

CITY OF SANFORD PLANNING BOARD

Regular Meeting

Tuesday, August 16, 2022, 6:00 PM

Sanford Municipal Center, 225 E. Weatherspoon Street, Sanford, NC 27330

CALL TO ORDER – 6:00 PM *(or after all of the joint public hearings have been held with the City Council)*

Introduction by Chairman: The Sanford Planning Board is an advisory council on matters relating to land development and long-range planning and provides recommendations to the Sanford City Council. All information relevant to each case should have been presented during the public hearing. The Planning Board may ask for clarification of information received during the public hearing, but may not receive new information. Recommendations made this evening will be presented to the City Council for consideration on September 6, 2022 and action may or may not be taken at that time per the discretion of the City Council.

- A. APPROVAL OF AGENDA**
 - B. APPROVAL OF MINUTES** - *July 19 and 26, 2021*
 - C. DISCLOSURE OF CONFLICT OF INTEREST** – *Policy included for reference*
 - D. OLD BUSINESS** - *None*
 - E. NEW BUSINESS**
- PUBLIC HEARING WITH THE CITY COUNCIL TO CONSIDER ITEM 1:

1. ZONING MAP AMENDMENT APPLICATION, PB ITEM 2022-0801

Consideration of a text amendment to the Unified Development Ordinance, Consideration of text amendments to the jointly adopted UDO, with an update to Article 4: Sections 1-8 (Zoning District Regulations), Article 6 (Subdivisions), Article 9.2 (Storm Water Management), and Article 10.4 (Accessory Dwellings) and remove the language in Article 4: Sections 9 (Planned Unit Development), 10 (Traditional Neighborhood Development), and 15 (Residential Design Standards Overlay District). The recommended amendments to the UDO are available for viewing/downloading at <https://www.sanfordnc.net/770/Proposed-UDO-Amendments>. If approved, the recommended date for the amendments to take effect would be Jan. 1, 2023.

- 2. OTHER BUSINESS** – *None, unless added by the board*
- 3. REPORTS**
 - 1. Actions by the Sanford City Council
- 4. ADJOURNMENT**

**MINUTES OF THE REGULAR MEETING OF THE
CITY OF SANFORD PLANNING BOARD
SANFORD, NORTH CAROLINA**

The City of Sanford Planning Board met for a regular meeting in the West End Conference Room of the Sanford Municipal Center at 225 E. Weatherspoon Street, Sanford, N.C. 27330 on Tuesday, July 19, 2022. The meeting was called to order at 6:00 P.M.

ROLL CALL

Members Present: Ken Britton, Chair
Richard Oldham, Vice-Chair
Ed Ashburn
Jeff Foster
Gloria Perez, Alternate
Gina Bycura – *Observed, did not participate*

Members Absent: Bill Murphy

Staff Present: Eric Nance, Clerk;
Amy McNeill, Zoning Administrator
Marshall Downey, Community Development Director
David Montgomery, Long Range–Transportation Planner
Thomas Mierisch, Planner II
Curtis Lee, Planner I

Also serving as staff and legal counsel for the board at this meeting was Kevin Hornik Esquire, of the Brough Law Firm, PLLC at 1526 E. Franklin Street, Chapel Hill, N.C. 27514.

MEETING CALLED TO ORDER

Having noted the presence of a quorum, Chair Britton called the meeting to order and read the Introduction by Chairman statement on the agenda cover.

Chair Britton stated that, given the late time and the lengthy agenda, the Planning Board will consider the rezoning request for which the recommendation must be provided to the City Council this evening and then the meeting will recess until next Tuesday, July 26th at 6:00 P.M. in the West End Conference Room of the Sanford Municipal Center at 225 E. Weatherspoon Street, Sanford, N.C. (same location). The board will consider all of the other items on the agenda at that time.

APPROVAL/DISAPPROVAL OF AGENDA

Chair Britton stated that the public hearing for the UDO text amendment regarding religious complexes in the CBD (Case 2022-0706) was tabled by the City Council during the public hearing to allow additional time to obtain information regarding this matter; therefore, this item should be removed from the agenda since the Planning Board will not make a recommendation regarding this item this evening. Also, the rezoning request by Criteria Development off of Wicker Street (Case 2022-0704) was tabled by the City Council during the public hearing to allow the developer additional time to address the staff recommendation comments; therefore, this item should be removed from the agenda since the Planning Board will not make a

recommendation regarding this item this evening. He entertained a motion to approve the agenda with the removal of the items previously noted. Vice-Chair Oldham made a motion to approve the amended agenda, seconded by board member Foster and carried unanimously.

