site of a vacant building, the site of a business outside of open operating hours, or the site of a closed or out-of-business use.

(3) The lot shall be a minimum one-half (0.5) acre in size and shall have a minimum of 200 linear feet of road frontage upon a public street. This distance shall be measured along the front property line, and is not cumulative for corner lots or double frontage lots.

(4) There shall be a minimum linear distance of 500 feet between the property lines of any proposed lot and any existing lot being used for the sale, lease, display, and service of motor vehicles.

(5) Lighting shall not illuminate any lot or structure used for residential purposes. The maximum height for lighting (pole mounted and wall mounted) shall be 20 feet, including the base/mounting fixture. Floodlights are not permitted for parking lot illumination. Lighting shall be directed downward and light spillover minimized with the use of hoods and similar devices. Lighting fixtures that produce glare visible from adjacent property(s) and public rights-of-way are prohibited.

(6) The hours of operation shall be between 7:00 a.m. and 9:00 p.m.

(7) All setbacks for the building and accessory structures are 15 feet.

(8) There shall be no more than one accessory structure on the lot, including but not limited to: carports, storage buildings, detached garages.

(9) Only motor vehicles may be sold on the lot. Sale, display, or lease of carports and/or storage buildings is not permitted.

(10) No cars shall be parked or displayed in required landscape areas.

(11) There shall be no storage of dismantled cars on the lot.

(12) The applicant shall follow a car-washing plan that is determined to be environmentally safe and approved by the City of Lexington Public Works Director. The plan shall meet the following requirements:

a. Only biodegradable solvents are permitted.

b. The car washing area or facility shall have impervious flooring that drains to the public sanitary sewer system.

c. The car washing area may be open or enclosed and shall be considered an accessory structure if covered.

d. The car washing area shall be setback from the property line a minimum of five feet.

e. The drain shall contain a trap approved by the Office of Community Development.

(13) The car display areas of a car lot shall not be treated as a commercial parking lot for the purposed of landscaping. The following landscape standards shall apply to any new car lot, and shall not be exempt for existing developed lots:

(14) Perimeter Landscaping: Along the entire perimeter except for the driveway curb cuts, there shall be a landscape bed a minimum of 4 feet in width covered with grass or other approved vegetated ground cover, and said landscape bed shall contain either large species trees planted 60 feet on center or small species trees planted 30 feet on center.

(15) Interior Landscaping: For car lots of a size large enough to accommodate more than 36 cars (customer parking and display area combined), landscaping will also be required within the parking area in addition to perimeter landscaping. A minimum of one small tree shall be planted in prepared landscape islands situated so that no car is more than 80 feet from an interior tree. Landscape islands shall be a minimum diameter of 8 feet, with a curb of at least 6 inches in height and shall be evenly spaced across the lot to the greatest extent possible.

(16) All landscape beds shall be prepared to a depth and diameter suitable to the tree type.

(17) All fencing shall comply with design regulations for fences, walls, and hedges.

(18) An impact buffer shall be provided where the property is adjacent to any property zoned Suburban Neighborhood District or Traditional Neighborhood District.

(19) The impact buffer requirement may be met by any one of the following:

a. Preserving an existing natural vegetated area a minimum of 20 feet in width. (Some additional plantings may be required to reach a visually impervious buffer.)

b. Installing a 15-foot wide landscape yard consisting of small trees planted 30 feet on center, and two staggered rows of medium or large evergreen shrubs planted 6 feet on center in order to provide continuous coverage. Small trees shall be a minimum of 6 feet in height at installation and shrubs shall be a minimum of 3 feet in height at installation.

c. Installing a six-foot high wooden shadowbox fence and installing a row of medium or large evergreen shrubs planted 6 feet on center. Boards on each side of the fence shall have no more than 2 inches between pickets. Shrubs may be planted on either side of the fence and shall be a minimum of 3 feet in height at installation.

d. Constructing a solid wall, a minimum of 6 feet in height, made of stone, brick, or block with stucco or similar finish.

(20) Stream Protection Buffers will remain completely undisturbed.

(21) Mechanical equipment is prohibited within the impact buffer area.

(22) Permanent detention basins and temporary erosion and sedimentation control basins are prohibited within the impact buffer area.

(23) Where existing topography prevents the strict application of these standards, alternative screening methods that perform to the same or higher level will be considered.

(24) Utility easements may cross but not be placed within the long dimension of an impact buffer area.

(25) Pedestrian access through the impact buffer area may be required by the approving authority.

(26) Car sales display areas shall contain no more than one car per 350 square feet of display area. The total size of the display area shall include drive lanes, display spaces, driveways. Required landscape areas, customer parking area, and building space will not be included in this calculation. Customer parking areas shall be treated as a parking lot for businesses relative to design regulations for development.

(27) All cars on the lot shall be setback a minimum of five (5) feet from the back of curb, or edge of street if no curb exists, and shall be outside of public right-of-way and not permitted within any required landscape area. The setback shall be measured from the front most edge of the car. This requirement shall apply to all car/truck lots, except that any car/truck lots legally operating at the time of the adoption of this ordinance, shall be given a period of six months from the date of this ordinance to comply.

(28) Car lots, customer parking and display area, shall be paved, concrete, brick pavers or other similar material. Gravel, mulch, dirt, or other dust causing material is not permitted.

5.1.34 OUTDOOR SALES, LEASE, OR DISPLAY OF METAL CARPORTS AND/OR STORAGE BUILDINGS

(1) The office shall be a minimum of 500 square feet. All structures shall meet NC State Building Code. In addition to the following, the development shall meet the design regulations for a Commercial Building.

(2) The merchant shall have a current and valid certificate of occupancy to operate a business in the principal building on the lot. The outdoor sale, lease, and/or display of more than one unit at any given time is prohibited on a vacant lot, the site of a vacant building, the site of a business outside of open operating hours, or the site of a closed or out-of-business use.

(3) The lot shall have a minimum of 200 linear feet of road frontage upon a public street. This distance shall be measured along the front property line, and is not cumulative for corner lots or double frontage lots.

(4) There shall be a minimum linear distance of 500 feet between the property lines of any proposed lot and any existing lot being used for the sale, lease, or display of carports and/or storage buildings.

(5) Front, side, and rear setback for the office and any units is 15 feet.

(6) No units shall be located in the landscaping yard.

(7) There shall be no construction or repair of units on the lot.

5.1.35 Outdoor Storage of Large Vehicle, Heavy Equipment, and/or Farm Equipment

(1) Large Vehicles, Heavy Equipment, and/or Farm Equipment refers to tractor trailers; one-ton or larger commercial vehicles, dump trucks, and the like; Motor Homes, campers, and the like; bulldozers, back hoes, skid steers, loaders, and the like; tractors, combines, tractor accessories, and the like.

(2) Vehicles and equipment must be used in the normal work of business with a Certificate of Occupancy for the principal use.

(3) Storage must be located on the same lot as the principal building.

(4) Storage areas may not be adjacent to any residentially zoned property.

(5) Storage areas may not be located in the front or side yards or a yard abutting a public street.

(6) Fences for storage areas must meet design regulations for Commercial Buildings.

5.1.36 Pond

(1) Ponds, including permanent detention ponds, shall be protected by a fence, or equal enclosure, a minimum four (4) feet in height and equipped with a self-closing and positive self-latching gate provided with hardware for permanent locking. Fences shall meet the design standards for Fences and Walls.

5.1.37 Portable On-Demand Storage (PODS)

Portable On-Demand Storage (PODS). "Portable On-Demand Storage" means any container designed for the temporary storage of personal property, which is typically rented to owners or occupants of property for their storage use and is delivered and/or removed by truck or trailer.

(1)

No person shall place a portable storage unit on private property without first obtaining a permit from the Department of Business and Community Development. Each container will be issued a placard that must be prominently displayed indicating the date of placement and removal.

(2)

Only one unit is permitted on a property.

(3)

The size of any portable storage container shall not exceed sixteen (16) feet in length by eight (8) feet in width by eight (8) feet in height.

(4)

Any portable storage container must be located on a driveway or other hard surfaced area.

(5)

PODS shall not be located less than 10 feet from side property line.

(6)

PODS may be placed on a property for up to thirty (30) days. The City may permit the placement of a PODS container on a property for more than thirty (30) days, provided the property owner has an active building permit or has demonstrated that extenuating circumstances exist to justify the extension.

(7)

In addition to the required placard, no more than one sign to be displayed on any PODS container.

(8)

Any PODS container shall be maintained in good condition.

5.1.38 PUB, PRIVATE CLUB

(1) The pub shall be separated by a distance of at least two hundred (200) feet from any Suburban Neighborhood District or Traditional Neighborhood District or any residential district under the jurisdiction of Davidson County.

(2) No dance floor permitted. (See Nightclub for dancing establishments.)

5.1.39 PUSHCART VENDOR ON PRIVATE PROPERTY – ACCESSORY USE

(1) A business may apply for a Minor Zoning Permit to allow a licensed pushcart food vendor to set up on a regular basis at the place of business. (Otherwise, Special Event Permits may be issued to businesses holding the certificate of occupancy to include temporary use of food vendors or pushcart vendors as part of a special event.)

(2) Application for a Minor Zoning Permit for Pushcart Vendor shall be on a form provided by the Office of Community Development. In addition to information required on the application, the application must provide a letter of approval by the Davidson County Health Department; and a copy of a valid business license from the State of North Carolina; and proof of an insurance policy, issued by an issuance company licensed to do business in the State of North Carolina, protecting the vendor and the City from all claims for damages to property and bodily injury, including death, which may arise from operations under or in connection with the permit. Such insurance shall name the City as additional insured and shall provide that the policy shall not terminate or be canceled prior to the expiration date without thirty (30) days advance written notice to the City. Such insurance shall afford minimum limits of three hundred thousand dollars ($300,000.00) per person bodily injury, six hundred thousand dollars ($600,000.00) per occurrence bodily injury and fifty thousand dollars ($50,000.00) per occurrence property damage.

(3) Limited to pushcarts only. No food vendor trucks, vans, trailers, or other motorized vehicles permitted.

(4) The pushcart vendor shall be located in close proximity to the front door of the business.

(5) Pushcarts shall not be located so as to be within 500 feet of any restaurant.

(6) The annual permit fee for a Pushcart Vendor shall be established by City Council.

(7) A permit issued pursuant to this article is valid for a period of one (1) year.

(8) The permit shall be posted on the pushcart and shall be visible to the public at all times during operation.

(9) The Director of Community Development shall assign designated vending territories to pushcart vendors in order to avoid conflicts between vendors for space. The assignment will be made when permits are issued, but may be changed by the Director of Community Development at any time due to conflict or change in circumstances. Vending is prohibited within one-hundred (100) feet of, or on the same block as another pushcart whichever is greater, except during festivals and other such events. The Director of Community Development may temporarily suspend territory boundaries during special events such as parades or the Barbeque Festival. In addition, the Director of Community Development may temporarily reassign territory locations to areas outside of a permitted special event. The special event permit will have priority over the pushcart vendor permit during the time period approved for the special event permit.

(10) The Vendor is responsible for the removal and disposal of all trash associated with the pushcart.

(11) No items relating to the operation of the vending may be placed anywhere other than in, on, or under the pushcart.

(12) The use of tables, crates, cartons, racks, or any other device to increase the selling or display capacity of the pushcart is prohibited.

(13) The vendor shall not solicit or conduct business with persons in motor vehicles.

(14) The vendor shall not sell anything other than that which he is licensed to vend in accordance with the approved Application for Minor Zoning Permit for a Pushcart Vendor or the Davidson County Health Department.

(15) Music, the use of loud speakers, public address systems, radios, sound amplifier or similar devices to attract the attention of the public is prohibited. Music may be played low levels for persons in the immediate vicinity of the pushcart.

(16) No pushcart or any other item relation to the operation of the vending business shall lean against or hang from any building or other structure.

(17) Operators of pushcarts shall not consume nor have consumed alcoholic beverages and/or illegal drugs, nor sell alcoholic beverages while operating the pushcart, all subject to compliance with Chapter 18, as amended, of the North Carolina General Statues.

(18) The pushcart shall not impede, endanger or interferes with the travel upon or use of the street or sidewalk. The pushcart vendor shall locate outside of any designated fire lane. A minimum of five (5) feet of clearance is required along any public or private. In the event it becomes necessary for the regulation of traffic or the safety or convenience of pedestrians, any official from Office of Community Development, the City Manager's Office, or any law enforcement officer of the City may direct vendors to move to another location. Refusal to comply with said order shall result in a revoked permit.

(19) Pushcarts are limited to forty-five (45) inches in width, seventy-two (72) inches in length, and sixty (60) inches in height. Canopies must be a minimum of seventy-eight (78) inches from the ground at the lowest point.

(20) Pushcarts shall not be motorized or propelled in any manner other than the walking motion of the person operating the pushcart, with the exception that a handicapped person may use a motorized system to propel the pushcart.

(21) Signage is limited to four (4) square feet and must be directly applied to the pushcart or the umbrella. In addition, the menu may be displayed in an area not to exceed two (2) square feet.

5.1.40 PUSHCART VENDOR ON PUBLIC SIDEWALK

(1) Application for a Minor Zoning Permit for Pushcart Vendor shall be on a form provided by the Office of Community Development. In addition to information required on the application, the application must provide a letter of approval by the Davidson County Health Department; and a copy of a valid business license from the State of North Carolina; and proof of an insurance policy, issued by an issuance company licensed to do business in the State of North Carolina, protecting the vendor and the City from all claims for damages to property and bodily injury, including death, which may arise from operations under or in connection with the permit. Such insurance shall name the City as additional insured and shall provide that the policy shall not terminate or be canceled prior to the expiration date without thirty (30) days advance written notice to the City. Such insurance shall afford minimum limits of three hundred thousand dollars ($300,000.00) per person bodily injury, six hundred thousand dollars ($600,000.00) per occurrence bodily injury and fifty thousand dollars ($50,000.00) per occurrence property damage.

(2) The annual permit fee for a Pushcart Vendor shall be established by City Council.

(3) A permit issued pursuant to this article is valid for a period of one (1) year.

(4) The permit shall be posted on the pushcart and shall be visible to the public at all times during operation.

(5) The Director of Community Development shall assign designated vending territories to pushcart vendors in order to avoid conflicts between vendors for space. The assignment will be made when permits are issued, but may be changed by the Director of Community Development at any time due to conflict or change in circumstances. Vending is prohibited within one-hundred (100) feet of, or on the same block as another foot peddler or pushcart whichever is greater, except during festivals and other such events. The Director of Community Development may temporarily suspend territory boundaries during special events such as parades or the Barbeque Festival. In addition, the Director of Community Development may temporarily reassign territory locations to areas outside of a permitted special event. The special event permit will have priority over the pushcart vendor permit during the time period approved for the special event permit.

(6) Vending is prohibited within three hundred (300) feet of the grounds of any elementary or secondary school.

(7) Vending is prohibited within three hundred (300) feet of any church while church is holding a religious service.

(8) The Vendor is responsible for the removal and disposal of all trash associated with the pushcart.

(9) No items relating to the operation of the vending may be placed anywhere other than in, on, or under the pushcart.

(10) The use of tables, crates, cartons, racks, or any other device to increase the selling or display capacity of the pushcart is prohibited.

(11) The vendor shall not solicit or conduct business with persons in motor vehicles.

(12) The vendor shall not sell anything other than that which he is licensed to vend in accordance with the approved Application for Minor Zoning Permit for a Pushcart Vendor or the Davidson County Health Department.

(13) Music, the use of loud speakers, public address systems, radios, sound amplifier or similar devices to attract the attention of the public is prohibited. Music may be played low levels for persons in the immediate vicinity of the pushcart.

(14) No pushcart or any other item relation to the operation of the vending business shall lean against or hang from any building or other structure.

(15) Operators of pushcarts shall not consume nor have consumed alcoholic beverages and/or illegal drugs, nor sell alcoholic beverages while operating the pushcart, all subject to compliance with Chapter 18, as amended, of the North Carolina General Statues.

(16) The pushcart shall not impede, endanger or interferes with the travel upon or use of the street or sidewalk. A minimum of five (5) feet of clearance is required along any sidewalk. In the event it becomes necessary for the regulation of traffic or the safety or convenience of pedestrians, any official from Office of Community Development, the City Manager's Office, or any law enforcement officer of the City may direct vendors to move to another location. Refusal to comply with said order shall result in a revoked permit.

(17) Pushcarts are limited to forty-five (45) inches in width, seventy-two (72) inches in length, and sixty (60) inches in height. Canopies must be a minimum of seventy-eight (78) inches from the ground at the lowest point.

(18) Pushcarts shall not be motorized or propelled in any manner other than the walking motion of the person operating the pushcart, with the exception that a handicapped person may use a motorized system to propel the pushcart.

(19) Signage is limited to four (4) square feet and must be directly applied to the pushcart or the umbrella. In addition, the menu may be displayed in an area not to exceed two (2) square feet.

5.1.41 Recycling Collection Site

(1) Only permitted within Commercial or Industrial Buildings.

(2) Recyclable materials from residential sources shall be limited to tires, scrap metal such as lawnmowers and play equipment; white goods such as refrigerators, clothes dryers, and stoves; lead acid batteries; motor oil; oil filters; cardboard; any other recyclable materials currently in or added to an existing local program; and all future materials banned from North Carolina landfills.

(3) Building and site shall meet the design regulations for a commercial building.

(4) Beyond sorting recyclable materials, processing is prohibited.

(5) In addition to the zoning permit, the business must obtain all applicable permits required by the State of North Carolina.

(6) All materials will be collected and stored indoors. No outside storage is permitted.

(7) No more than two truck trailers will be permitted on site at any one time for the temporary storage of materials awaiting removal. Said trailers shall be removed on a regular basis and may not be used as permanent storage. Said trailers shall not be located in any front or side yard and shall be a minimum of fifty feet from any adjoining property line.

5.1.42 Recreation Facility, Outdoor

(1) Buildings shall meet design standards for Commercial Buildings or Civic Buildings.

(2) Outdoor swimming pools shall be protected by a fence, or equal enclosure, a minimum four (4) feet in height and equipped with a self-closing and positive self-latching gate provided with hardware for permanent locking. Fences shall meet the design standards for Fences and Walls.

(3) Outdoor lighting will be designed, located, and mounted so as to protect the street and neighboring properties from direct glare or hazardous interference.

(4) Downcast or cut-off-type lighting fixtures will be generally used to illuminate pedestrian or traffic circulation corridors and signage.

(5) Sports field and other outdoor lighting will not shine directly into the yard, or into the windows, of a residence.

5.1.43 Reforestation

(1) A Minor Zoning Permit for Reforestation activities may be issued for areas undergoing an intentional reforestation process to become wooded, and is not meant for overgrown lawns or overgrowth of brush and undesirable vegetation.

(2) The area shall be cleared of any vines, including ivy and kudzu and such vines shall be sprayed as needed while not dormant for two consecutive growing seasons to prevent regrowth.

(3) The area shall contain trees or shall be planted with seedlings at the accepted separation distance based on species.

(4) A plan shall be submitted illustrating the area, existing and proposed trees, other plants, and other features such as fencing, hardscapes, etc. The Minor Zoning Permit will be issued based on the plan, and the site will be inspected by the Director of Community Development or his/her designee to ensure compliance. Failure to complete clearing and planting activities within 90 days of the issuance of the Minor Zoning Permit will result in an order to mow and/or clear and will nullify the Minor Zoning Permit. The applicant will not be permitted to reapply for a Minor Zoning Permit for Reforestation for the same property within six months of the date of the issuance of the original Minor Zoning Permit.

5.1.44 Religious Institution – Uptown District

(1) Churches and Religious Institutions within the Uptown District are not permitted within storefront commercial buildings originally designed for mercantile or business.

5.1.45 Rooming House

(1) Rooming Houses must meet the design regulations for a Single-family House.

(2) Individual bedrooms may be rented to tenants, but other areas within the house and on the grounds, such as bath facilities, kitchen, living room, den, porches, and yards shall be common and available to all tenants.

(3) "Family-style" meals shall be prepared on-site and provided for all of the residents on a daily basis.

(4) The manager shall reside on-site and shall employ no more than two other full time employees.

(5) Parking shall be designed in a manner to avoid changing the residential character of the site. If additional parking is provided on-site, it shall be located in the rear yard only and separated by an opaque landscape screen from the view from any street and from abutting properties. No more than one off-street parking space per bedroom plus one parking space per employee will be permitted.

(6) Outdoor storage is prohibited.

(7) Any outdoor lighting shall be residential in nature and shall not shine directly into adjacent properties.

5.1.46 Self-Service Storage Units

(1) Storage unit doors may not front a public street.

(2) An office is required on-site.

5.1.47 Stable, Commercial

(1) Minimum tract size for a commercial stable is three acres.

(2) All barns, buildings, and structures related to the care of animals and to the conduct of the stable shall be located at least 100 feet from property boundaries.

(3) Pasture fencing must be located at least 10 feet from any property boundary.

(4) Maximum number of horses is 1 per acre of pasture.

(5) Pastures must be divided to allow for rotation.

(6) Fencing must meet design regulations for Fences and Walls except that electric fence or barbed wire may be used for pasture with a five foot setback from adjoining property lines.

5.1.48 Stable, Private

(1) Only permitted as an accessory use.

(2) Minimum tract size is two acres including the principal building.

(3) All barns, buildings, and structures related to the care of animals and to the conduct of the stable shall be located at least 100 feet from property boundaries.

(4) Maximum number of horses is 1 per acre of pasture.

(5) Pastures must be divided to allow for rotation.

(6) Fences shall meet design regulations for Fences and Walls within the applicable district with the exception that electric fence or barbed wire may be used for pasture with a five foot setback from adjoining property lines.

5.1.49 SWIMMING POOL

(1) Outdoor swimming pools shall be protected by a fence, or equal enclosure, a minimum four (4) feet in height and equipped with a self-closing and positive self-latching gate provided with hardware for permanent locking. Fences shall meet the design standards for Fences and Walls.

5.1.50 TIMBERING

(1) A Grading and Clearing Plan must be submitted to the Director of Community Development for the Timbering of any area greater than one acre in size.

5.1.51 TOWING OFFICE WITH ACCESSORY OUTDOOR STORAGE OF TOWED VEHICLES AND/OR OUTDOOR STORAGE OF VEHICLES IN COMMON OWNERSHIP

(1) There must be an office on-site a minimum of 500 square feet and the office must meet design regulations for Commercial Building.

(2) The storage area shall be gravel, asphalt, or concrete.

(3) Storage of vehicles is prohibited in the front or side yard and shall be enclosed by a wooden shadowbox fence meeting the design regulations for a fence found in Section 4. Fences shall not be chain link, chain link with slats or similar material, and shall not contain any type of barbed wire, razor wire, or similar material. The fence shall be located a minimum of twenty-five feet from any public street right-of-way and a minimum of ten feet from any adjoining property line.

(4) Excludes storage of junk vehicles, recycling materials, scrap materials, junk, and debris.

(5) Excludes automobile crushing, dismantling, or salvage activities. (Requires a separate permit if accessory use.)

(6) Vehicles may not be stored for more than 30 days.

(7) No more than 5 gallons or one-quarter tank of gasoline, whichever is less, may be in any vehicle being stored.

(8) Only vehicles may be stored on the lot. No carports, storage buildings, or other merchandise may be displayed or stored on the lot.

(9) The perimeter of the storage area shall be landscaped in accordance with the landscaping requirements for a parking lot.

(10) The maximum height for lighting (pole mounted and wall mounted) shall be 20 feet, including the base/mounting fixture. Floodlights are not permitted for parking lot illumination. Lighting shall be directed downward and light spillover minimized with the use of hoods and similar devices. Lighting fixtures that produce glare visible from adjacent property(s) and public rights-of -way are prohibited.

(11) There shall be a minimum of 100 feet between any property used for the storage of towed vehicles and any property zoned: Suburban Neighborhood District; Traditional Neighborhood District; Mixed Use District; or Uptown District.

(12) Access or use of residential streets for transporting cars, car parts, or equipment is prohibited.

5.1.52 TRUCKING TERMINAL

(1) The area designated for truck parking shall be located no closer than 40 feet from an abutting street right-of-way. Truck parking areas are not classified as parking lots. Therefore they are exempt from the parking standards of this ordinance, but subject to the alternative standards below.

(2) The area of truck parking shall be screened from view from the street(s) and from all abutting properties by an opaque landscape screen; wherever security fencing is desired, it shall be placed on the interior side of the screening materials.

(3) The use shall be located on or directly accessible to a major thoroughfare, expressway, or freeway; truck terminals shall not be sited such that residential or City streets are regularly traversed to access the larger capacity road.

5.1.53 UTILITY STATION

(1) The exterior of the utility station shall be screened to the extent possible. Gates and areas of access may remain unscreened. Screening shall include a minimum of two staggered rows of medium evergreen shrubs planted 6 feet on center in order to provide continuous coverage. Shrubs shall be a minimum of 3 feet in height at installation.

5.1.54 UTILITY PLANT / TREATMENT PLANT

(1) Generation, production, or treatment facilities such as power plants, water and waste water treatment plants, and landfills.

(2) The area of active use will be enclosed by a fence, not easily climbable, at least six feet in height, and the fence shall be located at least 20 feet from the public street right-of-way and 10 feet from abutting property lines; and

(3) A minimum separation of 100 feet, fully vegetated, will be provided between the fenced use area and any abutting property line; existing vegetation shall be preserved to the extent possible and supplemented with new plantings as may be required to provide a year-round opaque landscape buffer from abutting properties; and

(4) The site shall be screened from the street(s) by a screen composed of a masonry wall or a solid fence, planted on the exterior side with a semi-opaque landscape screen with expected height of at least 8 feet at maturity; security fencing shall be placed on the interior side of the vegetation and wall or fence.

SECTION 6. SIGN REGULATIONS

6.1 DESCRIPTION

A sign is any object, device, structure, or part thereof, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, characters, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include the flag or emblem of any nation, organization of nations, state, city, or of any fraternal, religious or civic organization; works of art which in no way identify a product; or scoreboards located on athletic fields.

6.2 COMPLIANCE

Existing non-conforming signage may be replaced with new signage that results in bringing the overall site more into compliance with this ordinance in terms of the number of signs, size, placement, or type; however, replacing only the sign face of an existing non-conforming building, freestanding, group development, high-rise or projecting sign where there is no increase in sign area, does not invoke this requirement for moving toward compliance.

6.3 MINOR ZONING PERMIT REQUIRED

Although all signs shall comply with the regulations contained herein, not all signs require a Minor Zoning Permit. All prohibited signs, non-conforming signs, and illegal signs shall be removed from a site prior to issuance of a Minor Zoning Permit for new signage. A Minor Zoning Permit (sign permit) is required for the erection, painting, installation, or application of the following types of signs:

(1) Building Sign

(2) Grand Opening / Going-out-of-business Signage

(3) Ground Mounted Sign

(4) High-Rise Sign

(5) Marquee

(6) Projecting Sign

(7) Community Sign

(8) Signs that would otherwise require an electrical permit

(9) Temporary banners for special announcements, promotions, or events

6.4 CALCULATION METHODS

The following calculation methods will be used to determine the permitted size and number of signs:

(1) Building Width: A measurement of the width of the face of a building extending parallel or near parallel to, and fronting directly upon a public street. Additional square footage will not be added for awnings, canopies, or the sidewalls of recesses that are not parallel or near parallel (less than a 45-degree angle) to the front plane of the buildings, etc. Calculations will be based only on the side(s) of a building fronting directly upon a public street. If a building side is at more than a 45-degree angle against the street, then it will not be considered as fronting that street. If the building has no direct public street frontage, then the Director of Community Development may declare the frontage based on private streets, access easements, or visual frontage. This measurement shall be used to calculate allowable size of building signs.

(2) Windows and Doors: Window area for each side of a building shall be the cumulative amount of measurements in square footage of all glass windows, excluding the frame, located on that side of the building. Door area shall be a measurement of one side of the door, excluding the frame.

(3) Sign Size (Copy Area):

a. Individual lettering: White, tan, black or brown individual lettering that contains no other graphic or logo is measured and regulated based on the height of the letters. Up to one letter in each word may extend up by half the maximum permitted height of the other letters for capitalization or emphasis.

b. Individual lettering with graphic or logo or individual lettering a color other than white, tan, black, or brown will be calculated based on area. The area shall be measured by a single box for the entire sign area including all words, logos, and graphics. If the signage will be divided into separate and distinct signs, a box may be drawn around each of the signs individually and all boxes shall be measured and added for a cumulative amount.

c. Backlit Panel / Internally Illuminated: The entire area that is back-lit, regardless of the color, will count toward the size calculation.

(4) Sign Height: The height of a sign will be measured from the ground, extending to the highest point on the support structure including any decorative portions of the structure.

(5) Support Structure: The structure, support, or frame for the copy area will not count in the size calculation, but may contain no additional copy, or back-lighting. The highest point of the support structure will be used to determine the height of the sign. The support structure may not contain patterns, pictures, or other copy that independently function as signage.

(6) Separation: Minimum required separation shall be measured in a direct line from one sign to the other. The electronic posting of fuel prices, where no other electronic changeable copy is included on the sign, shall not be considered as electronic changeable copy for the purposes of required minimum separation.

6.5 Prohibited Signs – All Districts

The following sign types are hereby defined, established, and prohibited in all districts, except when otherwise expressly permitted in this Ordinance:

6.5.1 Abandoned Sign

A sign on an occupied site that is relative to a former occupant, with the exception of Historic Signs.

6.5.2 Awning Sign, Vertical

A sign that is attached to an awning and extends above the awning in a vertical or near vertical direction. (As opposed to signage painted directly onto an awning surface.)

6.5.3 Balcony Sign

A sign attached to, located on, painted on, or applied to a balcony.

6.5.4 Banners

A sign intended to be hung, with message or symbol applied to plastic or fabric of any kind, but excluding flags or emblems of any nation, organization of nations, state, city, or any fraternal, religious, or civic organization. Excludes lamppost arm banners. (See Section 6.7.3.2 for Temporary Banners.)

6.5.5 Billboard Sign

An off-premise advertising sign that is affixed to the ground or to a building, the primary purpose of which is to display advertising where the copy or poster on the sign can be changed frequently and the advertising space is for lease.

6.5.6 Blinking / Flashing Sign

A sign that uses an intermittent, blinking, or flashing light source to attract attention. Signs that light and unlight individual letters or portions of the signs at intervals. Signs that electronically and intermittently change messages at intervals and/or scroll copy. Exception: electronic changeable copy signs that are otherwise specifically permitted within this section.

6.5.7 Canopy Sign

A sign attached to, located on, painted on, or applied to a canopy detached from or extending from the principal building, except that canopies over gas pumps and the like may contain signage as contained within Section 6.7.3, Business District and Industrial District Sign Regulations.

6.5.8 Chimney Sign

A sign attached to, located on, painted on, or applied to a chimney.

6.5.9 Decorative Flags

Flags other than national, state, municipal, or religious, that are used for decoration or to attract attention, whether or not the flag contains copy or a logo.

6.5.10 Dilapidated Signs

A sign in disrepair.

6.5.11 Merchandise Sign

A sign that is legible from public right-of-way that is applied directly to outdoor merchandise such as carports, storage buildings, cars, etc.

6.5.12 Moving Signs

A sign that uses movement to attract attention.

6.5.13 Neon Outlining

The use of neon tubing to outline windows, doors, or other features of a building.

6.5.14 Off-Premise Signs

A sign that directs attention to a business, commodity, or service, conducted, sold, or offered at a location other than the premises on which the sign is erected. (Excludes sidewalk signs.) Except that religious institutions may obtain a permit for one off-premise directional sign in accordance with the following:

1. The sign shall be out of the public right-of-way.
2. The sign shall be located at a nearby thoroughfare.
3. Maximum height is four feet.
4. Maximum size is six square feet.
5. Spot lighting is permitted, and back lighting / internal lighting is prohibited.
6. Changeable copy is prohibited.

6.5.15 Portable Signs

A sign not permanently attached to the ground, a structure, or a building, and which can easily be removed. (Excludes sidewalk signs as otherwise expressly permitted within this section.)

6.5.16 Right-of-Way Sign

A sign not erected by a public authority and located within the public right-of-way, or within utility easements, whether the sign be located on utility poles, lamp posts, in the ground, or otherwise. (Excludes sidewalk signs as otherwise expressly permitted within this section.)

6.5.17 Roof Signs

A sign erected or maintained in whole or in part upon or over the roof or parapet of a building.

6.5.18 Streamers

A series of attached shapes, especially flags or pennants, that is attached to buildings, structures, features, or merchandise and that moves with wind.

6.5.19 Vehicular Sign

A sign applied to a parked vehicle or trailer that is legible from the public right-of-way where the primary purpose of the vehicle is stationary advertisement. For the purposes of this ordinance, vehicular signs will not include business logos, identification, or advertising on vehicles primarily used for other business purposes as evidenced by the fact that the vehicle is typically moved on a daily basis.

6.6.20 WINDSOCK

A sign or decorative figure, or character that is inflated with air and moves with wind to attract attention to a site.

6.6 Permitted Sign Types Established

The following Sign Types are hereby defined, established, and permitted in accordance with the tables of regulations by building type and use that follow.

6.6.1 Building Sign

(1) Any sign painted on, directly attached to, or displayed on an exterior wall of a building in a manner parallel with the wall surface, and (2) any sign painted or printed on an awning. Building signage includes projection signs where allowed and changeable copy at percentages allowed.

6.6.2 Electronic Changeable Copy Sign

Also referred to as electronic message boards/panels. Signs that electronically display changing or moving messages, symbols, or scenes. Includes LED signs. May be applied as a ground-mounted sign, a building sign, or projection sign. All electronic changeable copy signs are considered back-lit.

6.6.3 Community Sign

A sign identifying the name of a platted subdivision, apartment complex, townhomes with more than one building, residential neighborhood, or residential community. Not a group development sign.

6.6.4 Ground Mounted Sign for Freestanding Commercial Building

A self-supporting sign that extends from the ground in either a solid monument style or pole style.

6.6.5 Ground Mounted Sign for Group Development

A sign that combines identification for the overall development with identification for each of the multiple entities within the group development into one freestanding sign. Examples include shopping centers, mixed-use buildings, business centers, campus settings, and complexes. Not a community sign.

6.6.6 High-Rise Sign

An on-premise, large-scale freestanding sign used to attract the attention of motorists traveling along the Interstate for properties with direct frontage on Interstate right-of-way. (I-285 and I-85) Does not include business routes or State highways.

6.6.7 Manual Changeable Copy Sign

A sign that provides tracks for letters, numbers, and symbols so that copy may be changed manually. May be applied as ground mounted sign or a building sign, but not as a projection sign.

6.6.8 Marquee

The sign area of an establishment that feature constantly changing venues such as a theater, movie theater, coliseum, sports facility, etc., where games or showings are displayed and changed frequently. Traditionally marquees were applied as a canopy with an exterior of changeable copy, but more modern applications of marquees are more in the nature of a building sign and utilize manual or electronic changeable copy.

6.6.9 MENU

The regular menu of a restaurant posted in a window or on the outside wall of a building in order to allow patrons to preview the menu choices.

6.6.10 PROJECTION SIGNS

A type of building sign in which the greater square footage area is not parallel and is perpendicular or near perpendicular to the wall of the building. Projection signs are larger in scale than shingle signs and are typically not placed beneath an awning and are meant to target vehicular traffic.

6.6.11 SIDEWALK SIGN

A sign designed to post daily specials and other advertising messages, targeting pedestrians along a sidewalk for a business immediately adjacent to the portion of the sidewalk being used to display the sidewalk sign.

6.6.12 SHINGLE SIGN

A sign in which the greater square footage area is not parallel, but is perpendicular or near perpendicular to the wall of the building, and is located beneath an awning or canopy targeting pedestrian traffic.

6.6.13 WINDOW / DOOR SIGN

Any sign that is painted on, attached to, or suspended behind or in front of a window or door which is intended for viewing from the exterior of the building and/or clearly legible from public right-of-way.

6.7. Sign Regulations by Zoning District, Building Type, Use

6.7.1 Traditional Neighborhood District and

Suburban Neighborhood District

The following Design Regulations shall apply:

(1) Signs shall be made of painted wood or metal, or other material similar in appearance and durability approved by the Director of Community Development. Flat signs shall be framed with raised edges. Wood signs shall use only high-quality exterior grade wood with suitable grade finishes. The finish shall be dull or matte in order to reduces glare and enhance legibility.

(2) Sign colors, materials, and details shall be compatible with the building, as well as with other signs used on the building or its vicinity.

(3) Building signs shall fit within the existing façade features, shall be confined to signable areas, and shall not interfere with door and window openings, conceal architectural details or obscure the composition of the facade where they are located.

(4) Whenever possible, building signs within the same blockface shall be placed at the same height, in order to create a unified sign band.

(5) Spot-lighting shall require shielding of light source.

(6) Signs shall be mounted so that the method of installation is concealed. Signs applied to masonry surfaces on buildings shall be mechanically fastened to mortar joints, and not directly into brick or stone. Drilling to provide electrical service shall also follow the same rule.

(7) Window / Door signs shall be directly affixed to or painted onto the glass. Suspension of internally-lit signs is prohibited.

Building Type / Use	**Permitted Signs and Regulations**	
HOME OCCUPATION		
Building Sign	Maximum Number	1 (not permitted in conjunction with ground mounted sign)
	Maximum Size	4 square feet
	Illumination	Spot-lighting permitted. Internal lighting prohibited.
	Changeable Copy	Prohibited.
Ground Mounted Sign	Maximum Number	1 (not permitted in conjunction with building sign)
	Maximum Size	4 square feet

6.7.1 TRADITIONAL NEIGHBORHOOD DISTRICT AND		
SUBURBAN NEIGHBORHOOD DISTRICT		
	Maximum Height	4 feet
	Illumination	Spot-lighting permitted. Internal lighting prohibited.
	Changeable Copy	Prohibited.
DUPLEX		
No signage permitted for Duplex.		
COMMERCIAL BUILDING (BED & BREAKFAST, NON-RESIDENTIAL, OR MIXED-USE)		
Building Sign	Maximum Number	Not applicable
	Maximum Size	1 square foot of signage is permitted for each 1 linear foot of building width that fronts upon a public street, with a maximum of 100 square feet on any one side.
	Illumination	Spot-lighting permitted. Back-lighting prohibited. Neon prohibited.
	Placement	Allowed square footage may be applied to other sides of the building for maximum visibility, but may not be increased or combined to exceed 100 square feet on any one side. Building signage shall not be divided into more than two separate signs on any one side of a building except in the case of group development.
	Changeable Copy	Up to 50% of copy area may be manual changeable copy. Electronic changeable copy prohibited.
Ground Mounted Sign	Maximum Size	32 square feet per sign (not to be combined)
	Maximum Height	8 feet
	Illumination	Spot-lighting permitted. Back-lighting prohibited. Neon prohibited.
	Placement	Shall not interfere with vehicular sight distance.

6.7.1 TRADITIONAL NEIGHBORHOOD DISTRICT AND SUBURBAN NEIGHBORHOOD DISTRICT		
	Changeable Copy	Up to 50% of copy area may be manual changeable copy. Electronic changeable copy prohibited.
	Maximum Number	1 per street front with a minimum separation of 100 feet
Window / Door Sign	Maximum Size	(1) Up to 10% of the window area and up to 10% of the glass portion of a door area on any side of a principal building fronting a public street. (2) Window and door signs on any one side of a building totaling more than 16 square feet will be considered as, and calculated into, the permissible amount of building signage.
	Placement	Allowed square footage may be applied to other sides of the building for maximum visibility, but may not be combined.
	Changeable Copy	Prohibited.

6.7.2 Mixed Use District and

Uptown District

The following Design Regulations shall apply:

Three types of signage are used to attract and direct patrons within the Uptown District and Mixed Use District: building signs or sometimes projection signs allow a person driving along the street to easily find the building by a glance without much effort or distraction from driving, smaller creative projecting or "shingle" signs placed between 7 and 8 feet above the sidewalk serve to attract the attention of pedestrians and direct them to the specific store location, and window signs invite customers into the store upon reaching the location. In addition, multi-tenant direction signs may be necessary to give specific directions concerning the locations of businesses without doors fronting the sidewalk. Each of these types of signs has an appropriate size and scale to guide the customer at any point along the trip. A sign that is out of scale will detract from the business and not assist the potential customer with finding the location. Increasing the level of simplicity relative to size improves readability of larger (building) signs, thus greatly improves effectiveness. Small scale window signs can become more complex without obscuring the openness of the business, as the customer is more at leisure to absorb additional information while standing outside of the business.

Most Uptown buildings were built with a space, commonly a recessed or obvious sign "frame" located between the first and second level, specifically for the placement of a building sign. The eye naturally falls to this central area of a building and simple lettering in this designated space is visible and much easier to quickly read from a passing vehicle. Often this designated space remains blank, while ill-fitting, complicated signage is applied elsewhere on the building. Back-lit plastic illustrated color panels are in conflict with the historic environment and detract from the shopping experience sought in Uptown. Highlighting the architecture of the building through appropriate placement of signage gains positive attraction for the business and unites the Uptown area as a shopping and dining destination. Occasionally, a creative yet simple projection sign will serve the same purpose, but only if it is not in competition with too many other existing projection signs, trees, or architectural features.

(1) Building signs on buildings with two or more stories shall be located between the first and second level, centered over the storefront or business opening. Building signs shall fit within the existing façade features, shall be confined to signable areas, and shall not interfere with door and window openings, conceal architectural details or obscure the composition of the facade where they are located.

(2) Building signs on one-story buildings shall be centered horizontally and vertically between the top of the building and the awning or door or center of the building.

(3) Whenever possible, building signs within the same blockface shall be placed at the same height, in order to create a unified sign band.

6.7.2 MIXED USE DISTRICT AND

UPTOWN DISTRICT

(4) Plastic back-lit illustrated panels are prohibited (excludes individual separate back-lit letters)

(5) Signs shall be made of painted wood or metal, or other material similar in appearance approved by the Director of Community Development. Flat signs shall be framed with raised edges. Wood signs shall use only high-quality exterior grade wood with suitable grade finishes. The finish shall be dull or matte in order to reduces glare and enhance legibility. (excludes individual separate back-lit letters)

(6) Sign colors, materials, and details shall be compatible with the building, as well as with other signs used on the building or its vicinity.

(7) Spot-lighting shall require shielding of light source.

(8) Warm fluorescent bulbs may be used to illuminate the interior of display cases. The outlining of building features in Neon tubing is prohibited.

(9) Signs shall be mounted so that the method of installation is concealed. Signs applied to masonry surfaces shall be mechanically fastened to mortar joints, and not directly into brick or stone. Drilling to provide electrical service shall also follow the same rule.

(10) Window / Door signs shall be directly affixed to or painted onto the glass. Suspension of back-lit signs visible through a window or door from the outside is prohibited.

(11) Signs shall not interfere with vehicular sight distance.

Building Type / Use	**Permitted Signs and Regulations**	
HOME OCCUPATION		
Building Sign	Maximum Number	1 (not permitted in conjunction with ground mounted sign)
	Maximum Size	4 square feet
	Illumination	Spot-lighting permitted. Internal lighting prohibited.
	Changeable Copy	Prohibited.
Ground Mounted Sign	Maximum Number	1 (not permitted in conjunction with building sign)
	Maximum Size	4 square feet
	Maximum Height	4 feet
	Illumination	Spot-lighting permitted. Internal lighting prohibited.

6.7.2 MIXED USE DISTRICT AND		
UPTOWN DISTRICT		
	Changeable Copy	Prohibited.
COMMERCIAL BUILDING		
Building Sign(s)	Maximum Number	No more than three sign areas on any side of a freestanding commercial building.
	Maximum Size	One square foot of signage is permitted for each one linear foot of building width fronting a public street, **or** Individual lettering may exceed maximum permitted square footage in accordance with the following: (1) Shall not contain any additional logo or graphics, only the lettering spelling the name of the business or initials of the business. (2) Space between lettering shall be no greater than half the average width of the individual letters. (3) Individual lettering shall be white, tan, black, or brown. (4) Maximum Height is 24 inches (5) No more than one letter in each word may be 1 and ½ times the maximum permitted height.
	Placement	Allowed square footage may be applied to other sides of the building for maximum visibility, but may not be combined.
	Illumination	Spot-lighting permitted. Back-lighting prohibited (except for individual lettering.) Neon prohibited.
	Changeable Copy	Prohibited.
	Projection	Permitted. Lowest point of sign must be a minimum of seven feet above ground.
Window / Door Sign	Maximum Number	Not applicable

6.7.2 MIXED USE DISTRICT AND		
UPTOWN DISTRICT		
	Maximum Size	(1) Up to 10% of the window area and up to 10% of the glass portion of a door area on any side of a principal building fronting a public street. (2) Window and door signs on any one side of a building totaling more than 16 square feet will be considered as, and calculated into, the permissible amount of building signage.
	Illumination	Spot-lighting permitted. Back-lighting prohibited. Neon prohibited.
	Placement	The amount of allowed square footage may be applied to windows/doors in other sides of the building for maximum visibility, but may not be combined.
	Changeable Copy	Prohibited.
Ground Mounted Sign for Freestanding Commercial Building	Maximum Number	One permitted per street front with a minimum separation of 50 feet between any other ground mounted sign for the same business or on the same parcel.
	Maximum Size	32 square feet per sign (not to be combined)
	Maximum Height	8 feet
	Illumination	Spot-lighting permitted. Back-lighting prohibited. Neon prohibited.
	Changeable Copy	Up to 50% of copy area. Manual changeable copy permitted. Electronic changeable copy prohibited except for the electronic posting of fuel prices.
	Additional	Not permitted in conjunction with a Ground Mounted Sign for Group Development
Ground Mounted Sign for Group Development	Maximum Number	One permitted per street front with a minimum separation of 50 feet between any other ground mounted sign for the same business or on the same parcel, with a maximum of two signs.
	Maximum Height:	20 feet
	Maximum Size	50 square feet per sign. May not be combined.
	Illumination	Spot-lighting permitted. Back-lighting prohibited. Neon prohibited.
	Changeable Copy	(1) Up to 50% of copy area.

		(2) Electronic changeable copy is limited to a maximum of one change per 30 second period. No scrolling, blinking, flashing permitted. (3) Electronic changeable copy requires a minimum separation of 200 feet from any other electronic changeable copy sign.
	Additional	(1) Not permitted in conjunction with Ground Mounted Signs for individual units within the group development.
Sidewalk Sign	Additional	(1) Minimum number of three tenants / units / businesses / buildings (2) Not permitted in conjunction with a ground mounted sign. (3) No individual ground mounted signs are permitted for tenants or outparcels.
	Maximum Size	Six square feet per side, maximum two sides.
	Illumination	Spot-lighting permitted. Internal lighting prohibited.
	Placement	(1) A continuous 5-foot wide clearance along the sidewalk shall be maintained. (2) Sign shall be self-supporting and may not be attached to any fixture on public right-of-way.
	Changeable Copy	(1) No changeable copy tracks or electronic changeable copy. (2) Handwritten changeable copy only.
	Additional	The sign shall be removed from the sidewalk at the end of each business day.
Shingle Sign	Maximum Number	One per establishment.
	Maximum Size	Six square feet.
	Illumination	Spot-lighting permitted. Back-lighting not permitted.
	Placement	Under awning, but at least seven feet above ground at lowest point.
	Changeable Copy	Not permitted.
Menu (food /service)	Maximum Number	One

6.7.2 MIXED USE DISTRICT AND		
UPTOWN DISTRICT		
	Maximum Size	2 square feet Lettering shall be no greater than 2 inches in height
	Illumination	Spot-lighting permitted. Back-lighting prohibited. Neon prohibited.
	Placement	May be posted in a window, or within a cabinet or protective covering on the exterior wall of a restaurant.
	Additional	Permitted only for restaurants, spas, salons, barber shops, and the like.

6.7.3 Business District and

Industrial District

The following Design Regulations shall apply:

(1) Building signs shall be architecturally compatible with the style, materials, colors, and details of the building, as well as with other signs used on the building or its vicinity.

(2) Building signs shall fit within the existing façade features, shall be confined to signable areas, and shall not interfere with door and window openings, conceal architectural details or obscure the composition of the facade where they are located. Signs shall be placed on a façade only in a manner historically appropriate to the style of the building.

(3) Whenever possible, building signs within the same blockface shall be placed at the same height, in order to create a unified sign band.

(4) Flat building signs shall be framed with raised edges except for individual lettering.

(5) Wood signs shall use only high-quality exterior grade wood with suitable grade finishes.

(6) Spot-lighting shall require shielding of light source.

(7) Warm fluorescent bulbs may be used to illuminate the interior of display cases. Neon signs placed inside the display case shall insure low intensity colors.

(8) Signs shall be mounted so that the method of installation is concealed. Signs applied to masonry surfaces of buildings shall be mechanically fastened to mortar joints, and not directly into brick or stone. Drilling to provide electrical service shall also follow the same rule.

(9) Signs shall not interfere with vehicular sight distance.

Building Type / Use	**Permitted Signs and Regulations**	
HOME OCCUPATION		
Building Sign	Maximum Number	1 (not permitted in conjunction with ground mounted sign)
	Maximum Size	4 square feet
	Illumination	Spot-lighting permitted. Internal lighting prohibited.
	Changeable Copy	Prohibited.
Ground Mounted Sign	Maximum Number	1 (not permitted in conjunction with building sign)
	Maximum Size	4 square feet

6.7.3 BUSINESS DISTRICT AND		
INDUSTRIAL DISTRICT		
	Maximum Height	4 feet
	Illumination	Spot-lighting permitted. Internal lighting prohibited.
	Changeable Copy	Prohibited.
COMMERCIAL BUILDING		
Building Sign(s)	Maximum Number	No more than three sign areas on any side of a freestanding commercial building.
	Maximum Size	One square foot of signage is permitted for each one linear foot of building width fronting a public street, **or** Individual lettering may exceed maximum permitted square footage in accordance with the following: (1) Shall not contain any additional logo or graphics, only the lettering spelling the name of the business or initials of the business. (2) Space between lettering shall be no greater than half the average width of the individual letters. (3) Individual lettering shall be white, tan, black, or brown. (4) Maximum Height is 24 inches up to 30 feet from back of curb and 36 inches more than 30 from back of curb (5) No more than one letter in each word may be 1 and ½ times the maximum permitted height.
	Placement	Allowed square footage may be applied to other sides of the building for maximum visibility, but may not be combined.

6.7.3 Business District and Industrial District

	Illumination	Spot-lighting permitted. Back-lighting permitted. Neon prohibited.	
	Changeable Copy	(1) Up to 50% of copy area. (2) Not permitted in conjunction with changeable copy ground-mounted sign. (3) Not permitted in Group Development. (4) Electronic changeable copy is limited to a maximum of one change per 30 second period. No scrolling, blinking, flashing permitted. (5) Electronic changeable copy requires a minimum separation of 200 feet from any other electronic changeable copy sign. (6) Maximum of one electronic changeable copy panel permitted per side.	
Ground Mounted Signs for Freestanding Commercial Buildings and Group Development	Public Street Frontages	Maximum Number of Ground Signs Permitted	Maximum Size Per Ground Sign(s) Permitted
	❑ No street frontage ❑ Frontage on 1 public street	1 per business or group development	Freestanding Building - 50 square feet each for parcels with 100 feet or less of public street frontage, and up to 75 square feet each for parcels with more than 100 feet of public street frontage For parcels with direct frontage, or fronting service roads directly adjacent to right-of-way of Business 85, U.S. 29/70, and U.S. 64, the maximum size shall be 75 square feet regardless of the amount of public street frontage. (See "High Rise Sign" for parcels with along Interstates.)
	Frontage on 2 public streets	2 per business or group development. There shall be no less than 100 linear feet between the two ground signs on site.	
	Frontage on 3 or more public streets	3 ground sign per business or group development. There shall be no less than 100 feet between any of the three ground signs on site.	

6.7.3 Business District and Industrial District

			Group Development – 100 square feet with space for each business or outparcel
	Maximum Height	20 feet. Must not interfere with vehicular sight distance.	
	Illumination	Spot-lighting permitted. Back-lighting permitted. Neon prohibited.	
	Changeable Copy	(1) Up to 50% of copy area. (2) Electronic changeable copy is limited to a maximum of one change per 30 second period. No scrolling, blinking, flashing permitted. (3) Electronic changeable copy requires a minimum separation of 200 feet from any other electronic changeable copy sign. (4) Only one electronic changeable copy panel permitted per side.	
	Additional	Group development signs are not permitted in conjunction with Ground Mounted Signs for individual units within the group development. No individual ground mounted signs are permitted for tenants or outparcels.	
	Notes:	(1) "Public streets" will be defined as "dedicated as public right-of-way, accepted by the City or State for maintenance. Excludes alleys." (2) Multiple public street frontages may be combined for purposes of calculating street frontage.	
Window / Door Sign	Maximum Number	Not applicable	
	Maximum Size	Up to 10% of the window area and up to 10% of the door area on any side of a principal building fronting a public street.	
	Illumination	Spot-lighting permitted. Back-lighting prohibited. Neon prohibited.	
	Placement	The amount of allowed square footage may be applied to windows/doors in other sides of the building for maximum visibility, but may not be increased.	
	Changeable Copy	Prohibited.	
Shingle Sign	Maximum Number	1 per business	

6.7.3 Business District and Industrial District

	Maximum Size	6 square feet per side
	Illumination	Back-lighting not permitted. Neon not permitted.
	Placement	Under the low cornice immediately above the first floor storefront Distance from the lower edge of the signboard to the ground will be seven (7) feet or greater
Sidewalk Sign	Maximum Number	Each business with a public or private sidewalk of at least 8 feet in width may contain one sidewalk sign.
	Maximum Size	6 square feet per side.
	Illumination	Spot-lighting permitted. Internal lighting prohibited. Neon prohibited.
	Placement	(1) A continuous 5-foot wide clearance along the sidewalk shall be maintained. (2) Sign shall be self-supporting and may not be attached to any fixture on public right-of-way.
	Additional	The sign shall be removed from the sidewalk at the end of each business day.
High Rise Sign	Maximum Number	1
	Maximum Size	200 square feet
	Maximum Height	50 feet
	Illumination	Spot-lighting permitted. Back-lighting permitted. Neon prohibited.
	Changeable Copy	❑ Up to 50% of copy area. ❑ Electronic changeable copy is limited to a maximum of one change per 30 second period. No scrolling, blinking, flashing permitted.

6.7.3 BUSINESS DISTRICT AND INDUSTRIAL DISTRICT		
		❑ Electronic changeable copy requires a minimum separation of 1,000 feet from any other electronic changeable copy sign.
	Additional	Permitted only for development on lots contiguous to Interstate right-of-way or fronting service roads that are directly contiguous to Interstate right of-way (I-85 and I-295, excluding business routes, or bypasses)
Marquee	Maximum Number	Not applicable
	Maximum Size	Up to 25% of the front of the theater may be covered with marquee.
	Illumination	Spot-lighting permitted. Back-lighting permitted.
	Changeable Copy	Permitted.
	Additional	Permitted for theaters, cinemas and other similar entertainment venues only.
Menu (food /service)	Maximum Number	One
	Maximum Size	2 square feet Lettering shall be no greater than 2 inches in height
	Illumination	Spot-lighting permitted. Back-lighting prohibited. Neon prohibited.
	Placement	May be posted in a window, or within a cabinet or protective covering on the exterior wall of a restaurant.
	Additional	Permitted only for restaurants, spas, salons, barber shops, and the like.
Canopy Sign	Maximum Number	1 per public street frontage of the parcel
	Maximum Size	1 square foot of signage per each linear foot of canopy width facing a public street. Signage may be divided to be placed on non- public street facing side, but may not be combined to increase size on any one side.

Planned Development District
Signage Plans for Planned Development Districts shall be included within the development proposals and shall be approved along with the Planned Development.

6.8 Signs Permitted by Sign Type

The following hereby establishes, defines, regulates, and permits specific signs by type regardless of the zoning district in which the sign is placed:

Sign Type, Definition, and Regulations

6.8.1 Campaign Sign:

A sign that advertises a candidate or issue to be voted upon by the public on a definite election day.

(1) Signs may not be located within public right-of-way.

(2) Signs may not exceed 16 square feet.

(3) Signs shall be ground signs, not wall signs or banners.

(4) Campaign signs shall be removed within 14 days following the election.

6.8.2 Coming Soon Sign:

A sign placed at a construction site identifying or announcing a development that is underway and the name of the architect, engineer, contractor, financier, or others involved.

(1) Sign may announce a development that is underway, but contain no other advertising of merchandise.

(2) Sign shall be on-site.

(3) One sign is permitted at each public street that provides access to the site.

(4) Maximum square footage is 32 square feet per sign (may not be combined).

(5) Maximum height is 8 feet.

(6) The signs shall be removed within 90 days of the first sale of the final lot or when permanent signage is installed, whichever is first.

(7) The sign shall be a freestanding sign and shall not be a prohibited sign type.

6.8.3 Community Sign:

A sign identifying the name of a neighborhood, district, or community.

(1) One sign per corner (2 at each street entrance) is permitted.

(2) Limited to 24 square feet per sign (not to be combined.)

(3) Maximum height is 8 feet

(4) Spot-lighting is permitted. Internal lighting is prohibited.

(5) Changeable copy is prohibited.

6.8.4 Directional Sign:

An on-premise sign designed to guide vehicular and/or pedestrian traffic by using such words as "Entrance," "Exit," "Parking," "One-Way," or similar direction or instruction, including the name or logo of the business, but not including any other advertising message.

(1) Directional signs are limited to 4 square feet each side, two sides maximum.

6.8.5 FLAG:

A piece of durable fabric of distinctive design attached to a permanent pole that is used as a symbol.

(1) National, state, municipal, and religious flags are permitted.

6.8.6 GRAND OPENING / GOING-OUT-OF-BUSINESS SIGNAGE:

Decoration and signage advertising that a business has recently opened or that one is going out of business.

(1) Permit must be obtained within 60 days of the opening of a new business and no more than 60 days prior to the closing of a business.

(2) All decoration and signage must be on the premises of the subject business. Off-site advertising and decoration is prohibited.

(3) Decoration and signage may be displayed for a period not to exceed 30 days.

(4) Decorations and signage shall not interfere with vehicular sight distance.

(5) No more than two permits shall be issued to any one business within the same year.

(6) Businesses that are closing must register with the City Clerk prior to the issuance of any going-out-of-business signage permit.

(7) Decoration and signage may include

    a. one temporary banner up to 62 square feet, or two banners at 32 square feet each; and

    b. streamers

    c. one windsock

    d. one spotlight

6.8.7 HISTORIC SIGN:

A sign erected prior to 1960 and located within the Uptown District.

(1) Non-conforming historic signs may be restored, but not expanded.

6.8.8 INCIDENTAL SIGN:

A sign used in conjunction with equipment or other functional elements of a use or operation, not advertising or business identification. Text is typically not legible from public right-of-way.

Text shall not be legible from public right-of-way.

6.8.9 KIOSK:

A pedestrian scale sign which identifies the names and location of multiple uses within shopping centers, shopping streets or arcades, office complexes, schools, churches, institutional or business campuses, and similar large complexes which have a variety of tenants and/or uses.

(1) Maximum square footage is 32 per side; may be four sided.

(2) Maximum height is 8 feet.

(3) Text size is limited to 5 inches.

6.8.10 LOTTERY SIGN:

A sign advertising the participation of an establishment in the playing of the North Carolina State Lottery.

(1) Each business may have one additional ground sign limited to 4 square feet, plus one additional window, door, or wall sign limited to 4 square feet advertising the North Carolina.

(2) Lottery signs may not advertise any other merchandise or contain the business name or logo.

6.8.11 OPEN / CLOSED SIGN:

A sign with copy limited to “open” and/or “closed,” indicating whether or not a business is open or closed.

(1) Permitted as building sign or to be hung inside/outside of window or door.

(2) Limited to one per establishment

(3) Neon permitted

(4) May flash or blink at a rate no quicker than 1 change every 1 second

(5) No strobe effect permitted.

(6) Must be direct wired if outside of the building.

6.8.12 PLAQUE:

A sign designating the name of a building and/or date of erection and other items such as architect, contractor, or others involved in the building's creation, cut into or attached to a building surface.

(1) Buildings may contain a plaque not to exceed 10 square feet.

(2) Plaques must be made of stamped concrete, etched stone or brick, or stamped metal.

6.8.13 NEWSPAPER BOX:

A sign directly applied to or within a newspaper box identifying the name of the newspaper and/or a display of the newspaper for sale within the box.

Newspaper box signs are permitted.

6.8.14 PRODUCE/FARM SIGN:

A sign advertising agricultural products produced on the premises.

(1) Maximum size is 4 square feet

(2) There will be a limit of one such sign for each street abutting the lot.

(3) Such signs will be taken down during the seasons in which those agricultural products are not being sold.

6.8.15 PUBLIC AUTHORITY ERECTED SIGN(S):

Any banner, flag, marker, monument, or sign erected by a Federal, State, County, or City government.

(1) Public Authority Erected Signs are permitted.

6.8.16 PUBLIC EVENT SIGN:

1.) A sign advertising a community-wide public event sponsored or endorsed by the City Council of the City of Lexington or the Davidson County Commissioners; 2.) A sign advertising a community-wide public event administered by a local church or non-profit agency with legal non-profit tax status.

Temporary Freestanding Sign:

(1) One on-site ground sign is permitted along each public street frontage. Sign(s) may be changeable copy.

(2) Maximum square footage is 32 square feet per sign (may not be combined).

(3) Maximum height is 8 feet.

(4) The sign(s) may be permitted for up to a 30 days.

(5) Such signs are permitted no more than 4 times per year with a minimum of 30 days between each permit.

(6) The sign(s) may be backlit, but no flashing or blinking signs will be permitted.

(7) Freestanding signs are permitted in conjunction with street banners and temporary banners.

Street Banner:

(1) A street banner may announce any one event for not more than 30 days.

(2) Street banners are permitted in conjunction with on-site ground signs and on-site temporary banners.

(3) Street banners may contain the name of the event and relative information announcing the event, as well as sponsor names and/or logos.

(4) The street banner may not exceed 75 square feet per side.

(5) The street banner may be hung over North or South Main Street and in other locations approved by the City.

(6) Street banners intended to be hung over public streets shall comply with the following:

a. Only employees or designees of the City of Lexington are authorized to hang banners over streets.

b. The construction design and material of a banner intended to be hung over public streets shall be approved by the City of Lexington Electric Department.

c. Banners to be hung over streets shall be constructed of mesh material in order to allow air penetration.

d. Banners to be hung over streets shall be a minimum of 18 feet above the street.

In addition to temporary freestanding signs and street banners, the church / agency may apply for any erect a temporary banner in accordance with Section 6.8.16.

6.8.17 REAL ESTATE SIGN:

A sign used to offer for sale, lease, or rent the premises upon which such sign is placed.

(1) Maximum size is four square feet per side.

(2) Maximum number of sides is two.

(3) Exception: Parcels with direct frontage, or fronting service roads directly adjacent to right of way for Interstate 85, Business 85, U.S. 29/70, U.S. 52 and U.S. 64:

a. Maximum size is 50 square feet per side; and
b. Maximum number of sides is three; and
c. Square footage may not be combined on any side to exceed 50 square feet per side, and maximum internal angle shall be no greater than 90 degrees; and
d. Wood must be covered, treated, or painted; and
e. Maximum height is ten feet; and
f. Copy shall contain only information relative to the sale or lease of the property and necessary contact information; and
g. Sign shall not interfere with vehicular sight distance

6.8.18 TEMPORARY BANNER

(1) Temporary banners may be permitted for special announcements, events, or promotions.

(2) Only one temporary banner will be permitted per establishment at any given time.

(3) The applicant may apply for a temporary sign permit for a banner to be issued for a period not to exceed 60 days.

(4) The applicant may apply for an extension for an additional period of time, not to exceed 30 days. The extension may be denied if the banner has become worn, if the location of the banner does not comply with the original permit, or if it is determined that the banner does not otherwise comply with this ordinance.

(5) The banner may be no larger than 32 square feet.

(6) The banner shall be placed according to either of the following two methods:

(7) Attached securely to the building so that the banner does not move by wind, or

(8) Located on the ground or on an existing freestanding sign, but not interfering with vehicular sight distance.

6.8.19 VENDING MACHINE SIGN:

A sign directly applied to or contained within the vending machine identifying the goods offered for sale from the machine.

(1) No other advertising is permitted to be attached or applied to the machine.

SECTION 7. SUBDIVISIONS AND INFRASTRUCTURE

7.1 LOT STANDARDS

1. Previously platted lots within the Suburban Neighborhood and Traditional Neighborhood Districts shall not be re-subdivided to a size and/or width less than 80% of lots appearing on the same plat, or other platted lots within 200 feet.
2. All new lots must comply with the buildable lot standards for one of the building types permitted within the relative zoning district.

7.2 INFRASTRUCTURE CONSTRUCTION STANDARDS

7.2.1 INSPECTIONS AND TESTING

The City reserves the right to inspect and test improvements periodically during construction.

7.2.2 STREETS AND BLOCKS

(1) Streets require a minimum 50-foot right-of-way.

(2) All streets will be constructed in accordance with the design and construction standards of the City of Lexington.

(3) A minimum 5-foot utility easement will be provided adjacent to the dedicated street right-of-way on each side of the street.

(4) Streets are designed to be only as wide as necessary to accommodate the vehicular mix serving adjacent land uses while providing adequate access.

(5) The use of traffic calming devices such as raised intersections, lateral shifts, and traffic circles are encouraged as alternatives to conventional traffic control measures.

(6) All new streets shall have sidewalks constructed on at least one side. (See Sidewalk regulations.)

(7) Curbing is required along all streets unless a waiver is granted by City Council with a recommendation from Director of Public Works.

(8) Drainage will be provided using closed curb and gutter systems along all streets unless a waiver is granted by City Council with a recommendation from the Director of Public Works.

(9) Streets will interconnect within a development and with adjoining development. Permanent culs-de-sac (that cannot be extended in the future) are permitted only where topographic conditions and/or exterior lot line configurations offer no practical alternatives for connection or through

traffic. Street stubs shall be provided with development adjacent to open land to provide for future connections. Stubs shall extend to the property line.

(10) Where deemed necessary by the Director of Public Works, a pedestrian crosswalk at least 10 feet in width may be required to provide convenient public access to a public areas such as a park, greenway, or school. Crosswalks shall comply with the Americans with Disabilities Act.

(11) Streetlights will be installed by the developer along all streets at a minimum separation of 200 feet on each side of the street. Streetlights may be staggered or squared.

(12) The placement of streets shall create blocks that are generally be rectilinear in shape and range from a minimum of 150 feet to a maximum of 600 feet in length between cross-streets. The approving board or official may grant a waiver based upon the following findings of fact:

a. Topography is prohibitive to meeting said requirements and meeting said requirements would require grading to a much greater extent than an alternative street and block pattern; or

b. Meeting said requirements would mean that natural features including but not limited to knolls, habitats, wetlands, stands of trees, or streams, would be removed, disturbed, or damaged to a greater extent than an alternative street and block pattern; or

c. Meeting said requirements would create a conflict with existing buildings, public spaces, streets, or lots.

d. Blocks will have sufficient depth to allow 2 tiers of lots of minimum depth except where single tier lots are required to separate residential development from another type of use, or when abutting a perennial stream or lake.

7.2.3 SIDEWALKS

(1) All new streets shall have sidewalks constructed on at least one side.

(2) Sidewalks shall be concrete, brick pavers, or other similar material. Sidewalks may not be mulch, dirt, gravel, or other dust causing material.

(3) Sidewalks shall be a minimum of 5 feet in width and shall be constructed in accordance with the design and construction standards of the City of Lexington. The Director of Public Works will approve design and construction specifications.

(4) For all new subdivisions where the property adjoins existing sidewalks on both sides, the developer shall install sidewalk and dedicate the sidewalk for public right-of-way in order to connect to the existing sidewalk system.

7.2 INFRASTRUCTURE CONSTRUCTION STANDARDS

(5) For all new development, including Single-family Houses, where the property does not adjoin existing sidewalks, but the property fronts a thoroughfare, the developer shall install sidewalk and dedicate the sidewalk for public right-of-way.

7.2.4 UTILITIES

(1) All water and sewer utility plans must contain a Certified Engineer's seal.

(2) All water and sewer utilities will be constructed in accordance with the Design and Construction Standards of the City of Lexington.

(3) All new utilities shall be underground.

7.3 EXEMPT, MINOR, AND MAJOR SUBDIVISIONS ESTABLISHED

7.3.1 EXEMPT SUBDIVISIONS

(1) In accordance with North Carolina General Statutes 160A-376, as amended, some subdivisions are "exempt" from the approval process. The Director of Community Development may review and declare exempt subdivisions for recordation. Said declaration will be made upon a plat, or a map prepared by a registered surveyor to be used as an attachment to deed. The following subdivisions shall be considered exempt:

a. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this ordinance.

b. The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved.

c. The public acquisition by purchase of strips of land for the widening or opening of streets; or for public transportation system corridors including but not limited to sidewalks, bicycle lanes, greenways, bus lanes, bus stops, or passenger rail facilities; or for public utilities.

d. The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of this ordinance.

7.3.2 MINOR SUBDIVISIONS

(1) In accordance with North Carolina General Statutes 160A-376, cities may provide for expedited review of specified classes of subdivisions. The following subdivisions shall be classified as Minor Subdivisions and require approval by the Director of Community Development:

a. Subdivision of a tract into five or less lots, where no dedication of public right-of-way for new street construction or City maintenance is required, and where each of the resultant lots will have direct access to public water and sewer, and will meet the requirements of this ordinance.

b. The reconfiguration of adjoining unplatted parcels in order to transfer a portion of one parcel into an adjoining parcel where each of the resultant parcels are equal to or exceed the standards of this ordinance.

c. The division of land into burial plots in an existing or permitted cemetery.

d. The division of a parcel into separate tracts or parcels, or the creation of interest in lots or parcels, by means of (a) a deed of trust, mortgage, or similar security interest solely for the purpose of securing any bona fide obligation (including transfers of such parcels or tracts pursuant to foreclosure or deeds in lieu of foreclosure) and (b) releases from the liens and operation of such deeds of trust, mortgages, or similar security interests.

e. The division of a tract or parcel of land resulting from condemnation or deed in lieu of condemnation by either a public or private condemner.

7.3.3 Major Subdivisions

All subdivisions that are not declared exempt, and are not under the authority of the Director of Community Development for approval, shall be classified as Major Subdivisions and require approval of a preliminary plat by City Council with recommendation by the Planning Board.

7.4 Plats for Dedication – No Subdivision

Plats for the purpose of dedicating public infrastructure for acceptance of maintenance by the City or for right-of-way where no land subdivision is occurring shall be considered as Major Subdivision for the purpose of approval process.

7.5 Simultaneous approval with Zoning Permit

Major Subdivisions and Major Zoning Permits for the same development proposal may be reviewed and approved simultaneous as one item, but separate motions and votes shall be taken to recommend and approve preliminary plats and issuance of zoning permits.

7.6 Application for Major Subdivisions

The applicant will submit an Application for Major Subdivision on a form provided by the City with a preliminary plat and other required supporting documents to the Office of Community Development. Supporting documents for Major Subdivisions that include construction of public utilities and/or infrastructure include, but shall not be limited to, a general utility/infrastructure plan and a grading plan. (The City may also provide a combined Application for Major Subdivision and Major Zoning Permit.)

7.7 Utility/Infrastructure/Grading Plan review

The Director of Community Development will submit Utility/Infrastructure and Grading Plans to the City's Engineering Department for review prior to making a recommendation to the Planning Board and/or City Council for approval.

7.8 Expiration of Exempt Declaration and Minor Subdivision Approval

The declaration of exemption or the approval of minor subdivision shall expire and become null and void if the plat or deed with accompanying map has not been recorded at the Office of the Register of Deeds within one year of the date that the Director of Community Development signed the map. In such case, any subsequent subdivision would be required to meet regulations in effect at that time.

7.9 Expiration of Preliminary Plat

(1) The preliminary plat will expire one year from the date of approval if work has not commenced or if the project is declared as abandoned by the Director of Community Development based on the following findings of fact:

a. The applicant has failed to call for inspection of infrastructure for a period of 180 consecutive days; and/or

b. The applicant has not applied for any other permits necessary for the development of the property such as driveway permits from NC Department of Transportation or an Erosion Control Permit from NC Division of Environmental and Natural Resources; and/or

c. The applicant has failed to submit a final plat for the project.

7.10 Changes to Preliminary Plat

- Substantive changes proposed to an approved preliminary plat shall be reviewed by the Planning Board and approved or denied by the City Council. Otherwise, minor changes may be reviewed and approved by the Director of Community Development. Examples of minor changes include shifts in lot lines where resulting lots meet or exceed the standards of this Ordinance; signature blocks or statements; and grammatical or similar corrections. Examples of major changes include the addition of new lots; changes in the amount of right-of-way to be dedicated; and changes of proposed street names.

7.11 Grading, clearing, infrastructure construction

Only after receiving preliminary plat approval and other written approvals and necessary permits from the appropriate regulating agencies may the applicant begin grading, clearing, or infrastructure construction.

7.12 Model Home

One model home or townhome building may be constructed and occupied in each phase of a residential development before final plat approval, provided that the home has access to public water and sewer and the subsurface of the street on which the lot fronts is in place. The model may be occupied as a sales office for the residential development in which it is located, but may not be occupied as a dwelling unit until the final plat is approved.

7.13 Final Plat

(1) Approval of the preliminary plat by City Council and if applicable, an accompanying Resolution of Acceptance of Dedicated Public Land or Facilities for City Maintenance, constitutes approval final plat and acceptance of public facilities for City maintenance, conditional upon the applicant submitting the following to the Director of Community Development:

a. A final plat, signed by all owners of the property, that substantially matches the preliminary plat approved by City Council in all regulatory respects; and

b. Certified, detailed "as-built" survey of all public improvements, including a statement certifying that all public improvements are in accordance with the construction plans already approved by the City; and a title insurance policy indicating that all public improvements are complete, ready for dedication, and free and clear of any and all liens and encumbrances; or

c. In lieu of certified "as-built" survey and title insurance policy, a copy of a Performance Guarantee approved in accordance with Section 7.9.

(2) Upon certification that all conditions of the Resolution of Acceptance of Public Facilities for City Maintenance, if applicable, and all conditions of final plat approval have been satisfied, the Director of Community Development may sign the final plat for recording.

(3) Approved final plats shall be filed by the applicant for recording with the Register of Deeds of Davidson County within sixty (60) days of the date of approval; otherwise, such approval will be null and void. After recordation, the property owner shall provide one copy of the registered plat to the Office of Community Development.

7.14 PERFORMANCE GUARANTEE

After construction of a passable street and once each lot on the proposed subdivision has access to public water and public sewer, the developer may propose a Performance Guarantee for the remaining improvements including: placement of the last one (I) inch of asphalt, sidewalk construction, required landscaping, general site clean-up, backfill to curb, curb and gutter, and lot improvements. Performance Guarantees must be approved by City Council. Only a final plat(s) for the phase(s) of development covered within an approved Performance Guarantee may be approved for recording. Performance Guarantees shall comply with or contain the following provisions to ensure improvement completion within two years:

(1) Covenants shall run with the land and bind all successors, heirs, and assignees of the developer.

(2) The Performance Guarantee shall be recorded in the Davidson County Register of Deeds Office.

(3) The Performance Guarantee shall be in the form of a performance bond, cash escrow, or letter of credit as security for the improvements. The security shall be in an amount equal to one hundred twenty percent (120%) of the estimated cost of completion of the improvements. The amount of the escrow or letter of credit shall be reduced upon the acceptance only to the ratio that the cost of the public improvement for which dedication was accepted bears to the total cost of public improvements for the developer.

(4) Governmental units to which these contract and security provisions apply may file, in lieu of the contract and security, a certified resolution or ordinance from officers or agencies authorized to act in their behalf, agreeing to comply with the provisions of this Section.

(5) In those cases where the developer defaults on the terms of the guarantee, the City Attorney may then: (1) declare the guarantee to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the guarantee is declared to be in default; (2) obtain funds under the security and the City complete the improvements itself or through a third party; (3) assign its right to receive funds under the security to any third party, including a

subsequent owner of the development for which improvements were not constructed, in whole or in part, in exchange for that subsequent owner's promise to complete improvements in the development; and (4) exercise any other rights available under the law.

7.15 MAINTENANCE OF IMPROVEMENTS

(1) The developer shall be required to maintain all required public improvements on the individual lots and provide for snow removal on streets and sidewalks until the acceptance by the City for maintenance.

(2) The approval of a preliminary or final plat shall not be deemed to constitute or effect the acceptance by the City or public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat. The City Council may, by adoption of a resolution, accept any dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes. Upon adoption of said resolution, the City accepts maintenance of the land or facilities.

7.16 ISSUANCE OF BUILDING PERMITS / CERTIFICATES OF OCCUPANCY

When a Performance Guarantee is in effect, building permits may be issued, but no certificate of occupancy for any building in the subdivision beyond a model home or model townhome building shall be issued prior to the completion of the required improvements and the acceptance for maintenance of the publicly dedicated portions of those improvements by the City.

7.17 PENALTIES FOR TRANSFERRING LOTS IN UNAPPROVED SUBDIVISIONS

Any person who, being the owner or agent of the owner of any land located within the City of Lexington, that subdivides land in violation of this ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under this ordinance and recorded in the Office of the Davidson County Register of Deeds, shall be guilty of a Class 1 misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction of this penalty. The City may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the subdivision ordinance. Building permits required pursuant to G.S. 160A-417 may be denied for lots that have been illegally subdivided. In addition to other remedies, the City may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act or conduct.

The provisions of this section shall not prohibit any owner or its agent from entering into contracts to sell or lease by reference to an approved preliminary plat for which a final plat has not yet been properly approved or recorded with the register of deeds, provided the contract does all of the following:

(1) Incorporates as an attachment a copy of the preliminary plat referenced in the contract and obligates the owner to deliver to the buyer a copy of the recorded plat prior to closing and conveyance.

(2) Plainly and conspicuously notifies the prospective buyer or lessee that a final subdivision plat has not been approved or recorded at the time of the contract, that no governmental body will incur any obligation to the prospective buyer or lessee with respect to the approval of the final subdivision plat, that changes between the preliminary and final plats are possible, and that the contract or lease may be terminated without breach by the buyer or lessee if the final recorded plat differs in any material respect from the preliminary plat.

(3) Provides that if the approved and recorded final plat does not differ in any material respect from the plat referred to in the contract, the buyer or lessee may not be required by the seller or lessee to close any earlier than five days after the delivery of a copy of the final recorded plat.

(4) Provides that if the approved and recorded final plat differs in any material respect from the preliminary plat referred to in the contract, the buyer or lessee may not be required by the seller or lessee to close any earlier than 15 days after the delivery of the final recorded plat, during which 15-day period the buyer or lessee may terminate the contract without breach or any further obligation and may receive a refund of all earnest money or prepaid purchase price.

The provisions of this section shall not prohibit any owner or its agent from entering into contracts to sell or lease land by reference to an approved preliminary plat for which a final plat has not been properly approved under the subdivision ordinance or recorded with the register of deeds where the buyer or lessee is any person who has contracted to acquire or lease the land for the purpose of engaging in the business of construction of residential, commercial, or industrial buildings on the land, or for the purpose of resale or lease of the land to persons engaged in that kind of business, provided that no conveyance of that land may occur and no contract to lease it may become effective until after the final plat has been properly approved and recorded with the register of deeds.

SECTION 8. PLANS AND PLAT SUBMITTAL STANDARDS

The following standards shall apply:

8.1 SITE PLAN FOR MAJOR ZONING PERMIT	
Number and Format	(1) One (1) digital file in CAD, GIS Feature Class format, and/or (2) One (1) digital file in .pdf format.
Title block	(1) Applicant (2) Date and any revision dates (3) Parcel number(s) (4) Project (5) Property owner (6) Size of site
Map features	(1) Legend (2) North arrow (3) Scale (4) Vicinity map
Property	(1) Existing and proposed zoning districts on site and within 100 feet (2) Location and dimension of existing and proposed property lines and lot areas (3) Names of adjacent property owners (4) Site boundaries, distances and intersecting boundaries
Features	The location, dimension, and/or description of the following features with notation describing if the feature is existing or proposed, to remain or be removed or altered: (1) 100 year floodplain and watercourses (2) Access easements (3) Buildings and structures (4) Exterior lighting and/or street lights (5) Ground-mounted sign (6) Landscaping (location and classification of plant materials)

8.1 SITE PLAN FOR MAJOR ZONING PERMIT	
	(7) Recreation areas / parks (8) Right-of-way of public or private streets, sidewalks, greenways, railroads, and alleys (9) Significant cultural or historical features (10) Significant stands of trees or other significant natural features (11) Vehicular surface areas - paved or gravel drives, parking spaces and handicap parking spaces, stacking spaces, and loading areas
Utility Access	(1) The site plan shall show the proposed access to water and sewer. (2) The site plan shall show the proposed access to public storm drain system and/or runoff retention methods.
Development Table	Proposed: (1) Building / structure size (2) Gross residential units per acre, if applicable (3) Total number and type of parking spaces, if applicable (4) Vehicular surface area – material and acreage (5) Use

8.2 BUILDING ELEVATION PLAN FOR MAJOR ZONING PERMIT	
Number and Format	(1) One (1) digital file in .pdf or .jpeg format. Can be a photograph or architectural rendering illustrating the proposed appearance of the building or structure.
Title block	(1) Applicant (2) Date and any revision dates (3) Size of site (4) Parcel number(s) (5) Project (6) Property owner
Features	(1) Building elevation table containing: a. Color palate b. Exterior finish materials c. Height of all structures d. Dimensions of windows and doors e. Design and intensity of building lighting fixtures f. Legend of Symbols g. Roof pitch (2) Photo(s) illustrating like construction from all sides, and/or front, rear, left side, and right side color illustrations of proposed building(s) (3) Proposed building signage, if applicable (art, dimensions, and placement)

8.3 PLATS (PRELIMINARY AND FINAL)

NCGS Standards	Plats must be drawn in accordance with North Carolina General Statutes 47-30.
Number and Format	(1) Two (2) hard copies at either 24" x 36" or 18" X 24"; and (2) One (1) digital file in CAD, GIS Feature Class format, and/or (3) One (1) digital file in .pdf format.
Title block	(1) Date and any revision dates (2) Name and contact information for applicant (3) Parcel number(s) (4) Project name (5) Property owner (6) Size of site
Map features	(1) Legend (2) North arrow (3) Scale (4) Vicinity map
Property	Existing and Proposed (1) Names of adjacent property owners (2) Property lines and lot areas (3) Recreation areas (4) Right-of-ways (5) Site boundaries, distances and intersecting boundaries (6) Street names (7) Trails, greenways, or bicycle facilities (8) Zoning districts on site and within 100 feet
Features	The location, dimension, and/or description of the following features with notation describing if the feature is existing or proposed, to remain or be removed or altered: (1) 1% floodplain and watercourse and buffers (2) Access easements

8.3 PLATS (PRELIMINARY AND FINAL)	
	(3) Buildings and structures (4) Exterior lighting and/or street lights (5) Ground-mounted sign (6) Landscaping areas (plant classification not necessary) (7) Right-of-way of public or private streets, sidewalks, greenways, railroads, and alleys (8) Recreation areas (9) Significant cultural or historical features (10) Significant stands of trees, other natural and water features (11) Vehicular surface areas
Development Table	Proposed: (1) Acreage in residential uses (2) Acreage in recreation area (3) Acreage in non-residential uses (4) Gross density/acre (5) Total number of lots (6) Total number of non-residential units (7) Total number of parking spaces (8) Total number of residential units (9) Total percentage of impervious surfaces (10) Use of tract
Certifications	(1) Surveyor or Engineer Seal, with source of boundary information (2) Public Works certification of water and sewer availability (3) Soil, erosion control, and sedimentation approval (4) County Health Department approval for individual well and septic systems (5) Certificate of improvements (6) Certificate of approval (7) Certificate of survey and accuracy (8) Certificate of ownership and dedication

(9) Flood elevation certification

(10) Review officer certification

(11) NCDOT certification

(12) Certificate of Approval for Recording by the City of Lexington:

Certificate of Approval for Recording by the City of Lexington, North Carolina

I hereby certify that the plat shown hereon:
☐ is declared exempt from the subdivision regulations of the City of Lexington and is therefore approved for recording in the Office of the Register of Deeds of Davidson County.
☐ is declared a minor subdivision and has been approved by staff in accordance with the City of Lexington Land Use Ordinance, and is therefore approved for recording in the Office of the Register of Deeds of Davidson County.
☐ is declared a major subdivision and was approved by City Council on _____ (date) in accordance with the City of Lexington Land Use Ordinance, and is therefore approved for recording in the Office of the Register of Deeds of Davidson County.

_____ _____ Date
Director of Business & Community Development

- Acceptance for Maintenance of Required Improvements:

Acceptance for Maintenance of Required Improvements

I hereby certify that all streets, utilities, and other required improvements:
☐ are complete and accepted for maintenance by City Council, or
☐ are incomplete, not yet accepted, but have been guaranteed through a development agreement approved by City Council; or
☐ are private and will not be accepted for maintenance.