REORGANIZATION OF THE BOARD

Chair Britton called for a nomination for Chair and Vice-Chair since this is the first meeting of the new fiscal year, which started on July 1st. Vice-Chair Oldham made the motion to nominate Ken Britton to continue serving as Chair. The motion was seconded by board member Ashburn and carried unanimously. Chair Britton made the motion to nominate Richard Oldham to continue serving as Vice-Chair. The motion was seconded by board member Foster and carried unanimously.

APPROVAL OF MINUTES

Chair Britton entertained a motion to approve the minutes of the June 21, 2022 meeting. Vice-Chair Oldham made a motion to approve the minutes, seconded by board member Perez and carried unanimously.

DISCLOSURE OF CONFLICTS OF INTEREST

Chair Britton asked each board member to disclose any conflicts of interest in the matters to be considered by the board. Board member Foster stated that he wanted to make the board aware that he is a professional engineer and that he is working with D.R. Horton, a large home building company and the property owner in the Criteria Development rezoning request off of Colon Road, on a project at this time – but it is not the project associated with this rezoning request. Board member Foster also shared with the board that he resides in Nottingham Subdivision, which adjoins the Burns Towns Conditional Zoning Site, but is not an adjoining property owner. In response to this information, Attorney Hornik stated that neither of these factors appeared to constitute a conflict of interest. The Chair concurred with this determination and board member Foster was allowed to participate in all of the cases on the agenda.

OLD BUSINESS

None

NEW BUSINESS

1. ZONING MAP AMENDMENT APPLICATION, PB ITEM 2022-0702

Application by Criteria Development to rezone four tracts of land totaling approximately 110.14 acres with frontage on Colon Road (SR 1415) and US Hwy 1/Jefferson Davis Hwy to the Gum Fork Conditional Zoning District to allow the development of a mixed-use project with commercial, multi-family, and single-family residential land uses. Two of the tracts of land, identified as Lee County Tax Parcels 9656-61-6791-00 and 9656-50-9252-00, are zoned Central Carolina Enterprise Park (CCEP) – Triassic Conditional Zoning District. The other two tracts of land, identified as Lee County Tax Parcels 9655-59-2618-00 and 9655-58-7870-00 (3930/3940/3942 Colon Road), are zoned Residential Agricultural (RA). The subject property is owned by D.R. Horton, Inc. and is depicted on Tax Maps 9656.04 and 9655.02.

DISCUSSION

Chair Britton gave an overview of the rezoning application and the information provided at the public hearing including that this site was annexed into the corporate City limits on May 24th which necessitates the Planning Board making a recommendation this evening that staff may then take back to the City Council tonight for a vote due to the state law requirement that zoning must be assigned within 60 days of annexation; and that staff recommended to maintain the current RA zoning as a “holding” pattern for this site until such time as they had time to review the latest plans and the applicant had ample time to address any comments or concerns that staff may have upon completion of their review.

Chair Britton asked what happens if zoning is not assigned to the site within 60 days of annexation into the corporate City limits. Staff person McNeill replied that she conferred with the City Attorney regarding this matter and the if zoning is not assigned within 60 days, the site would be un-zoned and there would be no zoning restrictions on the property. Attorney Hornik verified that this is correct.

Chair Britton asked staff to verify that the staff recommendation was to assign RA zoning as a “holding” pattern and that this would not prevent the applicant from coming back with a new rezoning application in the future. Staff person McNeill verified that this is correct.

Vice-Chair Oldham asked if the Planning Board were to support the staff recommendation and keep RA zoning, is there an expectation that staff and the developer are going to work together to create a design that everyone is more supportive of. Staff person McNeill replied that, if the applicant decides to continue to pursue the development the property, staff will continue to work with them to review the plans and provide guidance – just as they would with any applicant.