_____ _____
Date Director of Public Services

8.4 GRADING PLAN	
Number and Format	(1) Two (2) hard copies at either 24" x 36" or 18" X 24"; and (2) One (1) digital file in CAD, GIS Feature Class format, and/or (3) One (1) digital file in .pdf format.
Title block	(1) Applicant (2) Date and any revision dates (3) Size of site (4) Parcel number(s) (5) Project (6) Property owner
Map features	(1) Legend (2) North arrow (3) Scale (4) Vicinity map
Property	(1) Existing and proposed zoning districts on site and within 100 feet (2) Location and dimension of existing and proposed property lines and lot areas (3) Names of adjacent property owners (4) Site boundaries, distances and intersecting boundaries

Features	The location, dimension, and/or description of the following features with notation describing if the feature is existing or proposed, to remain or be removed or altered: (1) 100 year floodplain and watercourses (2) Access easements (3) Building and structures (4) Exterior lighting and/or street lights (5) Ground-mounted sign (6) Known threatened or endangered plant or animal species (7) Known solid waste disposal sites (8) Known cemeteries or graves (9) Landscaping areas (plant classification not necessary) (10) Recreation areas (11) Right-of-way of public or private streets, sidewalks, greenways, railroads, and alleys (12) Significant cultural or historical features (13) Significant stands of trees or other significant natural features (14) Topography (15) Vehicular surface areas

8.4 UTILITY / INFRASTRUCTURE PLAN

(Installation of Public Water and/or Sewer, Streets, Curb, Storm drains, or Sidewalks)

Number and Format	(1) Two (2) hard copies at either 24" x 36" or 18" X 24"; and (2) One (1) digital file in CAD, GIS Feature Class format, and/or (3) One (1) digital file in .pdf format.
Title block	(1) Applicant (2) Date and any revision dates (3) Size of site (4) Parcel number(s) (5) Project (6) Property owner
Map features	(1) Legend

	(2) North arrow (3) Scale (4) Vicinity map
Property	(1) Existing and proposed zoning districts on site and within 100 feet (2) Location and dimension of existing and proposed property lines and lot areas (3) Names of adjacent property owners (4) Site boundaries, distances and intersecting boundaries
Features	The location, dimension, and/or description of the following features with notation describing if the feature is existing or proposed, to remain or be removed or altered: (1) 100 year floodplain and watercourses (2) Access easements (3) Buildings and structures (4) Exterior lighting and/or street lights (5) Ground-mounted sign(s) (6) Landscaping areas (identify location of large and small existing and proposed trees) (7) Monuments, markers, and control points (8) Street names (9) Recreation areas / parks (10) Right-of-way of public or private streets, sidewalks, greenways, railroads, and alleys (11) Significant stands of trees (12) Typical cross-section of proposed streets, including curb, gutter, and sidewalks (13) Topography (14) Vehicular surface areas (15) Utility easements (16) Utilities, including direction, size, and materials
Certifications	(1) Surveyor or Engineer Seal, with source of boundary information (2) Public Works certification of water and sewer availability (3) Reference number of Soil, Erosion Control, and Sedimentation Permit approved by NC Division of Environmental and Natural Resources, if applicable (4) Certificate of improvements (5) Certificate of survey and accuracy (6) Certificate of ownership and dedication (7) Flood elevation certification

	(8) NCDOT certification, if applicable
Development Table	(1) Proposed number and use of lots (2) Vehicular surface areas (material and acreage)

SECTION 9. LANDSCAPE METHODS AND STANDARDS

9.1 LANDSCAPED AREAS

(1) An area will be considered landscaped if it meets the following requirements:

a. 1 large tree per 800 square feet; and/or

b. 1 small tree per 400 square feet; and/or

c. 1 large shrub per 200 square feet; and/or

d. have 50% of the area planted in small shrubs, flowers, or lawn or decorative grasses.

(2) Areas covered in grass, dirt, field grass, or other unkempt groundcover void of the minimum amount of trees and shrubs are not considered landscaped.

(3) Hayfields permitted as a Principal or Accessory Use by Minor Zoning Permit shall not be considered landscaped.

(4) Outside of a wooded area, the ground covering in and around landscaped areas shall be lawn grass, mulch, pine needles, decorative grass, brick chips, stone (not gravel), or other similar material approved by the Director of Community Development.

9.2 PRESERVATION OF EXISTING VEGETATION

(1) Existing trees or stands of trees in good health and condition will be preserved whenever feasible.

(2) When selecting which trees to preserve, the following will be considered: existing and proposed grading; age, condition, and type of tree; and location of site improvements and utility connections.

(3) Trenching, placing backfill, driving, or parking equipment in the critical root zone, and the dumping of trash, oil, paint, or other materials detrimental to plant health in close proximity of the trees to be preserved is prohibited.

(4) The area within the protective barricade will remain free of all building materials, stockpiled soil, or other construction debris. Construction traffic, storage of vehicles and materials, and grading will not take place within the protective areas of the existing trees.

(5) Barricades will be erected at a minimum distance of 10 feet from the base of protected trees, or outside the dripline, whichever is greater.

(6) Where grading within a tree dripline cannot be avoided, cut and fill will be limited to ¼ to ½ of the area within the dripline, tree roots shall be pruned with clean cuts at the edge of the disturbed area, and no fill will be placed within the dripline of a tree without venting to allow air and water to reach the roots.

9.3 STANDARDS FOR TREES AND SHRUBS

9.3.1 QUALITY

All new plant material will be of good quality, installed in a sound, workman-like manner and meet the standards set forth in the American Standard for Nursery Stock by the American Association of Nurserymen.

9.3.2 METHODS

(1) Installation and construction practices will be utilized which preserve and replace existing topsoil or amend the soil to reduce compaction.

(2) Plants may not interfere with vehicular site distance.

9.3.3 LARGE TREES

Large Trees include Deciduous and Evergreen Trees that mature between 40 and 100 feet in height.

(1) Unless otherwise stated in this ordinance, at installation, large trees will not be less than 8 feet in height with a minimum 2-inch caliper.

(2) Where large trees are required and overhead utility lines exist, small trees planted at a double rate may be substituted.

(3) Acceptable species of **Large Evergreen Trees** include: Japanese Fir, Atlas Cedar, Deodar Cedar, Cedar of Lebanon, Leyland Cypress, Easter Red Cedar, Southern Magnolia, Norway Spruce, Oriental Spruce, Colorado Spruce, Lacebark Pine, Longleaf Pine, White Pine, Scotch Pine, Loblolly Pine, Japanese Black Pine, Douglas Fir, Laurel Oak, Live Oak, Canadian Hemlock and Carolina Hemlock.

(4) Acceptable species of **Large Deciduous Trees** include: Norway Maple, Red Maple, Silver Maple, Sugar Maple, European Hornbeam, Pecan, Southern Catalpa, Sugar Hackberry, Common Hackberry, Yellowwood, Persimmon, Beech, European Beech, White Ash, Maidenhair Tree, Thornless Honeylocust, Kentucky Coffee Tree, Sweet-Gum, Tulip Tree, Cucumber Tree, Dawn Redwood, Black Tupelo, Empress Tree, London Plane Tree, Sycamore, Sargent Cherry, Sawtooth Oak, White Oak, Scarlet Oak, Bur Oak, Water Oak, Pin Oak, Willow Oak, Eastern Red Oak, Black Oak, Weeping Willow, Japanese Pagoda Tree, Bald Cypress, American Linden, Littleleaf Linden, American Elm, and Japanese Zelkova.

9.3 STANDARDS FOR TREES AND SHRUBS

9.3.4 SMALL TREES

Small Trees include Deciduous and Evergreen Trees that mature at between 10 and 35 feet in height.

(1) Unless otherwise stated in this ordinance, at installation, Small Trees will be a minimum height of 6 feet in height.

(2) Acceptable species of **Small Evergreen Trees** include: Arizona Cypress, Loquat, Hybrid Holly, Foster Hybrid Holly, Dahoon, Myrtle-Leaved Holly, Nellie Stevens Holly, American Holly, Devilwood, Yellow-Groove Bamboo, Austrian Pine, Virginia Pine, Carolina Cherry-Lauren, Japanese Evergreen Oak, Ring-Cupped Oak, Palmetto, and Windmill Palm.

(3) Acceptable species of **Small Deciduous Trees** include: Trident Maple, Amur Maple, Paperbark Maple, Japanese Maple, Laceleaf Japanese Maple, Manchustriped Maple, Ohio Buckeye, Mimosa, Serviceberry, River Birch, European White Birch, Japanese White Birch, American Hornbeam, Eastern Redbud, Flowering Dogwood, Kousa Dogwood, Cornelian-Cherry Dogwood, Smoketree, Washington Hawthorn, Russian-Olive, Chinese Parasol Tree, Franklinia, Carolina Silverbell, Chinese Witch-Hazel, Chinese Flame Tree, Golden-Rain-Tree, Golden-Chain, Crape-Myrtle, Bigleaf Magnolia, Saucer Magnolia, Umbrella Magnolia, Apple, Flowering Crab Apple, White Mulberry, Weeping White Mulberry, Sourwood, Pistachio, Pissard Plum, Sour Cherry, Peach, Japanese Cherry, Weeping Cherry, Yoshino Cherry, Pomegranate, Callery Pear, Goat Willow, Common Sassafras, Mountain-Ash, Chinese Elm, Blackhaw Viburnum, Southern Blackhaw.

9.3.5 SMALL SHRUBS

Small shrubs, including dwarf and semi-dwarf varieties, are typically used for ornamentation and mature at 4 feet.

(1) Small shrubs are not used to meet impact buffer and screening requirements.

(2) There is no requirement regulating the minimum height at installation.

(3) Examples of Small Evergreen Shrubs include: Satsuki Hybrid Azalea, Kurume Azalea, Warty Barberry, Harland Boxwood, Korean Boxwood, Dwarf Boxwood, Dwarf Hinoki Cypress, Rockspray Cotoneaster, Alexander Laurel, Winter Daphne, Evergreen Bittersweet, Dwarf Japanese Euonymus, Dwarf Gardenia, Saint John's Wort, Carissa Holly, Dwarf Horned Holly, Japanese Holly, Heller Japanese Holly, Kingsville Japanese Holly, Repanden Japanese Holly, Stokes Japanese Holly, Japanese Holly, Dwarf Yaupon, Prostrate Juniper, Parsons Juniper, Tamarix Juniper, English Lavender, Coasal Leucothoe, Drooping Leucothoe, Curlyleaf Ligustrum, Yunnah Honeysuckle, Oregon Holly-Grape, Mugo Pine, Otto Laurel, India Hawthorn, Rosemary, Japanese Skimmia, Reeves Skimmia, David Viburnum, and Adam's Needle Yucca.

(4) Examples of Small Deciduous Shrubs include: Beautyberry, Japanese Flowering Quince, Slender Deutzia, Dwarf Fothergilla, owhill Hydrangea, Kalm, Saint John's Wort, Goldflower, Winter Jasmine, and Bush Cinquefoil.

9.3.6 MEDIUM SHRUBS

Medium shrubs, some of which may be used to form hedges, mature at between 4 and 6 feet in height.

(1) Unless otherwise stated in this ordinance, at installation, medium shrubs shall be a minimum of 2 feet in height.

(2) Acceptable species of **Medium Evergreen Shrubs** include: Glossy Abelia, Japanese Acuba, Glenn Dale Azalea, Kaempferi Azalea, Wintergreen Barberry, Japanese Boxwood, American Boxwood, Spreading Euonymus, Japanese Fatsia, Cape-Jasmine, Dwarf Burford Holly, Convexa Japanese Holly, Hetzi Japanese Holly, Littleleaf Japanese Holly, Roundleaf Japanese Holly, Japanese Holly, Flowering Jasmine, Pfitzer Juniper, Mountain-Laurel, Leatherleaf Mahonia, Cluster Mahonia, Northern Bayberry, Nandina, Mountain Andromeda, Japanese Andromeda, Narrow-Leaved English Laurel, Schipka Laurel, Zabel Laurel, Scarlet Firethorn, Lowdense Pyracantha, Yeddo-Hawthorn, Carolina Rhododendron, Hybrid Rhododendron, Delavay Tea Olive, Japanese Yew, Sandankwa Viburnum, Mound-Lily Yucca

(3) Acceptable species of **Medium Deciduous Shrubs** include: Mollis Azalea, Mentor Barberry, Japanese Barberry, American Beautyberry, Japanese Beautyberry, Flowering Quince, Spreading Cotoneaster, Vernal With-Hazel, Bigleaf Hydrangea, Oakleaf Hydrangea, Kerria, Japanese Rose, Rugose Rose, Reeves Spirea, owmound Nippon Spirea, Thunberg Spirea, and Rabbiteye Blueberry.

9.3 STANDARDS FOR TREES AND SHRUBS

9.3.7 LARGE SHRUBS

Large shrubs may be used to form hedges, typically for impact buffers and screening, and mature at between 6 and 12 feet in height.

(1) Unless otherwise stated in this ordinance, at installation, large shrubs shall be a minimum of 3 feet in height.

(2) Acceptable species of **Large Evergreen Shrubs** include: Indian Azalea, Hedge Bamboo, Tree Boxwood, Bottlebrush, Camellia, Sasanqua Camellia, Tea Plant, Cleyera, Franchet Cottoneaster, Thorny Elaeagnus, Evergreen Euonymus, Pineapple Guava, English Holly, Chinese Holly, Burford Holy, Japanese Holly, Inkberry Holly, Lusterleaf Holly, Longstalk Holly, Perny Holly, Yaupon Holly, Weeping Yaupon Holly, Anisetree, Florida Anisetree, Hetzi Juniper, Hollywood Juniper, Laurel, Florida Leucothoe, Japanese Privet, Tall Glossy Privet, Variegated Chinese Privet, Loropetalum, Sweet Bay, Banana Shrub, Wax-Myrtle, Myrtle, Oleander, Fortune Tea Olive, Fragrant Tea Olive, Holly Osmanthus, Curlyleaf Tea Olive, Fraser Photinia, Red Photinia, Chinese Photinia, Pittosporum, Podocarpus, English Laurel, Formosa Firethorn, Intermediate Yew, Oriental Arborvitae, Japanese Viburnum, Sweet Viburnum, Leatherleaf Viburnum, Laurestinus Viburnum, and Spanish-Bayonet.

(3) Acceptable species of **Large Deciduous Shrubs** include: Flame Azalea, Exbury Hybrid Azalea, Pinxterbloom Azalea, Butterfly-Bush, Sweetshrub, Wintersweet, Fringetree, Pampas Grass, Willowleaf Cotoneaster, Scotch Broom, Pride of Rochester, Silverberry, Cherry Elaeagnus, Autumn Elaeagnus, Winged Euonymus, Strawberry-Bush, Pearlbush, Common Fig Tree, Border Forsythia, Common Witch-Hazel, Rose of Sharon, Peegee Hydrangea, Possumhaw, Winterberry, Beautybush, Winter Honeysuckle, Star Magnolia, Sargent Crab Apple, Sweet Mockorange, Hardy Orange, Plumleaf Azalea, Bridalwreath Spirea, Vanhoutte Spirea, Persian Lilac, Common Lilac, Salt Cedar, Burkwood Viburnum, Linden Viburnum, Judd Viburnum, Chinese owball, European owball, Doublefile Viburnum, Wright Viburnum, Chaste Tree, and Weigela.

9.4 ALTERNATIVE METHODS OF COMPLIANCE

(1) Alternate landscaping plans, plant materials, or planting methods may be used where unreasonable or impractical situations would result from application of landscaping requirements or where necessary to protect existing vegetation. Such situations may result from streams, natural rock formations, topography, or other physical conditions; or from lot configuration, utility easements, unified development design, or unusual site conditions.

(2) The Director of Community Development may approve an alternate plan that proposes different plant materials or methods provided that quality, effectiveness durability, and performance are equivalent to that required by this ordinance.

(3) The performance of alternate landscaping plans will be evaluated by the Director of Community Development to determine if the alternate plan meets the intent and purpose of this ordinance. This determination will take into account the land use classification of adjacent property, number of plantings, species, arrangement and coverage, location of plantings on the lots, and the level of screening height, spread, and canopy of the planting at maturity.

(4) Decisions of the Director of Community Development regarding alternate methods of compliance may be appealed to the Board of Adjustment.

9.5 Revisions to Approved Landscape Plans

Minor revisions to planting plans may be approved by the Director of Community Development if there is no reduction in the quantity or quality of plant material.

9.6 Landscape Installation Required Prior to Certificate of Occupancy

A Certificate of Occupancy for the development will not be issued unless the landscaping required under this section is installed in accordance with these standards and in accordance with the approved site plan or subdivision plat. The Director of Community Development may issue a temporary Certificate of Occupancy with a landscape extension for not more than six months.

9.7 Maintenance and Replacement of Disturbed and Damaged Vegetation

(1) The owner of the property is responsible for the continued proper maintenance of all landscaping materials required by this ordinance and will keep them in a proper, neat and orderly appearance, free from refuse and debris.

(2) The City of Lexington will not be responsible for the maintenance of any vegetation required by this ordinance unless such vegetation is located on property owned by the City of Lexington.

(3) The disturbance of any landscaped area or vegetation required by this ordinance is prohibited. Any disturbed or damaged landscaped areas and vegetation will be replanted to meet the standards of this ordinance.

(4) Trees or vegetation required by this ordinance that die will be removed within 30 days and replaced with new vegetation meeting the standards of this ordinance within 90 days.

SECTION 10. ZONING / DEVELOPMENT APPROVAL PROCESS

A Zoning Permit is required for the use or development of land with few exceptions. The degree of review for issuance of a Zoning Permit is relative to the size, scale, complexity, location, or potential impact of the proposed use or development. Minor Zoning Permits are approved and issued at the staff level, while Major Zoning Permits require review by the Planning Board and approval by City Council. Special Use Permits are issued by the Board of Adjustment and are based on a proposal's ability to meet a specific set of conditions.

Uses, building types, structures, and features are used as regulatory mechanisms in this ordinance. For each building type, structure, or feature, there is a corresponding set of Design Regulations contained within Section 4. All proposals shall comply with the District Regulations as well as the applicable Design Regulations in order to receive the necessary Zoning Permit. All development proposals will be categorized and reviewed for approval in accordance with the following:

10.1 EXEMPT DEVELOPMENT

A Zoning Permit is not required for the following:

(1) Street construction or repair.

(2) Placement of electric power, telephone, fiber optic, cable television, gas, water, and sewer lines, wires, or pipes, together with supporting poles or structures, or utility services located within a utility easement or right-of-way.

(3) Utility substations, buildings at existing utility treatment plants.

(4) Interior and exterior alterations and renovations which do not alter the footprint, height, or exterior materials of an otherwise conforming use and/or structure.

10.2 MINOR ZONING PERMIT

The applicant will submit an Application for Minor Zoning Permit on a form provided by the City with required supporting documents, to the Office of Community Development. The Director of Community Development or his/her designee may approve and issue Minor Zoning Permits for the following:

(1) Occupancy of an existing building or structure in accordance with Section 3, District Regulations. (A Minimum Housing Code Inspection or Business Compliance Inspection may be necessary for a Certificate of Occupancy or utility service.)

(2) New development and permitted uses in accordance with Section 3, District Regulations, Section 4, Design Regulations, and Section 5, Criteria for Specific Uses.

(3) Signs in accordance with Section 6, Sign Regulations

(4) Special Events in accordance with Section 3, District Regulations.

(5) Bona fide farm buildings.

10.3 MAJOR ZONING PERMIT APPROVAL PROCESS

10.3.1 APPROVAL

Major Zoning Permits are approved by City Council with Planning Board recommendation. Approval of a Major Zoning Permit is based in the proposal's compliance with this Ordinance. Only those conditions that provide for compliance with this Ordinance may be applied by City Council. A Major Zoning Permit proposal that, in every respect, is in compliance with this Ordinance shall not be denied.

10.3.2 INFORMATIONAL MEETING WITH STAFF

Prior to submittal of an Application for Major Zoning Permit, applicants are strongly encouraged to schedule an informational meeting with the Director of Community Development and Director of Public Works to discuss the proposal. This meeting is non-binding, and does not confer upon the applicant any vested or development rights.

10.3.3 APPLICATION SUBMISSION AND SUPPORTING DOCUMENTS

(1) The applicant will submit an Application for Major Zoning Permit on a form provided by the City with required supporting documents to the Office of Community Development.

(2) Supporting documents include, but are not limited to, Building Elevation Plan and Site Plan. Additional supporting documents will be required if the Major Zoning Permit is accompanied by a Major Subdivision.

10.3.4 STAFF REVIEW AND RECOMMENDATION TO PLANNING BOARD

(1) The Director of Community Development will distribute the proposal to appropriate city staff for a review and comment period. The Office of Community Development will provide the applicant with staff comments, if any, for revision.

(2) Applications that are complete with any necessary revisions, and submitted prior to the third Monday the month at 5:00 p.m., will be placed on the Planning Board agenda for the next scheduled meeting.

10.3.5 PLANNING BOARD PUBLIC MEETING, REVIEW, AND RECOMMENDATION TO CITY COUNCIL

10.3 MAJOR ZONING PERMIT APPROVAL PROCESS

(1) The Planning Board will review the item during a public meeting and receive staff recommendation. At the public meeting, the applicant and the public shall be given an opportunity to provide input concerning the issuance of the Major Zoning Permit and ask questions concerning the proposed development. Responses may be provided by staff, the applicant, Planning Board members, or other interested parties.

(2) The owner of that parcel of land as shown on the county tax listing, and the owners of all parcels of land abutting that parcel of land as shown on the county tax listing, shall be mailed a notice of the meeting by first class mail at the last addresses listed for such owners on the county tax abstracts. This notice must be deposited in the mail at least ten but not more than twenty-five days prior to the date of the meeting. The Director of Community Development or his designee shall certify in writing to the Planning Board that fact, and such certificate shall be deemed conclusive in the absence of fraud.

(3) The Director of Community Development shall prominently post a notice of meeting on the site of the proposed Major Zoning Permit or on an adjacent public street or highway right-of-way. When multiple parcels are included within the proposed Major Zoning Permit, a posting on each individual parcel is not required, but the notices shall be sufficient to provide reasonable notice to interested persons. Said posting shall occur between ten and twenty-five days prior to the date of the meeting.

(4) The Planning Board will have up to sixty days from the date of the meeting to recommend City Council approve, conditionally approve, or deny the Application for Major Zoning Permit. The Planning Board may suspend the review period to request additional information of the applicant, other agencies, or interested/affected parties in order to aid in the review of the application. If the Planning Board fails to make a recommendation to City Council within this time frame, adding the addition of any temporary suspension period, the applicant may request that the item be forwarded to City Council for action without the Planning Board recommendation.

10.3.6 CITY COUNCIL APPROVAL

City Council will receive the staff and Planning Board recommendation and may take action on the item as regular business or under the consent portion of the agenda.

(1) Following a denial by the City Council, the Applicant may not submit a new Application for Major Zoning Permit for the same property within one (1) year of the date of denial by the City Council unless the application significantly differs from the previously denied application. Decisions of the City Council are considered final.

(2) Appeals of decisions by the City Council shall be filed with Clerk of Superior Court within thirty (30) days.

10.3 MAJOR ZONING PERMIT APPROVAL PROCESS

(3) If the Application for a Major Zoning Permit requires a rezoning, a separate Petition to Amend the Zoning Map shall be submitted as well and the two issues may be reviewed simultaneous.

10.3.7 ISSUANCE OF ZONING PERMIT AND OTHER APPROVALS

Upon approval by the City Council, and compliance with any conditions imposed by Council, the Director of Community Development will issue the Major Zoning Permit.

10.3.8 EXPIRATION OF MAJOR ZONING PERMIT

The Major zoning Permit will lapse and become invalid if 1) the work for which it was issued has not begun within one year of the date of issue; or 2) the work for which it was issued is discontinued for a period of 365 consecutive days; or 3) a certificate of occupancy for principal uses and structures, is not obtained within two (2) years from the date of issuance of the permit.

10.3.9 RENEWAL OF EXPIRED MAJOR ZONING PERMIT

The Director of Business and Community Development, or their designee, may re-issue a Major Zoning Permit granted it be able to meet the following criteria:

(1) The applicant request that their Major Zoning Permit be renewed no more than 90 days after expiration date.
(2) No changes have been made to the Major Zoning Permit, such as design, use of property, owner of property, etc.
(3) No changes have been made to the City of Lexington's Land Use Ordinance that would affect the Permit in any way.
(4) Application is reviewed by department heads for input.

10.4 SPECIAL USE PERMIT APPROVAL PROCESS

10.3.1 APPROVAL

Special Use Permits are issued by the Board of Adjustment with a recommendation from the Director of Community Development. A separate Minor or Major Zoning Permit is not required with a Special Use Permit. Approval of a Special Use Permit is based in the proposal's compliance with this Ordinance. Only those conditions that provide for compliance with this Ordinance may be applied by the Board of Adjustment. A Special Use Permit proposal that, in every respect, is in compliance with this Ordinance shall not be denied.

10.4.1 INFORMATIONAL MEETING

Prior to submittal of an Application for Special Use Permit, applicants are strongly encouraged to schedule an informational meeting, preferably on-site, with the Director of Community Development to discuss the proposal. This meeting is non-binding, and does not confer upon the applicant any vested or development rights.

10.4.2 APPLICATION FOR SPECIAL USE PERMIT

The applicant will submit an Application for Special Use Permit on a form provided by the City with required supporting documents to the Office of Community Development. Supporting documents may include a Building Elevation Plan and Site Plan if the proposal involves new development or changes to the site.

10.4.3 STAFF REVIEW AND PLACEMENT OF ITEM ON AGENDA

(1) The Director of Community Development will circulate the Application for Special Use Permit and supporting documents to appropriate city staff for a review and comment period. The Office of Community Development will provide any comments for revision to the applicant.

(2) Applications that are complete with any necessary revisions, and submitted prior to the third Monday the month at 5:00 p.m., will be placed on the Board of Adjustment agenda for the next scheduled meeting.

10.4.4 BOARD OF ADJUSTMENT PUBLIC HEARING AND ISSUANCE OF SPECIAL USE PERMIT

10.4 SPECIAL USE PERMIT APPROVAL PROCESS

The Board of Adjustment will follow the quasi-judicial procedures outlined below for issuing Special Use Permits.

(1) The Director of Community Development will schedule a public hearing before the Board of Adjustment to receive citizen input concerning the Special Use Permit.

(2) The owner of that parcel of land as shown on the county tax listing, and the owners of all parcels of land abutting that parcel of land as shown on the county tax listing, shall be mailed a notice of a public hearing on the proposed Special Use Permit by first class mail at the last addresses listed for such owners on the county tax abstracts. This notice must be deposited in the mail at least 10 but not more than 25 days prior to the date of the public hearing. The Director of Community Development or his designee shall certify to the Board of Adjustment in writing that fact, and such certificate shall be deemed conclusive in the absence of fraud.

(3) The Director of Community Development shall prominently post a notice of public hearing on the site of the proposed Special Use Permit or on an adjacent public street or highway right-of-way. When multiple parcels are included within the proposed Special Use Permit, a posting on each individual parcel is not required, but the notices shall be sufficient to provide reasonable notice to interested persons. Said posting shall occur between ten (10) and twenty-five (25) days prior to the date of the public hearing.

(4) During the public hearing, all parties presenting testimony and evidence shall be duly swear or affirm to tell the truth through an oath given by the Chair of the Board of Adjustment.

(5) At the meeting, the Director of Community Development will introduce the item and present staff analysis and recommendation.

(6) The evaluation and approval of the Special Use Permit shall be based upon the sworn testimony and evidence presented at the hearing relevant to meeting specific criteria established for the use, as well as the following findings of fact:

   a. The use meets the intent and requirements of the Land Use Ordinance;

   b. The use, if developed according to the plan submitted and approved, will be visually and functionally compatible with the surrounding area; and,

   c. The use will not materially endanger the public health or safety and will not substantially injure the value of adjoining property if located where proposed.

(7) The Board of Adjustment, in issuing a Special Use Permit, may prescribe appropriate conditions in conformity with this ordinance. The applicant shall be given reasonable opportunity to consider and respond to any additional requirements prior to approval or denial. Violation of such conditions, when made a part of the terms under which a Special Use Permit is granted, will be deemed a violation of this ordinance.

10.4 SPECIAL USE PERMIT APPROVAL PROCESS

(8) The burden of proof of producing evidence to support these findings and to overcome any challenges that approval of the Special Use Permit would be contrary to one or more of these findings rests entirely with the applicant.

(9) The Board will have sixty days from the date of the close of the public hearing to approve or deny the Special Use Permit. The Board may extend the review period to a certain date to request additional information of the applicant in order to aid in the review of the Special Use Permit. Failure to approve or deny the Special Use Permit within the prescribed time period will act as approval of the permit with no conditions. Confirmation of final action will be provided to the Applicant in writing. If the Special Use Permit is denied, the reasons for denial shall be provided.

(10) Following a denial, the Applicant may not submit a new Application for Special Use Permit for the same property within one year of the date of denial unless the proposal significantly differs from the previously denied application. Decisions of the Board are considered final.

(11) Appeal of a decision by the Board shall be filed with Clerk of Superior Court within thirty days of the decision.

10.4.5 ISSUANCE OF SPECIAL USE PERMIT

Upon approval by the Board of Adjustment, the Director of Community Development will issue the Special Use Permit, which will include a list of any conditions.

10.4.6 EXPIRATION OF SPECIAL USE PERMIT

Unless otherwise authorized by the Board of Adjustment, the Special Use Permit will lapse and become invalid if 1) the work for which it was issued has not begun within one year of the date of issue; or 2) the work for which it was issued is discontinued for a period of 365 consecutive days; or 3) a certificate of occupancy for principal uses and structures, is not obtained within two (2) years from the date of issuance of the permit.

10.5 PLANNED DEVELOPMENT APPROVAL PROCESS

10.5.1 APPROVAL

The process for approving a Planned Development consists of City Council's adoption of an ordinance to rezone the subject property to Planned Development District, simultaneous to City Council's approval of a Planned Development Agreement and any preliminary subdivision plats, if applicable. The Planned Development Agreement serves as the master planning document, as well as the zoning regulations for the associated Planning Development District. Planned Developments are approved by City Council with Planning Board recommendation. Individual development within an approved Planned Development District will require a Minor Zoning Permit, which is issued by the Director of Community Development in accordance with the Planned Development Agreement. Final subdivision plats consistent with an approved Planned Development Agreement may be approved by the Director of Community Development.

10.5.2 INFORMATIONAL MEETING WITH STAFF

Prior to submittal of an Application for Planned Development, applicants are strongly encouraged to schedule an informational meeting with the Director of Community Development and Director of Public Works to discuss the proposal. This meeting is non-binding, and does not confer upon the applicant any vested or development rights.

10.5.3 APPLICATION FOR PLANNED DEVELOPMENT

The applicant will submit an Application for Planned Development with required supporting documents, including at a minimum the proposed Planned Development Agreement, to the Office of Community Development. Other supporting document may include, but are not limited to, preliminary plats, site plan, building elevation plan(s), utility and/or infrastructure plans, and grading plans.

10.5.4 STAFF REVIEW AND PLACEMENT OF ITEM ON AGENDA

(1) The Director of Community Development will distribute the proposal to appropriate city staff for a review and comment period. The Office of Community Development will provide the applicant with staff comments, if any, for revision.

(2) Applications that are complete with any necessary revisions, and submitted prior to the third Monday the month at 5:00 p.m., will be placed on the Planning Board agenda for the next scheduled meeting.

10.5 PLANNED DEVELOPMENT APPROVAL PROCESS

10.5.4 PLANNING BOARD PUBLIC MEETING, REVIEW, AND RECOMMENDATION TO CITY COUNCIL

(1) The Planning Board will review the item during a public meeting and receive staff recommendation. The applicant and the public shall be given an opportunity to provide input concerning the issuance of the Major Zoning Permit and ask questions concerning the proposed development. Responses may be provided by staff, the applicant, Planning Board members, or other interested parties.

(2) The owner of that parcel of land as shown on the county tax listing, and the owners of all parcels of land abutting that parcel of land as shown on the county tax listing, shall be mailed a notice of the meeting by first class mail at the last addresses listed for such owners on the county tax abstracts. This notice must be deposited in the mail at least ten but not more than twenty-five days prior to the date of the meeting. The Director of Community Development shall certify to the Planning Board that fact, and such certificate shall be deemed conclusive in the absence of fraud.

(3) The Director of Community Development shall prominently post a notice of meeting on the site of the proposed Planned Development and rezoning on an adjacent public street or highway right-of-way. When multiple parcels are included within the proposal, a posting on each individual parcel is not required, but the notices shall be sufficient to provide reasonable notice to interested persons. Said posting shall occur between ten and twenty-five days prior to the date of the meeting.

(4) The Planning Board will have up to sixty days from the date of the meeting to recommend City Council approve, conditionally approve, or deny the Planned Development. The Planning Board may suspend the review period to request additional information of the applicant, other agencies, or interested/affected parties in order to aid in the review of the application. If the Planning Board fails to make a recommendation to City Council within this time frame, adding the addition of any temporary suspension period, the applicant may request that the item be forwarded to City Council for action without the Planning Board recommendation.

10.5.5 CITY COUNCIL APPROVAL

City Council shall hold a public hearing for the purpose of receiving citizen input concerning the Planned Development, which will consist of rezoning the subject property to Planned Development District, and approval of the Planned Development Agreement, prior to taking action on the item.

(1) The owner of that parcel of land as shown on the county tax listing, and the owners of all parcels of land abutting that parcel of land as shown on the county tax listing, shall be mailed a notice of the public hearing by first class mail at the last addresses listed for such owners on the county tax

abstracts. This notice must be deposited in the mail at least ten but not more than twenty-five days prior to the date of the public hearing. The Director of Community Development or his designee shall certify in writing to the City Council that fact, and such certificate shall be deemed conclusive in the absence of fraud. Notice of the public hearing and notice of the Planning Board meeting may be combined if the required time periods are met for each notification.

(2) The Director of Community Development shall prominently post a notice of the public hearing on the site of the proposal or on an adjacent public street or highway right-of-way. When multiple parcels are included within the proposal, a posting on each individual parcel is not required, but the notices shall be sufficient to provide reasonable notice to interested persons. Said posting shall occur between ten and twenty-five days prior to the date of the public hearing. Posting notice of the public hearing and posting notice of the Planning Board meeting may be combined if the required time periods are met for each notification.

(3) Notice of the public hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation. The notice shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing. In computing such period, the day of the publication is not to be included but the day of the hearing shall be included.

(4) At the meeting, the Director of Community Development will introduce the item and present staff and Planning Board recommendation. The public shall be given an opportunity provide input concerning the approval of the Planned Development.

(5) City Council will have up to sixty days from the date of their first public hearing to either: refer the application back to the Planning Board; approve; conditionally approve; or deny the application. City Council may suspend the review period to request additional information of the Applicant, other agencies, or interested/affected parties in order to aid in the review of the application.

(6) Following a denial by the City Council, the Applicant may not submit a new Application for Planned Development for the same property within one year of the date of denial by the City Council unless the application significantly differs from the previously denied application. Decisions of the City Council are considered final. Appeals of decisions by the City Council shall be filed with Clerk of Superior Court within thirty days.

10.5.6 RECORDING

The Planned Development Agreement shall be filed by the applicant for recording with the Register of Deeds of Davidson County within sixty (60) days of the date of approval; otherwise, such approval will be null and void. After recordation, the applicant shall provide one copy of the registered Planned Development Agreement to the Office of Community Development.

10.5 PLANNED DEVELOPMENT APPROVAL PROCESS

10.5.7 ISSUANCE OF ZONING PERMIT AND OTHER APPROVALS

Upon approval by the City Council and receipt of the registered Planned Development Agreement in accordance with said approval, the Director of Community Development will amend the Zoning Map to reflect the rezoning with a reference to the recorded Planned Development Agreement.

SECTION 11. ADMINISTRATION AND ENFORCEMENT

11.1 ADMINISTRATION

11.1.1 PLANNING BOARD

The Planning Board shall be governed by NCGS 160A-361; the City of Lexington Code of Ordinances in which the Board was established; and the Rules and Procedures adopted by the Planning Board.

11.1.2 BOARD OF ADJUSTMENT

The Board of Adjustment shall be governed by NCGS 160A-388; the City of Lexington Code of Ordinances in which the Board was established; and the Rules and Procedures adopted by the Board of Adjustment.

11.1.3 CITY COUNCIL

Pursuant to NCGS 160A-361, the City Council shall have the following powers and responsibilities regarding the Land Use Ordinance:

1) To approve the Land Use Ordinance text and map and any subsequent amendments.
2) To approve issuance of Major Zoning Permits.
3) To approve Planned Development Agreements.
4) To approve Preliminary and/or Final Subdivision Plats.
5) To approve Plats for the purpose of dedicating public infrastructure or right-of-way
6) To approve Performance Guarantees.

11.2 ENFORCEMENT REGULATION

11.2.1 CHARGE OF ENFORCEMENT

The Director of Business & Community Development is charged with enforcement of this Ordinance. Decisions of the Director of Business & Community Development may be appealed to the Board of Adjustment.

11.2 ENFORCEMENT REGULATION

11.2.2 PERMIT REQUIRED

1) No building, feature, or structure, except as otherwise provided for in this ordinance, will be erected, moved, demolished, extended, enlarged, or structurally altered; nor will a use be conducted or changed upon a lot; nor will any grading, clearing, excavation, or filling of any lot for the construction of any building be commenced; nor will any lot be divided for the purpose of development until the required permit is issued by the appropriate City of Lexington official in accordance with this ordinance.
2) No building permit or certificate of occupancy will be issued until the required permit is issued by the appropriate City of Lexington official in accordance with this ordinance.

11.2.3 COMPLIANCE WITH PERMIT

Minor and Major Zoning Permits, or Special Use Permits issued on the basis of plans approved by the Director of Community Development, Office of Community Development, Board of Adjustment, Planning Board, or City Council authorize only the use, arrangement, and construction set forth in such approved plans and applications. Use, arrangement, or construction that differs from the authorized plans will be deemed a violation of this ordinance and will be punishable as a violation of this ordinance.

11.2.4 PERMIT RECORDS

The Office of Community Development will maintain a record of all: Minor and Major Zoning Permits, Special Use Permits, Building Permits, Planned Development Agreements, and Certificates of Occupancy. Copies of said documents will be made available as public record.

11.2.5 EXPIRATION OF PERMIT

Any Minor Zoning Permit, Major Zoning Permit, Special Use Permit, Building Permit, or Certificate of Occupancy will lapse and become invalid if 1) the work for which it was issued has not begun within one year of the date of issue; or 2) the work for which it was issued is discontinued for a period of 365 consecutive days; or 3) a certificate of occupancy for principal uses and structures, is not obtained within two (2) years from the date of issuance of the permit.

11.2.6 CERTIFICATE OF OCCUPANCY

No structure hereafter erected, moved, structurally altered, or changed in use will be used or occupied until a certificate of occupancy has been issued by the Office of Community Development.

11.3 VIOLATIONS

11.3.1 COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written or verbal complaint with the Director of Community Development who will properly investigate, and take action as provided by this ordinance.

11.3.2 TRANSFERRING LOTS IN UNAPPROVED SUBDIVISIONS

1) Any person who, being the owner or agent of the owner of any land located within the jurisdiction of the City of Lexington, thereafter subdivides his land in violation of this Ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under this ordinance and recorded in the office of the register of deeds, will be guilty of a misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land will not exempt the transaction from this penalty.
2) The City of Lexington may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land and the court may, upon appropriate findings, issue an injunction and order requiring the offending party to comply with this ordinance.

11.3.3 PENALTIES

When any structure, use, or landscaping is erected, constructed, reconstructed, altered, repaired, converted or maintained in violation of this ordinance as herein provided, one or more of the following actions or proceedings to prevent or rectify such violation may be instituted by the City Attorney, the Director of Community Development, the Director of Public Works, a City of Lexington Code Enforcement Officer, any other appropriate City official; or any person who may be damaged by such violation.

11.3.3.1 Order of Abatement	The City may apply for, and the court may enter into, an order of abatement as part of the judgment in the case, directing any of the following actions: 1) Buildings or other structures on the property to be closed, demolished, or removed; 2) Fixtures, furniture, or other moveable property to be moved or removed entirely; 3) Improvements, alterations, modifications, or repairs to be made; or

	4) Any other action to be taken that is necessary to bring the property into compliance with this ordinance.
11.3.3.2 Civil Penalty	In addition to the other remedies cited in this ordinance for the enforcement of its provisions, and pursuant to North Carolina General Statute 160A-175, the regulations and standards in this ordinance may be enforced through the issuance of civil penalties by the Director of Community Development as outlined in the City of Lexington Code of Ordinances, Section 1 General Provisions, Section 1-12, General Penalties; Continuing Violations, (c) 9.
11.3.3.3 Stop Work Order Issuance and Revocation of Permits	Whenever a building, structure, sign, or part thereof is being constructed, demolished, renovated, altered, or repaired in substantial violation of any applicable provision of this ordinance, the Director of Community Development may order the specific part of the work that is in violation, or would be when the work is completed, to be immediately stopped. The stop-work order will be in writing, directed to the person doing the work, and will state the specific work to be stopped, the specific reasons for cessation, and the action(s) necessary to resume work lawfully. The Director of Community Development may revoke any permit (i.e. Development, Building, Certificate of Occupancy, etc.) by written notification to the permit holder when violations of this ordinance have occurred. Permits may be revoked when false statements or misrepresentations were made in securing the permit, when work is being or has been done in substantial departure from the approved application or plan, when there has been a failure to comply with the requirements of this ordinance, or when a permit has been mistakenly issued in violation of this ordinance.
11.3.3.4 Injunction	Enforcement of the provisions of this ordinance may be achieved by injunction. When a violation occurs, the City may, either before or after the institution of other authorized action, apply to a court of competent jurisdiction for a mandatory or prohibitory injunction commanding the defendant to correct the unlawful condition or cease the unlawful use of the property.
11.3.3.5 Equitable Remedy	The City may apply to a court of competent jurisdiction for any appropriate equitable remedy to enforce the provisions of this ordinance. It is not a defense to the City's application for equitable relief that there are other remedies provided under general law or this ordinance.

11.3 VIOLATIONS

11.3.3.6 Execution of Court Decisions	If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he or she may be cited for contempt. The City may execute the order of abatement and place a lien on the property for the cost of executing the order. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and by posting a bond for compliance with the order. The bond shall be given with sureties approved by the Clerk of Superior Court in an amount approved by the judge before whom the matter was heard and will be conditioned on the defendant's full compliance with the terms of the order of abatement within the time fixed by the judge. Cancellation of an order of abatement does not suspend or cancel an injunction issued in conjunction with the order.
11.3.3.7 Criminal	Any person, firm, or corporation convicted of violating the provisions of this ordinance will, upon conviction, be guilty of a misdemeanor and will be fined an amount not to exceed five hundred dollars ($500) and/or imprisoned for a period not to exceed thirty (30) days. Each day of violation will be considered a separate offense, provided that the violation is not corrected within thirty (30) days after notice of violation is given.

11.4 APPEALS AND VARIANCES

11.4.1 INITIATION OF AN APPEAL OR VARIANCE

1) An appeal of an order, requirement, decision, interpretation, or citation made by the Director of Community Development may be initiated by any aggrieved party or by any officer, department, or board of the City.
2) A petition for appeal or variance shall be submitted in writing within thirty (30) days of the decision, order, determination, or interpretation.
3) A petition for a variance may be initiated only by the owner of the affected property, an agent authorized in writing to act on the owner's behalf, or a person having a written contractual interest in the affected property.
4) An appeal stays all proceedings in furtherance of the action appealed from, unless the Director of Community Development certifies to the Board that a stay would cause imminent peril to life or property. Upon certification, a stay in proceedings may occur by an order issued by a court of competent jurisdiction.

5) Except as otherwise noted, an appeal from a decision of the City Council or the Board of Adjustment shall be filed with a court of competent jurisdiction within thirty (30) days of the decision.

11.4.2 APPEAL PROCEDURES

The Board of Adjustment will hear and decide appeals and apply such interpretation to particular fact situations.

1) During the public hearing, all parties presenting testimony and evidence shall be duly sworn-in. Testimony regarding the request shall be presented and be considered in the findings-of-fact prescribed in this section.
2) In all matters coming before the Board of Adjustment, the applicant will have the burden of providing clear, competent, and material evidence in support of the application.
3) The Board of Adjustment may, after having held a public hearing on the matter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed.
4) The Board of Adjustment will have all the powers of the Director of Community Development in making any order, requirement, decision, interpretation, or determination with reference to an appeal or petition.
5) The Board may refuse to rehear an appeal previously denied if it finds there have been no substantial changes in conditions or circumstances bearing on the case.

11.4.3 VARIANCE PROCEDURES

The Board of Adjustment will have the power to vary or modify any of the regulations or provisions of this ordinance when practical difficulties, special conditions, or unnecessary hardships would result from carrying out the strict letter of this ordinance relating to the construction or alteration of buildings or structures or the use of land.

1) During the public hearing, all parties presenting testimony and evidence shall be duly sworn-in. Testimony regarding the request shall be presented and be considered in the findings-of-fact prescribed in this section.
2) The Board of Adjustment may only grant a variance following a public hearing on the matter and having made the following findings of fact:
    a. That there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance. The following general rules will be used by the Board in order to determine hardship:
        i. *If he complies with the provisions of the ordinance, the property owner can secure no reasonable return from, or make no reasonable use of, his property.* The courts have insisted that the property owner show that he is prevented from making <u>any</u>

reasonable use of his property. It is not sufficient, they declare, for him to provide merely that he could make a greater profit from his land if he were granted the variance.

ii. *The hardship results from the application of the ordinance.* The Board shall limit itself to evidence of the hardship resulting from the application of the ordinance to the property involved and other hardship is irrelevant to the decision.

iii. *The hardship is suffered by the applicant's property.* Hardships suffered by nearby properties or the community are not relevant.

iv. *The hardship is not the result of the applicant's own actions.* The applicant may not show hardship that he inflicted on himself or could have avoided. This is applied commonly in two cases: one where the owner knowingly violated the ordinance and then comes to the Board, citing his expenditures in making such violations as a loss if he is not permitted to continue. The other is when the owner buys the property knowing of the zoning restrictions and then complains because the restrictions impair the fulfillment of their plans.

v. *The hardship is peculiar to the applicant's property.* If the application of the regulation creates a community-wide hardship, where other property owners would come to the Board to ask relief from the same regulation, then that shall be handled through an ordinance revision, not through variances.

b. That the variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit; and

c. That in the granting of the variance, the public safety and welfare have been assured and substantial justice has been done.

3) The Board of Adjustment, in granting a variance, may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which a variance is granted, will be deemed a violation of this ordinance and will be punishable as prescribed in this section.

4) Unless otherwise authorized by the Board of Adjustment and included in its decision to grant a variance, an order of the Board of Adjustment in granting a variance will expire, if a building permit, or certificate of occupancy (for a use for which a building permit is not required), has not been obtained within one year from the date of its decision.

5) If an application for a variance is approved by the Board of Adjustment, the owner of the property will have the ability to develop the use in accordance with the stipulations contained in the variance or develop any other use listed as a "permitted use" for the zoning district in which it is located.

SECTION 12. AMENDMENTS

12.1 TEXT AMENDMENTS

1) A proposed amendment to the text of this ordinance may be initiated by the Director of Community Development; a member of the Planning Board, City Council, or other City Board or Commission; or any interested party.

2) Text amendments will be reviewed and recommended to City Council by the Planning Board.

3) Text amendments require adoption of an Ordinance by City Council following a public hearing before City Council. Notice of the public hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than ten days nor more than twenty-five days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

4) The Director of Community Development may make minor corrections to the text of this Ordinance without action by City Council upon finding that the correction is an oversight in language, graphics, or typographical in nature and would not result in a change in regulations or be in conflict with the intent of this ordinance.

12.2 MAP AMENDMENTS (REZONINGS)

1) An amendment to the Zoning Map (rezoning) may be initiated by the property owner, Director of Community Development; a member of the Planning Board, City Council, or other City Board or Commission; or any interested party by filing the appropriate application with the Office of Community Development.

2) The Director of Community Development is charged with maintaining the Zoning Map and ensuring to the best of his ability that the digital map records reflect the actions and intentions of City Council. The Director of Community Development may make minor corrections to the Zoning Map without action by City Council upon finding that the correction is an oversight or error in mapping.

3) Rezonings will be reviewed and recommended to City Council by the Planning Board. As part of the recommendation to City Council, the Planning Board shall issue a statement on whether the proposed rezoning is consistent with the Lexington Land Use Plan and any other officially adopted plan that is applicable.

4) Rezonings require adoption of an Ordinance by City Council following a public hearing before City Council. Notice of Public Hearing shall be given as follows:

    a. The owner of the subject parcel of land as shown on the county tax listing, and the owners of all parcels of land abutting that parcel of land as shown on the county tax listing, shall be mailed a notice of public hearing on the proposed rezoning by first class mail at the last addresses listed for such owners on the county tax records. This notice shall be deposited in

the mail at least ten days but not more than twenty-five days prior to the date of the public hearing. The person or persons mailing such notices shall certify to the City Council that fact, and such certificates shall be deemed conclusive in the absence of fraud. If the rezoning directly affects more than fifty properties owned by a total of at least fifty different property owners, instead of the mailed notices, the City may elect to publish a one-half page advertisement in the newspaper having general circulation within the area, but shall also mail notices to persons having mailing addresses outside of the general circulation of the newspaper.

b. The City shall prominently post a notice of the public hearing on the site proposed for rezoning or on an adjacent public street or highway right-of-way. When multiple parcels are included within a proposed rezoning, a posting on each individual parcel is not required, but the City shall post sufficient notices to provide reasonable notice to interested persons.

c. Notice shall be given in a local newspaper having general circulation in the area. The notice shall run in the legal section at least ten days but not more than twenty-five days prior to the date of the public hearing.

12.3 QUALIFIED PROTESTS

1) In case, however, of a qualified protest against a zoning map amendment, that amendment shall not become effective except by favorable vote of three-fourths of all the members of the city council. For the purposes of this subsection, vacant positions on the Council and members who are excused from voting shall not be considered "members of the Council" for calculation of the requisite supermajority.

2) To qualify as a protest under this section, the petition must be signed by the owners of either (i) twenty percent (20%) or more of the area included in the proposed change or (ii) five percent (5%) of a 100-foot-wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. A street right-of-way shall not be considered in computing the 100-foot buffer area as long as that street right-of-way is 100 feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100-foot buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary, the City may rely on the county tax listing to determine the "owners" of potentially qualifying areas.

3) The foregoing provisions concerning protests shall not be applicable to any amendment which initially zones property added to the territorial coverage of the ordinance as a result of annexation or otherwise, or to an amendment to an adopted (i) special use district, (ii) conditional use district, or (iii) conditional district if the amendment does not change the types of uses that are permitted within the district or increase the approved density for residential development, or increase the total approved size of nonresidential development, or reduce the size of any buffers or screening approved for the special use district, conditional use district, or conditional district.

4) Amendments in zoning ordinances shall not be applicable or enforceable without consent of the owner with regard to buildings and uses for which either (i) building permits have been issued prior to the enactment of this ordinance making the change or changes so long as the permits remain valid and unexpired pursuant and unrevoked or (ii) a vested right has been established and such vested right remains valid and unexpired.

12.4 Denial of a Petition to Amend the Zoning Map

A petition to rezone property that has been denied in whole or in part shall not be re-submitted within one year of the date of City Council's action on the original petition. City Council may, however, allow re-submission of a petition within the one-year restricted period if it determines that, since the date of action on the prior petition, one of the following criteria has been met:

1) There has been a similar change in the zoning district of an adjacent property.
2) City Council has adopted a new or amended plan for the area that changes public policy regarding how the property affected by the amendment shall be developed.
3) Construction, widening, or extension of a road, water line, sewer line, or other infrastructure has occurred or is to occur in such a time frame as to serve the property and comfortably accommodate the intensity of development allowed under the proposed zoning district.
4) There has been a substantial change in conditions or circumstances, outside the control of the petitioner, which justifies waiver of the one-year restriction on a new petition.

SECTION 13. VESTED RIGHTS

13.1 VESTED RIGHT CONFERRED

A vested right is conferred pursuant to NCGS 160A-385.1 to undertake and complete the development and use of property according to the terms and conditions of a development plan, approved as provided for in this Section of the Ordinance.

13.2 OBTAINING A VESTED RIGHT

A developer may obtain a vested right as provided by N.C.G.S. 160A-385.1 to commence a project at a future date. A vested right is obtained automatically when a Zoning Permit is granted.

13.3 TERM

The right to commence a project authorized by any of the above means vested from the date the applicable permit is authorized and remains vested for two years.

13.4 VIOLATIONS

Any violation of a term or condition involved in the granting of a Zoning Permit with vested rights will be treated the same as a violation of this ordinance and will be subject to the same remedies and penalties as any such violation. In addition, the City Council may, after public hearing, revoke any such vested rights for failure to abide by any such term or condition.

13.5 OTHER ORDINANCES APPLY

The establishment of a vested right does not preclude the application of an overlay district which imposes additional requirements but does not affect the allowable type or intensity of use, or other ordinances or regulations which are general in nature and are applicable to all property subject to land use regulation, including, but not limited to, building, fire, mechanical, electrical and plumbing codes.

13.6 CHANGES OR AMENDMENTS

No change or amendment to any Zoning Permit with vested rights may be made except after public hearing and except as provided for in this ordinance for the original issuance of such permit. If, at the time of consideration of a proposed change or amendment to an existing Zoning Permit, the

permit or proposed change or amendment could not be lawfully made under ordinance conditions existing at that time, the proposed change or amendment will be denied. In addition, in no case will there be an extension of the two-year time period for which the development right is vested. Nothing herein will exempt plans related to the permit from subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approvals are not inconsistent with the original approvals.

13.7 STATUS AT EXPIRATION OF TERM

A right which has been vested will terminate at the end of the two-year vesting period with respect to buildings and uses for which no valid building permit applications have been filed. Upon issuance of a building permit, the provisions of G.S. 160A-418 and G.S. 160A-422 will apply except that a building permit will not expire or be revoked because of the running of time while a vested right under this Section is outstanding. Any development constructed pursuant to a Zoning Permit with vested rights for which the vested term has expired and which is not in conformance with all the terms of the ordinance because of changes made in the provisions of this ordinance, including the Land Use Ordinance map, after the issuance of the Zoning Permit will be subject to the provisions of this ordinance relating to non-conformities the same as any other nonconformity.

13.8 ANNEXATION DECLARATION

Any landowner who signs an annexation petition to the City pursuant to G.S. 160A-31 or G.S. 160A-58.1 will, as part of that petition, file a signed statement declaring whether or not vested rights with respect to the property subject to the petition have been established under G.S. 160A-385.1 or G.S. 153A-344.1. If the statement declares that such rights have been established, the City may require petitioners to provide proof of such rights. A statement which declares that no vested rights have been established by law will be binding on the landowner and any such vested right will be terminated.

SECTION 14. NONCONFORMITIES

14.1 GENERAL

Where legally existing lots, structures or uses of land become prohibited by the passage or amendment of this ordinance or the extension of jurisdiction, these nonconformities may continue only under the terms of this ordinance and additional conditions may be applied by the City. The intent of this section is to move nonconforming situations toward conformance to the extent possible. In order to accomplishing this, nonconforming activities may be approved within specified parameters issued by the Director of Community Development if the overall proposal maintains or decreases the degree of nonconformity.

14.2 NONCONFORMING LOTS OF RECORD

Legally existing, nonconforming lots of record may be developed only in accordance with the following provisions:

14.2.1 SINGLE LOT OF RECORD

A single, nonconforming vacant lot which does not conform to the area or width requirements of the zoning district in which it is located may be developed for any use permitted by these regulations in the zoning district in which it is located provided that all applicable setback requirements are met.

14.2.2 ADJOINING LOTS IN SINGLE OWNERSHIP

1) Where two (2) or more adjoining nonconforming vacant lots are held in one ownership, such lots shall be combined to create a single lot for the purpose of development if the resulting lot be a more conforming lot.
2) If said combination, however, results in the creation of a single lot that is more than 1 ½ times the minimum lot width at building line, minimum required street frontage, and minimum lot size, then the lots may be combined into lots which need only meet the zoning district setback requirements for the development proposed.
3) A nonconforming lot may be developed if, at the effective date of this ordinance, the subdivision in which the lot was located had received preliminary or final plat approval.

14.3 NONCONFORMING STRUCTURES

A nonconforming structure may continue only in accordance with the following provisions:

1) Normal repair and maintenance may be performed to allow the continuation of nonconforming structures.
2) Nonconforming structures shall be permitted to expand by not more than 20% and shall be permitted to add accessory structures as long as setback requirements and design regulations are met for the zoning district.
3) The footprint of a nonconforming principal or accessory structure may not be enlarged in a way that increases its nonconformity except for size.
4) Accessory structures that would be permitted with a conforming use may be constructed in accordance with design regulations for a conforming building type for the district.
5) A nonconforming principal or accessory structure may be replaced by another structure if the proposed design, architecture, or building materials will bring the structure more into compliance with the design regulations or maintain the same level of compliance, provided that the structure remains generally within the same footprint as the proceeding nonconforming accessory structure, or becomes more conforming in terms of size, placement, or setback.
6) If a nonconforming structure is damaged to an extent of 60 percent or greater of its assessed value for tax purposes, it may be rebuilt only in conformance with the requirements of this ordinance.
7) If a nonconforming structure is damaged to an extent less than 60 percent of its assessed value for tax purposes, a building permit for reconstruction of the structure shall be secured no later than 180 days from the date of its damage. Reconstruction of the structure may be permitted provided it is constructed in the same manner in which it originally existed, or in a manner that brings the structure more into compliance with this ordinance.
8) Nonconforming structures may only be moved or relocated, so as to make the structure more conforming.
9) A nonconforming manufactured home may be replaced with a newer model manufactured home provided the design regulations for a Manufactured Home are met. Single-wide manufactured homes may be replaced only with double-wide manufactured homes.

14.4 NONCONFORMING SIGNS

1) Existing non-conforming signage may only be replaced with new signage that results in bringing the overall site more into compliance with this ordinance in terms of size, placement, or type.
2) The face of a nonconforming sign may be changed, but the size may not be increased and the sign structure may not be altered.
3) Under no circumstances may replacement of existing nonconforming signage result in an increase in the nonconformity.

14.5 NONCONFORMING ACTIONS

Nonconforming actions shall not be extended any nonconformity rights and shall be corrected upon notice from the Director of Community Development or other City official.

14.6 NONCONFORMING USES

1) A nonconforming use may not be changed, expanded, increased, intensified, extended, or enlarged in any way as to maintain or increase the degree of nonconformity.
2) A nonconforming use may not be changed to another nonconforming use.
3) If a nonconforming use is abandoned for one hundred-eighty (180) days or more, the use will not be allowed to re-establish.
4) Once a nonconforming use has been changed to a conforming use, it may not thereafter be used for any nonconforming use.

14.7 NONCONFORMING AND DEFICIENT LANDSCAPING AND IMPACT BUFFERS

1) A change of use with no building expansion or increase in impervious surface will not require compliance with the landscaping and impact buffer requirements.

2) Demolition and reconstruction of a principal building will require that the entire site fully comply with landscaping and impact buffer requirements.

3) Expansion of the principal building by more than twenty (20) percent will require that the entire site fully comply with all landscaping and impact buffer requirements.

4) Any expansion of a parking lot will require that the newly created parking area comply with the landscaping, and if applicable, impact buffer requirements.

5) Expansion of a parking lot by more than forty (40) percent in area will require that the entire parking lot area comply with landscaping and if applicable, impact buffer requirements.

14.8 NONCONFORMING PLANS WITH VALID ZONING PERMIT

1) Any site-specific plan for the development of property and/or construction of a building that has received final approval by the City Council and holds a current, valid zoning permit, but does not conform to the provision of this ordinance may be developed as approved.
2) Any amendment or modification to an approved site-specific plan shall comply with the provisions of this ordinance.
3) Nothing herein is intended to prohibit the exercise of any vested right established by common law, ordinance, or statute.

14.9 Subdivision of Lots with Non-Conforming Structures

Lots that contain existing structure(s) may be subdivided, provided that each resulting lot conforms to the minimum buildable lot regulations for the applicable building type within the district and each structure meets the required setbacks against any new property line established with the subdivision.

14.10 Nonconformities Resulting from Government Acquisition

Any lot reduced in size by municipal, county, or state condemnation or purchase of land will retain nonconforming status to the extent that the land acquisition causes noncompliance with this ordinance.

SECTION 15. DEFINITIONS

For purposes of interpreting this ordinance, certain words, concepts, and ideas are defined below. Except as defined herein, all other words used in this ordinance will be defined as found in accredited dictionary.

AAAA

Abandon: To cease the development or regular use of a lot, building, or structure for more than 180 consecutive days. For the purpose of development under progress for which a certificate of occupancy has not yet been issued, but a building permit has been issued, a site will be considered abandoned if progress towards obtaining a certificate of occupancy has not been made as evidenced by an approved building, mechanical, electrical, or plumbing inspection within the 180 consecutive day period.

Abutting: Having common property boundaries or lot lines that are not separated by a street, alley, or other vehicular right-of-way such as a railroad.

Accessory Dwelling Unit: An Accessory Dwelling Unit is a second living unit complete with kitchen, bathroom and sleeping facilities, located on a property where the principal use is a Single-family House. Also, commonly referred to as "Mother-In-Law Apartment," or "Granny Flat."

Accessory Structure: A structure that is subordinate to and serves a principal use or building; is clearly subordinate in area, extent, or purpose to the principal use or building served; and is located on the same parcel as the principal use or building.

Adjacent: Either abutting or being directly across a street.

Adult Establishment: Adult cabarets, adult bookstores, adult mini-motion picture theaters, and all other places described in North Carolina General Statutes 14-202.10.

Agricultural Industry: Commercial poultry or swine production, cattle or swine feed lots, fur bearing animal farms, commercial plant production (not retail nurseries), commercial fish or poultry hatcheries, and other similar activities.

Alley: A private street or easement located through the interior of blocks and providing vehicular, utilities, and service access to the side or rear of properties.

Amusement, outdoor: Any business establishment which is primarily engaged in providing an amusement activity such as a miniature golf course, skateboard course, water slide, mechanical ride, par 3 golf course, golf driving range, go-cart or motorcycle course, fish ranch, or similar activity to the general public.

Amusement, indoor: Any indoor business establishment which is primarily engaged in providing an amusement activity such as a video arcade, billiard parlor, skating rink, bowling alley, movie theater, or similar activity as a principal use open to the general public.

Apartment Building: A residential building accommodating several households in individual units under a single deed/ownership. The units may be in one or more buildings. The entire property, including buildings, units, common areas, and amenities are managed by an entity.

Appeal: A request to a higher authority for review and determination of a decision.

Attached Commercial Units: Attached Commercial buildings contain individual leasable or fee simple units for multiple tenants or owners and have a separate entrance directly from the outside for each unit. There may be one, or a series of one- or multiple-story buildings contained within a development. Residential units may be located in the upper stories.

Automobile Crushing: The crushing, dismantling, and any accessory storage or salvage of crushed or dismantled automobiles or parts. Often automobile crushing activities are an accessory use within a junk yard.

Automotive Repair: A building and its premises used for the storage, care, repair, restoring, or refinishing of motor vehicles including major repairs such mechanical overhauling, body work, and reupholstering. Most cars are left on-site for more than one day to undergo repair.

Automotive Service: A building and its premises used for the service of motor vehicles limited to minor maintenance work such as fueling, oil changes, inspections, battery and tire changes, light and fuse replacement, wiper blade changes, and similar activities. Cars are typically serviced while the customer is waiting, though the car may be left for short periods of time, usually less than 24 hours.

Awning: A retractable or fixed structure made of cloth, metal, or other material, not to include tarps or other non-fitted woven material, affixed to a building for the purpose of providing shelter for patrons or as a decorative feature on a building wall.

BBBB

Back lighting: A method used in lighting an object, especially related to signage, where the source of illumination is from within or behind the object of illumination.

Bed and Breakfast Inn: A Single-family House that consists of renting from one to eight dwelling rooms on a daily basis to tourists, vacationers, and business travelers, where meals are provided only to guests. The homeowner will reside on site and employment will not exceed two full time employees in addition to the owner(s).

Belt Course: A projecting horizontal band on an exterior wall marking the separation between floors or levels.

Best Management Practices (BMPs): A structural or non-structural management-based practice used singularly or in combination to reduce non-point source input to receiving waters in rder to achieve water quality protection goals. Non-structural BMPs refer to non-engineered methods to control the amount of non-point source pollution such as land-use controls and vegetated buffers. Structural BMPs refer to engineered structures that are designed to reduce the delivery of pollutants from their source or to divert contaminants away from the water supply such as wet detention ponds, detention basins, grass swales and ditches, and infiltration devices.

Blank Wall: An exterior building wall with no openings and generally constructed of a single material, uniform texture, and on a single plane.

Building: A temporary or permanent structure having a roof supported by columns or walls and which can be used for the shelter, housing, or enclosure of persons, animals, or goods.

Building Elevation: An exterior façade of a structure, or its head-on view, or drawn representation thereof.

Building Footprint: The two dimension area of a building area including covered porches, covered balconies, covered walkways and the like.

Building Line: A line tangent to the exterior surface of a building or structure, or the surface of cantilevered projections therefrom, usually parallel to front, side, and rear lot lines, and referred to as front, side, and rear building lines, respectively.

Building Scale: The relationship between the mass of a building and its surroundings, including the width of street, open space, and mass of surrounding buildings.

Building Size: The area of a building. Each floor area shall be added individually to arrive at the total building size.

Build-to Line: The required front building line relative to the street.

CCCC

Caliper: The diameter of a tree trunk at six inches above the ground for small trees and 12 inches above the ground for large trees.

Canopy: A fixed structure made of cloth, metal, or other material, not to include tarps or other non-fitted woven material, not enclosed and not retractable, attached or unattached to a building, for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall.

Change of Use: The change in the use of a structure or land, for which a new certificate of occupancy is required. Includes a change in use from one permitted use to another, even if the business owner remains the same.

Childcare – At home business: A Single-family House used for both a residence and to provide care for children not related to the resident.

Childcare Center: A principal or accessory use for the care of children, with a focus on development and education as opposed to health care.

Civic Building: A building used for public purposes, including but not limited to: churches, cultural uses, community facilities, libraries, municipal buildings, governmental agencies, post offices, and schools. Civic buildings are classified as commercial buildings.

Commencement of Construction: The first placement of permanent evidence of a structure on a site pursuant to a duly issued building permit, such as staking, digging, clearing, grading, or the pouring of slabs or footings.

Commercial Building: Commercial Buildings are classified according to the type of occupancy. For the purpose of this ordinance, the classifications are grouped as follows:

- Assembly, Education and/or Institutional: Commercial Buildings classified for Assembly, Education, and/or Institutional Occupancy are commonly recognized in relation to, and synonymous with, the use for which the building was designed. Examples include churches, libraries, and schools. The scale and architectural sophistication of these buildings shall match their civic importance.
- Mercantile and/or Business: Commercial Buildings classified for Business and/or Mercantile occupancy include a variety of common forms such as shopfronts in the Uptown District, shopping centers, mixed-use buildings, condominiums, free-standing buildings, as well as gas stations. Regardless of the form, these buildings share design features that convey a sense of invitation to the public.
- Factory, Industrial, S-1 and S-2 Storage: Commercial buildings classified for Factory, Industrial, and/or S-1 and S-2 Storage range in size and scale. Although a presence may be established through stature, the building typically does not project a sense of open invitation to the general public. Most people on-site at any given time are employees. Uses include manufacturing, assembly, warehousing, distribution, wholesale, and processing, and also include uses such as airport hangers. These building types are typically found and permitted within the Industrial District and to a lesser degree, the Business District.

Commercial Use: A set of uses with a purpose in commerce, community, cultural, service, and/or retail activity. The following uses are not to be considered commercial uses for the purpose of this Ordinance and are individually regulated otherwise, prohibited, or included in the definition of "Industrial Use:" Adult Use; Animal-based Agricultural Industry; Airport; Construction Material Supply Yard; Correctional Facility; Dispatch centers or base operations for commercial vehicles where large vehicles are stored on-site such as bus terminals, trucking facilities, truck trailer storage or rental, and the like; Electronic Gaming Operations; Hazardous or Infectious Material Treatment Facility; Kennel, Commercial; Industrial Uses; Flea Market – Indoor or Outdoor; Junkyard; Landfill; Lumber Mill and Lumber Storage Yard; Mobile Food Trailer; Nightclub, Private Club; Outdoor Storage and Inventory; Outdoor sales, lease, display, and/or service of Boats, Carports, Heavy Equipment, Farm Equipment, and/or Lawn Care Equipment, Manufactured Homes and/or Modular Homes, Motor Vehicles (new and used car / boat / truck lots), Storage Buildings; Organic Material Supply Yard (mulch, soil, pine needles, etc.); Petroleum Storage Facility; Power Generation Plant; Pub, Private Club; Quarry; Raceway and Drag Strips; Recyclable Processing Plant; Slaughter House or Meat Packing Plant; Solid Waste Incineration; Uses that have potential for environmental degradation, or are otherwise incompatible with nearby residential use; Utility Material Supply Yard; Utility Treatment Plant; Wine Bar, Private Club.

Communication Antenna: A device attached to a tower or other structure that is used to receive signal and is not a stand-alone structure.

Communication Tower: A tower facility, either roof or ground mounted, that includes, but is not limited to, radio and television transmission towers, or similar utilities, microwave towers, and cellular telephone communication towers, and similar structures for wireless communication. This term will not include radio transmission facilities for use by ham radio operators or two-way local radio facilities for business or governmental purposes.

Condominiums: Condominiums are units with individual deeds where the property owned is the airspace inside of the walls. The common areas are managed by a Property Owner's Association. The

scale can range from two units to a series of multiple units in multiple buildings. For the purpose of this ordinance, residential condominiums shall be considered as Townhomes and commercial and mixed-use condominiums shall be considered as commercial buildings.

Conversion: The changing of any one building type to another building type. Typically involves changes to a building that will enable it to meet the occupancy of a classification not previously approved through the NC Building Code for that building.

Copy: Any words, letters, numbers, figures, characters, symbols, logos, or insignia that are used on a sign display surface area.

Corner Lot: See "Lot, Corner"

Correctional Institution: A jail or other institutional facility used to confine and provide treatment or rehabilitation to violators of criminal laws, including facilities for persons who are participating in supervised work-release programs, whether such facilities provide confinement for all of each 24 hour period or only a portion thereof; but not including temporary holding facilities that are accessory to a police station.

Crematory/Crematorium: The building or buildings or portion of a building on a single site that houses the cremation equipment, the holding and processing facilities, the business office, and other parts of the crematory business. (G.S. 90-210.121). A crematory may be part of, or separate from the primary land use of a funeral home operation.

Critical Area: The area adjacent to a water supply intake where risk associated with pollution is greater than from the remaining portions of the watershed.

Cultural Facility: An indoor or outdoor theater, auditorium, or other building or structure designed, intended, or used primarily for library, musical, dance, dramatic, other live performances, or a museum or gallery operated primarily for the display and/or sale of works of art.

DDDD

Day Care Center for Adults: A principal or accessory use for the care of adults, with a focus on activities as opposed to health care.

Deciduous Plant: Those plants that annually lose their leaves.

Dependent Care Center: A principal or accessory use designed for persons who need a wide range of health and support services, such as medical, nursing, and personal services care, central dining facilities, and transportation services. Does not include homeless shelters.

Developer: Any person seeking approval under these regulations for any form of development.

Development: Constructing, erecting, improving, or substantially changing any structure or site.

Discharge: The introduction, either directly or indirectly, of any man induced waste effluent into North Carolina surface waters.

Dog Lot: A fenced area meant to contain a dog. Fenced-in yards that contain the general area of the yard and outside areas for persons, are not dog lots.

Drip Line: An imaginary vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

Duplex: Two attached residential units under a single ownership where common area is not maintained through a homeowners association. Duplexes are designed to appear as one Single-family House and are constructed to the standards of the North Carolina State Building Code.

Dwelling Unit: A room or combination of rooms designed for year-round habitation, containing a bathroom and kitchen facilities, and designed for or used as a permanent residence by at least one family.

EEEE

EFIS (Exterior Insulation Finish Systems): a building product that provides exterior walls with a finished surface, insulation and waterproofing in an integrated composite system. EIFS is also known as "synthetic stucco" and "Senergy", "Finestone", "Dryvit" or "Sto" – which are popular EIFS brands.

Environmental Constraints: Features, natural resources, or land characteristics that are sensitive to improvements.

Equitable Remedy: A court decision which prescribes a method of 'equitable' compliance with the terms and conditions of the Land Use Ordinance.

Existing Development: Projects that are built or projects that, at a minimum, have established a vested right.

FFFF

Façade: The principal vertical surface of a building which is set along a frontage line.

Family Care Home: A home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six resident persons with disabilities.

Farm: Any tract of land containing at least three acres which is used for dairying or for the raising of agricultural products, forest products, livestock, or poultry, and which may include facilities for the sale of such products from the premises where produced. Does not include agricultural industries.

Farmers Market: An indoor or outdoor market operated through the local Agricultural Extension office whereby local farmers are able to gather, display, and sell their produce and wares.

Farmer's Stand: A temporary seasonal location on private property for a local farmer from within Davidson County to set up and sell produce that was grown on a local farm by the person selling the produce. Excludes the wholesaling of produce.

Fences and Walls: Any linear structure in excess of two feet in height, solid or otherwise, used as 1) a barrier intended to prevent escape or intrusion by people, vehicles, or animals, and/or 2) to mark a boundary, and/or 3) to visually define a space, and/or 4) to block view or noise.

Fenestration: The design and placement of windows and doors on a building.

Flag Lot: A lot configuration that results in one building fronting the rear or side of another building, typically created with an access strip with street frontage leading to a lot widening to the rear of another lot.

Flea Market: A market, indoor or outdoor, where individual booths or spaces are leased to for-profit vendors to sell a variety of merchandise and where sales tax is charged by each vendor. Indoor Flea Markets may also be referred to as "Emporiums." Excludes produce stands, farmers markets, and special events held by local non-profit agencies.

Floor: The top surface of an enclosed area in a building (including the basement) such as the top of the slab in concrete slab construction or the top of the wood flooring in wood frame construction.

Floor Area: The sum of the gross horizontal areas of each floor of the principal building' and any accessory buildings or structures, measured from the exterior walls or from the center line of party walls. The term does not include any area used exclusively for the surface parking of motor vehicles or for building or equipment access, such as stairs, elevator shafts, and maintenance crawl space.

Front Yard: See "Yard."

Frontage: The lot boundary which coincides with a public thoroughfare or space. The façade of a structure facing the street.

GGGG

Gable: The part of the end wall of a building between the eaves and a pitched or gambrel roof.

Gas Station: Any premises where fuel and convenience goods are sold, but automotive services are not offered.

Gateway: A principal point of entrance into a city, district, or neighborhood.

Government Building: A building, use, or facility serving as a governmental agency, but not including a vehicle storage yard, correctional facility, sanitary landfill, solid waste transfer or disposal facility, wastewater treatment facility, educational or health institution, university, group home, or housing for persons who are participating in work release programs or who have previously served and completed terms of imprisonment for violations of criminal laws.

Grade: The elevation of the land or land level at a specific point.

Grasscrete: An alternative paving material consisting of approximately 50% concrete or asphalt and 50% hole filled with seeded dirt, mulch, stone, brick, or other pervious material.

Greenhouse: A structure enclosed by glass, plastic, or other similar material and used for the cultivation or protection of tender plants.

Greenway: An asphalt multi-modal trail built on public right-of-way, though typically not found adjacent to streets. Greenways serve a dual purpose in providing a form of active recreation and also as an alternative transportation route connecting community designation points.

Grid Street Pattern: An interconnected system of streets that is primarily a rectilinear grid in pattern.

Group Development: Two or more buildings or attached non-residential units on one or more parcels that function as one destination. Outparcels shall be considered as part of a group development.

HHHH

Hayfield: A parcel or a portion of a parcel equal to or greater than two acres in size and otherwise undeveloped, used for growing and harvesting hay for the feeding of horses, cows, or other farm animals in another location. Not a pasture for grazing.

Hazardous Material: Any substance listed as such in: Superfund Amendments and Reauthorization Act (SARA) Section 302, Extremely Hazardous Substances, Comprehensive Environmental Response, Compensation and Liability Act (CERCLE) Hazardous Substances, or Section 311 of Clean Water Act (CWA) (oil and hazardous substances).

Hazardous Materials Treatment Facility: A building, structure, or use of land devoted, or intended to be devoted, primarily to changing by any method, technique or process, including incineration or neutralization, the physical, chemical, or biological character of any hazardous material regulated by the Federal Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. Sec. 6901 et seq.), and the "North Carolina Solid Waste Management Act", as amended (Article 13B. G.S. 130-166.16), so as to neutralize such material or render it non-hazardous, safer for transport, amenable for recovery, amenable for storage, or reduced in bulk. Such a use may also contain temporary storage facilities normally associated with these operations and of sufficient size to conduct a commercially feasible operation. However, under no circumstances is a hazardous materials treatment facility to be construed to be any of the following: A facility that manufactures hazardous materials from component non-hazardous materials; A facility or location for the long term or perpetual storage of hazardous materials; or A facility for the treatment of hazardous materials which is clearly subordinate, incidental, and related to the principal structure, building or use of land and is located on the same lot as the principal structure, building, or use.

Home Occupations: A business, profession, occupation, or trade which is conducted within a residential building or accessory structure for the economic gain or support of a resident of the dwelling, and which is incidental and secondary to the residential use of the building.

Homeless Shelter: A shelter for the temporary care, feeding, and shelter of homeless persons.

Hospital: A health care facility the purpose of which is to provide for care, treatment, testing for physical, emotional, or mental injury, illness, or disability, and overnight boarding of patients, either on a for-profit or not-for-profit basis; but not including group homes.

Hotel: A building containing individual rooms for the purpose of providing overnight lodging facilities to the general public for compensation, with or without meals, and which has common facilities for reservations and cleaning services, combined utilities, and on-site management and reception services, with entries to a room from an interior space.

House: See Single-family House

IIII

Impact Buffer: A densely planted vegetated area that may or may not contain features such as walls or fences designed to block the view, noise, and other impacts between two properties or uses.

Impervious Ground Cover: Incapable of being penetrated by storm water runoff. Any structure or ground cover consisting of asphalt, concrete, stone, brick, terrazzo, roofing, ceramic tile, or any other natural or man-made material that prevents the absorption of surface water into the soil.

Indoor Fitness: Public or private health or exercise clubs, tennis or other racquet courts, swimming pools, or similar uses which are enclosed in buildings and are operated on a fee or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. Indoor recreation structures may include accessory uses, such as snack bars, pro shops, and locker rooms that are designed and intended primarily for the use of patrons of the principal recreational use.

Industrial Discharge: The discharge of industrial process treated wastewater or wastewater other than sewage and includes: Wastewater resulting from any process of industry or manufacture, or from the development of any natural resource; Wastewater resulting from processes of trade or business, including wastewater from Laundromats and car washes, but not wastewater from restaurants; Stormwater will not be considered to be an industrial wastewater, unless it is contaminated with industrial wastewater; or Wastewater discharged from a municipal wastewater treatment plant requiring a pretreatment program.

Industrial Use: Uses engaged in the manufacture, predominantly from raw or previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding the following uses, which are regulated individually: Animal-based Agricultural Industries; Communication Tower; Correctional Facilities; Hazardous or Infectious Material Incineration, Handling, or Storage Facilities; Junk Yards; Landfill; Lumber Mills and Lumber Storage Yard; Petroleum Storage Facilities; Power Generation Plants; Quarries; Raceway and Drag Strips; Recyclable Processing Plant; Sanitary Landfill; Slaughter House or Meat Packing Plant; Solid Waste Incineration.

Injunction: A court order that prohibits a party from doing something (restrictive injunction) or compels a party to do something (mandatory injunction).

Interconnected: Refers to streets which provide through access to other streets.

Interior Lot: See "Lot, Interior"

Internet Sweepstakes Business / Internet Café: Any business that utilizes computer terminals or machines equipped with legal sweepstakes software to promote the sale of internet usage by revealing sweepstakes winnings. Excludes the operation of illegal video gambling machines and any other such device as declared illegal by the State of North Carolina. Excludes business support space where sweepstakes software is not utilized.

Interstate Frontage: Properties adjacent to right-of-way of future I-295 or I-85, or properties that front on a service road that is adjacent to right-of-way of future I-295 or I-85. This does not include properties adjacent to State highways or business routes.

JJJJ

Junk yard: A parcel of land on which inoperable vehicles, inoperable machinery, unused materials, are collected, stored, salvaged, or sold. Does not include collection, storage, salvage or sell of mobile homes, modular homes, or manufactured homes. Does not include Recycling Collection Center or Recycling Collection and Processing Center.

KKKK

Kennel, Commercial: A use or structure intended and used for the breeding or accommodation of small domestic animals for sale or for the training or overnight boarding of animals for persons other than the owner of the lot, but not including a veterinary clinic in which the overnight boarding of animals is necessary for or accessory to the testing and medical treatment of the physical disorders of animals.

LLLL

Land Clearing and Inert Debris (LCID) Landfill: A landfill that is limited to receiving stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth, or other solid waste meeting the standards of the State of North Carolina. A clean fill operation which is conducted to improve or re-contour land, using only soil, is not construed to be such a landfill. An on-site LCID landfill is located within the confines of property being developed or in use, and used only for the disposal of acceptable materials which are generated on the property being developed or used; a disposal site that is clearly an accessory use to the development activity. An off-site LCID landfill is itself the principal use of a property and is used for the disposal of acceptable materials some or all of which are generated off the site of the property being used for the landfill.

Land Disturbing Activity: Any use of the land by any person that results in a change in the natural cover or topography.

Landscape Area: The area prepared for the purpose of accommodating the planting of trees, shrubs, and groundcovers.

Landscaping: The installation and maintenance, usually of a combination of trees, shrubs, plant materials, or other ground cover, including grass, mulch, decorative stone, and similar materials, but excluding bare soil, uncultivated vegetation, impervious pavement materials, and gravel. Also, any live plant material such as trees, shrubs, ground cover, and grass areas left in their natural state.

Large Vehicles, Heavy Equipment, and/or Farm Equipment: Tractor trailers; one-ton or larger commercial vehicles, dump trucks, and the like; Motor Homes, campers, and the like; bulldozers, back hoes, skid steers, loaders, and the like; tractors, combines, tractor accessories, and the like.

Linear Frontage: The length of a property abutting a public right-of-way from one side lot line to another.

Lodge: A private meeting place for Masons, Veterans, and other such organizations.

Logo: Business trademark or symbol.

Lot: 1: a portion of land 2: a measured parcel of land having fixed boundaries and designated on a plat or survey. Though the terms "Lot," "Parcel," and "Tract" are technically interchangeable, the term Lot typically refers to a numbered portion of land appearing on a recorded plat.

Lot Line: A property line of a parcel, tract, or lot.

Lot of Record: A lot described by plat or by metes and bounds which has been recorded in the Office of the Register of Deeds prior to the effective date of this ordinance.

Lot, Corner. A lot located at the intersection of two or more streets, or abutting a curved street or streets in such a way that the front building line meets either side lot line at an interior angle of less than one hundred and thirty-five degrees (135°).

Lot, Interior: A lot other than a corner lot with frontage on only one street.

Lot, Through: A lot other than a corner lot with frontage on more than one street.

Lot, Reverse Frontage: Any lot oriented to an abutting street in such a way that the intersection of the front building line, extended, and the street right-of-way line form an interior angle of less than 45 degrees is defined as having reverse frontage relative to said street.

Lot Width: The distance between the side lot lines measured along a setback line or build-to line; or

The distance between the side lot lines measured along an established setback line (when that line is greater than the setback or build-to line required by this ordinance) along the turnaround portion of a cul-de-sac street; orIf no setback is required for a lot according to this ordinance, and no setback has been established on a previously recorded plat, lot width is the distance measured between the side lot lines along the street right-of-way.

MMMM

Manufactured Home: A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly on the building site, which is at least eight feet in width and at least 32 feet in length, which bears a seal certifying that it was built to the standard adopted pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974," 42 U.S.C. Sec 5401 et seq., which is placed upon a permanent foundation which meets the installation and foundation requirements adopted by the N.C. Commissioner of Insurance, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles.

Manufactured Home Neighborhood: Any parcel of land under single ownership where land is rented and utilities are provided for the installation or placement of manufactured homes.

Manufactured Home Subdivision: Any parcel of land which is subdivided with utilities extended for the installation or placement of manufactured homes.

Manufacturing: Assembly, fabrication, or processing of finished products or parts, predominantly from raw or previously prepared materials, including treatment, packaging, incidental storage, sales, and distribution of such products.

Masonry: Wall building material, such as brick or stone, which is laid up in small units.

Massing: The shape and form a building or assemblage of buildings assumes through architectural design. The three-dimensional bulk of a structure: height, width, and depth.

Mean Sea Level: The National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations shown on the Flood Insurance Rate Maps for Davidson County are referenced.

NNNN

Nightclub, Private Club: A place of entertainment open at night usually serving food and alcoholic beverages and providing music and space for dancing and often having a floor show. If alcoholic beverages are served, the club is only open to members and their guests.

Nonconforming Structure: Any structure, which lawfully existed prior to the adoption, revision, or amendment of this ordinance, but which fails by reason of such adoption, revision, or amendment to conform to the district requirements in which it is located.