Board member Foster asked if the applicant could have the portion of the site proposed for single-family development rezoned as per the site plan submitted, but the other area be zoned RA. Staff person McNeill replies that it is possible, but unlikely that the City Council would agree to this because the overall design of the site needs to be taken into consideration and to rezone only a portion per the site plan submitted would be confusing. Attorney Hornik added that this would also have to be agreed to by the applicant since the request is for a conditional zoning district.

DECISION

With no further discussion, Chair Britton opened the floor for a motion for the first vote regarding consistency with the long-range plan. Vice-Chair Oldham made the motion that the proposed zoning map amendment is consistent with Plan San-Lee long range plan designation of RA because a portion of the property is designated Countryside. Board member Perez seconded the motion and it carried unanimously. Board member Perez made the motion that the Planning Board recommend that City Council keep the current zoning of RA in place knowing that may be a “holding” pattern or it may be the final zoning for this site. Board member Foster gave the second and the motion carried unanimously.

REPORTS

None

ADJOURNMENT

Chair Britton stated that, as a reminder, items two, three, four, five, and six on the revised agenda would be deliberated at the July 26th meeting. With no further business to come before the board, the motion to adjourn was made by Vice-Chair Oldham, seconded by board member Foster, and carried unanimously. The meeting was adjourned at 11:14 P.M.

Adopted this _____ day of _____, 2022.

BY: _____
Ken Britton, Chair

ATTEST: _____
Eric Nance, Clerk

**MINUTES OF THE REGULAR MEETING OF THE
CITY OF SANFORD PLANNING BOARD
SANFORD, NORTH CAROLINA**

The City of Sanford Planning Board met for a regular meeting in the West End Conference Room of the Sanford Municipal Center at 225 E. Weatherspoon Street, Sanford, N.C. 27330 on Tuesday, July 26, 2022. The meeting was called to order at 6:00 P.M.

ROLL CALL

Members Present: Ken Britton, Chair
Richard Oldham, Vice-Chair
Ed Ashburn
Jeff Foster
Gina Bycura

Members Absent: Bill Murphy
Gloria Perez, Alternate

Staff Present: Eric Nance, Clerk;
Amy McNeill, Zoning Administrator
Thomas Mierisch, Planner II
Curtis Lee, Planner I

Also serving as staff and legal counsel for the board at this meeting was Brady Herman Esquire, of the Brough Law Firm, PLLC at 1526 E. Franklin Street, Chapel Hill, N.C 27514.

MEETING CALLED TO ORDER

Having noted the presence of a quorum, Chair Britton called the meeting to order and read the Introduction by Chairman statement on the agenda cover and stated that this meeting is a continuation of the July 19th meeting.

Chair Britton stated that, all information relevant to each case should have been presented during the public hearings on July 19th and the planning board may ask for additional clarification about information received during the public hearing but may not receive any new information. Recommendations made this evening will be presented to the city council for their consideration on August 2nd and any action may or may not be taken at that time per their discretion.

NEW BUSINESS

1. ZONING MAP AMENDMENT APPLICATION, PB ITEM 2022-0701

Application by Trinity Capital Advisors, LLC to rezone 13 tracts of land comprising 611.90 +/- acres total with frontage on Rod Sullivan Road (SR 1483) and Jefferson Davis Hwy / US Hwy 1 from Residential Agricultural (RA) to Light Industrial (LI). The subject property is owned by Stephens Enterprises, LLC and are identified as Lee County Tax Parcels 9667-72-1752-00 (portion west of US Hwy 1), 9667-50-6965-00, 9666-78-7977-00, 9666-69-3230-00, 9666-58-4589-00, 9666-57-0619-00, 9666-47-9499-00, 9666-47-9279-00, 9666-47-9077-00, 9666-57-5048-00, 9666-65-7121-00, 9666-54-6675-00, and 9666-53-8950-00 as depicted on Tax Maps 9667.04, 9666.02, 9666.01, and 9666.03.

DISCUSSION

Chair Britton gave introduction to the rezoning application and opened the floor for discussion. Board member Ashburn asked, under the recommendation, a majority of the land conforms with Light Industrial use, is there a certain percentage to that or is there a better definition for what the term majority means? Staff person McNeill stated that there is not a percentage and went on to explain the map of the long-range plan for the property and area in question.

Board member Ashburn asked, is there any intent to install railroad spurs where the railroad backs up to the property? Developer Jason Bertoncino stated that there is not any intent at this point.