Nonconforming Use: Any use, which lawfully existed at a particular location prior to the adoption, revision, or amendment of this ordinance, but which fails by reason of such adoption, revision, or amendment to conform to the district requirements in which it is located.

Nonconforming Lot: Any lot of record which existed prior to the adoption, revision, or amendment of this ordinance, but which fails by reason of such adoption, revision, or amendment to conform to the district requirements in which it is located.

Non-profit Organization: A not for profit organization pursuant to Internal Revenue Code section 501(c)(3), 501(c)(4) or 501(c)(6).

OOOO

Off-Street Parking: Parking which occurs on a lot and not on a street or other public right-of-way.

Office: A use or structure in which business or professional services are conducted or rendered.

Open Land: Land which does not contain a principle building.

Outdoor Display: The incidental display of merchandise outside of a principal building in an area that is no more than ten percent (10%) of the size of the principal building footprint and where the amount of merchandise on outdoor display is no more than ten percent (10%) of the total inventory of merchandise on site.

Outdoor Dining: An outdoor dining area that is incidental to a principal building.

Outdoor Sales: The display of merchandise outside of a principal building in an area that is more than ten percent (10%) of the size of the principal building footprint, or the display of merchandise outside of a principal building where the amount of merchandise is more than ten percent (10%) of the total inventory of merchandise on site.

Outdoor Lighting: Any light source that is installed or mounted outside of an enclosed building, but not including street lights installed or maintained along public or private streets.

Outdoor Storage: The storage of materials or merchandise other than approved accessory structures, uses, or features, outside of a principal or accessory storage building enclosed on four sides. Storage of materials under pole sheds or carports that are not enclosed on at least three sides with the open side not visible from the public street or adjoining properties is considered outdoor storage.

Out Parcel: A parcel of land associated with a shopping center or multi-tenant development, which is designated on an approved plat as a location for a free standing structure and/or use.

PPPP

Parapet: A low wall encircling the perimeter of a flat building roof, generally used to screen roof-mounted mechanical equipment.

Parcel: Any quantity of land and/or water capable of being described in definitive terms with respect to its location and boundaries and identified by the Davidson County Tax Department with a Parcel Identification Number. Though the terms "Parcel," "Lot," and "Tract" are technically interchangeable, the term Parcel typically is used to identify the property apart from an individual survey.

Parish: A dwelling unit to provide shelter for an employee, typically the minister, of a religious institution.

Park: Property and/or facilities operated by a government entity and dedicated to the public for recreational activities including: sports; hiking, biking, and horseback riding along greenways and trails; passive recreation; playgrounds; and the like.

Parking Deck: An accessory or principal building for the storage of vehicles. Design is regulated in much the same way as a commercial building.

Parking Lot: An area, not within a building, where motor vehicles may be stored for the purposes of temporary, daily, or overnight off-street parking.

Person: An individual, corporation, governmental agency, business trust, estate trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

Pervious: Permeable or open to passage or entrance of storm water runoff.

Pitch: The angle of slope of a roof or berm.

Planned Development (PD): Development under single ownership or unified control, which includes one or more principal buildings or uses on one or more parcels and follows an overall approved plan in terms of general uses, function, design, infrastructure, and public space. Features typically include common driveways, common parking, common signage plan, and common landscaping plan.

Platted Lot: A lot appearing on a Plat that has been recorded at the Office of the Davidson County Register of Deeds.

PODS: Specifically, "Personal On-Demand Storage" containers, or similar devices that act as a portable storage unit.

Premises: A parcel of real property with a separate and distinct identifying number shown on a recorded plat, record of survey, parcel map, subdivision map, or a parcel legally created or established pursuant to applicable planning.

Principal Building: A building containing the principal use of the lot.

Principal Structure: A structure containing the principal use of the lot.

Principal Use: The primary purpose or function that a lot serves or is proposed to serve.

Produce Stand: A business that displays and sells fruits, vegetables, plants, flowers and the like.

Production Shop: A light manufacturing establishment where goods are produced or prepared in one part of the building and other administrative, retail, service, and/or office functions are located in another portion of the same building.

Professional Service: A category of commercial uses where a particular care or service is provided to clients primarily on a one-to-one basis. Examples include doctors, dentists, accountants, massage therapy, chiropractic services, salons, and spas.

Project Area: Any area of land and/or water, regardless of the number of individual parcels contained therein, on which development is proposed under these regulations.

Property Owner: Any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and personal representative of such owner.

Protected Area: The area adjoining and upstream of the Critical Areas and encompassing the remainder of the watershed where risk of water quality degradation from pollution is less than in the Critical Area.

Pub, Private Club: A licensed establishment that contains a bar and sells alcoholic beverages for on-site consumption, and is open to only members and their guests. The amount of food served is to a lesser percent than required to meet the State's definition of a restaurant. Musical entertainment may or may not be provided, though a dance floor is not.

Public Alley: An alley dedicated for public purpose and accepted by the City of Lexington for maintenance.

Public Park: Any land owned by a governmental body and made available for use by the general public for active or passive recreational purposes or as a refuge for wildlife, including greenways.

Public Sidewalk: A paved path provided for public pedestrian use and usually located at the side of a street within the right-of-way.

Public Street: A street dedicated for public purpose, meeting the City of Lexington standards, and accepted for maintenance by the City of Lexington.

Pushcart any rubber-wheeled vehicle used for displaying, keeping, or storing any article by a vendor or peddler (other than a motor vehicle, bicycle, or trailer) which may be moved without the assistance of a motor and which does not require registration by the department of motor vehicles.

Pushcart Vendor: A person who sells, or offers prepared food, fresh flowers, or washed fresh fruit from a pushcart.

QQQQ

Quarry: An operation for the dredging, digging, extraction, mining, or quarrying of stone, sand, gravel, or minerals for commercial purposes.

RRRR

Recycling Collection: A principal or accessory site that collects paper products, glass, metal cans, and other non-organic recoverable resources from the public, sorts the materials and then sells or distributes the materials to a recycling processing plant. No reprocessing takes place on site. No dismantling takes place on site.

Recycling Processing Plant: An industrial business that is not a junkyard, auto salvage, car crushing, or towing storage lot, in which recoverable resources such as paper products, glass, metal cans; and other products are recycled, reprocessed, and treated to return to such productions to a condition in which they may again be used for production.

Recreation Facility, Indoor: A commercial or membership indoor facility such as an indoor field, arena, court, or natatorium, which is used for a variety of non-motorized sports such as swimming, tennis, soccer, football, lacrosse, basketball, horseback events, volleyball, etc. including any accessory structures, outdoor fields, clubhouses, shops, concessions and other related facilities.

Recreation Facility, Outdoor: A commercial or membership outdoor field, court, swimming pool, trail, track, or course constructed and used for a variety of non-motorized sports such as swimming, tennis, bicycling, horseback riding or events, golf, soccer, baseball, lacrosse, basketball, softball, football, skating / skateboarding, running, volleyball, etc. including any accessory structures, clubhouses, shops, concessions and other related facilities.

Redevelopment: The demolition and reconstruction of a building or a portion of a building.

Reforestation: The process to establish or return an area to a wooded state, meaning an area that is dominated by trees and other woody plants and contains at a minimum, 100 trees per acre with at least fifty percent of those trees having a minimum two-inch caliper.

Regulatory Flood: A flood representative of large floods reasonably characteristic of what can be expected to occur on a particular stream, with an average recurrence interval of 100 years, determined from an analysis of floods on a particular stream and other streams in the same general region.

Religious Institution: A church, synagogue, temple, mosque, or other place of religious worship, including any customary accessory use or structure, such as a school, day care center, or dwelling, located on the same lot.

Residential Use: The human habitation of a dwelling unit.

Restaurant: A building or operation, the purpose of which is to accommodate the consumption of food and beverages.

Retail: The sale of goods, products, or merchandise directly to the consumer.

Riding Academy: A facility the principal use of which is the provision of lessons in horseback riding on a non-profit or for-profit basis.

Right-of-way: Land dedicated for public use.

Rooming House: A Single-family House where the individual bedrooms are rented to tenants, but other areas within the house and on the grounds, such as bath facilities, kitchen, living room, and porches, are treated as common area. "Family-style" meals are prepared on-site and provided for all of the residents on a daily basis. The manager resides on-site and employs no more than two other full time employees.

SSSS

Sanitary Landfill: A solid waste disposal facility designed to meet the minimum standards of the State of North Carolina wherein refuse and other waste defined by State standards is disposed of by utilizing acceptable landfill engineering technology.

Saw Mill: A mechanized facility for cutting logs into timber for carpentry.

School: Publicly-owned or privately-owned preschools, elementary schools, middle schools, high schools, vocational schools, college; but not including institutions the principal function of which is child day care.

Screening: A fence, wall, hedge, landscaping, buffer area or any combination thereof provided to create a visual separation between certain land uses.

Seasonal Sells: The selling of a very limited type of merchandise that directly pertains to a particular holiday or season of the year, including the sell of fireworks in conjunction with the Fourth of July, Christmas trees during November and December, and produce stands during the Spring, Summer, and early Fall. Otherwise, the sell of non-perishable materials such as shoes, clothing, art, crafts, etc. are to be considered seasonal.

Setback, Front: The minimum distance required by this ordinance or established by recorded plat between the street and the front building line of building or structure, projected to the side lines of the lot. See also Yards.

Setback, Rear: The minimum distance required by this ordinance or established by recorded plat between the rear property line and the rear building line of a building or structure, projected to the side lines of the lot. See also Yards.

Setback, Side: The minimum distance required by this ordinance or established by recorded plat between the side property line and the side building line of a building or structure, projected to the rear property line and the public street that the property fronts or the front property line. Side setbacks on corner lots are measured from the street as a front setback.

Shopfront Building: A one or two-story commercial building with retail display windows which fronts directly on a public sidewalk. Typically found in Uptown District.

Shopping Center: A series of attached commercial units located on one common parcel and under single management.

Sidewalk: A minimum five-foot wide, concrete walkway constructed on public right-of-way, typically adjacent to a street.

Sidewalk Café: An area adjacent a street-level eating or drinking establishment located within the sidewalk area of the public right-of-way exclusively for dining, drinking, and pedestrian circulation.

Sidewalk Display: The outdoor display of merchandise similar to the merchandise sold within the establishment for sale by the same commercial establishment.

Sign: Any object, device, structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include the flag or emblem of any nation, organization of nations, state, city, or of any fraternal, religious or civic organization; works of art which in no way identify a product; or scoreboards located on athletic fields. Sign types are defined in Section 6.

Single-family House: A single dwelling unit individually deeded, meeting a minimum of three-foot side setbacks, and suitable for single-family occupancy. Single-family Houses are constructed to the standards of the North Carolina State Building Code.

Site: A parcel of land or any combination of several parcels of land occupied or intended to be occupied by a principal use or building, together with any accessory structures or uses.

Solid Waste: Any hazardous or non-hazardous garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, institutional, commercial, agricultural, and land clearing operations. This term does not include the following: Fowl and animal fecal waste; Solid or dissolved material in any of the following: Domestic sewage, and sludge generated by the treatment thereof, in sanitary sewage disposal systems which have a design capacity of more than 3,000 gallons or which discharges effluent to the surface waters; Irrigation return flows; or Wastewater discharges, and the sludge incidental thereto and generated by the treatment thereof, which are point sources subject to permits granted under Section 402 of the Federal Water Pollution Control Act, as amended (33 U.S.C. Sec. 1251 et seq.) and permits granted under G.S. 143-215.1 by the Environmental Management Commission; Oils and other liquid hydrocarbons controlled under Article 21A of Section 143 of the North Carolina General Statutes; Any radioactive material as defined by the North Carolina Radiation Protection Act (G.S. 104E- 1 through 104E- 23); or Mining refuse covered by the North Carolina Mining Act (G.S. 74-46 through 74-68), and regulated by the North Carolina Mining Commission (as defined under G.S. 143B-290).

Stable: A barn, pasture, outbuildings, and land which is principally used for the breeding, training, riding, and/or maintenance of horses. Stables may be accessory uses or principal uses, but commercial stables shall be classified as "Outdoor Recreational Facilities."

Storm Drainage Design Manual: The most recent edition of the manual adopted by the City Council setting forth standard details for the design and construction of stormwater management systems.

Stormwater Buffer: A natural or vegetated area through which stormwater runoff flows in a diffuse manner so that the runoff does not become channeled, and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

Story: That part of a building or structure above ground level between a floor and the floor or roof next above.

Street Furniture: Functional elements of the streetscape, including but not limited to benches, trash receptacles, transit shelters, planters, telephone booths, kiosks, sign posts, street lights, bollards, and removable enclosures.

Street Orientation: The direction of the architectural front façade of a building in relation to the street.

Street, Private: An interior circulation road designed and constructed to carry vehicular traffic from public streets within or adjoining a site to parking and service areas; it is not maintained or intended to be maintained by the public. Excludes private driveways that are constructed to serve as access directly from a public street to a property under single ownership or for internal access to outparcels within a shopping center when an access easement is in place.

Street, Public: A corridor dedicated for common communication, utility and transportation use including an improved surface that meets the construction standards of the City of Lexington for a street and may be public or private. Excludes private driveways that are constructed to serve as access directly from a public street to a property under single ownership or for internal access to outparcels within a shopping center when an access easement is in place.

Street Right-of-Way: Street right-of-way will mean any public right-of-way set aside for public travel which is accepted or eligible to be accepted for maintenance by the State of North Carolina, or the City of Lexington, if so authorized; or has been dedicated for public travel by the recording of a plat or a subdivision which has been approved or is subsequently approved by the City of Lexington; or has otherwise been established as a public street prior to the adoption of this ordinance.

Street Trees: Large trees planted along a street in or near the right-of-way to establishing a lining of the street in a uniform pattern.

Streetscape: The built and planted elements of a street that define its character.

Structure: Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or movable building which can be used for residential, business, commercial, agricultural, or office purposes, either temporarily or permanently. "Structure" also includes, but is not limited to, swimming pools, tennis courts, signs, cisterns, sewage treatment plants, sheds, docks, mooring areas, and similar accessory construction.

Subdivision: All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets.

Subsequent Use: Any use that occupies a structure after the initial occupancy.

Substantial Improvement: Any repair, reconstruction, expansion, or improvement of a structure, the cost of which exceeds 50 percent of the assessed value of a structure as determined either before the expansion or improvement begins or before the damage occurred giving rise to the repair or reconstruction.

Sweepstakes Business: See Electronic Gaming Operation

TTTT

Temporary: Lasting for a limited time or occurring at limited intervals. The Director of Community Development may establish time limits or maximum number of intervals based on the nature of the use or structure. Typically, temporary structures are defined as being limited to a three month time period and temporary uses are defined as being limited to periods of less than one week, or no more than once per week for a period of no more than three months.

Temporary Structure: A building placed on a lot for a specific purpose which is to be removed within a specified time period. Examples of temporary structures are monitoring stations, mobile classrooms, construction trailers, and produce stands.

Texture: The exterior finish of a surface, ranging from smooth to coarse.

Townhomes: Dwelling units on parcels with individual deeds and common areas maintained by homeowners associations. Scale can range from two attached units to a longer series of attached residences in multiple buildings.

Tract: A defined area of land. Though the terms "Tract," "Lot," and "Parcel" are technically interchangeable, the term "Tract" commonly refers to a portion of land greater than three acres in size.

UUUU

Utility Station: An electricity or gas substation, water or wastewater pumping station, telephone repeater station, or similar structure used as an intermediary switching, boosting, distribution, or transfer station for electricity, water, wastewater, cable television, or telephone services between the point of generation and the end user, or a public or private wastewater treatment plant or water treatment plant, but not including satellite dish antennae, facilities for the handling of solid waste, or radio, television, or microwave transmission or relay towers.

VVVV

Variance: A requested deviation from the regulations contained within this ordinance.

Vested right: The right to undertake and/or complete a development and use of property under the terms and conditions of a local government-approved site plan.

Vehicular Sight Distance: The line of vision needed by a motorist to safely move from a driveway or side street onto a street. The vehicular sight distance is typically contained within the triangular

area formed by a diagonal line connecting two points located on intersecting property lines (or a property line) and the curb or a driveway, the first point being 15 feet from the point of intersection along the street or driveway in which the vehicle is located an the second point being 30 feet from the point of intersection along the street or driveway perpendicular to the vehicles direction of travel. Variations in lot layout and topography may alter the size of the area required.

Vehicular Surface Area: Any portion of a parking lot, driveway, holding area, lane, or street used for vehicular travel or storage.

Visual Termination: A point, surface, building, or structure terminating a vista or view, often at the end of a straight street or coinciding with a bend.

Visually Impervious: A buffering or screening device which partially or totally blocks the view to, or from, adjacent sites by a discernible factor ranging up to 100 percent.

WWWW

Warehouse: A large-scale building that is used for warehousing and wholesaling. Truck and/or rail loading areas are typically prominent features of the site.

Warehousing: The indoor storage of goods, materials, or merchandise for shipment to, or processing on, other property.

Wastewater Treatment Facility: A facility operated by a licensed utility, in compliance with all applicable state, county, and City regulations, and intended or used for the treatment and surface or subsurface disposal of wastewater and which serves more than one use or more than four dwelling units; or a facility intended or used for the treatment and subsurface disposal of wastewater which serves only one use or up to four dwelling units.

Watercourse: A natural channel through which water flows.

Watershed: The entire land area contributing surface drainage into a specific stream, creek, lake, or other body of water.

Wholesale Establishment: A building, property, or activity the principal use or purpose of which is the sale of goods, products, or merchandise stored on the premises to persons who are intermediaries between the producer and the consumer.

Wine Bar, Private Club: A licensed establishment that contains a bar and sells alcoholic beverages including or specializing in wines, for on-site consumption, and is open to only members and their guests. The amount of food served is to a lesser percent than required to meet the State's definition of a restaurant. Musical entertainment may or may not be provided, though a dance floor is not.

Wooded: An area included within an approved reforestation area, dedicated natural open space, or an area that is dominated by trees and other woody plants and contains at a minimum, 100 trees per acre with at least fifty percent of those trees having a two-inch or greater caliper. Also commonly referred to as forest.

Working Day: Any day on which the offices of the City of Lexington are officially open, not including Saturdays, Sundays, and other holidays designated by the City Council.

YYYY AND ZZZ

Yard, Front: The area between the front building line of a principal building or structure and the public or private street upon which the property fronts, projected to the side property lines.

Yard, Rear: The area between the rear building line of a principal building or structure and the property line farthest from the public or private street fronting the parcel, projected to the side property lines.

Yard Sale: An informal, irregularly scheduled event held not more than once during a consecutive three month period at a residential dwelling for the sale of used goods by the occupant of the dwelling. The seller is not required by law to collect sales tax. The goods in a yard sale are unwanted items from the household occupied by the home owners conducting the sale. Yard sales occurring at intervals of more than once per three consecutive month time period shall be considered a business use. Wholesaling is prohibited.

Yard, Side: The area between the side building line of a principal building or structure and the side property line, not projecting into the front or rear yard. For corner lots, measurement shall begin at street instead of the property line.

Zero lot line: The location of a building or structure on a lot in such a manner that one of the building's or structure's sides rests directly on a parcel line.

SECTION 16. AIRPORT HEIGHT RESTRICTIONS

SECTION 16.1 AIRPORT HEIGHT OVERLAY DEFINITIONS:

The following definitions shall be used in the application of Airport Height Restrictions along with the definitions found in Section 15, Definitions.

Airport: Any existing airport within the City of Lexington including but not limited to the Davidson County Airport.

Airport Elevation: The highest point of an airport's useable landing area measured in feet above mean sea level. The Davidson county Airport elevation is 733 feet.

Approach Surface: A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and the same slope as the approach zone height limitation slope as set forth in Section 16.2.

Non-Precision Approach Zone: The inner edge of this approach zone coincides with the width of the primary surface and is one thousand (1,000) feet wide. The approach zone expands outward uniformly to a width of four thousand (4,000) feet at a horizontal distance of ten thousand (10,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

Precision Approach Zone: The inner edge of this approach zone coincides with the width of the primary surface and is one thousand (1,000) feet wide. The approach zone expands outward uniformly to a width of sixteen thousand (16,000) feet at a horizontal distance of fifty thousand (50,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

Conical Surface: A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of four thousand (4,000) feet.

Conical Zone: A zone established on the area that commences at the periphery of the horizontal zone and extends outward therefrom for a distance of four thousand (4,000) feet, and upward at a slope of 20:1.

Hazard to Navigation: An obstruction determined by Director of Community Development in consultation with the Federal Aviation Authority Inspector, to have a substantial adverse effect on the safety and efficient utilization of the navigable airspace.

Height: Mean sea level elevation unless otherwise specified.

Horizontal Surface: A horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which coincided with the perimeter of the horizontal zone.

Horizontal Zone: A zone established by swinging arcs of ten thousand (10,000) feet radii from the center of the end of the primary surface of the runway and connecting the adjacent arcs by lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

Larger than Utility Runway: A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

MSL: Mean Sea Level

Nonconforming Use: Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Ordinance or amendment thereto.

Precision Instrument Runway: A runway having an existing precision approach procedure. Also, a runway for which a precision approach procedure is planned.

Obstruction: An structure, growth, or other object, including a mobile object, which exceeds a limited height set forth herein.

Person: An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, and assignee, or a similar representative of any of those listed.

Primary Surface: A surface longitudinally centered on a runway. The primary surface extends two hundred (200) feet beyond each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is one thousand (1,000) feet.

Runway: A defined area on an airport that is prepared for landing and takeoff of aircraft along its length.

Runway Larger than Utility with a Visibility Minimum as low as ¾ Mile Non-precision Instrument Approach Zone: The inner edge of this approach zone coincides with the width of the primary surface and is one thousand (1,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

Precision Instrument Approach Zone: The inner edge of this approach zone coincides with the width of the primary surface and is one thousand (1,000) feet wide. The approach zone expands outward uniformly to a width of sixteen thousand (16,000) feet at a horizontal distance of fifty thousand (50,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

Structure: An object, including a mobile object, constructed or installed by man, including but not limited to: buildings, towers, cranes, signs, smokestacks, truck trailers, earth formations, and overhead transmission lines.

Transition Surfaces: These surfaces extend outward at right angles (ninety-degree angles) to the runway centerline and extend at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.

Transitional Zones: The transitional zones are the areas beneath the transitional surfaces.

Tree: Any object of natural growth.

SECTION 16.2 PURPOSE AND APPLICABILITY

16.2.1 Purpose. Airport Height Regulations protect the airport environs from encroachment of incompatible land uses which present hazards to users of the airport as well as to persons residing or working in the airport vicinity. The regulations are designed to place height restrictions on buildings, structures, and trees relative to the location of airports in order to avoid conflict which may result in loss of life or property.

16.2.2 Applicability. The applicable area is not intended to be utilized as a general zoning district or overlay district applied to specific properties, but as regulations that apply relative to location of the airport.

SECTION 16.3 HEIGHT RESTRICTIONS

Except as otherwise provided in this section, no structure shall be erected, altered, or maintained, and no trees shall be allowed to grow in any zone created by this Ordinance, to a height in excess of the applicable height restrictions herein established for each zone as follows:

16.3.1 Runway Approach Zone A: Slopes thirty-four (34) feet outward for each one (1) foot upward beginning at the end of, and at the same elevation as, the primary surface and extending to a horizontal distance of fifty thousand (50,000) feet along the extended runway centerline.

16.3.2 Runway Approach Zone B: Slopes thirty four (34) feet outward for each (1) foot upward beginning at the end of, and at the same elevation as, the primary surface, and extending to a horizontal distance of then thousand (10,000) feet.

16.3.3 Transitional Zone: Slopes seven (7) feet outward for each foot upward beginning at the side of, and at the same elevation as, the primary surface and the approach surface, and extending to a height of one hundred fifty (150) feet above the airport elevation or 883 above mean sea level relative to the Davison County Airport, and extending 1,050 feet each side of the runway primary surface. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides, and at the same elevation as the approach surface, and extending to where they intersect the horizontal surface.

16.3.4 Horizontal Zone: Established at one hundred fifty (150) feet above all airports and at one hundred fifty (150) feet above or at 883 feet above mean sea level for the Davidson County Airport.

16.3.5 Conical Zone: Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at one hundred fifty (150) feet above all airport elevations and one hundred fifty (150) feet above or at 1,083 feet above mean sea level for the Davidson County Airport. There are four conical zones (A, B, C, and D), which are one thousand (1,000) feet horizontally each, and rise over three hundred (300) feet in elevation. The maximum height of any structure within the conical zones is as follows:

Conical Zone A: 150 feet, and calculated at 883 feet above mean sea level relative to the Davidson County Airport; and

Conical Zone B: 200 feet, and calculated at 933 feet above mean sea level relative to the Davidson County Airport; and

Conical Zone C: 250 feet, and calculated at 983 feet above mean sea level relative to the Davidson County Airport; and

Conical Zone D: 300 feet, and calculated at 1,033 feet above mean sea level relative to the Davidson County Airport.

Within each of the four conical zones, the Director of Community Development may grant additional height allowance based on a 1:20 slope beginning at the outer edge of the horizontal surface and extending out 4,000 feet, if and only if the person requesting the additional height can provide proof by a registered land surveyor of the exact elevation of the property.

SECTION 16.4 USE RESTRICTIONS

Notwithstanding any other provisions of this section, no use may be made of land or water within any Runway Approach Zone A, Runway Approach Zone B, Transitional Zone, Horizontal Zone, or Conical Zone in such a manner as to create electrical interference with navigational signals or radio communications between an airport and aircraft, make it difficult for pilots to distinguish between airport light and others, result in glare in the eyes of pilots using an airport, impair visibility in the vicinity of an airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use an airport.

SECTION 16.5 MARKING AND LIGHTING OF NONCONFORMING USES

The owner of any existing legal nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Director of Community Development in consultation with the Federal Aviation Administration Inspector or the local Airport Authority, in order to indicate to the operators of aircraft in the vicinity of an airport, the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the airport.

SECTION 16.6 ZONING PERMIT CERTIFICATION

Any issued Minor or Major Zoning Permit shall contain a certification by the approving entity that the proposal is in compliance this section, unless a variance has been approved in accordance with Section 11.4 and Section 16.7, except that such a certification is not required as follows:

16.6.1 Horizontal and Conical Zones. In the area lying within the limits of horizontal zones and conical zones, no permit certification shall be required for any tree or structure less than one hundred (100) feet of vertical height above the ground except when because of terrain, land contour or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

16.6.2 Runway Approach Zones A and B. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than three thousand six hundred (3,600) feet from each end of

the runway, no permit certification shall be required for any tree or structure less than one hundred (100) feet of vertical height above the ground except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

16.6.3 Transition Zone. In the areas lying within the limits of the transition zones, no permit certification shall be required for any tree or structure less than one hundred (100) feet above ground, except when such tree or structure because of the terrain, land contour or topographic feature, would extend above the height limit prescribed for such transition zones.

16.6.4 Amateur Radio Operators. Amateur radio operators must comply with Part 97 of FCC regulations, as amended.

SECTION 16.7 VARIANCES

Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property not in compliance with the regulations prescribed in this Section may apply to the Board of Adjustment for a variance in accordance with Section 11.4 and the following provisions specific to aviation:

The application for a variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed when substantial evidence in the official record of the application supports all findings of fact required in Section 11.4.3, as well as a finding that the variance will not create a hazard to air navigation. No application for variance to the requirements of this section may be considered by the Board of Adjustment unless a copy of this application has been furnished to the airport manager and/or the airport commission for an opinion as to the aeronautical effects of the variance. If the airport manager and/or airport commission does not respond to the application within fifteen (15) days after receipt, the Board of Adjustment may act on its own to grant or deny said application.

Any permit or variance granted, if such action is deemed advisable to effectuate the purpose of this Section and be reasonable in the circumstances, may be so conditioned as to require the owner of the structure or tree in question to install, operate or maintain, at the owner's expense, such markings and lights as may be necessary. If deemed property by the Board of Adjustment, this condition may be modified to require the owner to permit the airport commission, at its own expense, to install, and operate and maintain the necessary markings and lights.

SECTION 16.8 MARKING AND LIGHTING

Any zoning permit, building permit, or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such marking and lighting as necessary.

SECTION 17. LOCAL HISTORIC OVERLAY DISTRICT DESIGN GUIDELINES

17.1 INTRODUCTION

17.1.1 PURPOSE

Design Guidelines for Local Historic Districts help a community better understand the benefits of historic preservation. When applied to Locally Designated Historic Districts and Local Landmarks, design standards make it possible for the Historic Preservation Commission (HPC) to evaluate the appropriateness of exterior changes that are proposed for existing buildings and guide new construction within historic areas. Therefore, Design Guidelines can be an important resource for property owners, builders, architects and realtors.

Guidelines are created to fit specific needs in a community, and provide a foundation for efforts to protect the unique character of a neighborhood, district, or landmark structure. Property owners who want to improve and maintain their buildings can turn to a clear set of guidelines for ready assistance. Successful project outcomes in turn help bolster the overall sense of place and pride that is important to maintaining livable neighborhoods. Guidelines help a community preserve its unique identity while encouraging growth and change. They provide the linchpin for a historic preservation program that supports economic development through stabilization of property values and contributes to tourism development and business recruitment. Successful preservation programs enable a community to say to current and future residents and businesses – 'our City is a good place to live and work.'

The National Register of Historic Places is maintained by the National Park Service, which is part of the U.S. Department of the Interior. In 1977 the National Park Service approved ten principles for preserving the historic integrity of public and private buildings, entitled the ***Secretary of Interior's Standards for Rehabilitation***. The guidelines presented in this document are based on those standards, which are as follows:

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

17.1.2 Role of the Lexington Historic Preservation Commission (HPC)

In accordance with state law, Historic Preservation Commissions are established so that a local governing board, in this case the Lexington City Council, can "safeguard the heritage of the City by preserving any district or landmark herein that embodies important elements of its culture, history, architectural history, or prehistory," and to "promote the use and conservation of such district or landmark for the education, pleasure and enrichment of the residents of the City and the State as a whole." In order to accomplish these goals, Design Guidelines are developed through a process outlined by the General Assembly that provides opportunities for public participation and are administered by Historic Preservation Commissions.

The Lexington Historic Preservation Commission (HPC) was appointed by Lexington's City Council on February 14, 2005. Its purpose is to provide preservation assistance to owners of properties in

designated Local Historic Districts (LHD) and individual properties designated through its Local Landmark Program (LLP). The commission is comprised of five at-large members who are eligible to serve for two consecutive three-year terms. At least three members of the commission must have "demonstrated special interest, experience, and/or education in history, architecture, archaeology, or related fields." Staff support for HPC is provided through the City of Lexington Office of Business and Community Development.

17.1.3 NATIONAL REGISTER DISTRICTS VS. LOCAL HISTORIC DISTRICTS

The National Register of Historic Places is the nation's official list of buildings, sites or areas worthy of preservation due to their significance in American history, architecture, archaeology or culture. Individual properties and districts are added to the National Register through a nomination process that begins on the local level. Nominations can be submitted by public or private property owners, and are reviewed by North Carolina's State Historic Preservation Office (SHPO) prior to consideration by the National Park Service. Being listed in the National Register provides formal recognition based on national standards used by every state. Lexington is proud to have three districts listed in the Register:

- Uptown Lexington Historic District
- Erlanger Mill Village Historic District
- Lexington Residential Historic District

There are several individual buildings throughout the City that are listed in the Register, including Grimes Mill, designated by HPC as the City's first Local Landmark in 2006. Maps and information for the National Register Districts can be found on the City's website at http://www.lexingtonnc.net/index.aspx?page=170 .

Generally there are no federal, state or local government restrictions on National Register properties. Exceptions exist when federally linked funds are involved in rehabilitation, or in cases where federal funds will impact National Register properties, such as highway construction. In these cases, federal regulations require a review process to ensure that historic properties are protected. A guide to this process can be found at http://www.achp.gov/docs/CitizenGuide.pdf.

Communities that wish to implement measures to protect properties often choose to go a step beyond National Register listing and designate Local Historic Districts (LHDs) and Local Historic Landmarks (LHLs). While the boundaries of Local Historic Districts and National Register Districts may be quite similar, a Local Historic District is considered a local zoning district, and often an overlay zoning district, with Design Guidelines that are applied as zoning regulations. The Guidelines also apply to LHDs, which are often listed individually in the National Register, although listing is not a requirement of the Local Landmark Program.

The Lexington Historic Preservation Commission is charged with recommending to City Council the Local Designation of both districts (LHDs) and individual structures, or Landmarks (LHLs). Approval of either a LHD or LHL follows a series of public hearings in which property owners and other interested parties can provide input.

Design Guidelines are developed with community input through a series of public meetings. Once approved, the Guidelines become part of the City's Land Use Ordinance, but apply only to exterior changes to a property in a Local Historic District or Landmark. Interior changes that do not alter the exterior of a property in a LHD are not subject to Design Guidelines, but are, like all construction in the City, governed by state and local building codes and permitting requirements.

Once the district is designated, owners of properties included within a LHD must obtain a Certificate of Appropriateness (COA) prior to undertaking any changes to the exterior to the property. These changes must be consistent with Design Guidelines, which are adopted by City Council. A complete explanation of the COA process is explained in Section 17.1.6.

17.1.4 Benefits of Living in a Local Historic District and/or a National Register District

If a residential or commercial area or structure represents an important part of the heritage of a community, it can elect to take action to protect and preserve its unique character because of the value to current and future generations. Local designation can help prevent a pattern of decline in older neighborhoods. In many cases it can assist an area in reversing such a pattern if it has already begun, thus stabilizing property values and preserving the tax base. Homeowners are assured that money spent to preserve a historic structure within a LHD is a sound investment because owners of surrounding properties will be held to the same standards.

National Register status brings with it some financial incentives for owners. Although having a property listed in the National Register of Historic Places is primarily an honor, contributing properties are also potentially eligible for certain federal and state historic tax credits for appropriate rehabilitation. A *contributing property* is one that has been noted by the National Register listing as one that contributes to the overall historical significance of the larger district. *Non-contributing properties* are not eligible for this incentive. Owners who are interested in determining if their non-contributing property may be restored to obtain contributing status are encouraged to contact staff for contact information for the North Carolina Historic Preservation Office. Owners who are unsure whether their property is contributing or non-contributing can check the inventories for each National Register District. A hard copy is maintained at the Office of Business and Community Development at 31 West First Street. These documents can also be found online on the City website http://www.lexingtonnc.net/index.aspx?page=160.

For income-producing properties, (commercial properties such as office or rental residential), the federal tax code allows for a 20% historic tax credit for qualifying rehabilitations of accredited, or contributing properties. In addition, North Carolina allows for a 20% historic tax credit, for a combined 40% tax credit. A qualifying rehabilitation must meet the Secretary of Interior's Standards. Historic tax credits are calculated as a percentage of approved rehabilitation costs, and are utilized as a credit against state and federal income tax liabilities. Percentages for tax credits may be amended from time to time and current percentages should be checked early in the planning phase of a project.

Owners of non-income producing properties, which are typically residential, are eligible for a 30% state historic tax credit for approved rehabilitation costs. The credits are calculated as a percentage of approved rehabilitation costs, utilized as a credit against personal state income tax liability. There is no federal historic tax credit for non-income producing properties.

Both programs are handled through the Restoration Services Branch of the North Carolina State Historic Preservation Office (SHPO). It is important that property owners contact SHPO prior to beginning any work to ensure the project will meet all requirements. Property owners are also strongly urged to contact HPC through the Lexington Office of Business and Community Development to receive local support and assistance. See Appendix B for examples of historic tax credit projects, and additional contact information.

17.1.5 History of the Local Historic District

The Park Place Local Historic District is contained within the larger Lexington Residential National Register District. Lexington Residential contains the earliest platted residential neighborhoods in the City, including Park Place (1909) and Ford Property / Ford Addition (1923). The proposed Park Place district, which is only a portion of the entire National Register District, encompasses approximately 55 acres, and 156 primary properties. A full report on the Park Place Local Historic District can be found on the City website at: http://www.lexingtonnc.net/modules/showdocument.aspx?documentid=1341

17.1.6 Certificate of Appropriateness (COA)

If a property is located in a designated Local Historic District, or is a designated Local Landmark, the owner must obtain a Certificate of Appropriateness (COA) prior to undertaking any exterior changes to the property. A COA is also required for demolition or relocation of any structure within a district (contributing and non-contributing), or for a Local Landmark.

Routine maintenance does not require a COA, nor does repainting the exterior. Interior alterations do not require a COA. However, there are a few notable exceptions: publicly-owned Local Landmarks and privately-owned Local Landmarks for which the owner has consented to interior review do require a COA for interior changes. Owners participating in the Historic Tax Credit

Program will also be required to get a COA, although as a general rule if proposed changes meet state and/or federal requirements, they will also meet LHC's requirements.

A COA certifies that the proposed work is consistent with the Design Guidelines. COAs are a prerequisite for obtaining a building permit for new construction or for any work to existing structures that requires a building permit. Owners are reminded that such work already requires permitting by the City, and that COAs are an additional zoning requirement. Application for building permits and COAs can be made simultaneously at the Office of Business and Community Development (Planning / Zoning / Inspections / Code Enforcement).

17.1.6.1 Process

Applicants seeking COAs should contact the Office of Business and Community Development prior to submitting an application in order to determine if one is needed. Projects requiring a COA are classified as either Major Works or Minor Works. See Appendix A for a list of Major Works and Minor Works.

COAs for Minor Works can be approved at staff level and are typically issued or denied within 10 days or less. COAs for Major Works are issued by the HPC after consideration at a regularly scheduled meeting, and are typically issued or denied within 30-45 days. This time period may be extended for up to 180 days. Community Development Staff will be happy to provide technical assistance, which may help reduce timelines for final approval. Property owners are strongly encouraged to consult with the staff at Community Development before seeking approval for either category of work.

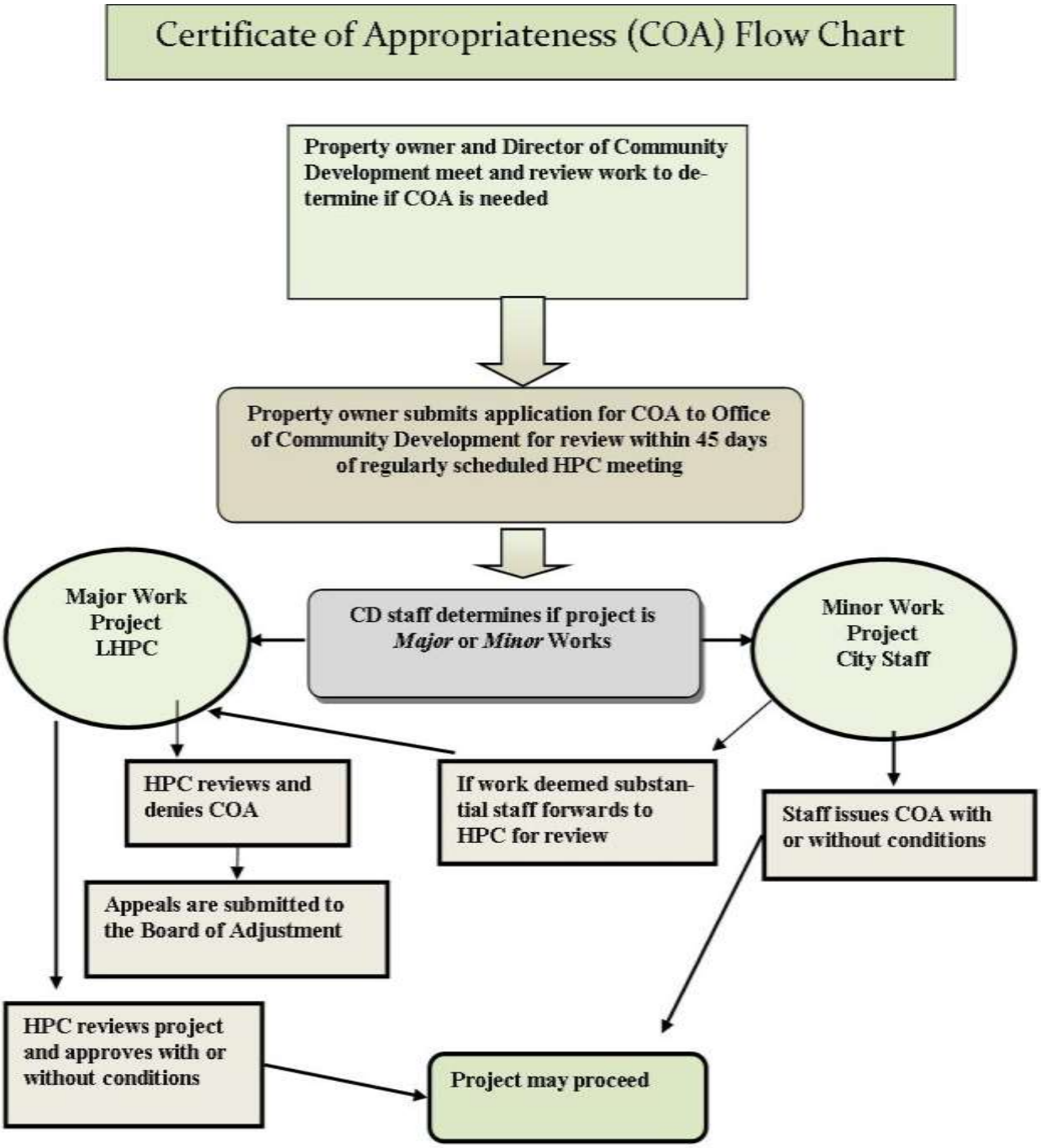
17.1.6.2 Application

Applications for Certificates of Appropriateness can be obtained at the Office of Business and Community Development, 31 West First Street, Lexington, NC 27292 (phone 336.248.3900). Applications should include applicant information, description of the project, and relevant supplemental materials, including the following, if applicable. Professional drawings are not necessary, but drawings and plans should be to scale.

- Drawings
- Site plans
- Samples of materials to be used
- Photographs of the structure
- Site/elevation drawings
- Floor plans
- Location / description of mature large trees

City staff will mail written notice of a public hearing to all owners of property within 100 feet of the property for which the COA is sought, unless it is a Minor Works application approved at staff level. The deadline for COA applications is a minimum of four (4) weeks prior to the next regularly scheduled meeting of the HPC. A flow chart to demonstrate the basic process follows this section.

If a COA is denied, appeal may be made to the Historic Preservation Commission. Any appeal of denial from the Historic Preservation Commission shall be heard by the Board of Adjustment. Passage by HPC of a motion to approve shall constitute the issuance of a COA, which shall be valid for a period of twelve (12) months from the date of issuance for the purpose of obtaining a zoning or building permit for constructing or altering a structure. Once work commences, if it stops for a period exceeding twelve (12) months, the permit shall expire. COAs should be posted in a visible location while the work is in progress.



17.1.6.3 Enforcement

Compliance with the COA shall be enforced by the Director of Business and Community Development. Failure to comply with a COA shall be a violation of the City of Lexington Land Use (Zoning) Ordinance, which can be viewed online on the City's website: http://library.municode.com/index.aspx?clientId=11171.