Vice-Chair Oldham asked, if the developer could restate the reason why they do not want conditional rezoning. Developer Jason Bertoncino of WithersRavenel stated that they had looked at different zoning options and met with staff and the conditional rezoning is complicated and if you need to go back and change for instance, an access point you have to go back through the rezoning process and CCEP has been through the rezoning process multiple times. It adds time and complexity and it did not work out. Jeff Sheehan of Trinity Capital Advisors stated as we recruit for different companies the flexibility and the speed to be able to respond to their request is key.

Board member Foster asked, could you describe what would be the standard buffer between this proposed zoning and the existing residential that backs up to it. Staff person McNeill stated the buffer between residential single family and industrial is either 50' undisturbed buffer or 25' with a 6' berm and I would encourage any designer to leave existing vegetation. Board member Foster asked, there is a table that identifies this? Staff person McNeill stated that is correct, in Article 7 land scaping and buffering standards there is a table that illustrates that.

DECISION

With no further discussion, Chair Britton opened the floor for a motion for the first vote regarding consistency with the long-range plan. Vice-Chair Oldham made the motion that the proposed zoning map amendment is consistent with Plan San-Lee long range plan designation of Industrial Center (which encompasses the majority of the site) because the request is to rezone to Light Industrial (LI) to allow industrial-type uses. It should be noted however, that the request is not consistent with the Countryside designation for the balance of the site since Industrial uses are not included within this land use designation. The motion was seconded by Board member Ashburn and approved unanimously. Chair Britton opened the floor for a motion to recommend approval or denial of the rezoning request. Vice-Chair Oldham made the motion that the Planning Board recommend that City Council approve the proposed zoning map amendment because the site is appropriate for an industrial land use. Board member Ashburn seconded and the motion was approved unanimously.

2. ZONING MAP AMENDMENT APPLICATION, PB ITEM 2022-0703

Application by Pinnacle Partners, LLC to amend the Brookshire Conditional Zoning District, which was approved in November of 2021 to allow the development of a residential subdivision with a

multi-family area and a commercial area as illustrated on the Brookshire Subdivision Conceptual Development Plan with conditions. This is a site plan/subdivision plan specific conditional district; therefore, more detailed information regarding the project design was required prior to moving forward with the development of the site, which the applicant has submitted for consideration at this time. The subject property is comprised of three adjoining tracts of land totaling 168 + acres with frontage on Valley Road (SR 1325), Forestwood Park Road (SR 1384), and Boone Trail Road/US 421 Hwy and is identified as Lee County Tax Parcels 9624-96-0209-00, 9634-04-4681-00, 9634-14-7642-00, as depicted on Lee County Tax Maps 9642.02, 9642.04, 9634.01 and 9634.03

DISCUSSION

Chair Britton gave introduction to the rezoning application and asked staff to recap what happened during the previous rezoning to the current rezoning application amendment.

Staff person McNeill stated that there are not changing anything. The last rezoning approved their densities and land uses and they had subdivision plans at that time and because of the designer they had to go to that level of extra detail to come back and create accurate areas of density and land use and this time they are submitting the plans with the lot layout, the road configuration the entrance locations, sedimentation and erosion control plans to address the neighbors stormwater concerns so this is what the design will look like, if approved what will come back for you in the future are major subdivision plats from each phase or multiple phases of this development but the zoning would be set, this is the last plan with this level of detail. Normally at this point we only have conceptual architectural elevations but at this point the applicant does not have a developer so they didn't want to propose something that was going to change or not be their intent but they do not have architectural elevations of the homes at this time.

Vice-Chair Oldham asked staff if there was a reason for not having the elevations? Staff person McNeill stated that they simply do not have a builder at this time.

Board member Foster stated, a significant portion of what I see as stormwater is what I understand to be an inline device which they will not permit. Board member Foster asked Developer Bill Daniel if he could address the inline stormwater devices. Engineer Bill Daniel stated that the devices would be incorporated, the streams are not buffered and I do not know of a reason why they would not approve that. Board member Foster stated that typically it is dependent on the classification of the stream but I have had no success from NCDEQ in permitting inline stormwater devices in a core regulated water body. I don't know if these are classified as core waters in the US. Engineer Bill Daniel stated that this particular water body is a different category of stream.