The following information outlines the process in general relative to all zoning matters, including COAs, which is taken from the Zoning Ordinance.

The Director of Business and Community Development (hereinafter 'Director') is charged with enforcement of this Ordinance. Decisions of the Director may be appealed to the Historic Preservation Commission and ultimately to the Board of Adjustment.

COAs issued on the basis of plans approved by the Director, the Office of Business and Community Development, the Historic Preservation Commission, or the Board of Adjustment authorize only the use, arrangement, and construction set forth in such approved plans and applications. Use, arrangement, or construction that differs from the authorized plans will be deemed a violation of this ordinance and will be punishable as a violation of this ordinance.

The Office of Business and Community Development will maintain a record of all minor and major works COAs and Certificates of Occupancy. Copies of said documents will be made available as public record.

Any COA will lapse and become invalid if 1) the work for which it was issued has not begun within one year of the date of issue; or 2) the work for which it was issued is discontinued for a period of twelve (12) consecutive months.

City staff will be available to assist the applicant to ensure the project continues to meet the provisions of the original approval. However, sometimes technical issues or changes in a project's scope of work may require that the original COA be amended. If the project is considered to be in violation, the applicant will first be given an opportunity to correct the violation. If the violation continues, the applicant will be subject to the penalties as listed in the Land Use Ordinance, Section 11.3, and Violations, of which the most relevant sections are copied here as follows:

17.1.6.3.1 Complaints Regarding Violations

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written or verbal complaint with the Director of Business and Community Development who will properly investigate, and take action as provided by this ordinance.

17.1.6.3.2 Penalties

When any structure, use, or landscaping is erected, constructed, reconstructed, altered, repaired, converted or maintained in violation of this ordinance as herein provided, one or more of the following actions or proceedings to prevent or rectify such violation may be instituted by the City Attorney, the Director of Business and Community Development, the Director of Public Works, a

City of Lexington Code Enforcement Officer, any other appropriate City official; or any person who may be damaged by such violation.

17.1.6.3.3 Order of Abatement

The City may apply for, and the court may enter into, an order of abatement as part of the judgment in the case, directing any of the following actions:

- Buildings or other structures on the property to be closed, demolished, or removed;
- Fixtures, furniture, or other moveable property to be moved or removed entirely;
- Improvements, alterations, modifications, or repairs to be made;
- Any other action to be taken that is necessary to bring the property into compliance with this ordinance.

17.1.6.3.4 Civil Penalty

In addition to the other remedies cited in this ordinance for the enforcement of its provisions, and pursuant to North Carolina General Statute 160A-165, the regulations and standards in this ordinance may be enforced through the issuance of civil penalties by the Director of Business and Community Development as outlined in the City of Lexington Code of Ordinances, Section 1 General Provisions, Section 1-12, General Penalties; Continuing Violations, (c) 9. (of the Zoning Ordinance)

17.1.6.3.5 Stop Work Order Issuance and Revocation of Permits

Whenever a building, structure, sign, or part thereof is being constructed, demolished, renovated, altered, or repaired in substantial violation of any applicable provision of this ordinance, the Director of Business and Community Development may order the specific part of the work that is in violation, or would be when the work is completed, to be immediately stopped. The stop-work order will be in writing, directed to the person doing the work, and will state the specific work to be stopped, the specific reasons for cessation, and the action(s) necessary to resume work lawfully. The Director of Business and Community Development may revoke any permit (i.e. Development, Building, Certificate of Occupancy, etc.) by written notification to the permit holder when violations of this ordinance have occurred. Permits may be revoked when false statements or misrepresentations were made in securing the permit, when work is being or has been done in substantial departure from the approved application or plan, when there has been a failure to comply with the requirements of this ordinance, or when a permit has been mistakenly issued in violation of this ordinance.

17.1.6.3.6 Injunction

Enforcement of the provisions of this ordinance may be achieved by injunction. When a violation occurs, the City may, either before or after the institution of other authorized action, apply to a court of competent jurisdiction for a mandatory or prohibitory injunction commanding the defendant to correct the unlawful condition or cease the unlawful use of the property.

17.1.6.3.7 EQUITABLE REMEDY

The City may apply to a court of competent jurisdiction for any appropriate equitable remedy to enforce the provisions of this ordinance. It is not a defense to the City's application for equitable relief that there are other remedies provided under general law or this ordinance.

17.1.6.3.8 EXECUTION OF COURT DECISIONS

If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he or she may be cited for contempt. The City may execute the order of abatement and place a lien on the property for the cost of executing the order. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and by posting a bond for compliance with the order. The bond shall be given with sureties approved by the Clerk of Superior Court in an amount approved by the judge before whom the matter was heard and will be conditioned on the defendant's full compliance with the terms of the order of abatement within the time fixed by the judge. Cancellation of an order of abatement does not suspend or cancel an injunction issued in conjunction with the order.

17.1.6.3.9 CRIMINAL

Any person, firm, or corporation convicted of violating the provisions of this ordinance will, upon conviction, be guilty of a misdemeanor and will be fined an amount not to exceed five hundred dollars ($500) and/or imprisoned for a period not to exceed thirty (30) days. Each day of violation will be considered a separate offense, provided that the violation is not corrected within thirty (30) days after notice of violation is given.

17.1.7 RELATIONSHIP BETWEEN DESIGN GUIDELINES, ZONING ORDINANCES & OTHER CODE REQUIREMENTS

These Design Guidelines shall be incorporated within the *City of Lexington Land Use (Zoning) Ordinance* through adoption of Ordinance No. 14-05 on October 28, 2013. Although copies of these Design Guidelines may be printed in a user-friendly format and distributed independently, general provisions of the Zoning Ordinance, such as district requirements, enforcement, and non-conformities, apply equally to properties within the historic district. In addition to the Zoning Ordinance, North Carolina State Building Codes, North Carolina Fire Codes, Federal requirements of the Americans with Disabilities Act, and all other local, State, and Federal laws apply. It is not intended that these Design Guidelines repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, vested rights, ordinances or building permits previously adopted or issued pursuant to law and currently effective, except that this ordinance will be part of and supplement the current Zoning Ordinance, as amended.

17.1.8 RESIDENTIAL AND COMMERCIAL STRUCTURES

The majority of structures within the Local Historic District are single family residences. Though the principles and methods may be uniformly applied, certain sections as noted therein pertain specifically to commercial structures.

17.1.9 Persons Qualified to Work on Historic Structures

Although it is not required, property owners are encouraged to evaluate the level of experience of potential contractors in working with historic structures and materials. While some contractors may be licensed and experienced in working with contemporary materials for new construction, a particular skill set may be necessary to complete historic restoration work without causing damage. In addition, the installation of new elements or materials in close proximity to historic materials can jeopardize the historic integrity of a building if handled incorrectly. The Office of Business and Community Development will maintain a reference list of contractors with proven experience in historic restoration work. While projects will be inspected for compliance with Design Guidelines, acceptable quality of craftsmanship rests with the property owner and the contractor.

17.2 APPLIED GUIDELINES

17.2.1 Cross-checking Regulations

These Guidelines are adopted as a part of the Land Use Ordinance, commonly referred to as the Zoning Ordinance. Other sections of the Zoning Ordinance regulate certain aspects of uses and structures that are applicable across the City, such as setbacks, height limitations, building materials and design. In addition to the standards that are equally applied to all properties within the City, these Guidelines are specific to the historic district, taking into account the unique historic value of structures and form. For any proposed exterior renovation or home improvement project, please be sure to check with City staff for other relative regulations contained with the Zoning Ordinance, as well as permits and inspections required by the North Carolina State Building Code or Federal requirements imposed by the Americans with Disabilities Act.

17.2.2 Character Defining Traits

The composition of exterior elements contributes to the form and character of historic buildings. Shape, features, materials, orientation, relief, details, and finishes, work in concert to define style. Features such as projecting bays, chimneys, towers, and pediments add variety to the shapes of exterior walls. Architectural details including quoins, cornerboards, cornices, brackets, entablatures, and skirtboards enhance the connections between exterior walls to other building elements. Light cast against varying degrees of relief adds depth to the structure. Variations in exterior wall materials contribute to the pattern, texture, scale, color, and finish of a structure. Eclectic variety of such elements contributes to the character of the entire district. In addition to other local, state, or federal regulations, codes, or requirements, the following standards will be used in considering Certificates of Appropriateness.

17.2.2.1 MAINTAIN AND REPAIR USING APPROPRIATE METHODS

1. Inspect regularly for signs of moisture damage, vegetation, fungal or insect infestation, corrosion, structural damage or settlement.
2. Provide adequate drainage to prevent water from standing on flat, horizontal surfaces and collecting on decorative elements or along foundations.
3. Clean exterior elements as necessary to remove heavy soiling or to prepare for repainting. Use the gentlest methods possible.
4. Retain protective surface coatings, such as paint or stain, to prevent deterioration.
5. Reapply protective coatings to surfaces, such as paint or stain, when they become damaged or deteriorated.
6. Maintain an effective gutter system to prevent water running off the roof from splashing onto the building's exterior walls. Routinely clean gutters to prevent clogging and water run-off onto exterior surfaces.
7. Repair exterior wall surfaces, details, and features using recognized preservation repair methods for the surface material or coating.

17.2.2.2 RETAIN AND PRESERVE HISTORIC FEATURES

1. Retain and preserve exterior features that contribute to the overall historic form and character of a building. This applies to functional and decorative features, such as cornices, foundations, bays, quoins, arches, water tables, brackets, and entablatures.
2. Retain and preserve exterior wall materials that contribute to the overall historic character of a structure, including brickwork, stucco, stone, wooden shingles, wooden siding, asbestos siding, and metal, wooden, or masonry trim work.
3. Do not remove or cover any detail associated with exterior walls, unless an accurate restoration requires it. This applies to features such as decorative shingles, panels, brackets, bargeboards, and cornerboards.
4. Do not cover historic wall material, including wooden siding, wooden shingles, stucco, brick, and stonework, with coatings or contemporary substitute materials.

17.2.2.3 REPLACE IF NECESSARY USING LIKE MATERIALS AND DESIGN

1. If replacement of a deteriorated detail is necessary, replace only the deteriorated element or portion. Match the original element(s) in size, scale, proportion, material, texture, and detail. Consider compatible substitute materials only if using the original material is not technically feasible.
2. If an exterior wall or feature is completely missing, replace it with a new wall or feature based on accurate documentation of the original or a new design compatible with the historic character of the building and surrounding district.
3. Do not replace concealed, built-in gutter systems with exposed gutters.

17.2.2.4 AVOID COMPROMISING AUTHENTICITY

1. Do not add new features such as window or door openings, bays, vents, balconies, or chimneys to character-defining exterior walls.
2. The introduction of features or details on exterior walls in an attempt to create a false historical appearance is not permitted.
3. Methods that result in homogenization of exterior features on site or throughout the district are not permitted.

17.2.3 MASONRY

Brick veneer buildings date from the early-to the mid-twentieth century. Use of brick increased after World War II with the increasing popularity of Colonial Revival and Ranch style houses. Masonry, including brick, stucco, and stone, is used throughout the district and contributes to its character. Stucco is a textured exterior finish composed of Portland cement, lime and sand mixed with water. In addition to other local, state, or federal regulations, codes, or requirements, the following standards will be used in considering Certificates of Appropriateness.

17.2.3.1 MAINTAIN AND REPAIR USING APPROPRIATE METHODS

1. Inspect surfaces and features regularly for signs of moisture damage, vegetation, structural cracks or settlement, deteriorated mortar, and loose or missing masonry units.
2. Provide adequate drainage to prevent water from standing on flat, horizontal surfaces, or from collecting on decorative elements or along foundations and piers, as this can cause water to soak upwards ("rising damp").
3. Caulk joints between bricks and window frames in order to prevent water penetration.
4. Clean masonry only when necessary to remove heavy soiling or prevent deterioration, and use the gentlest means possible. Gentle cleaning using a low-pressure water wash with detergent and a natural bristle brush is usually sufficient. Occasionally, a chemical masonry cleaner may be necessary. If so, it is important to select a chemical cleaner that is appropriate for the specific masonry material. Begin by testing the solution on an inconspicuous sample area, following recommended application procedures. Be sure to neutralize and rinse the surface thoroughly to prevent any further chemical reaction. The use of abrasive methods such as sandblasting, water blasting, and power washing is destructive to historic masonry surfaces and not appropriate.
5. Open or deteriorated mortar joints will allow moisture to penetrate and damage masonry walls. This can be prevented by proper maintenance, which may require repointing the joints with new mortar. Repoint masonry mortar joints if the mortar is cracked, crumbling, or missing, or if damp walls or damaged plaster indicate moisture penetration. Before repointing, carefully remove deteriorated mortar using hand tools, rather than with electric saws and hammers. Replace the mortar with new mortar that duplicates the original in strength, color, texture, and composition. Match the original mortar joints in width and profile. Mortar high in Portland cement content exceeds the strength of historic brickwork and may cause future deterioration.

6. Do not use waterproof, water-repellent, or non-historic coatings, as they can aggravate moisture problems.
7. Repaint previously painted masonry surfaces when needed.

17.2.3.2 Retain and Preserve Historic Features

1. Whenever possible, retain historic masonry features and mortar.
2. It is not appropriate to paint masonry surfaces that have never been painted. Doing so conceals inherent color and texture and, just as importantly, initiates a continuing cycle of paint maintenance.
3. Repainting previously painted masonry is encouraged over attempts to remove the paint films chemically or abrasively.

17.2.3.3 Replace if necessary using like materials and design

1. If replacement of a deteriorated detail, wall, or element of a masonry surface or feature is necessary, replace only the deteriorated portion with like materials rather than the entire surface or feature. Consider compatible substitute materials only if using the original material is not technically feasible.
2. If a masonry feature is completely missing, replace it with a new feature based on accurate documentation of the original feature or a new design compatible with the scale, size, material, and color of the historic building and surrounding district.
3. Remove and patch only the deteriorated portion of stucco rather than the entire surface. Try to match the original in strength, composition, color, style, texture, and character.

17.2.3.4 Avoid compromising authenticity

4. Do not add new features such as window or door openings, bays, vents, balconies, or chimneys to character-defining exterior masonry walls.
5. Do not add new masonry features to character-defining exterior walls or use masonry materials to cover features that were previously not masonry.
6. Do not use materials that imitate brick.

17.2.4 WOOD

Wood is the most common historic siding in Lexington's Historic Districts, with weatherboard as the most prevalent. Wood shakes and shingles are often found in Queen Anne and Craftsman-style designs. In addition to other local, state, or federal regulations, codes, or requirements, the following standards will be used in considering Certificates of Appropriateness.

17.2.4.1 MAINTAIN AND REPAIR USING APPROPRIATE METHODS

1. If a wooden feature or surface remains damp for extended periods of time, the possibility of mildew, fungal rot, or insect infestation increases dramatically. Inspect regularly for signs of moisture damage, mildew, and fungal or insect infestation.
2. Provide adequate drainage to prevent water from standing on flat, horizontal surfaces and collecting on decorative elements.
3. Keep wooden joints properly sealed or caulked to prevent moisture infiltration.
4. Treat traditionally unpainted, exposed wooden features with preservatives to prevent or slow their decay and deterioration.
5. Retain protective surface coatings, such as paint, to prevent damage from ultraviolet light and moisture.
6. It is not appropriate to clean wooden features and surfaces with destructive methods such as sandblasting, power washing, or by using propane or butane fuel heat sources.
7. Wooden features and surfaces on a building should be maintained and repaired in a manner that enhances their inherent qualities and maintains as much as possible of their original character.
8. Repair historic wooden features using recognized preservation methods for patching, consolidating, splicing, and reinforcing.

17.2.4.2 RETAIN AND PRESERVE HISTORIC FEATURES

1. Retain and preserve wooden features that contribute to the overall historic character of a building and a site, including such functional and decorative elements as siding, shingles, cornices, architraves, brackets, pediments, columns, balustrades, and architectural trim.
2. Do not resurface a wooden building, wall, or feature with synthetic materials, such as aluminum, vinyl, asbestos, or asphalt. Covering wood siding or features with synthetic materials conceals the historic fabric of a building. The application methods can destroy the original surface material and craftsmanship that served as the basis for the district's historical designation. In addition, it allows rot to go undetected. Resurfacing with these materials often covers, but does not address, underlying problems that may get much worse.

17.2.4.3 REPLACE IF NECESSARY USING LIKE MATERIALS AND DESIGN

1. If replacement of a portion of a damaged wooden feature is necessary, replace only the damaged portion rather than the entire feature. Match the original detail or element in design, dimension, texture, and material. Consider compatible substitute materials only if using the original material is not technically feasible.
2. If replacement of an entire wooden feature is necessary, replace it in kind, matching the original in design, dimension, detail, material, and texture. Consider compatible substitute materials only if using the original material is not technically feasible.

17.2.4.4 AVOID COMPROMISING AUTHENTICITY

1. Do not add new features such as window or door openings, bays, vents, balconies, or chimneys to character-defining exterior wood walls.
2. Do not add new wooden features to character-defining exterior walls or use wood to cover features that were previously not wood.
3. Avoid using materials that are designed to imitate wood whenever possible. When necessary, established contemporary materials, such as fiber cement siding, may be used as a suitable replacement for wood.

17.2.5 METAL

A variety of architectural metals are employed in the detailing and surfacing of buildings, street elements and site features throughout a historic district. Cast Iron, wrought iron, lead, brass, copper, tin and bronze are some of the traditional metals found. The shapes, textures, and detailing of these metals reflect the nature of their manufacture, whether wrought, cast, pressed, rolled or extruded. Corrosion or oxidation of metal surfaces is a chemical reaction usually resulting from exposure to air and the moisture it contains, but corrosion can also result from galvanic action between two dissimilar metals. In addition to other local, state, or federal regulations, codes, or requirements, the following standards will be used in considering Certificates of Appropriateness.

17.2.5.1 MAINTAIN AND REPAIR USING APPROPRIATE METHODS

1. Inspect regularly for signs of moisture damage, corrosion, structural failure or fatigue, galvanic action, and paint failure.
2. Provide adequate drainage to prevent water from standing on flat or horizontal surfaces and collecting on decorative elements.
3. Clear metal roofs and gutters of leaves and debris.
4. Retain protective surface coatings, such as paint and lacquers, to prevent corrosion.
5. Clean when necessary to remove corrosion or to prepare for recoating. Use the gentlest effective method. Methods of cleaning architectural metal vary, depending on how soft, or

malleable, the metals are. Abrasive cleaning such as grit blasting are too harsh for soft metals such as tin, lead and copper. Once cleaned, unpainted soft metal element, like brass or bronze hardware may be protected from corrosion with a clear lacquer. Cleaning hard metals, such as cast or wrought iron and steel, is best accomplished by hand-scraping or wire brushing to remove any corrosion before repainting.

6. Repaint promptly when paint film deteriorates.
7. Repair deteriorated architectural metal features and surfaces rather than replace.

17.2.5.2 RETAIN AND PRESERVE HISTORIC FEATURES

1. Retain and preserve architectural metals such as copper, tin, brass, cast iron, wrought iron, and lead that contribute to the overall historic character of the district.
2. Retain and preserve functional and decorative metal elements such as roofing, flashing, storefronts, cornices, railings, hardware, casement windows, and fences.

17.2.5.3 REPLACE IF NECESSARY USING LIKE MATERIALS AND DESIGN

1. If a portion of a metal element is damaged and in need of replacement, replace only the damaged portion and not the entire element to the degree possible. Use replacement material that matches the original in design, color, detail, and material.
2. If the architectural metal is completely missing, replace it with a new feature based on accurate documentation of the original design. New features shall be compatible in scale, size, material, and color with the building and district.
3. Patching metal roofs or flashing with tar or asphalt is not permitted.

17.2.5.4 AVOID COMPROMISING AUTHENTICITY

4. Do not add new decorative or functional metal features to character-defining exteriors.
5. Do not use metal to cover features that were previously not metal.
6. Avoid using materials such as plastic and vinyl that seek to imitate metal.
7. It is not appropriate to introduce architectural metal features or details to a historic building in an attempt to create a false historic appearance.
8. Established contemporary materials may be used as a suitable replacement when necessary.

17.2.6 WINDOWS AND DOORS

Windows and doors can contribute significantly to a building's historic character. The variety of shapes, pattern, size, positioning and proportion are key features in defining a district's historic character and style. The front façade, particularly its first floor, was usually distinguished from the less significant façades with larger, more decorative windows and doors. Unique divided-light designs are common throughout the district and together provide a key character-defining trait of the contributing historic structures. In addition to other local, state, or federal regulations, codes, or requirements, the following standards will be used in considering Certificates of Appropriateness.

17.2.6.1 MAINTAIN AND REPAIR USING APPROPRIATE METHODS

1. Inspect regularly for deterioration, moisture damage, air infiltration, paint failure, and corrosion.
2. Maintain caulking and glazing putty to prevent air or water infiltration around glass.
3. Apply weather-stripping around windows and doors to prevent moisture and air infiltration.
4. Limit paint removal and reapply protective coatings as necessary.
5. Reglaze sash as necessary to prevent moisture infiltration.
6. Usually repairing the original windows is more appropriate and cost effective than replacing with new. Peeling paint, high air infiltration, sticking sashes or broken panes are all repairable conditions and do not necessitate replacement. Repair historic windows and doors and their distinctive features through recognized preservation methods for patching, consolidating, splicing and reinforcing.

17.2.6.2 RETAIN AND PRESERVE HISTORIC FEATURES

1. Retain and preserve windows that contribute to the overall historic character of a building, including their functional and decorative features, such as frames, sashes, muntins, sills, headers, moldings, surrounds, hardware, and shutters.
2. Retain and preserve doors that contribute to the overall historic character of a structure, including functional and decorative features such as frames, glazing, panels, sidelights, fanlights, surrounds, thresholds, and hardware.
3. Do not permanently fill in or cover over existing door openings or window openings. Do not cover over existing window or door openings with plywood unless for a very short time frame to facilitate rehabilitation/construction activities.

17.2.6.3 REPLACE IF NECESSARY USING LIKE MATERIALS AND DESIGN

1. If replacement of a portion of a window or door is necessary, replace only the damaged or deteriorated portion to match the original in size scale, proportion, pane or panel division, material and detail.
2. <u>For public street facing facades (excludes alleys):</u>
    a. If an original window or door is completely missing, replace it with a new unit based on accurate documentation of the original or a new design compatible with the original opening and the historic character of the building.
    b. Replacement units should match the original in dimension, material, configuration, and detail.
    c. If double-glazing in a new unit is desired for energy efficiency, it is not appropriate to use snap-in muntins in place of true-divided lights.
    d. If the missing unit was an aluminum or vinyl replacement window, it may be replaced with a unit of similar material and design as the previous replacement unit to match other units on the façade. However, if other units on the façade are original and/or wood window units, the replacement should match the others in material.
    e. Any replacement windows should be installed carefully as often replacement window installation diminishes the character of the façade by damaging materials surrounding the opening.
3. <u>For rear facades and side facades that do not face a street:</u>
    a. Aluminum and vinyl replacement windows may be used.
    b. Any replacement windows should be installed carefully as often replacement window installation diminishes the character of the façade by damaging materials surrounding the opening.
4. Sashes, window panes, muntins, and rails shall not be replaced with those that are incompatible in size, configuration, and reflective qualities, as this can alter the relationship between window and wall.
5. Historically, wooden shutters were both functional and decorative. Replace deteriorated or missing wooden shutters with like-sized wooden shutters or wooden shutters sized to fit the opening. If replacement of all shutters is necessary, they should match the original shutters in material, color, and size.

17.2.6.4 AVOID COMPROMISING AUTHENTICITY

1. Introduction of new window and door openings into the principal elevations of a structure is not recommended. If permitted, new openings should match or be in proportion to the size of the existing window or door openings. Sashes, glass, sills, frames, casings and muntin patterns should also match.

2. Select, if desired, full-light storm doors constructed of wood or aluminum that do not obscure or damage the existing door and frame. Painted, stained, or baked-enamel finishes in a color that is compatible with the color of the existing door are encouraged. Avoid aluminum coated storm doors or windows.
3. Do not use prefabricated snap-in muntins to create a false divided-light appearance.
4. Do not replace transparent glazing with tinted or opaque glazing.
5. If historically appropriate install fabric awnings over porch, door or window openings so that architectural features are not concealed. Aluminum or plastic awnings are not appropriate.
6. If exterior storm windows are desired, select ones that are coated with a finish appropriate to the color of the building. Install them so that the existing door or frame is not obscured or damaged. Operable storm window dividers should align with the existing window's meeting rail.
7. Do not introduce shutters on a historic building if no evidence of earlier shutters exists.

17.2.7 ROOFS

Although roofs are often seen as merely functional features on a structure, the variety of shapes and materials make a significant contribution to the overall historic character of the district. Often roofs incorporate details unique to Lexington's older structures. The design and shape of a roof are essential to the form and character of a building. Roofing materials vary from metal, slate and clay tile to the most common material seen in the district, asphalt shingles. Shingles come in a variety of colors, but dark colors are the most appropriate because they resemble historic materials like metal or slate that were also generally dark in color. In addition to other local, state, or federal regulations, codes, or requirements, the following standards will be used in considering Certificates of Appropriateness.

17.2.7.1 MAINTAIN AND REPAIR USING APPROPRIATE METHODS

1. Ensure the roof is weather tight by repairing leaks and deteriorated metal flashing.
2. Routinely clean gutters and downspouts. Concealed or built-in gutters require routine monitoring and maintenance to avoid damage from unseen leaks. Such gutters must be cleaned out more often and kept in good repair to make sure they remain functional.
3. Roofs should be properly ventilated to prevent moisture retention and condensation as well as insect infestation.
4. Roofing material should be adequately anchored to protect against wind and weather damage.
5. Refasten loose or replace damaged shingles, slates, or tiles.
6. Older metal roofs, other than those made of copper, require a protective coat of paint or sealant to avoid corrosion due to moisture.
7. Introducing incompatible metal fasteners or flashing on a metal roof can result in galvanic corrosion, and patching metal roofs with roofing tar accelerates deterioration of the metal.

17.2.7.2 Retain and Preserve Historic Features

1. Retain and preserve roofs and roof forms that contribute to the overall historic character of a building, including functional and decorative features such as roofing materials, cresting, dormers, chimneys, cupolas, and cornices.
2. Do not remove a roof feature that is important in defining the overall historic character of a building, rather than repairing or replacing it.
3. Retain distinctive built-in gutters that are concealed from view within a boxed cornice.
4. Painting roofing materials that historically were not painted is not permitted.

17.2.7.3 Replace if necessary using like materials and design

1. If replacing a partially deteriorated roof, replace only the deteriorated portion in kind to match the original feature in design, dimension, detail, color, and material. If full replacement is necessary use only like or compatible materials if at all feasible. Consider substitute materials only when using the original material is not technically or financially feasible.
2. If a roof must be replaced, metal is considered an acceptable material, if the color of the metal is dark gray, black, brown, or a color to match galvanized metal. Brightly colored roofs such as blue, green, or red are not permitted.
3. If new gutters or downspouts are necessary, install them so that no architectural features are damaged or lost.
4. Replace gutters and downspouts with painted or a baked-enamel finished in a color appropriate to the color of the house.
5. Colored metal cannot mimic the original color and texture of a tile roof. Therefore, if a tile roof must be replaced and metal is chosen as the replacement material, the color of the metal shall be a traditional roof color such as black or brown.

17.2.7.4 Avoid compromising authenticity

1. Do not use white or light colors of asphalt shingles.
2. If new gutters and downspouts are needed, install them so that no architectural features are lost or damaged. Select new gutters and downspouts that match trim color, unless they are copper. Retain the shape of traditional half-round gutters and downspouts if replacing them.
3. If necessary to install roof ventilators, antennas or solar collectors, locate them on rear slopes where they will not be visible from the street.

17.2.8 FOUNDATIONS

Like roofs, foundations often contribute to the historic character of a structure. A foundation's height, material, and any unique features or details are important to retain. Brick is the most common foundation material in Lexington's historic districts. Many brick foundations are unpainted, some have colored mortar, and others have been painted over at some point. Wooden lattice panels are sometimes seen as infill between exposed brick pier foundations and on porches and entrances. In addition to other local, state, or federal regulations, codes, or requirements, the following standards will be used in considering Certificates of Appropriateness.

17.2.8.1 MAINTAIN AND REPAIR USING APPROPRIATE METHODS

1. Moisture due to improper drainage or inadequate ventilation is the most common cause of deterioration in foundations. Improper drainage results from insufficient sloping or grading around the foundation, which allows water to collect and eventually erode the mortar joints in the foundation. Brick foundations also can have loose or cracked brick and deterioration of mortar joints due to the settling of the structure over the years. Ensure proper grades are maintained to remove water from the foundation. Install drains near the foundation if necessary. Remove vegetation growing close to the foundation if resulting in moisture retention and foundation damage.
2. Clean, repair, and repoint foundation according to masonry guidelines.
3. Open vents during summer months to ensure adequate ventilation of the crawl space.
4. Remove vegetation that may cause structural damage to the building's foundation.

17.2.8.2 RETAIN AND PRESERVE HISTORIC FEATURES

1. Return the original design, texture, color, and materials of historic foundations. All character-defining features of historic foundations should be retained and preserved including vents, grills, panels, piers, lattice, porch steps, basement windows and door openings.
2. Paint should not be applied to previously unpainted masonry foundations.

17.2.8.3 REPLACE IF NECESSARY USING LIKE MATERIALS AND DESIGN

1. If a portion of the foundation is damaged, replace only the damaged portion and use materials that match the original, including brick size, type and color, as well as colored mortar if applicable.
2. Underpinning shall consist of bricks and joint tooling that match brick piers as closely as possible. Non-structural underpinning may consist of a single course of bricks, lattice brick walls, or even treated wooden lattice. If openings between brick piers are filled in, similar materials or lattice should be used. The infill area should be recessed and clearly differentiated from the original piers.

17.2.8.4 AVOID COMPROMISING AUTHENTICITY

1. Inconspicuously locate new utility and mechanical connections through foundations using side or rear walls where they will not be visible from the street.

17.2.9 PORCHES, ENTRYWAYS & BALCONIES

Porches, entrances and balconies are often the focal point of a historic building and contribute significantly to overall architectural character. Porches were historically the center of activity in a residential neighborhood. Because the use of front porches in the neighborhood plays an equally significant role in the overall character of the community, new front porches will be permitted for houses lacking this important social space. Entrances demonstrate the architectural design as well as the period of the residential structure. Balconies, sleeping porches, side and back porches also exist in the Lexington historic district. Many side and rear porches are screened or enclosed with lattice panels. Most porches are constructed in wood although some decorative ironwork can be present as well. Because the enclosure of a porch or balcony alters the character of a historic structure significantly it is not considered appropriate to do so in a historic district, unless the porch is on the rear façade. In addition to other local, state, or federal regulations, codes, or requirements, the following standards will be used in considering Certificates of Appropriateness.

17.2.9.1 MAINTAIN AND REPAIR USING APPROPRIATE METHODS

1. Periodically clean wooden surfaces, remove rust from metal, and keep a sound paint film on all painted porch surfaces.
2. Ensure that water effectively runs off of floors and steps.
3. Replace rotted floor boards or other porch materials.

17.2.9.2 RETAIN AND PRESERVE HISTORIC FEATURES

1. Entryways and porches are important character-defining elements of a historic structure and should be retained and preserved. Important elements include steps, columns, balustrades, doors, railings, brackets, roofs, cornices and entablatures.
2. If replacement of a porch element is necessary, replace only the deteriorated or missing detail with new materials that match the design of the original as closely as possible.
3. It is prohibited to enclose porches on primary elevations. Porches on rear elevations not seen from the public right-of-way may be screened or enclosed only if the work is designed so that it can be installed or removed without damage to the historic structure.

17.2.9.3 REPLACE IF NECESSARY USING LIKE MATERIALS AND DESIGN

1. Reconstruction of missing or extensively deteriorated porches is encouraged. Reconstructed porches shall be based on documentary evidence. If adequate documentation is not available, a new design is appropriate if it is compatible with the style and period of the building.
2. Houses lacking usable front porches will be permitted to add new porches in a design consistent with other architectural features on the structure as well as overall compatibility with the surrounding homes.
3. Repairs to porches using materials incompatible with the original materials are not allowed. For example, metal supports shall not be used as substitutes for wood columns, plywood shall not be substituted for beaded board ceilings, and concrete shall not be used as a substitute for tongue-and-groove wood flooring.

17.2.9.4 AVOID COMPROMISING AUTHENTICITY

1. Handicapped access can be accommodated in an appropriate manner. The installation of temporary features to aid the handicapped and disabled is recommended if designed so that it can be installed or removed without damage to the historic structure.
2. Introducing new entrances on a primary elevation is prohibited.
3. Creating a false historical appearance through the addition of elements and details is inappropriate as well. Reconstruction of a missing balcony or entrance requires evidence of the original configuration and detail.

2.10 FENCES AND WALLS

Many different types of fencing and walls can be found in the City's historic areas. There are brick and concrete retaining walls bordering the sidewalk and a stone wall that runs along the Salem and West Third Street sides of the Lexington City Cemetery. Masonry walls are often used to define yards and to accent garden landscapes. Some yards along West Fourth and North State Street are lined by wrought-iron fences. Fences are prominent landscape features and help to visually define the scale of residential lots and public spaces. In addition to other local, state, or federal regulations, codes, or requirements, the following standards will be used in considering Certificates of Appropriateness.

17.2.10.1 MAINTAIN AND REPAIR USING APPROPRIATE METHODS

1. Fences and walls should be properly maintained according to guidelines for masonry, wood, and metal.

17.2.10.2 RETAIN AND PRESERVE HISTORIC FEATURES

1. Retain and preserve historic fences and walls whenever possible including gates, hardware, cast or wrought iron details, ornamental pickets, etc.
2. Masonry walls that were historically unpainted should not be painted. Repainting previously painted masonry walls is permitted.

17.2.10.3 REPLACE IF NECESSARY USING LIKE MATERIALS AND DESIGN

1. Deteriorated fence and wall elements should be repaired rather than replaced. New elements should match the original in material, texture, and design.
2. Fence or wall replacement should match the original to the extent possible in terms of material, color, texture, and design.
3. Existing vinyl fences located in areas with direct sunlight are likely to become brittle. If replacement becomes necessary, replace with a permitted material including wood, wrought iron, and woven wire.

17.2.10.4 AVOID COMPROMISING AUTHENTICITY

1. New fences and walls shall be designed and installed in a manner that is sensitive to the character of the district, as well as appropriate to the architectural style and period of the historic structure.
2. Wood, brick, stone, decorative block and iron are appropriate materials. Welded wire, when permanently attached to wooded or iron posts is allowed if covered with vegetation.
3. Front yard fences shall be of an open design such as picket and no greater than three and a half (3 ½) feet in height.
4. Powder-coated black, dark brown or dark green chain link fencing is appropriate for rear yards only.
5. Vinyl fences, chicken wire, and above-ground electric fences and are not permitted.
6. Privacy fences, split rail, basket weave, lattice and shadowbox fences are prohibited in front yards.
7. Wooden privacy fences that extend perpendicular from the side of the house shall be located at or behind the rear plane of the house.
8. Rear yard fences are limited to six (6) feet in height.
9. Fences and walls should be used to screen service areas, mechanical equipment, and dumpsters in the commercial areas. Fences, walls, or landscaping is appropriate to screen commercial parking lots.
10. Retaining walls, when visible from a public right-of-way, must be constructed of brick or stone. Landscape timbers and railroad ties may be used when they are not visible from the public right-of-way.

17.2.11 PAINT

The Lexington Historic Commission does not review paint or paint color. Therefore, a property owner within the historic district does not need to obtain a Certificate of Appropriateness prior to painting his or her building. The guidelines for paint presented in this document are included only as a guide to the proper methods to apply and maintain paint on a historic structure and will be used only in reviewing larger renovation projects. Paint color and its application are non-permanent changes to a structure that often reflect personal taste. It also provides a level of visual detail on a structure much to the same degree as an architectural component like a cornice or porch. References to paint colors are meant as suggestions. Paint serves two primary purposes on a historic structure: it provides character and detail to the building, and it preserves and protects wood and some metal surfaces. Masonry surfaces were historically left unpainted while some metal surfaces such as copper or bronze were also left uncoated as well. In addition to other local, state, or federal regulations, codes, or requirements, the following standards will be used in considering Certificates of Appropriateness.

17.2.11.1 MAINTAIN AND REPAIR USING APPROPRIATE METHODS

1. Using high-quality paint, apply a sound paint film to surfaces that were historically painted.
2. Follow preparation and application guidelines in previous sections on wood, masonry, and metal materials.

17.2.11.2 RETAIN AND PRESERVE HISTORIC FEATURES

1. Painting architectural features such as trim, brackets, corner boards and moldings a different color than the body of the structure can accentuate these architectural details.
2. When applying paint to a historic building, be careful not to conceal any architectural details or texture of the underlying material.
3. Paint previously painted masonry material in colors that reflect the underlying material.

17.2.11.3 REPLACE IF NECESSARY USING LIKE MATERIALS AND DESIGN

1. Select paint schemes that are most appropriate to the architectural style and period of the historic structure. Historic color palettes and color suggestions may be obtained at local paint stores.

17.2.11.4 Avoid compromising authenticity

1. Masonry surfaces were historically unpainted. It is not appropriate to paint previously unpainted surfaces. However, once painted, it is appropriate to repaint using color repair rather than blasting the surface to remove paint.

17.2.12 Lighting

Lighting provides a subtle, but defining feature within historic areas. Lighting fixtures on historic homes, lamp posts along walkways, and even overhead street lights work in concert to paint the evening picture of historic districts, as well as improve safety for outdoor activity. Historic light fixtures, though small in comparison to the size of structures, are important details to preserve. In addition to other local, state, or federal regulations, codes, or requirements, the following standards will be used in considering Certificates of Appropriateness.

17.2.12.1 Maintain and repair using appropriate methods

1. Original fixtures should be kept in good working order. Electrical wiring components should be checked on a regular basis. Globes and glass coverings should be replaced or repaired if broken to keep water from reaching electrical components.
2. Metal should be maintained in accordance with methods prescribed in Section 2.3.

17.2.12.2 Retain and preserve historic features

1. Retain original lighting fixtures, lamp posts, and other outdoor lighting elements.
2. If a light fixture is damaged, replace only the damaged portion in order to retain the historical detail.
3. Methods to install new fixtures and repair original fixtures shall not damage the structure or any other architectural feature.

17.2.12.3 Replace if necessary using like materials and design

1. Replacement fixtures shall be appropriate to the building and district in terms of type, style, size, color, brightness, and materials.

17.2.12.4 Avoid compromising authenticity

1. New fixtures shall be appropriate to the building and district in terms of type, style, size, color, brightness, and materials.
2. Use understated techniques and light sources to highlight a building's architecture.
3. Lighting shall not adversely affect or spill over into neighboring properties, nor should it overly illuminate the district.
4. Electric service lines to lamp posts should be buried whenever possible.
5. Overhead street lights should be replaced with period overhead lamp post lighting and line should be buried whenever possible.
6. It is not appropriate to install tall security pole lights in locations that are visible to the public.

17.2.13 Awnings

Awnings were found on historic commercial structures as well as on some residential buildings. While their function is to provide shade and reduce heat gain, their design and application contribute significantly to the architectural character of a historic structure. In addition to other local, state, or federal regulations, codes, or requirements, the following standards will be used in considering Certificates of Appropriateness.

17.2.13.1 Repair and maintain using appropriate methods

1. On masonry structures, attachments for awnings should be made in the mortar joints and not in the brick itself.
2. Awnings shall be maintained and cleaned in accordance with the manufacturer's suggested methods. Often a mild soap and water will remove any darkening of the fabric due to environment.
3. Small tears in canvas that are patched or repaired early-on may prevent addition damage from wind. In addition, regular maintenance of the fabric may prevent water damage to the frame.
4. Inspect regularly for damage to brackets, supports, or fasteners.

17.2.13.2 Retain and preserve historic features

1. Awnings shall fit in the openings above windows and doors.
2. Awnings shall be affixed so that no architectural features are concealed or damaged.

3. Awnings shall be placed only on structures for which they are historically accurate or on which there is physical evidence of a similar previous treatment.

17.2.13.3 REPLACE IF NECESSARY USING LIKE MATERIALS AND DESIGN

1. If replacement is necessary, new awnings shall match the original awnings in terms of placement, scale, and design. Color may vary to match current paint color schemes.
2. Continuous awnings or awnings that cover architectural features such as piers or columns are not appropriate.

17.2.13.4 AVOID COMPROMISING AUTHENTICITY

1. Signage, including logos, graphics, and other copy, is not permitted on awnings. Only the address number may be screen printed or painted directly on the awning and the numbers shall be no greater than six inches in height.

17.2.14 OUTBUILDINGS & ACCESSORY STRUCTURES

This section pertains to existing outbuildings and accessory structures. See Section 17.3.1, New Construction, for new outbuildings and accessory structures. Original outbuildings such as barns, sheds, and garages, often gain historic significance in their own right due to construction method, architectural style, and period. Many of these structures survive in the district and are still being used as originally intended. Many of these historic outbuildings have architectural characteristics and style similar to the primary structure with which they are associated. They are more utilitarian in nature, and are usually situated in rear yards adjacent to alleyways. The same criteria used for primary contributing buildings applies to contributing outbuildings and accessory structures. In addition, the following standards will be used in considering Certificates of Appropriateness.

17.2.14.1 MAINTAIN AND REPAIR USING APPROPRIATE METHODS

1. Maintain and repair contributing outbuildings in the same manner as prescribed for primary contributing structures.

17.2.14.2 RETAIN AND PRESERVE HISTORIC FEATURES

1. Retain and preserve original outbuildings which have gained historic significance on their own.
2. Architectural elements of historic outbuildings such as roofs, siding, material, windows and doors, foundations, and character-defining detailing should be retained and preserved.

17.2.14.3 Replace if necessary using like materials and design

1. If replacement of an element on a historic outbuilding is necessary, replace only the deteriorated portion to match the original in material, size, proportion, texture and detailing.
2. The same criteria related to the use of materials applies to outbuildings and accessory structures.

17.2.14.4 Avoid compromising authenticity

1. Do not introduce new elements to outbuildings and accessory structures that diminish the historic integrity of the structure.

17.2.15 Residential Parking, Driveways & Sidewalks

The historic district was originally planned and developed with little consideration for the use and storage of vehicles, and certainly not to accommodate the 2- and 3-car families of today. Pedestrian features were prominent and buildings were closely spaced to reduce walking distances. Over the years, provisions for increased vehicular use have been incorporated, and are now fundamental elements of the district. These features can be maintained and designed in ways that do not detract from the original architecture, while providing convenience and function for today's automobile-dependent society.