Board member Ashburn asked, there are privacy fences that will go up on some of the lots, were the homeowners ok with the privacy fences? Staff person McNeill stated that they were, that the fences will be shown on the construction drawings and noted in the files. Board member Ashburn asked if the fences will be made of wood and who would do maintenance to the fence, would that be the responsibility of the HOA? The developer stated it would be the HOA and would have a 5' easement from the property line to allow access for maintenance on the fence.

DECISION

With no further discussion Chair Britton called for a motion to a statement of consistency with the Plan SanLee as it relates to this rezoning request. Vice-Chair Oldham made the motion that the proposed zoning map amendment is consistent with the Plan SanLee long range plan designation of Countryside because it includes residential single-family dwellings as the largest overall land use designation. Board member Ashburn gave the second and the motion was approved unanimously. Chair Britton called for a motion to recommend approval or denial of the rezoning request. Board member Foster made the motion that the Planning Board recommend the City Council approve the proposed zoning map amendment because the design appears to correspond with the land uses and densities previously approved. Also, it is reasonable and in the public interest since the site has access to public water, sewer and streets. However, the conceptual architectural elevations that are typically provided are not included; therefore, the zoning must be amended in the future to include this information for review/approval by the Planning Board and City Council. Board member Bycura gave the second and the motion was approved unanimously.

3. ZONING MAP AMENDMENT APPLICATION, PB ITEM 2022-0705

Application by Mark Lyczkowski to rezone two adjoining tracts of land comprising 7.11 +/- acres with frontage on Burns Drive and Friars Drive, adjoining the entrance to Nottingham Subdivision, from Office & Institutional (O&I) to the Burns Towns Conditional Zoning District to allow the development of a 40-unit townhome community as illustrated on the "Burns Drive Towns Conceptual Development Plan" submitted as part of the application.

The subject property is owned by ACA/PJA, LLC and is identified as Lee County Tax Parcels 9643-57-1338-00 and 9643-57-6362-00 as depicted on Tax Maps 9643.02 and 9643.01.

DISCUSSION

Chair Britton gave overview to the rezoning application and opened the floor for discussion. Chair Britton asked, these are the agreed upon conditions that were talked about in the hearing to which staff person McNeill stated they were and actually more since the last meeting.

Board member Ashburn asked Developer Lyczkowski, you did agree to put some buffer trees down the line to which Lyczkowski replied yes and Chair Britton confirmed it as item 4.

Staff person McNeill stated that there are two architectural elevations provided. Chair Britton asked staff what the procedure is for elevations on 40 units, can they look the same or can they look different? Lyczkowski stated he had no problem with every other unit being styled a different architectural style instead of all of the units being the same down the street.

Staff person McNeill stated for clarification that one of the architectural elevations has Tony Johnsons name and the other has H & H, but Tony Johnson is willing to build the units like this? Lyczkowski stated that Mr. Johnson has not committed to build either elevation style and I don't know if I can commit to this for him but what I can commit to is not having the same architectural elevation on all of the homes.

Vice-Chair Oldham asked, what is being stated is that if we approve this, it may not be the same, to which staff person McNeill stated that they would have to be the same.

Lyczkowski stated the wording that he would recommend to add to his conditions would be, every other building has to be a different architectural style.

Chair Britton asked, are there materials lined out anywhere here? Staff person McNeill stated that there are no building materials labeled on the H&H but are labeled on the Tony Johnson elevations.

Chair Britton asked, is there any stone or other materials listed? Lyczkowski stated that if he chooses to use the H&H elevation that there would be stone. Lyczkowski stated that the reason no materials are listed is because of the fluctuation of cost in building materials.

Staff person McNeill stated that you could decide for one over the other if the board is comfortable with that.

DECISION

With no further discussion Chair Britton called for a motion to a statement of consistency with the Plan SanLee long range plan. Vice-Chair Oldham made the motion that the proposed zoning map amendment is consistent with the Plan SanLee long range plan designation of Urban Neighborhood because it does allow attached and detached single-family dwellings as proposed land uses. Board member Foster seconded the motion and the motion carried unanimously. Chair Britton called for a motion of the recommendation of approval or denial of the zoning map amendment. Board member Foster made the motion that the Planning Board recommend that City Council approve the proposed zoning map amendment because it is reasonable and in the public best interest since the adopted long-range plan is supportive of the land uses and the design submitted as part of the conditional rezoning request utilizes public water and sewer and conditions submitted as part of the application, with the following conditions:

- 1.) A 6ft tall white vinyl privacy fence will be installed along the property line shared with Manna Church/Brickcity Community Church at 1408 Burns Drive.
- 2.) A 20ft wide buffer of existing trees along Burns Drive is intended to remain undisturbed; however, in the event that there is a need to remove any of the existing trees due to the proposed site grading, new trees at least 3ft tall will be planted within this area.
- 3.) Evergreen trees will be planted along the shared property line with 204, 212, 214, 216, and 220 Loxley Lane (Lots 1-5, Phase 1 of Nottingham Subdivision).
- 4.) Green Giant Arborvitae trees will be planted along the property line shared with 725 Lakeside Drive (Lot 154, Phase 1 of Nottingham Subdivision).
- 5.) Every other townhome unit will be a different style (multiple units per building) and will contain a mix of building materials on the front façade to create architectural interest that is similar in style to the conceptual elevations submitted with the application, labeled H&H Homes.

Board member Bycura gave the second and the motion was approved unanimously.

4. SUBDIVISION PRELIMINARY PLAT, CASE 2022-0707 (*No public hearing required*)

Consideration of a preliminary subdivision plat for Marelli Subdivision, a 98.45-acre residential subdivision with frontage on Broadway Road and Kelly Drive that is proposed for development with 353 total lots that are a mix of single-family homes and townhomes to be served by City of Sanford maintained public water, sewer, and streets.

DISCUSSION

Staff person Thomas Mierisch gave introduction to the major subdivision preliminary plat as per the agenda package and Chair Britton opened the floor for discussion. Chair Britton asked is there only one point of ingress egress? Staff person Mierisch stated that there will be secondary access developed in the future, and that is an agreement between Mr. Lyczkowski and the City of Sanford. Mr. Lyczkowski stated that it where Kelly drive is getting realigned and stemming down between the Civic Center and Marelli and our road will tie into that.

Board member Ashburn asked, is there connector road going out to Nash Street? Staff person Mierisch stated that there is a temporary emergency access point until Kelly Drive is realigned. Mr. Lyczkowski stated that it is where you come down Nash from Tyson to Main Street; it is the first drive going into Marelli between the warehouses. The Lee County Board of Commissioners granted me that easement through Marelli's property to my property, it goes away as soon as we tie in.

Chair Britton asked, will the building at Main St be demoed to which Mr. Lyczkowski replied, both buildings will be demolished.

Board member Foster asked, is there a proposal when that temporary connection goes away that another townhome could go in that space or will you leave it as open space? Mr. Lyczkowski replied, we are only installing the units that you see on the plat.

DECISION

With no further discussion Chair Britton called for a motion to approve or deny the preliminary plat. Vice-Chair Oldham made the motion to approve the preliminary plat as presented. Board member Foster seconded the motion and it was carried unanimously.

REPORTS

Staff person McNeill stated to make the board aware that the recommendation that the planning board made on July 19th that went back to City Council because of the annexation timeline where the board recommended that the Gum Fork property coldren and US 1 remain zoned RA in a holding pattern to give the developer time to create a design that corresponds to the long range plan, City Council agreed and they voted to do that.

Sanford Planning Board Minutes

Trinity Capital Advisors, LLC Rezoning Application
 Pinnacle Partners, LLC, Brookshire CZ Rezoning Application
 Mark Lyczkowski, Burns Towns Rezoning Application
 Marelli Major Subdivision Preliminary Plat

07.26.2022

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ADJOURNMENT

With no further business to come before the board, the motion to adjourn was made by Board member Foster, seconded by Vice-Chair Oldham, and carried unanimously. The meeting was adjourned at 7:10 P.M.

Adopted this _____ day of _____, 2022.

BY: _____
 Ken Britton, Chair

ATTEST: _____
 Eric Nance, Clerk

This is general information provided by the Lee County Attorney for inclusion in the Lee County Planning Board agenda packet as a reference for board members as of 2022-04-18. Staff has added this information to the agenda packets for the Planning Board and Board of Adjustment for Sanford and Broadway also.