Residential driveways are narrow and parking areas are small. Off-street parking is often in rear yards accessed from alleys. Due to the small size of residential lots as well as the early, pre-automobile development of the district, many lots do not have designated parking areas and must utilize on-street parking.

In addition to other local, state, or federal regulations, codes, or requirements, the following standards will be used in considering Certificates of Appropriateness.

17.2.15.1 Repair and maintain using appropriate methods

1. Maintain and repair paving surfaces for driveways and off-street parking.

17.2.15.2 Retain and preserve historic features

1. Landscape and site design should continue to enhance the district and complement its historic architecture.

2. Historic walkways and sidewalks and their original materials shall be retained and preserved whenever possible.
3. Planter strips shall be retained as planter strips and may not be filled with concrete or other impervious surface material.

17.2.15.3 REPLACE IF NECESSARY USING LIKE MATERIALS AND DESIGN

1. On-site parking within commercial areas shall be to the side or rear of the structure. Front yards, in particular, should be used for building area to create a continuous street wall consistent with the historic development of the commercial district.
2. Established contemporary materials may be used as a suitable replacement when necessary.

17.2.15.4 AVOID COMPROMISING AUTHENTICITY

1. New driveways should be designed to minimize any impact to landscapes, buildings, and historic curbing.
2. Parking in residential areas should be to the rear of the structure whenever possible.
3. New front yard curb cuts are not permitted.
4. New provisions for parking in front yards are not permitted.
5. New circular drives in front yards are not permitted.
6. Curb-cuts shall be kept to the smallest openings that are functional. Existing curb cuts are not permitted to be widened.
   The design of new deck parking should be appropriate to the district in size, scale, proportion and materials.
7. Consider the use of grasscrete or other similar surface when creating overflow parking areas in previously unpaved area.
8. New sidewalks in the historic district shall be composed of either concrete, brick, stone or other masonry material such as pavers.
9. New sidewalks and sidewalks being replaced at whole-block lengths shall contain a planter strip a minimum of four feet in width. The planter strip shall contain a minimum of one canopy (large) tree planted sixty feet on center.
10. New walkways and steps shall be compatible to the architectural style and character of the structure located on the property.
11. New front walks in residential areas shall lead directly from the public sidewalk to the front door of the structure.
12. New walkways shall be flush with the grade of the front yard and with the public sidewalk.

17.2.16 TREES

Because the Lexington Historic District is primarily residential in scale and character, buildings generally cover half of the average lot; therefore, it is important to preserve both the proportion of green area to building mass and the formal or informal character of the landscaping. Significant elements of the landscape, such as mature trees, grassy lawns, hedges, foundation plantings, fences, walls, trellises, ground cover, fountains, terraces and gardens, all contribute to the character of the specific site and the historic district as a whole, though only mature (18" diameter) large trees will be regulated herein. (Large tree species are defined and listed within Section 9.)

Large trees within the district are often as historically significant as the structures themselves, particularly in the residential areas. Some of the trees in the district are as old if not older than the historic buildings. While a building can be renovated or restored, vegetation cannot. Therefore, it is critical that mature and historic trees contributing to the character of the district be preserved and maintained. In addition to other local, state, or federal regulations, codes, or requirements, the following standards will be used in considering Certificates of Appropriateness.

17.2.16.1 MAINTAIN AND REPAIR USING APPROPRIATE METHODS

Unnatural pruning techniques such as topping, stubbing, dehorning, or lopping are not appropriate. Tree pruning should follow accepted industry standards for arborists (ANSI 300A Standards).

17.2.16.2 RETAIN AND PRESERVE HISTORIC FEATURES

1. Retain and preserve mature large trees whenever possible.
2. Incorporate existing mature large trees into plans for additions and new construction.

17.2.16.3 REPLACE IF NECESSARY USING LIKE MATERIALS AND DESIGN

A Certificate of Appropriateness (COA) is required for the removal of live trees with a diameter of 18" (eighteen inches) or greater. Removal of significant trees should only be done in the case of disease or storm damage, if the tree poses a safety hazard, or is a hazard to historic structures. The Historic Preservation Commission will pay the cost of obtaining the professional opinion of an acceptable licensed arborist to assist in determining the condition of large trees. Please contact the Director of Business and Community Development in such cases so that arrangements may be made for an arborist.

17.2.16.4 AVOID COMPROMISING AUTHENTICITY

See Section 9, Landscape Methods and Standards, for additional information on appropriate species and installation methods.

17.2.17 ENERGY RETROFIT

Many features of historic buildings are inherently energy efficient. For example, operable transoms, windows, awnings, and shutters provide opportunities for conserving energy. Enclosed vestibules, extending porches and even certain plantings help buffer historic interiors from the elements. Capitalizing on energy-efficient historic features and sensitively retrofitting historic buildings can maximize their energy-conserving potential. In addition to other local, state, or federal regulations, codes, or requirements, the following standards will be used in considering Certificates of Appropriateness.

17.2.17.1 MAINTAIN AND REPAIR USING APPROPRIATE METHODS

1. Energy efficiency of older windows is compromised if the weather-stripping around the sash is not maintained and the glazing compound that seals the glass panes within the wooden sash deteriorates. Weather-stripping around doors must be maintained to prevent air infiltration.
2. Once existing windows and doors have been repaired as needed, storm windows and doors can be installed to provide a second barrier for greater efficiency when installing storm windows. Care must be taken not to damage or obscure the windows and the doors in the process. Interior storm windows are encouraged as an alternative to exterior storm windows. However, exterior storm windows with a painted or baked-enamel finish in a color appropriate to the color of the building are acceptable. Stained or painted wooden storm doors with large glass panels are also acceptable.
3. When introducing insulation, care should be taken not to damage historic details or materials. Rapid-expanding insulating foam may damage historic window and siding details. It is not appropriate to introduce blown-in insulation by drilling holes through an exterior wall of a building.

17.2.17.2 RETAIN AND PRESERVE HISTORIC FEATURES

1. Retain and preserve the inherent energy-conservation features of a historic building, such as porches, operable windows, transoms, and louvered shutters.
2. Improve thermal efficiency by installing weather-stripping, storm windows, caulk, and, if they are historically appropriate, fabric awnings and shutters.

17.2.17.3 REPLACE IF NECESSARY USING LIKE MATERIALS AND DESIGN

It is not appropriate to replace multiple-paned doors or window sashes with thermal sashes using snap-in, false muntins.

17.2.17.4 AVOID COMPROMISING AUTHENTICITY

1. Select wooden doors or screen doors that are stained in a natural wood color or painted to match the building or the trim. Install storm or screen doors so that the existing door and frame are not damaged or obscured. Metal storm or screen doors are not appropriate.
2. If wooden shutters are historically appropriate, install them in porch, door, or window openings so that architectural features are not concealed or historic materials damaged. Select colors appropriate to the color of the building.
3. Install low-profile ridge vents if desired, provided that they do not diminish the original design of the roof or destroy architectural details.
4. Locate roof ventilators, antennas, and solar collectors on non-character-defining roofs or inconspicuously on rear slopes, where they will not be visible on the street. It is not appropriate to locate them on front or street elevations.

17.2.18 STOREFRONTS OF COMMERCIAL PROPERTIES

Although most of the guidelines are applicable to commercial properties as well, this section is applicable to commercial storefronts. The storefront is the most important character-defining element of a commercial façade. Upper façades on a historic commercial building are quite different in their function and design. Commercial buildings were originally designed to have a commercial function on the first level, and an office or residential function on the upper floors. While not often used in that way today, a growing trend in downtown revitalization is to bring a residential function back into a city's historic core. Many storefronts in Lexington had large display windows above wooden or masonry bulkheads with transom windows above. Some also had recessed entryways in the center of the façade flanked by display windows. In addition to other local, state, or federal regulations, codes, or requirements, the following standards will be used in considering Certificates of Appropriateness.

17.2.18.1 MAINTAIN AND REPAIR USING APPROPRIATE METHODS

Follow the guidelines specific to individual materials in order to protect and maintain historic storefronts clad in wood, masonry, and architectural metals.

17.2.18.2 RETAIN AND PRESERVE HISTORIC FEATURES

1. Retain and preserve historic façades and their architectural features such as brick corbelling, brick and stone string courses, quoins, stone and tile coping, cornices, and other façade elements.
2. Retain and preserve historic materials including wood, stone, architectural metal, and cast iron.
3. Retain and preserve commercial storefronts and storefront details that contribute to the historic character of the building including display windows, recessed entryways, doors, transoms, corner posts, columns, and other decorative features.
4. Retain and preserve historic materials whenever possible including wood, stone, architectural metal, and cast iron.
5. It is not appropriate to brick-in original window and door openings.
6. Whenever possible, remove metal cladding or other non-historic coverings from historic façades.

17.2.18.3 REPLACE IF NECESSARY USING LIKE MATERIALS AND DESIGN

1. If replacement of a deteriorated storefront or storefront feature is necessary, replace only the deteriorated element to match the original in size, scale, proportion, material, texture and detail.
2. If reconstructing a historic storefront, base the design on historic research, physical evidence, and photographic documentation, if available. Recreate the original architectural elements including overall proportions, fenestration, dimensions, and orientation.
3. If replacement of an upper façade feature is necessary, replace the deteriorated element with a new element and design that matches the original in size, scale, design, proportion, detail, and material, if possible.

17.2.18.4 AVOID COMPROMISING AUTHENTICITY

1. Avoid using materials which detract from the historic or architectural character of the building, such as mirrored glass.
2. Moving the location of a storefront entrance is not permitted. The design and function of storefront entrances shall also be retained.
3. Changing a storefront so that it appears as an office or residential use other than commercial is not permitted. Reconstructing storefronts for new uses is not allowed.
4. It is prohibited to cover architectural details or entire façades with non-historic materials or treatments.

5. Established contemporary materials may be used as a suitable replacement or for repair when necessary.

17.2.19 REAR AND NON-CHARACTER-DEFINING ELEVATIONS ON COMMERCIAL BUILDINGS

Rear elevations on historic commercial buildings are usually of simple design reflecting their utilitarian function. These elevations, with rear entrances to shops, offices, and residential spaces, still foster a great deal of activity.

17.2.19.1 MAINTAIN AND REPAIR USING APPROPRIATE METHODS

Follow the guidelines specific to individual materials in order to protect and maintain historic storefronts clad in wood, masonry, and architectural metals.

17.2.19.2 RETAIN AND PRESERVE HISTORIC FEATURES

1. Historic structures which are adjacent to rear parking areas or public rights-of-way are encouraged to utilize existing rear entrances allowing public and private access.
2. Retain and preserve historic side and rear elevations and their architectural features.
3. Whenever a rear elevation faces a public right of way or parking facility, unnecessary utility lines and equipment shall be removed, whenever possible. New utility and mechanical equipment shall be placed in an inconspicuous location such as the roof and screened from public view.

17.2.19.3 REPLACE IF NECESSARY USING LIKE MATERIALS AND DESIGN

1. When portions of rear and non-character-defining elevations are deteriorated, replace only the deteriorated portions with materials that match the originals.
2. Original windows on upper floors that are located on rear or non-character-defining elevations may be repaired, or replaced with wood, aluminum-clad, or vinyl-clad windows that match the originals in design, size, proportions and detail.

17.2.19.4 AVOID COMPROMISING AUTHENTICITY

1. Residential features such as window boxes, window air conditioning units, etc, should be located on rear or side elevations and should be appropriate to the style of the historic

structure. Small satellite dishes or television antennas should be as inconspicuous as possible, preferably being located on rooftops.

17.2.19 COMMERCIAL PARKING, DRIVEWAYS & SIDEWALKS

Commercial areas are designed with wide streets and sidewalks, and designated on-street parking spaces in order to accommodate heavy vehicular and pedestrian traffic. Rear parking was common to reduce the visual impact of parking lots, while maintaining building and pedestrian prominence. Pedestrian mobility and access remains a critical feature of the vibrant Uptown. Equally important is the softening of harsh streets, sidewalks and parking lots with vegetation and lighting that is safe and conducive to a pedestrian atmosphere.

Planting strips are an attractive and functional element of the historic district, found in both residential and commercial areas. Originally, planting strips were placed between the sidewalk and street, and were planted with canopy trees. The trees not only provide shade for pedestrians, but also serve as a safety barrier between the pedestrian and cars, which are typically only separated by a few feet. Unfortunately over the years, many of the trees were removed due to utility line conflicts, and many of the remaining grass strips were filled with concrete, extending the pedestrian walkway to within 1 or 2 feet of adjacent traffic.

In addition to other local, state, or federal regulations, codes, or requirements, the following standards will be used in considering Certificates of Appropriateness.

17.2.20.1 REPAIR AND MAINTAIN USING APPROPRIATE METHODS

1. Maintain and repair paving surfaces for driveways and off-street parking.

17.2.20.2 RETAIN AND PRESERVE HISTORIC FEATURES

1. Landscape and site design should continue to enhance the district and complement its historic architecture.
2. Historic walkways and sidewalks and their original materials shall be retained and preserved whenever possible.
3. Planter strips shall be retained as planter strips and may not be filled with concrete or other impervious surface material.

17.2.20.3 Replace if necessary using like materials and design

1. On-site parking within commercial areas shall be to the side or rear of the structure. Front yards, in particular, should be used for building area to create a continuous street wall consistent with the historic development of the commercial district.

17.2.20.4 Avoid compromising authenticity

1. New driveways should be designed to minimize any impact to landscapes, buildings, and historic curbing.
2. Parking in residential areas should be to the rear of the structure whenever possible.
3. New front yard curb cuts are not permitted.
4. New provisions for parking in front yards are not permitted.
5. New circular drives in front yards are not permitted.
6. Curb-cuts shall be kept to the smallest openings that are functional. Existing curb cuts are not permitted to be widened.
   The design of new deck parking should be appropriate to the district in size, scale, proportion and materials.
7. Consider the use of grasscrete or other similar surface when creating overflow parking areas in previously unpaved area.
8. New sidewalks in the historic district shall be composed of either concrete, brick, stone or other masonry material such as pavers.
9. New sidewalks and sidewalks being replaced at whole-block lengths shall contain a planter strip a minimum of four feet in width. The planter strip shall contain a minimum of one canopy (large) tree planted sixty feet on center.
10. New walkways and steps shall be compatible to the architectural style and character of the structure located on the property.
11. New front walks in residential areas shall lead directly from the public sidewalk to the front door of the structure.
12. New walkways shall be flush with the grade of the front yard and with the public sidewalk.

17.2.21 Signs

From commercial signs, to wayfinding systems, to the identification of residential structures, signage in historic districts comes in all shapes and sizes. Some signage is historic in its own right. While signs serve important functions, sensitive design that complements and does not detract from historic architecture can enhance the historic district. Size, type, and location of signs are important design considerations for commercial structures and help define the pedestrian qualities of the downtown. See Section 6, Signs, for additional design guidelines and regulations pertaining

to signage. In addition to other local, state, or federal regulations, codes, or requirements, the following standards will be used in considering Certificates of Appropriateness.

17.2.21.1 MAINTAIN AND REPAIR USING APPROPRIATE METHODS

1. Maintain and clean in accordance with methods prescribed herein for materials.
2. Painted wooden and metal signs should be touched up on a regular basis to maintain appeal and correct for fading.

17.2.21.2 RETAIN AND PRESERVE HISTORIC FEATURES

1. Retain and preserve historic signs. Refurbish as needed.
2. Signs attached to a historic structure shall be mounted so that no significant architectural feature is concealed or damaged.

17.2.21.3 REPLACE IF NECESSARY USING LIKE MATERIALS AND DESIGN

1. If a historic sign is damaged, repair if possible or replace only the portion of the sign that is damaged. Historic signs may not be replaced with replicas.
2. Historic sign materials such as wood, metal, and masonry are preferred.

17.2.21.4 AVOID COMPROMISING AUTHENTICITY

1. Size, scale, location, style and material used for new signage shall be compatible with the architecture of the historic buildings and character of the district.
2. Wall signs on commercial buildings shall be flush-mounted in appropriate locations in the wall space above the storefront.
3. Contemporary materials such as plastic and vinyl are not permitted.

17.2.22 PUBLIC FACILITIES

The City, County, State, and Utility providers must comply with historic regulations just as a private property owner within the district. A COA is required for changes to public facilities.

Commercial areas are designed with wide streets and sidewalks, and designated on-street parking spaces in order to accommodate heavy vehicular and pedestrian traffic. Rear parking was common

to reduce the visual impact of parking lots, while maintaining building and pedestrian prominence. Pedestrian mobility and access remains a critical feature of the vibrant Uptown. Equally important is the softening of harsh streets, sidewalks and parking lots with vegetation and lighting that is safe and conducive to a pedestrian atmosphere.

Planting strips are an attractive and functional element of the historic district, found in both residential and commercial areas. Originally, planting strips were placed between the sidewalk and street, and were planted with canopy trees. The trees not only provide shade for pedestrians, but also serve as a safety barrier between the pedestrian and cars, which are typically only separated by a few feet. Unfortunately over the years, many of the trees were removed due to utility line conflicts, and many of the remaining grass strips were filled with concrete, extending the pedestrian walkway to within 1 or 2 feet of adjacent traffic.

In addition to other local, state, or federal regulations, codes, or requirements, the following standards will be used in considering Certificates of Appropriateness.

17.2.22.1 REPAIR AND MAINTAIN USING APPROPRIATE METHODS

1. Paving surfaces shall be maintained and kept in good working condition.
2. Alleyways are an important feature within the historic district and care should be taken to preserve function of usable alleys through proper maintenance.

17.2.22.2 RETAIN AND PRESERVE HISTORIC FEATURES

1. Streetscape design should continue to enhance the district and complement its historic architecture.
2. Historic walkways and sidewalks and their original materials shall be retained and preserved whenever possible.
3. Planter strips shall be retained as planter strips and may not be filled with concrete or other impervious surface material.
4. Planter strips that were previously filled in shall be reestablished when work is being conducted on the adjoining sidewalk or street, to the extent practical and possible.

17.2.22.3 REPLACE IF NECESSARY USING LIKE MATERIALS AND DESIGN

1. Historic materials should be retained, and if replacement is necessary, like materials, or those appropriate to the period of significance of the district shall be utilized.

17.2.22.4 AVOID COMPROMISING AUTHENTICITY

2. The following considerations shall be given when preparing driveway cuts for residential or commercial structures:
    a. New driveways should be designed to minimize any impact to landscapes, buildings, and historic curbing.
    b. Parking in residential areas should be to the rear of the structure whenever possible.
    c. New front yard curb cuts are not permitted.
    d. New provisions for parking in front yards are not permitted.
    e. New circular drives in front yards are not permitted.
    f. Curb-cuts shall be kept to the smallest openings that are functional. Existing curb cuts are not permitted to be widened.
    The design of new deck parking should be appropriate to the district in size, scale, proportion and materials.
3. Consider the use of grasscrete or other similar surface when creating overflow parking areas in previously unpaved area.
4. New sidewalks in the historic district shall be composed of either concrete, brick, stone or other masonry material such as pavers.
5. New sidewalks and sidewalks being replaced at whole-block lengths shall contain a planter strip a minimum of four feet in width. The planter strip shall contain a minimum of one canopy (large) tree planted sixty feet on center.

17.2.23 ASBESTOS AND ASBESTOS-CEMENT SIDING

Asbestos-cement siding, or "transite" is a common historic siding material used in the Park Place Historic District. According to a report by the North Carolina's State Historic Preservation Office (SHPO), asbestos-cement siding installed on historically significant structures during original construction is worthy of preservation. However, there are several historically-significant structures that were constructed during the period of significance (1854 to 1957), that appear to have asbestos-cement siding added at a later date, thereby compromising the historic character of these structures. As part of the review process, staff will determine a structure's historic status as either contributing or noncontributing by referring to both the SHPO report and the *Park Place Local Historic District Local Designation Report*, prepared by an accredited Historic Preservation Consultant. The intent is to restore structures that are found to be historically-compromised and therefore, non-contributing, back to their contributing status in the District. In addition to other local, state, or federal regulations, codes, or requirements, the following standards will be used in considering Certificates of Appropriateness.

17.2.23.1 MAINTAIN AND REPAIR USING APPROPRIATE METHODS

1. Asbestos-cement siding can be cleaned if it is soiled or moldy, or has an algae coating. Trisodium Phosphate (TSP) added to warm water in the proportions recommended by the manufacturer can be used to remove dirt or light stains. Bleach may be added to the mixture to remove moss or other fungi. Wear rubber gloves, eye protection, long sleeve shirts, and long pants when mixing or using trisodium phosphate or bleach solutions, and be sure to the follow safety precautions printed on cleaner and bleach labels. The use of a power washer or mechanical methods for cleaning asbestos-cement can damage the surface, possibly allowing asbestos fibers to become airborne, and should not be used. Property owners are encouraged to contact the Office of Business and Community Development for technical assistance and contact information for the North Carolina Historic Preservation Office.

2. Provide adequate drainage to prevent water from standing on flat, horizontal surfaces and collecting on decorative elements. Prolonged dampness of asbestos-cement siding can promote growth of moss, algae and fungi. Shade trees in close proximity to the structure or exterior wall planes facing northerly directions are susceptible to moisture retention. It is recommended to remove objects blocking sunlight and trim vegetation and landscaping to mitigate moisture problems.

3. If stains cannot be removed, another option is painting the asbestos-cement products. Painting is an especially good solution if the material was originally painted, but adds a maintenance factor. Oil based paints and varnishes are not chemically compatible with cementitious materials. High quality alkali-resistant and weather resistant exterior paint (i.e., 100% acrylic coating) should be used on exterior asbestos-cement materials, or use pigmented shingle stain. Before being painted, asbestos-cement surfaces should be cleaned, then primed with an alkali-resistant primer.

4. Asbestos-cement products can be brittle and susceptible to cracking and chipping. Potential damage should be minimized or prevented. For example, shrubs or flower beds can planted around the foundation to prevent the siding from being damaged by lawn equipment, automobiles, etc., or a drip cap can be added below the bottom row of siding to serve as a bumper. Hairline cracks can be repaired with clear epoxy, and larger gaps can be patched with a thin grout made of Portland cement and water. For cracks larger than 1/8 inch, grout with a thicker consistency should be used, or sand should be added to the grout. After patching, keep the grout damp for about a week to keep it from drying so quickly that it cracks.

17.2.23.2 RETAIN AND PRESERVE HISTORIC FEATURES

1. Retain and preserve Asbestos-cement siding that was installed during original construction of contributing structures. Broken or damaged shingles shall be replaced with fiber cement planks that duplicate the dimensions and texture of the existing panels. Applications of any vinyl siding, materials, components or substitutes are not appropriate.

2. Do not resurface, cover or encase existing asbestos-cement siding on any structure, building, wall, or feature with synthetic materials including however, not limited to: vinyl,

aluminum, EIFS/Stucco (Exterior Insulation Finishing System) or asphalt. Covering asbestos-cement siding or features conceals the historic fabric of a building. The application methods can destroy the original surface material and craftsmanship that served as the basis for the structure's historical designation. In addition, it allows moisture and related problems to go undetected. Resurfacing with these materials often covers, but does not address, underlying problems that may get much worse.

17.2.23.3 REPLACE IF NECESSARY USING LIKE MATERIALS AND DESIGN

1. If replacement of a portion of damaged asbestos-cement panels on contributing structures is necessary, replace only the damaged panels with fiber-cement panels, only. Use of fiber-cement panels that match the original, asbestos-cement panels in design, dimensions and texture are appropriate. Regarding the handling of asbestos, the following finding has been determined by the North Carolina Department of Health and Human Services: **If this material is in good condition and can be removed substantially intact, with no small fragments or dust generated, then it is <u>not</u> considered a regulated asbestos-containing material and does not require the use of accredited personnel or an asbestos removal permit. Minor breakage that may occur during careful removal of the siding does not result in the material becoming regulated; however, if the siding is not removed substantially intact, it becomes regulated.** Property owners are encouraged to contact the Office of Business and Community Development for technical assistance, resources and guidance on handling asbestos materials.

2. If asbestos-cement siding is present on historically-compromised structures, and/or is in substantial disrepair, any proposals to restore exterior walls, details, materials or any other character-defining elements to a more authentic or historically-accurate condition shall be encouraged. Proposals to remove and abate existing asbestos-cement materials with the intent of restoring the structure's original, historic character will be reviewed on a case-by-case basis by the Planning Board and/or its appointed review committee(s).
3. If asbestos-cement siding or features are found to be unoriginal to the construction of any structure, and there is documented evidence that wooden siding was the original material, then restoration and/or replacement of the wooden siding or features with natural wooden material or fiber cement is appropriate. Replacement with wooden material must match the original material in design, dimension, detail, and texture. Replacement with fiber cement material must mimic natural wood material in both texture and dimensions.
4. If asbestos-cement siding or features are found to be original to the structure, and is in a state of substantial disrepair as determined by the Planning Board and/or its designated review committee(s), then wooden or fiber cement shall be used as an appropriate replacement.

17.2.23.4 AVOID COMPROMISING AUTHENTICITY

1. Do not add new features such as window or door openings, bays, vents, balconies, or chimneys to character-defining exterior walls.
2. Do not resurface, cover or encase existing asbestos-cement siding on any structure, building, wall, or feature with synthetic materials including however, not limited to: vinyl, aluminum, EIFS/Stucco (Exterior Insulation Finishing System) or asphalt. Covering asbestos siding or features conceals the historic fabric of a building. The application methods can destroy the original surface material and craftsmanship that served as the basis for the structure's historical designation. In addition, it allows moisture and related problems to go undetected. Resurfacing with these materials often covers, but does not address, underlying problems that may get much worse.
3. The introduction of features or details on exterior walls in an attempt to create a false historical appearance is not permitted. Proposals to restore exterior walls, details, materials, or any other character-defining elements to a more authentic or historically-accurate condition shall be encouraged. Proposals will be evaluated on a case-by-case basis.

17.2.24 VINYL, ALUMINUM AND OTHER SYNTHETIC SIDING MATERIALS

Vinyl, aluminum, EIFS (Exterior Insulation Finishing System)/Stucco and other synthetic siding materials are present on both contributing and noncontributing structures in the Park Place Historic District. However, vinyl siding and other synthetic materials are not recognized as historically-relevant building materials. According to a statement by the United States Secretary of the Interior; "Vinyl siding creates a very different play of light and shadow on the wall surface, thus resulting in a different character, thereby compromising the historic character of the structure. Changes to character-defining features of a building such as this always have an impact on more than just that building; they also alter the historic visual relationship between the buildings in the neighborhood." As part of the review process, staff will determine a structure's historic status as either contributing or noncontributing by referring to the *Park Place Local Historic District Local Designation Report*, prepared by an accredited Historic Preservation Consultant. In addition to other local, state, or federal regulations, codes, or requirements, the following standards will be used in considering Certificates of Appropriateness.

17.2.24.1 MAINTAIN AND REPAIR USING APPROPRIATE METHODS

1. Vinyl, aluminum, EIFS (Exterior Insulation Finishing System)/Stucco and other synthetic siding materials are susceptible to the same effects as natural products of being exposed to the elements. Additionally, vinyl siding can shatter when struck by hard objects, and aluminum and stucco will dent or show scratches. Painting synthetic surfaces as a maintenance solution is not appropriate, and the results are often unsuccessful because of the nature and chemical compositions of these various materials. Periodic cleaning with mild soap and water is recommended. Any brick, stone or other masonry surfaces should be covered and protected from any potential runoff that may occur from cleaning agents. A soft bristle brush may be used as an agitator.

2. Provide adequate drainage to prevent water from standing on flat, horizontal surfaces and collecting on decorative elements. Although many synthetic materials contain chemicals that resist the growth of moss, algae and fungi, prolonged dampness of any siding material can promote growth of biological microorganisms. Shade trees in close proximity to structures or exterior wall planes facing northerly directions are susceptible to moisture retention. It is recommended to remove objects blocking sunlight and trim vegetation and landscaping to mitigate moisture problems.

17.2.24.2 Retain and Preserve Historic Features

1. Vinyl or aluminum siding, EIFS (Exterior Insulation Finishing System)/Stucco and other synthetic materials are not recognized as historically-relevant building materials. These materials were manufactured and installed on buildings well after the period of significance (1854-1957) and are not original to the buildings, thereby compromising the historic character of structures. As a matter of regular maintenance, broken or damaged synthetic siding shall be replaced with duplicate materials that match the dimensions and texture of the existing panels, to the practical extent possible. Replace only the damaged sections, in-kind. Substantial installation, new or otherwise, of any replacement vinyl siding, materials, components or substitutes are not appropriate in the District.
2. Keep joints properly sealed and maintained according to the specifications recommended by the particular manufacturer or industry-specific standards and methods to prevent moisture infiltration.
3. Do not resurface, cover or encase existing vinyl, aluminum, EIFS (Exterior Insulation Finishing System)/Stucco, or other synthetic siding on any structure, building, wall, or feature with new or replacement synthetic materials. Covering siding or features may further conceal the historic fabric of a building and could allow moisture and related problems to go undetected. Resurfacing with these materials often covers, but does not address, underlying problems that may get much worse.

17.2.24.3 Replace if necessary using like materials and design

1. If replacement of a portion of damaged synthetic siding or materials is necessary as a matter of regular maintenance, replace the damaged pieces, parts or areas, only. Use of replacement materials that match the original materials in design, dimensions and texture are appropriate. Substantial installation, new or otherwise, of any replacement vinyl siding, materials, components or substitutes are not appropriate in the District.
2. If damage or deterioration of existing vinyl, aluminum, EIFS (Exterior Insulation Finishing System)/Stucco and/or other synthetic siding material is found to be substantial by the Planning Board and/or its appointed review committee(s), then siding must be replaced and restored back to its original material at the time of construction based on documented evidence to the extent possible. Replacement material must match the original, historic material in design, profile, dimension, detail, and texture.

3. Any proposals to restore exterior walls, details, materials or any other character-defining elements to a more authentic or historically-accurate condition shall be encouraged. The intent is to restore structures that are found to be historically-compromised and therefore, non-contributing, back to their contributing status in the District. Proposals to remove existing synthetic materials with the intent of using new replacement materials, or restoring the structure's original, historic character will be reviewed on a case-by-case basis by the Planning Board and/or its appointed review committee(s).

17.2.24.4 AVOID COMPROMISING AUTHENTICITY

1. Do not add new features such as window or door openings, bays, vents, balconies, or chimneys to character-defining exterior walls.
2. The introduction of features or details on exterior walls in an attempt to create a false historical appearance is not permitted. Proposals to restore exterior walls, details, materials, or any other character-defining elements to a more authentic or historically-accurate condition shall be encouraged. Proposals will be evaluated on a case-by-case basis by the Planning Board and/or its appointed review committee(s).

17.3 NEW CONSTRUCTION, ELEMENTS AND FEATURES

17.3.1 INFILL, ADDITIONS, OUTBUILDINGS, ACCESSORY STRUCTURES, AND DECKS

New construction, additions, outbuildings and accessory structures, and decks are encouraged when appropriately designed and sited. These elements can serve to maintain the vibrancy of the district by facilitating development of vacant lots, allowing for growth and flexibility of houses for larger families, and providing convenient and safe storage space for residents. Incompatible scale, massing, or placement can negatively impact the district when too much space is displaced, causing an imbalance in the look and feel of an established neighborhood. Neighboring properties can suffer declining values and even the loss of natural sunlight when adjoining buildings overshadow or are placed too close to existing structures. In addition to other local, state, or federal regulations, codes, or requirements, the following standards will be used in considering Certificates of Appropriateness.

17.3.1.1 INFILL AND ADDITIONS

1. Primary façades shall face the public street.
2. The setbacks, massing, placement, scale, and spacing of the proposal must be compatible with surrounding buildings and shall not negatively impact or overshadow adjoining properties.
3. The design of the proposed building must be compatible in terms of fenestration, height, form, size, scale, massing, proportion, materials, and roof shape with the surrounding contributing buildings. However, compatible contemporary designs rather than historic duplications are encouraged.
4. It is not appropriate to construct an addition that detracts from the overall historic character of the principal building and the site, or requires the removal of a significant building element or site feature. Additions are not permitted to be greater in height than the original building. Additions that echo the style of the original structure while introducing compatible contemporary design are acceptable. The form, design, relationship of openings, scale, and selection of materials, details, colors, and features of proposed new additions will be reviewed in terms of compatibility with the original building. Additions should be designed so they are differentiated from the historic building through a break in roofline, cornice height, wall plane, materials, siding profile, or window type.
5. If possible, place additions in areas not visible from the public street. When such placement is not possible, limit size and height, and match in material, design, and color in order to limit impact.
6. Additions must be designed so that if removed in the future, the building can be returned to its original configuration and appearance.
7. Additions must be predominantly finished in brick, stone, stucco, wooden siding, or other approved substitute material determined to be compatible with the historic materials of the original building. Substitute materials must have a demonstrated record of overall quality and durability, but shall not make up the majority of the finished materials on a project.
8. Building design and site design must reflect the overall character of the site in terms of topography, character-defining features, and trees.
9. Building design and site design must ensure that significant district vistas and views are retained.
10. Evaluate in advance any disturbance to the site's terrain during construction to limit the possibility of destroying unknown archaeological resources.
11. Protect large trees and other significant site features from immediate damage during construction and from delayed damage due to construction activities, such as loss of root area or compaction of the soil by equipment. It is especially critical to avoid compaction of the soil within the drip line of trees.

17.3.1.2 Outbuildings and Accessory Structures

1. Designs for new outbuildings and accessory structures, such as detached carports, detached garages, lighting, and signage, shall complement the architectural style and period of the primary structures as well as similar structures within the district.
2. New outbuildings and accessory structures shall be located so as not to be visible from the fronting public street. The Lexington Land Use Ordinance regulates the specific location and setbacks for new outbuildings and accessory structures. In addition, the side setback should be no less than the side setback for the primary structure so that the building is less likely to be visible from the street.
3. The scale of new outbuildings relative to the house should be comparable to other ratios within the district. As stated in the Lexington Land Use Ordinance, and also required herein, the aggregate floor area of all accessory buildings, excluding open patios and decks, may not exceed half of the total first floor area of the house. For regulations for commercial buildings, refer to the Land Use Ordinance.
4. Prefabricated wooden accessory structures that are not architecturally similar to the primary structure are allowed only if screened from view from any existing public street.
5. Prefabricated metal storage buildings are not permitted.
6. All proposed exterior lighting and signage should be compatible with the special character of the historic district, and must also adhere to the local zoning ordinance.

17.3.1.3 Decks

Contemporary decks are popular substitutes for more traditional patios and terraces. To maintain a building's historic character, deck additions are generally located on the rear elevation. Decks are usually built on posts to align with the first-floor level of a residence and can consequently stand considerably above the ground.

1. A deck should be compatible with but differentiated from the building, and constructed to be structurally independent so that it could be removed in the future without damage to the building. A deck should never be so large that it overpowers the building or the site.
2. Because decks are exposed to the elements, decay-resistant woods, such as cypress or redwood, or pressure-treated lumber should be used. Decks may be painted or stained to protect them from water and sunlight and to make them more compatible with the colors of the historic structure. Some pressure-treated wood may require six to twelve months of weathering before primer and paint will bond well to it.
3. Locate decks in an inconspicuous area if possible, usually on the rear façade. Do not add a deck to a character-defining elevation on a historic building.

4. Construct decks so that there is the least possible loss of historic fabric. Also, ensure that the character-defining features of the historic building are not obscured, damaged, or destroyed.
5. It is not appropriate to remove significant features or elements of a historic building, such as a back porch, to construct a deck.
6. Align decks, no higher than the height of the building's first-floor level. Visually tie the deck to the building by screening with compatible foundation materials such as skirtboards, lattice, masonry panels, and dense evergreen foundation plantings.
7. It is not appropriate to construct a deck that significantly changes the proportion of built area to open space for a specific property.

17.3.2 Safety, Accessibility, and Security Features

Due to the fact historic structures were constructed before life safety and accessibility codes were developed, many do not meet modern standards required by the North Carolina State Building and Fire Codes or federal requirements of the Americans with Disabilities Act. The North Carolina Rehabilitation Code provides some flexibility concerning historic structures relative to building and accessibility issues. While application of these building codes often result in substantial changes to a historic property, the installation of accessibility and life safety features can usually be done in a manner that does not compromise the historic character of the structure. The following standards will be used in considering Certificates of Appropriateness.

1. When projects must include the addition of health and safety features, minimize visual impact to the extent practical and possible in order to protect the historic character of the structure and its character-defining details.
2. Health and safety features including fire escapes and access ramps shall be designed and located to the extent practical and possible so there is minimal visual impact to the historic structure.
3. Health and safety features that are visible from the public right-of-way shall be constructed to the extent practical and possible so that the scale, materials, and details are compatible with the historic structure.
4. Fire escapes and access ramps shall be constructed and installed in such a way that they can be removed with minimum damage to the historic district to the extent practical and possible.

17.3.3 MECHANICAL & COMMUNICATION SYSTEMS

Mechanical equipment, above ground electrical systems, and communication networks are part of everyday life and can be incorporated into historic districts with minimal visual impact. The following standards will be used in considering Certificates of Appropriateness.

1. Install new air-conditioning units so that excessive moisture does not accumulate and damage historic materials.
2. When installing window air conditioning units, place them in windows on the rear elevations not easily seen from a public right-of-way. Install them in such a manner that there is no damage to the existing window sill or sashes, or to the wall surface below, as water can hug the sill and return to stain and damage the wall.
3. Installation, rehabilitation, or replacement of mechanical systems should minimize changes to the exterior appearance of a structure.
4. Some historic mechanical systems such as plumbing, early lighting fixtures, and vents are important architectural features and should be retained and preserved whenever possible.
5. Compliance with local building codes and utility company standards and practices is required for the installation, upgrading, or replacement of building systems.
6. New mechanical systems shall be installed in areas and spaces that will require the least possible alteration to the site plan, materials, and appearance of a building. Mechanical equipment which can be seen from the street must be screened with shrubbery or appropriate fencing.
7. If feasible, mechanical supply lines and ductwork shall be located inside buildings. Exterior mechanical supply lines and ductwork shall be disguised by architectural elements compatible with the character of the building and shall be located as inconspicuously as possible.
8. Plumbing vents and solar collectors shall not be visible from the street.
9. Locate television antennas and satellite dishes on rear elevations where they are not easily seen from a public right-of-way.
10. Communication systems such as television antennae, satellite dishes, and cellular phone towers can dramatically affect the character of the historic environment. Care must be taken so the installations of these systems minimize their visual and physical impact to the historic district.
11. Attaching exterior electrical, telephone or television cables to the principal elevations of the buildings is not permitted.

17.4 DEMOLITION

17.4.1 CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION

A Certificate of Appropriateness (COA) is required for demolition of any structure within the historic district. Demolition should be carefully deliberated. Property owners should work with the Commission and City staff to seek alternatives and guidance on demolition. The Commission will evaluate the following points when considering issuance of a Certificate of Appropriateness for a proposed demolition:

1. Does the structure represent an imminent threat to health or safety as is?
2. Is the cost of stabilization or rehabilitation reasonable compared to the cost of new construction?
3. If the demolition is proposed in order to facilitate new development on site, are other suitable sites available?
4. Is adaptive reuse a viable option?
5. Can the property be sold to someone willing to use the existing building?
6. Can the existing building be moved to another site?
7. Will the proposed demolition adversely affect other historic buildings in the district or the overall character of the district?
8. If the COA were denied, would the property owner be denied any reasonable return from, or make any reasonable use of, his property?
9. Is the need to demolish the result of the applicant's own actions?

A COA may delay demolition for up to 365 days in order to allow the Commission adequate time to explore alternatives.

17.4.2 DEMOLITION OF STRUCTURES OF STATEWIDE SIGNIFICANCE

In addition, an application for a COA authorizing the demolition of a building, site or a structure determined by the NC State Historic Preservation Office to have statewide significance as defined in the criteria of the National Register of Historic Places, may be denied except when:

1. City Council has adopted a demolition ordinance pursuant to the Minimum Housing Code and North Carolina General Statute (NCGS) 160A-443.
2. The structure is certified by a building inspector to be Unsafe and Condemned under the NCGS 160A-426 (a).
3. The Commission finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use of or return from the property by virtue of the denial.

17.4.3 CONDITIONS FOR COA FOR DEMOLITION

The following shall be imposed conditions upon any COA issued for demolition:

1. Before demolition, the property owner shall record significant structures through photographs and/or measured drawings as specified by the Commission.
2. Before demolition, the property owner shall submit a site plan to the commission illustrating proposed site development or plantings to follow demolition.
3. During demolition, the property owner shall ensure the safety of any adjacent properties and historic resources. Also, during and after demolition, the property owner shall protect trees on the site from damage due to compaction of the soil by equipment or materials.
4. After demolition, the property owner shall be responsible for clearing the site promptly and thoroughly.
5. After demolition, the property owner shall seed in grass, landscape and/or develop the site promptly as approved in the proposed site plan.

17. 5 RELOCATION

A Certificate of Appropriateness (COA) is required for the relocation of any contributing structure from within the district, or to another site within the same historic district or another historic district. The relocation of structures from outside of the district to within the district shall be considered as new construction. Moving a historic structure is a substantial process requiring a special skill set and is usually only undertaken to prevent demolition. Property owners are encouraged to enlist contractors with proven experience in relocating historic buildings. The proposed setting is a critical element in relocation of the structure. The following shall be imposed conditions upon any COA issued for the relocation of a structure from within or to the historic district.

1. Before moving a historic structure, the property owner shall document its original setting and context, using photographs, site plans, or other graphic or written statements to record the existing site conditions. The form and detail of said documentation shall be specified by the Commission.
2. The property owner shall protect the structure from vandalism or weather damage before, during, and after the move.
3. The property owner shall minimize structural damage during the move.
4. The relocated structure shall comply with new construction guidelines in terms of placement, orientation, plantings, and other pertinent aspects of setting.
5. The property owner shall provide a site plan including information on building location, accessory buildings, driveways, lighting, and parking areas.