Conflict of Interest Policy Related to Land Use Decisions

Pursuant to North Carolina General Statutes 160D-1-9, the following conflict of interest policies will apply to all land use decisions coming before staff, appointed boards or the governing boards as follows:

For Governing Board Members – Sanford City Council

A Sanford City Council member shall not vote on any legislative decision regarding a development regulation adopted pursuant to Chapter 160D, where the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A Council member shall also not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business or other associational relationship.

For Appointed Board Members – City of Sanford Planning Board & Board of Adjustment

Members of the appointed boards shall not vote on any advisory or legislative decision regarding a development regulation where the outcome of the matter being considered is reasonably likely to have a direct, substantial and readily identifiable financial impact on the member. Further, an appointed board member shall not vote on any zoning amendment of the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. A close familial relationship means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.

For members of any board exercising quasi-judicial functions, the member shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex-parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.

For Administrative Staff – Sanford/Lee County Community Development Department Staff

No staff member shall make a final decision on an administrative decision if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. A close familial relationship means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships. If a staff member has a conflict of interest, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the development regulation or other ordinance.

No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under the UDO unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with a local government to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the local government, as determined by the local government.



M E M O R A N D U M

TO: City of Sanford City Council
City of Sanford Planning Board
Hal Hegwer, Sanford City Manager

FROM: David Montgomery, Planner

DATE: August 8, 2022

SUBJECT: Proposed Residential UDO Text Amendments

The City of Sanford City Council and Planning Board will hold a joint public hearing on Tuesday, August 16, 2022, at the City of Sanford City Council Chambers at 225 E. Weatherspoon St. for consideration of text amendments for residential development to the Unified Development Ordinance (UDO). The New Residential Development amendments are designed to guide new residential neighborhoods within the context of the adopted “Plan SanLee” Future Land Use Plan, which can be found at <http://plansanlee.com/>.

The proposed UDO text amendments include an update to Article 4: Sections 1-8 (Zoning District Regulations), Article 6 (Subdivisions), Article 9.2 (Storm Water Management), and Article 10.4 (Accessory Dwellings) and remove the language in Article 4: Sections 9 (Planned Unit Development), 10 (Traditional Neighborhood Development), and 15 (Residential Design Standards Overlay District). The amendments are attached for your reference but also available for viewing/downloading at <https://www.sanfordnc.net/770/Proposed-UDO-Amendments>. If approved, the recommended date for the amendments to take effect would be Jan. 1, 2023.

Should you have any questions or concerns, you can contact David Montgomery at 919-718-4657 Ext. 5392 or email him at david.montgomery@sanfordnc.net.

**SANFORD-BROADWAY-LEE COUNTY
UNIFIED DEVELOPMENT ORDINANCE**

ARTICLE 4. ZONING DISTRICT REGULATIONS

Summary: This Article divides the County of Lee into districts for the purpose of regulating the use of lands within the districts, as well as dimensional requirements and other standards applicable to construction, reconstruction and alterations of such uses. This Article establishes a series of basic zoning districts, overlay districts (Airport Overlay, Floodplain Overlay, Watershed Protection Overlays, Historic Overlays, and Watershed Conservation Overlay(s) within which additional standards may apply), and the Conditional Village Neighborhood Zoning District (VN-CZ) which may be designated by request of the applicant. Refer to Article 5 for additional regulations applicable to particular uses.

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4.8	VILLAGE NEIGHBORHOOD CONDITIONAL	4-41

4.1 PURPOSE

The City of Sanford, Town of Broadway, and Lee County are hereby zoned and divided into districts. The purpose of establishing these districts is:

- To implement the “PlanSanLee” Future Land Use Plan;
- To promote the health, safety, morals, or the general welfare;
- To provide for the orderly growth and development of the County of Lee and for the efficient use of community resources (land, water, roads, etc.);
- To lessen congestion in the streets;
- To secure safety from fire, panic, and other dangers.
- To facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

4.2 PURPOSE AND INTENT

This § 4.2 establishes base, overlay, and conditional zoning districts in accordance with the requirement of NCGS § 160D-703 that zoning regulation be by districts.

4.3 ZONING DISTRICTS

GENERAL USE ZONING DISTRICTS.