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Appendix A

MINOR WORKS	MAJOR WORKS	EXEMPT
Staff Level Approval	Historic Preservation Commission Approval	No approval necessary
1. Additions of 144 square feet or less to the rear elevation of primary buildings, or to existing accessory buildings located in the rear yard 2. Installation or construction of a new accessory building of 144 square feet or less in the rear yard 3. Construction or expansion of a carport, deck, porch, or patio located in the rear yard 4. Removal or replacement of a carport, deck, porch, or patio that is more than 50 years old and located in the rear yard 5. Construction of new fences or walls in the rear yard, or in the side yard of interior lots 6. Construction, expansion, or removal of driveways and sidewalks in the rear yard, or in the side yard of interior lots 7. Construction or installation of new exterior stairs, steps, or ramps in the rear yard, or in the side yard of interior lots 8. Replacement of existing windows or doors on the rear elevation, or on side elevations of interior lots 9. Installation of new awnings, canopies, or shutters 10. Replacement or removal of awnings, canopies, or shutters that are more than 50 years old 11. Construction, repair, or removal of chimneys that are more than 50 years old 12. Replacement of roof 13. Alteration, repair, or replacement of exposed foundation 14. Installation or replacement of siding	1. New construction of primary building 2. Additions to primary or accessory buildings located in the front yard or side yard 3. Additions of more than 144 square feet to the rear elevation of primary buildings, or to accessory buildings located in the rear yard 4. Installation or construction of an accessory structure in the front or side yard 5. Installation or construction of an accessory structures of more than 144 square feet in the rear yard 6. Construction, expansion, removal, or replacement of a carport, deck, porch, or patio located in the front yard or side yard 7. Relocation of a primary or accessory building of more than 144 square feet into, out of, or within a Local Historic District 8. Construction of new driveways or sidewalks in the front yard, or the side yard facing a public street 9. Construction of a new commercial or multi-family parking lot 10. Construction of a new fence or wall in the	1. Alteration, removal, or replacement of materials, features, or accessory structures of less than 50 years old 2. Installation or replacement of storm windows or doors 3. Exterior painting 4. Routine maintenance or repair of existing features 5. Any change needed for public safety because of unsafe or dangerous conditions as certified by a Building Inspector, the Director of Business and Community Development, Director of Public Services, the City Manager, a public safety officer, or their designee 6. Maintenance and emergency restoration of existing above ground utility structures 7. Underground utilities (except on sites with archaeological finds) 8. Extension or upgrading of service for equipment such as meters, valves and cleanout drains

15. Installation of new gutters and downspouts 16. Replacement or removal of gutters and downspouts that are more than 50 years old 17. Change to the overall exterior lighting scheme 18. Replacement or removal of exterior light fixtures that are more than 50 years old 19. Installation of new exterior vents and ventilators 20. Replacement or removal of exterior vents and ventilators that are more than 50 years old 21. Removal of swimming pools that are more than 50 years old 22. Removal of a tree 18 inches or more in diameter, measured 4-1/2 feet above ground level 23. Installation of new HVAC unit or generator in the rear yard, or side yards of interior lots 24. Renewal of valid Certificate of Appropriateness (COA) where no change is proposed, or only minor work revisions are proposed 25. Amendment to valid COA for minor revisions 26. Any changes related to a non-contributing structure.	front yard, or in the side yard facing a public street 11. Replacement or removal of a fence or wall of more than 50 years old, in the front yard, or in the side yard facing a public street 12. Alteration or removal of any character-defining feature on the front or side elevation of the primary building, or in the front or side yard 13. Installation of a new swimming pool 14. Partial or complete demolition or removal of any primary or accessory building of more than 50 years old 15. Changes to public streets, sidewalks, planter strips, and utilities where the change alters the character of the streetscape, public view, or surrounding area	9. Equivalent replacements and upgrades in mechanical equipment such as transformers, traffic-control devices, overhead utility lines, utility poles, or ground-mounted utility installations. 10. Addition or deletion of fire hydrants 11. Replacement of street signs 12. Any utility upgrade required by a State or Federal Agency or Code 13. Addition of equipment on existing lines or poles or replacement of existing overhead lines, poles or ground-mounted installation
This table is meant to be used as a quick reference. For a full explanation of the Design Guidelines, and confirmation for Minor Work, Major Work, or Exempt, please contact the Office of Business and Community Development Department at 336-248-3900.		

Appendix B

Income-producing properties would need to have an expense of at least $5,000 within a two-year period and non-income producing projects would require a rehabilitation expense of at least $25,000 within a two-year period. (See Chart below)

Potential Scenarios for Tax Credit Projects						
Type of property	***Amount of rehabilitation cost***	***Federal Tax Income Credit 20%***	***State Income Tax Credit 20%***	***State Income Tax Credit 30%***	***Combined Tax Credit***	***Net Rehabilitation Cost***
Income-Producing Commercial Property	***$15,000.00***	***$3,000.00***	***$3,000.00***	***Not applicable***	***$6,000.00***	***$9,000.00***
Non-income producing –single family residence	***$25,000.00***	***Not applicable***	***Not applicable***	***$7,500.00***	***Not applicable***	***$17,500.00***
Income-producing Rental Property	***$50,000.00***	***$10,000.00***	***$10,000.00***	***Not applicable***	***$20,000.00***	***$30,000.00***
**Check with your local Historic Commission when preparing for renovation if interested in tax credits.*						
*** *Often rebates and discounts are available on Energy Star appliances, and energy efficient rated home building material(s) if used in renovation and rehabilitation projects.*						

The North Carolina State Historic Preservation Office administers both the state and federal tax credit programs.

Appendix C

AAAAA

Architect: An individual, partnership, corporation or other legal entity licensed to practice the profession of architecture under the education law of the State of North Carolina.

Architraves: The lowest part of a classical entablature, symbolizing a beam laid across capitals of columns, or as more commonly used in connection with houses, the molded trim around a door or window opening.

Artificial Siding: Synthetic or engineered siding material that is not original to the structure including vinyl, aluminum, spray-on vinyl, stucco applied over masonry, among others.

Awning: A metal frame clad with fabric attached over a window, door, porch opening or storefront to provide protection from the weather.

BBBBB

Baluster: A short upright member that supports a handrail. Balusters for porch balustrades can be lathe-turned or simple square posts.

Balustrade: A series of balusters connected on top by a handrail and sometimes by a bottom rail; used on porches, stairs, balconies, etc.

Bargeboard (also known as vergeboard)—A wooden member, usually decorative, suspended from and following the slope of a gable roof. Bargeboards are used on buildings inspired by Gothic forms.

Bond (brick): The arrangement of bricks in a wall providing strength and decoration. Common, English, and Flemish bond arrangements include variations in long face bricks (stretchers) and short face bricks (headers).

Bracket: Projecting support member found under roof eaves or other overhangs.

Bulkhead: The panel below a display window of a storefront.

Built-in Gutters: Gutters which are integral to the roof structure; usually concealed behind a decorative cornice.

CCCCC

Came: A slender rod of cast lead, with or without grooves, used in casements and stained-glass windows to hold the panes or pieces of glass together.

Canopy: A metal frame clad with fabric that projects from a building entrance over the sidewalk to the curb where it's supported on vertical posts

Cap flashing: A waterproof sheet that seals the tops of cornices and walls.

Capital: The topmost member, usually decorated, of a column or pilaster.

Casement: A window sash that is hinged on the side.

Casing: The finished visible framework around a window or door.

Cast Iron: A type of iron, mass-produced in the nineteenth century, created by pouring molten iron into a mold; used for ornament, garden furniture, and building parts.

Clapboard: Thin boards tapered along one side laid horizontally over one another

to sheath a wall surface. They are applied with the thick edge lapped over the thin edge of the board underneath.

Colonnade: A row of regularly spaced columns supporting an entablature.

Colonnette: A diminutive column which is usually either short or slender.

Color: The sensible perception of hue, value and saturation characteristics of surfaces of window components. In the event of disagreement, the Munsell system of color identification shall govern.

Commission: The Lexington Historic Preservation Commission. (HPC)

Commissioners: The Lexington Historic Preservation Commission.

Configuration: The number, shape, organization and relationship of panes (lights) of glass, sash, frame, muntins or tracery.

Console: A scroll-shaped projecting bracket that supports a horizontal member.

Coping: A protective cap, top, or cover of a wall parapet, commonly sloping to protect masonry from water

Corbel: An architectural member which projects upward and outward from a wall that supports a horizontal member.

Corbelling: A series of projecting courses of bricks, each stepped out further than the one below, found on chimneys and walls.

Cornice: A projecting molding that tops the elements to which it is attached; used especially for a roof or the crowning. The uppermost portion of entablature where the roof and wall meet.

member of an entablature, located above the frieze.

Cresting: A decorative element, frequently of iron, usually located at the peak or edge of a roof.

Crocket: An ornamental foliate form placed at regularly spaced intervals on the slopes and edges of the spires, pinnacles, gables, and similar elements of Gothic buildings.

Corner Board: A board that is used as trim on the exterior corner of a wood-frame structure, and against which the ends of the siding boards are fitted.

Cupola: A dome on a circular or polygonal base crowning a roof or turret.

DDDDD

Decorative Masonry: Terra cotta, cast-stone or natural stone (such as limestone, marble, brownstone or granite) facade areas and/or any ornamental feature which is a component of the facade such as, belt courses, banding, water tables, cornices, corbelled brick work, medallions, enframements, and surrounds, and ornamental bonding patterns, e.g. tapestry brick or diaper patterns.

Demolition: Dismantling or razing of all or part of an existing improvement.

Dentil: A small, square, tooth-like block in a series beneath a cornice.

Details: The dimensions and contours of both the stationary and moveable portions of a window, and moldings.

Display Window: The large glazed portion of the storefront, and the associated framing, above the bulkhead and below the transom, extending from pier to pier. The display window is typically used for the display of goods and to provide daylight and visibility into the commercial space.

Doric: One of five classical orders, recognizable by its simple capital. The Greek Doric column has a fluted shaft and no base; the Roman Doric column may be fluted or smooth and rests on a molded base.

Dormer: A vertical structure, usually housing a window, that projects from a sloping roof and is covered by a separate roof structure.

Double-hung Window: A type of window composed of an upper and lower sash that slide vertically past each other, and are moveable by means of sash cords and weights.

Drip molding: A projecting molding around the head of a door or window frame, often extended horizontally at right angles to the sides of the frame, intended to channel rain away from the opening; also called a drip lintel.

Dunnage: Supports for air conditioning and other equipment above the roof of a building.

EEEE

Eave: Edge of sloping roof that projects or overhangs past the vertical wall.

Egg and dart: An ornamental band molding of egg forms alternating with dart forms.

Elevation: 1) The front, rear, or side of a building. 2) A drawing of a face of a building with all the features shown, as if in a single vertical plane.

Enframement: A general term referring to any elements surrounding a window or door.

Engineer: Any individual, partnership, corporation or other legal entity licensed to practice the profession of engineering under the education law of the State of North Carolina.

English bond: A pattern of brickwork with alternate courses of headers and stretchers.

Entablature: A major horizontal member carried by a column(s) or pilaster(s); it consists of an architrave, a frieze, and a cornice. The proportions and detailing are different for each order, and strictly prescribed.

Establishment: A manufacturing, commercial or retail business or profession.

Entrance recess: The recessed opening in the facade leading up to the doorway of a storefront or building entrance.

Existing windows: The windows existing at the time of designation or windows which have been changed subsequent to designation pursuant to a permit issued by the Commission.

Eyebrow dormer: A curved dormer with no sides, covered by a smooth protrusion from the sloping roof.

FFFFF

Façade: The front wall of a building or any architecturally distinguished wall of a building.

Fanlight: A semicircular or semielliptical window above a door, usually inset with radiating glazing bars.

Fascia: A horizontal, flat element often combined with a cornice and architrave. The flat board that covers the ends of roof rafters.

Fenestration: The arrangement, proportioning and design of window and door openings in a building.

Festoon: A carved ornament in the form of a band, loop, or wreath, suspended from two points; also called a “garland” or “swag.”

Finial: The crowning ornament of a pointed element, such as a spire.

Finish: The visual characteristics including color, texture and reflectivity of all exterior materials.

Fixture: An appliance or device attached to the façade (e.g., awning, sign, lighting fixture, conduit, or security gate).

Flashing: Overlapping pieces of non-corrosive metal installed to make watertight joints at junctions between roof and walls, around chimneys, vent pipes, and other protrusions through the roof.

Floor Plan: A scaled drawing showing the horizontal arrangement of one level of the building that typically indicates walls, doors and dimensions.

Flemish bond: A pattern of brickwork in which each course consists of headers and stretchers laid alternately; each header is centered between the stretcher above and the stretcher below it.

Foliate: Decorative leafage, often applied to capitals or moldings.

Frame: The stationary portion of a window unit that is affixed to the facade and holds the sash or other operable portions of the windows.

French door or French window: A tall casement window that reaches to the floor, usually arranged in two leaves as a double door.

Frieze: 1) The middle horizontal member of a classical entablature, above the architrave and below the cornice. 2) A similar decorative band in a stringcourse, or near the top of an interior wall below the cornice.

GGGGG

Gable: The triangular shaped upper portion of a wall under a pitched roof, from cornice to peak.

Galvanized Iron: Iron that has been coated with zinc to inhibit rusting.

Gambrel Roof: A roof that has two pitches on each side with the lower pitch being steeper.

Glazing: 1) The material, usually glass, that fills spaces between sash members (rails, stiles and muntins), commonly referred to as panes or lights. 2) Fitting glass into windows and doors.

Glazing Bar: See mullion.

Gothic Sash : A window sash pattern composed of mullions that cross to form pointed arches.

Grille: A decorative, openwork grating, usually of iron, used to protect a window, door, or other opening.

Gutter: A shallow channel of metal or wood set immediately below and along the eaves of a building to catch and carry off rainwater.

HHHHH

Head : The upper horizontal part of a window frame or window opening.

Header: A masonry wall unit of brick which is laid so that its short end is exposed.

Hipped Roof: A roof that slopes upward from all four sides of a building.

Historic Appearance: The visual appearance of a structure or site at a specific point in time after it has undergone alterations or additions which enhance or contribute to the building or site's special architectural, aesthetic, cultural, or historic character.

Historic Fabric: A building's original or significant historic façade construction material or ornament, or fragments thereof.

Historic windows: (1) windows installed at time of construction of the building; or (2) windows of a type installed at time of construction of similar buildings in similar periods and styles; or (3) windows installed at time of major facade alterations 30 or more years ago.

Hood: A projection that shelters an element such as a door or window.

HVAC Equipment: Window, through-wall and yard-mounted heating, ventilation, and air conditioning equipment, including window louvers, wall-mounted grilles and stove, bathroom and/or dryer vents.

IIIII

Improvement: Any building, structure, place, work of art, or other object constituting a physical betterment of real property, or any part of such betterment.

Ionic: One of the five classical orders, characterized by capitals with spiral elements called "volutes," a fasciated entablature, continuous frieze, dentils in its cornice, and by its elegant detailing.

JJJJJ

Jamb: The side parts of a window frame or window opening, as distinct from head and sill.

Jigsaw Carving: Wooden ornament cut with a thin narrow saw blade.

Joinery: The art and practice of joining several small pieces of wood together to form woodwork such as doors, panels, cabinets, etc.

Joist : One of a series of parallel timber beams used to support floor and ceiling loads, and supported in turn by larger beams, girders, or bearing walls; the widest dimension is vertically oriented.

KKKKK

Key: A block, often used in a series, which projects beyond the edge of the enframement of an opening and is joined with the surrounding masonry. A block handled in such a manner is keyed to the masonry; see quoin.

Keystone: The central wedge-shaped member of a masonry arch; also used as a decorative element on arches in wood structures.

LLLLL

Landscape improvement: A physical betterment of real property or any part thereof, consisting of natural or artificial landscaping, including but not limited to grade, terrace, body of water, stream, rock, hedge, plant, shrub, mature tree, path, walkway, road, plaza, wall, fence, step, fountain, or sculpture.

Latticework: Thin strips of wood arranged in a netlike grid pattern, often set diagonally.

Leaded window: A window composed of small panes, usually diamond-shaped or rectangular, held in place by narrow strips of cast lead.

Leade: A horizontal or vertical cylinder, usually made of metal, which carries water from the gutter to the ground.

Light: A pane of glass; a window, or a compartment of a window.

Lighting: The method or equipment for providing artificial illumination.

Lintel: A horizontal structural element over an opening which carries the weight of the wall above it.

Loggia: 1. An arcaded or colonnaded structure, open on one or more sides, sometimes with an upper story. 2. An arcaded or colonnaded porch or gallery attached to a larger structure.

Lunette: A crescent-shaped or semicircular area or opening on a wall surface.

MMMMM

Mansard Roof: A roof with a double slope on all four sides, the lower slope being longer and steeper than the upper.

Match: Either an exact or approximate replication. If not an exact replication, the approximate replication shall be so designed as to achieve a suitable, harmonious and balanced result.

Materials: The substances used to fabricate the various elements and details of a building.

Mature tree: Any tree with a trunk diameter of 12" or greater.

Meeting rail: A sash rail in a double-hung window designed to interlock with an adjacent sash rail.

Mechanical equipment: Includes, but not be limited to, heating, venting and air conditioning equipment, water tanks and their supporting structures, satellite dishes, stair and elevator bulkheads, screens, dunnages, baffles and other accessory installations but shall not include telecommunication equipment and conventional television antennas. Mechanical equipment can also include unenclosed decks, garden trellises, or associated railings.

Member: A component part of a window.

Metal Roofing: Standing seam metal used for roof covering. Galvanized or prefinished.

Minimally Visible: Refers to any rooftop addition which when viewed from any public thoroughfare, projects into the maximum line of sight from such public thoroughfare by not more than 12 inches in height, or, due to its placement and size does not call attention to itself nor detract from any significant architectural features.

Modification: Any work to an existing improvement or landscape improvement other than (a) ordinary maintenance or repair; or (b) any Addition.

Modillion: A projecting scroll-shaped bracket or simple horizontal block arranged in series under the soffit of a cornice.

Molding: A piece of trim that introduces varieties of outline or curved contours in edges or surfaces as on window jambs and heads. Moldings are generally divided into three categories: rectilinear, curved and composite-curved.

Mullion: A vertical support dividing a window or other opening into two or more parts.

Muntin: A tertiary framing member that subdivides the sash into individual panes, lights or panels. Note: Grids placed between two sheets of glass are not considered muntins.

NNNNN

Newel: The main post at the foot of a stairway or stoop.

Non-significant features: The interior architectural features of the designated interior that the HPC has determined do not contribute to the special historic, cultural, and/or aesthetic character for which the interior was designated. These features comprise all of the interior architectural

features of the interior with the exception of those features that are underscored in the designation report.

Notice of Violation: A notice from the Office of Community Development and/or Historic Preservation Commission that work on a landmark site or within an historic district was performed without a permit or was not performed in accordance with a permit issued by the Office of Community Development and/or the Historic Preservation Commission.

OOOOO

Oblique: View in which a three-dimensional object is represented by a drawing **(oblique drawing)** in which the face, usually parallel to the picture plane, is represented in accurate or exact proportion, and all other faces are shown at any convenient angle other than 90°.

Occupiable space: A room, or enclosure and accessory installations thereof, which are intended for human occupancy or habitation.

Operation: The manner in which a window unit opens, closes, locks, or functions; e.g., casement, double-hung, etc. If non-operable, a window unit (such as a side light) is identified as "fixed."

Oriel: A projecting bay window carried on corbels or brackets.

Orientation: The placement of structure on a lot, specifically the relationship of primary elevation to the street.

Original appearance: The visual appearance of a structure or site at approximately the time of its completed initial construction.

PPPPP

Palladian Window: A three-part window opening with a tall, round-arched center window flanked by smaller rectangular windows and separated by posts or pilasters.

Panel: A portion of a flat surface recessed, or raised from the surrounding area, distinctly set off by molding or some other decorative device.

Panning: An applied material, usually metal, that covers the front (exterior) surface of an existing window frame or mullion.

Parapet: A low wall that serves as a vertical barrier at the edge of a roof, terrace, or other raised area; in an exterior wall, the part entirely above the roof.

Parting strip: The small member, usually wood and usually removable, that separates the upper and lower sash pockets in the jamb of a double-hung window.

Paver: A block of stone used in sidewalk or areaway paving.

Pediment: 1. The triangular space forming the gable end of a roof above the horizontal cornice. 2. An ornamental gable, usually triangular, above a door or window.

Pier: 1. A column designed to support concentrated load. 2. A member, usually in the form of a thickened section, which forms an integral part of a wall; usually placed at intervals along the wall to provide lateral support or to take concentrated vertical loads. 3. A vertical supporting member or element (usually of brick, stone, or metal) placed at intervals along a wall, which typically separate each storefront opening from the adjacent storefront opening.

Pilaster: An engaged pier or pillar, often with capital and base. A shallow pier or rectangular column projecting slightly from a wall, representing a classical column with base, shaft, and capital.

Pitched: Sloping, especially referring to a roof.

Plinth: A platform base supporting a column or pilaster.

Pointing: The treatment of joints between bricks, stone, or other masonry components by filling with mortar; also called tuck-pointing.

Porte-cochere: A roofed structure, extending from an entrance to a building, over an adjacent driveway to provide shelter while entering or leaving a vehicle.

Portico: A small porch composed of a roof supported by columns, often found in front of a doorway.

Primary Façade: A facade facing a street or a public thoroughfare that is not necessarily a municipally dedicated space, such as a mews or court.

Principal Façade: A facade facing a street or a public thoroughfare that is not necessarily a municipally dedicated space, such as a mews or court.

P.S.I. Pounds per square inch, a term generally used when describing water pressure when cleaning a building.

Public Thoroughfare: Any publicly accessible right of way including, but not limited to a street, sidewalk, public park, and path.

QQQQQ

Quoin: Decorative masonry units at corners of walls differentiated from the main wall by material and/or projection.

RRRRR

Rail: A horizontal sash member.

Relief: Carved or molded ornament that projects from a flat surface.

Rehabilitation: Any repair work that requires a permit.

Repair: Any work done on any window to correct any deterioration or decay of or damage to a window or any part thereof and to restore same, as closely as may be practicable, to its condition prior to the occurrence of such deterioration, decay or damage. The term "ordinary repair" shall refer to work that does not require a permit.

Repointing : Process of renewing mortar joints; see pointing.

Residential Awning: Any awning on a residential building and any awning on a commercial or mixed-use building except for storefront awnings.

Restoration: The process of returning, as nearly as possible, a building or any of its parts to its original form and condition.

Retaining Wall: A low wall of masonry that keeps earth in a fixed position.

Retractable Awning: An awning attached to a frame which allows it to be extended out or folded or rolled back tight against the building façade.

Return: The part of a molding, cornice, or wall surface that changes direction, usually at a right angle, toward the building wall.

Reveal: The side of an opening for a door or window between the frame and the outer surface of a wall, showing the wall's thickness.

Reversible Alteration: An alteration in which the altered feature can be readily returned to its appearance prior to the alteration.

Right-of-way: The strip of publicly owned land used for public infrastructure such as streets and sidewalks, railroads, power, and public utilities.

Roof Plan: A drawing showing the arrangement of fixtures on the roof.

Rooftop addition: A construction or an installation of mechanical equipment and/or occupiable space situated on any structure's roof.

Rock-faced: Masonry treated with a rough surface that retains or simulates the irregular texture of natural stone.

Roll-down gate: A security gate with a mechanism that allows it to roll up and down.

Rosette: A round floral ornament, usually carved or painted.

Round arch: A semicircular arch.

Rowhouse: One of a group of an unbroken line of attached houses that share common side walls, known as party walls.

Rubble stone: Irregularly shaped, rough-textured stone laid in an irregular manner.

Rustication: Rusticated stonework composed of large blocks of masonry separated by wide, recessed joints; often imitated in other materials for decorative purposes.

SSSSS

Sash: The secondary part of a window which holds the glazing in place; may be operable or fixed; usually constructed of horizontal and vertical members; sash may be subdivided with muntins. The framework of a window, usually moveable, into which panes of glass are set.

Scale: The height and width relationship of a building to surrounding buildings.

Scissor Gate: A security gate with a sideways retractable mechanism.

Secondary Façade: A façade that does not face a public thoroughfare or mews or court and that does not possess significant architectural features.

Section Drawing: A drawing representing a vertical plane cut through the structure.

Security gate: A movable metal fixture installed in front of a storefront or inside the display window or door to protect the store from theft or vandalism when the store is closed. A security gate can be either the roll-down or scissor variety.

Segmental arch: An arch that’s in the form of a segment of a semicircle.

Semi-detached: A building attached to a similar one on one side but unattached on the other.

Setback: The area of a yard that cannot be built upon based on zoning codes.

Buildings have front, side, and rear yard setbacks.

Shaft: The vertical segment of a column or pilaster between the base and the capital.

Shed Dormer: A dormer window covered by a single roof slope without a gable.

Shed Roof: A roof pitched in a single direction.

Shiplap: Wooden siding rabbeted so that the edge of one board overlaps adjoining boards creating a flush joint.

Shingle: A unit composed of wood, cement, asphalt compound, slate, tile or the like, employed in an overlapping series to cover roofs and walls.

Shouldered Arch: An arch composed of a square-headed lintel supported at each end by a concave corbel.

Shutter Dogs: The metal attachments which hold shutters in an open position against the face of a building.

Sidelight: A vertically framed area of fixed glass, often subdivided into panes, flanking a door.

Sight line drawing: A drawing representing an uninterrupted view from eye level.

Sign: A fixture or area containing lettering or logos used to advertise a store, goods, or services.

Signage: Any lettering or logos in general, used to advertise a store, goods, or services.

Sign band: The flat, horizontal area on the facade usually located immediately above the storefront and below the second story window sill where signs were historically attached. A sign band may also occur within a decorative bandcourse above a storefront.

Significant Feature: An exterior architectural component of a building that contributes to its special historic, cultural, and/or aesthetic character, or in the case of an historic district, that reinforces the special characteristics for which the historic district was designated.

Significant landscape improvement: Any landscape improvement which is a character-defining element in its historic district, contributing to the special aesthetic and historic character for which the district was designated, and including but not limited to those landscape improvements identified as landscape features in the designation report.

Sill: 1.The lower horizontal part of a window frame or window opening; also the accessory member which extends as a weather barrier from frame to outside face of wall. 2. The horizontal member at the bottom of a window or door.

Site Plan: A drawing of the footprint of the subject building and immediate adjacent buildings indicating the location of the proposed work.

Skirt: A bottom finishing piece of fabric that hangs from the lower edge of an awning.

Soffit: 1) The exposed underside of any architectural element, especially a roof. 2) The underside of a structural component such as a beam, arch, or recessed area.

Spalling: The chipping or erosion of masonry caused by abuse or weathering.

Spandrel: 1) A panel between the top of one window and the sill of another window on the story directly above it. 2) An irregular, triangular wall segment adjacent to an arched opening.

Spandrel Area: The portion of the facade below the sill of an upper story window and above the lintel of the window or display window directly below it or above the lintel of a window or display window and the building cornice or top of building.

Special windows: (1) those windows in which the complexity of the muntin pattern or the molding profiles is one of the characteristics of the style and age of the building; or (2) windows having one or more of the following or similar attributes, including but not limited to: (i) Bay or oriel window (ii) Curved glass (iii) Multi-pane sash, i.e., 12 or more panes in a single sash in which a typical pane does not exceed 30 square inches of open (glazed) area (iv) Stained or otherwise crafted glazing for artistic effect (v) Highly decorated (carved or otherwise embellished) sash or frame (vi) Non-rectilinear sash or frame.

Stile: A main vertical member of a door or window.

Stoop: The steps which lead to the front door; from the Dutch “stoep.”

Storefront: The first story area of the façade that provides access or natural illumination into a space used for retail or other commercial purposes.

Storefront Bay: The area of the storefront defined by and spanning the two piers.

Storefront Infill: The framing, glazing, and cladding contained within a storefront opening in the facade.

Storefront Opening: The area of the facade framed by the piers and lintel, which contains storefront infill.

Story: A habitable floor level, including a basement but not including a cellar.

Stretcher: A masonry unit or brick laid horizontally with its length parallel to the wall.

Stringcourse: A narrow horizontal band of masonry, extending across the façade, which can be flush or projecting, and flat surfaced, molded, or richly carved.

Stucco: A coating for exterior walls made from Portland cement, lime, sand, and water.

Subframe: A secondary frame set within a masonry opening.

Sugaring: A term describing the deterioration of stone caused by the breaking up or dissolving of the stone surface.

Surround: The ornamental frame of a door or window.

Swag: A carved ornament in the form of a draped cloth or a festoon of fruit or flowers.

TTTTT

Terra cotta: Hard fired clay, either glazed or unglazed, molded into ornamental elements, wall cladding, and roof tiles.

Tie rod: A metal tension rod connecting two structural members, such as gable walls or beams, acting as a brace or reinforcement; often anchored by means of a metal plate in such forms as an "S" or a star.

Tongue-and groove: An edge joint of two boards consisting of a continuous raised fillet or tongue on one edge that fits into a corresponding rectangular groove cut into the edge of the other board.

Tracery: An ornamental configuration of curved mullions in a Gothic sash.

Transom: 1) A horizontal bar of wood or stone across a window. 2) The cross-bar separating a door from the window, panel, or fanlight above it. 3) The window above the transom bar of a door. 4) The glazed area above a display window or door separated from the main window area or door by a transom bar.

Transom bar: A horizontal element that subdivides an opening, usually between a door and window.

Trefoil: A three-lobed decorative form used in Gothic architecture

Tuck-Pointing: See pointing.

Turret: A small tower, usually supported by corbels and at the corner of a building.

VVVVV

Veneer: A decorative facing applied to an exterior wall, typically either made of or made to look like brick or stone.

Volute: A carved spiral form in classical architecture; often used in pairs as in the capitals of Ionic columns.

Voussoir: A wedge-shaped component of an arch.

WWWWW

Water Table: A belt course differentiating the foundation from a masonry building on its exterior walls.

Wood Shingles: Thin tapered rectangular pieces of wood installed in overlapping rows to cover walls or roofs; the butt of the shingles can be cut in a variety of shapes to give a distinctive pattern to a wall surface.

Appendix D

The **Queen Anne** has steeply pitched compound roof shapes, irregular plan, and asymmetrical facades clad with a variety of materials and textures and a one story porch along the front that sometimes wraps around the side. Wooden "gingerbread" trims in scrolled and rounded “fish-scale” patterns frequently grace gables and porches. Massive cut stone foundations are typical of period houses.

QUEEN ANNE

A **Greek Revival** form references the ornament and architecture of ancient Greece. These were typically a two story clapboard sided structure, sometimes only one story, with a low pitched gabled roof or, less often, a hipped roof. The cornice has a wide plain frieze board, or band, as part of the entablature together with a cornice above and an architrave below. The main building form may have a lower wing. Narrow sidelights and a rectangular transom surround front doors. Porches on Greek Revival Style houses in this area are one story and are supported by square or round columns. Porches are located at the entry or extend over the full façade. Originally Greek Revival houses were painted white.

GREEK REVIVAL

These narrow, rectangular one and one-half story houses originated in California during the 1880s as a reaction to the elaborate decoration of Victorian homes. The style then moved eastward to the Midwest in the early 20th century, where it remained popular until the Great Depression. **Bungalows** have low-pitched gabled or hipped roofs and small covered porches at the entry. The style became so popular that you could order a bungalow kit from Sears and Roebuck catalog. The name "bungalow" had its origins in India, where it indicated a small, thatched home.

BUNGALOW

This post-Victorian style of single-family house was prized for its ease of construction, practicality, and roomy interior. It was built as **four square** rooms, with one serving as the entry and stair hall. A front parlor, dining room and kitchen completed the downstairs room arrangement, with the second story rooms mirroring the same arrangement. Stylistic details can be borrowed from the earlier Victorian era, or can be derived from the Craftsman style. A front-gabled version can often be found in the same neighborhood as a hipped-roof version and often built in a wide variety of materials from brick and wood to stucco.

FOUR SQUARE

Popularized at the turn of the 20th century by architect and furniture designer Gustav Stickley in his magazine, *The Craftsman*, the **Craftsman**-styled bungalow reflected, said Stickley, "a house reduced to its simplest form... its low, broad proportions and absolute lack of ornamentation gives it a character so natural and unaffected that it seems to... blend with any landscape." The style, which was also widely billed as the "California bungalow" by architects such as Charles Sumner Greene and Henry Mather Greene, featured overhanging eaves, a low-slung gabled roof, and wide front porches framed by pedestal-like tapered columns. Material often included stone, rough-hewn wood and stucco. Many homes have wide front porches across part of the front, supported by columns.

CRAFTSMAN

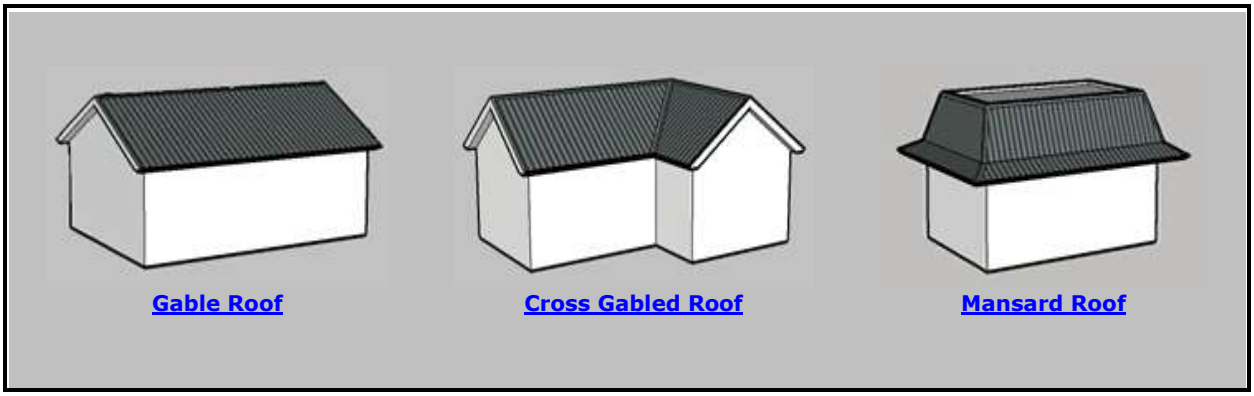
Some of the first houses built in the United States were **Cape Cods**. The original colonial Cape Cod homes were shingle-sided, one-story cottages with no dormers. During the mid-20th century, the small, uncomplicated Cape Cod shape became popular in suburban developments. A 20th-century Cape Cod is square or rectangular with one or one-and-a-half stories and steeply pitched, gabled roofs. It may have dormers and shutters. The siding is usually clapboard or brick.

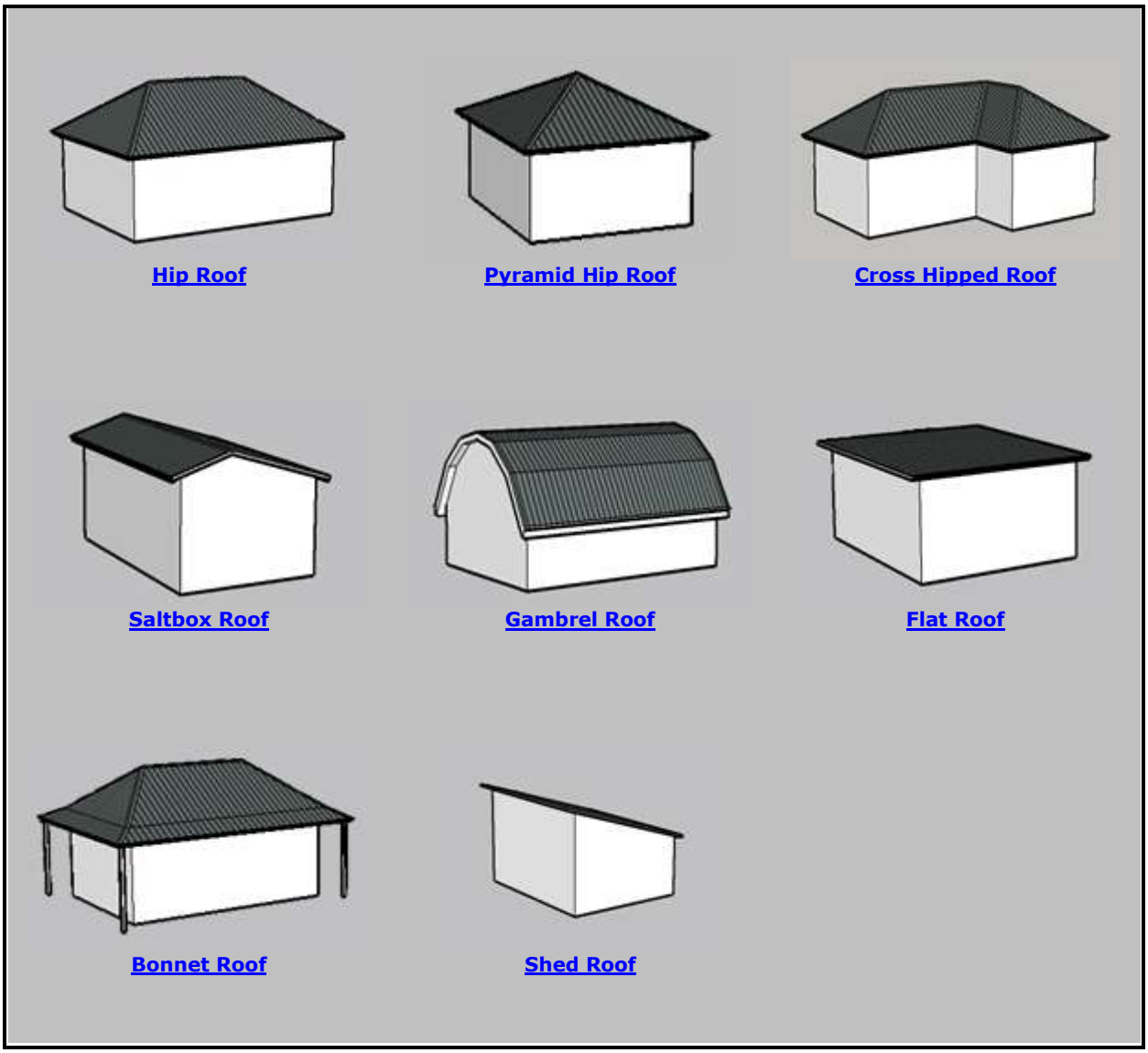
CAPE COD

America's colonial period encompassed a number of housing types and styles. For more information about **Colonial** styles, see Cape Cod, Saltbox, Georgian, and Dutch Colonial. However, when we speak of the Colonial style, we often are referring to a rectangular, symmetrical home with bedrooms on the second floor. The double-hung windows usually have many small, equally sized square panes.

COLONIAL

Roof Styles





Appendix E

Local

Lexington Historic Preservation Commission

31 West First Street

Lexington, NC 27292

(336)248-3900

State

North Carolina Department of Commerce

Main Street Program

Attn: Liz Parham

4313 Mail Service Center

Raleigh, NC 27699

(919) 733-2850

http://www.nccommerce.com/cd/urban-development/about-us-amp-contacts

Preservation North Carolina

220 Fayetteville Street Mall, Suite 300

P.O. Box 27644 Raleigh, NC 27611-7644

(919) 832-3652

http://www.presnc.org/

National

National Park Service Heritage Preservation Services

1201 Eye St, NW, 2255

Washington, D.C. 20005

(202) 513-7270

http://www2.cr.nps.gov/

National Trust for Historic Preservation

1785 Massachusetts Ave., NW

Washington, DC 20036-2117

(202) 588-6000

http://www.nationaltrust.org/

National Trust for Historic Preservation -Southern Office
William Aiken House, 456 King Street
Charleston, South Carolina 29403
Phone: 843-722-8552

http://www.preservationnation.org/about-us/regional-offices/southern/

National Trust Main Street Center

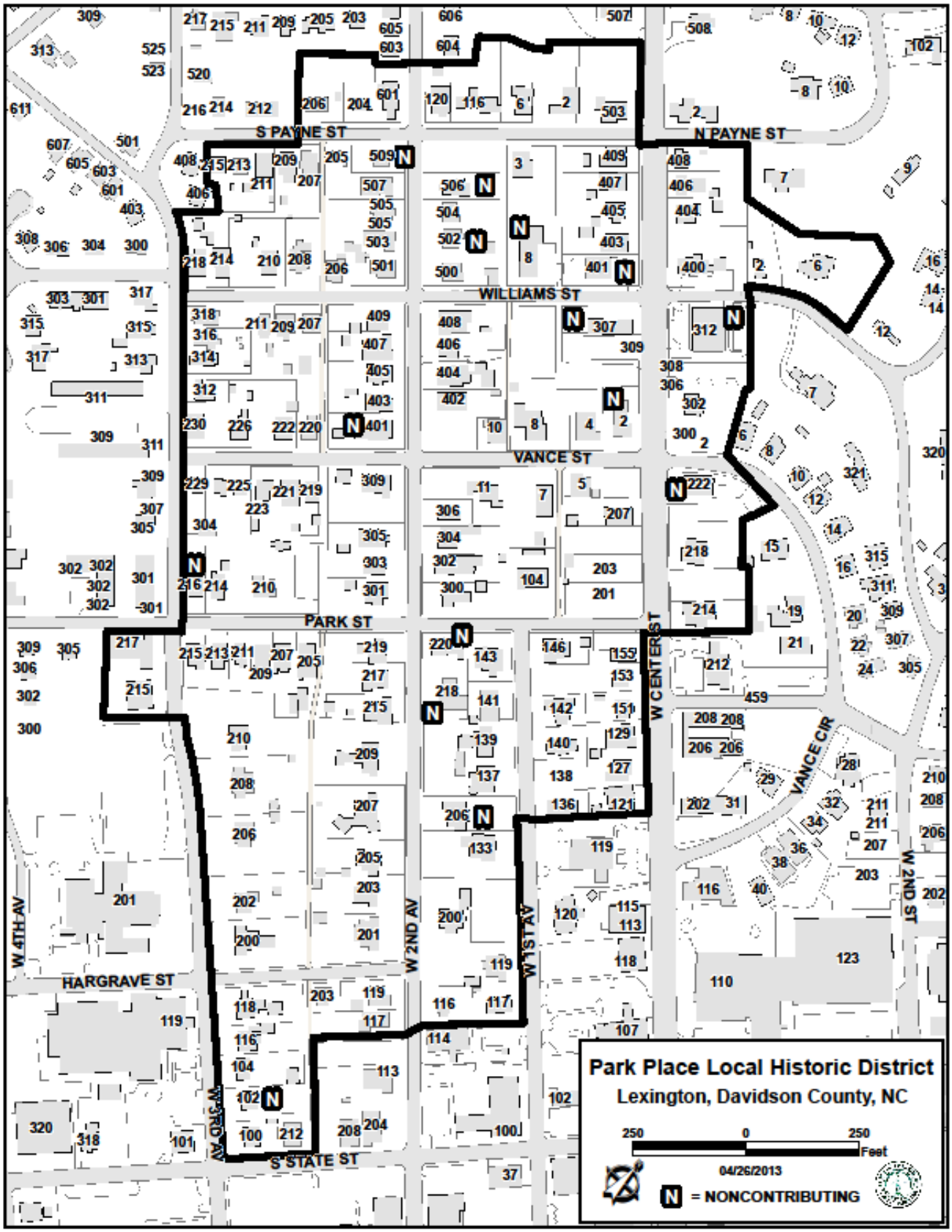
1785 Massachusetts Ave, NW

Washington, DC 20036

(202) 588-6219

http://www.mainstreet.org/

Appendix F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W 2ND ST
W 2ND AV
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W 4TH AV
HARGRAVE ST
S STATE ST
Park Place Local Historic District
Lexington, Davidson County, NC
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04/26/2013
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