Lee County, within the incorporated area and extraterritorial jurisdiction of the City of Sanford and Town of Broadway, and the unincorporated areas of Lee County, as shown on the Official Zoning Map accompanying this Ordinance and incorporated herein by this reference, is hereby divided into the following general use zoning districts which shall be governed by all of the uniform use and area requirements of this Ordinance, the respective symbol for each type of district being set forth opposite its title:

RA	Residential Agricultural District
RR	Residential Restricted District
RN-20	Rural Neighborhood District
SN-12	Suburban Neighborhood District (Low)
SN-9	Suburban Neighborhood District (Medium)
UN-6	Urban Neighborhood District
MF-12	Multifamily District

NC	Neighborhood Commercial District
HC	Highway Commercial District
O&I	Office and Institutional District
C-1	Light commercial and Office District
C-2	General Commercial District
CBD	Central Business District
LI	Light Industrial District
HI	Heavy Industrial District

OVERLAY DISTRICTS.

In accordance with the authority provided by NCGS § 160D-703, the County of Lee hereby establishes the following overlay districts which shall be governed by all of the uniform use and area requirements of this Ordinance. Within these overlay districts, additional requirements are imposed on certain properties within one or more underlying general or Conditional Use Districts. The symbol for each type of district is as follows:

AO Airport Overlay District
 H Historic Overlay District
 MHP Manufactured Home Park Overlay District
 WCOD Watershed Conservation Overlay District

CONDITIONAL ZONING DISTRICTS

Conditional Zoning Districts may be established in accordance with § 3.4 of this Ordinance. Conditional Zoning Districts are unique, stand-alone zoning districts that have no relationship to the Ordinance's general use zoning districts as listed in § 4.2.2 unless specified elsewhere in the ordinance.

For developments with detached single-family product as a component of the development, the only option that a property owner may petition for Conditional Zoning is the Village Neighborhood Conditional Zoning (VN-CZ) District. The base criteria for VN-CZ is set forth in § 4.8.

For developments that do not include detached single-family products, including non-residential projects, a property owner may petition for a Conditional Zoning District that corresponds to the above-referenced general use zoning districts as listed in § 4.2.2, with the exception that additional conditions are applied as set forth in § 3.4.3 of this Ordinance.

ADDITIONAL ZONING DISTRICTS.

Additional zoning districts may be added from time to time upon the recommendation of the Planning Commission to the Governing Body pursuant to § 3.3 of this Ordinance. Proposed changes to the zoning district regulations or the Official Zoning Map, including the addition of new zoning districts, may be submitted by the Planning Commission or any other interested party.

PURPOSE STATEMENTS

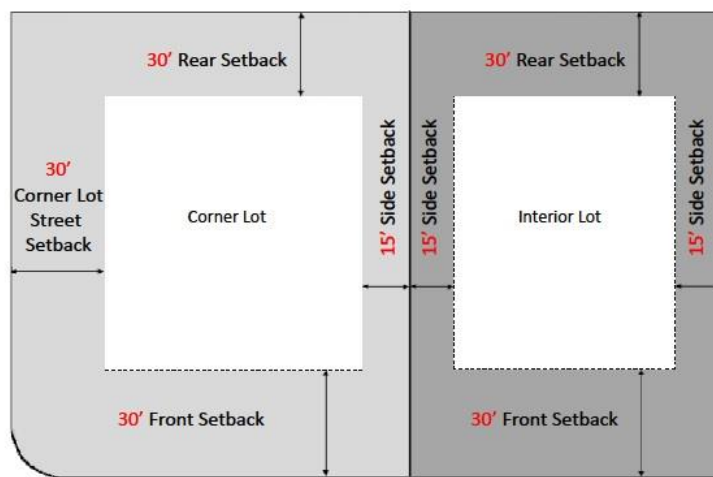
The purpose of this Section is to implement the land use policies of the Future Land Use Plan. Pursuant to NCGS §§ 160D-604 and 160D-605, all zoning ordinances or regulations adopted pursuant to this Ordinance shall state whether the action is consistent or inconsistent with the Plan. If an amendment is adopted which is inconsistent with the adopted plan, the amendment shall have the effect of also amending the land use map. This Section describes the relationship between the various zoning districts and the Plan and a summary of each development district in form. However, to the extent that there is any inconsistency between the tabular summary and the specific provisions of § 4.6 et seq. of this Ordinance, the provisions of § 4.6 et seq. shall prevail.

PURPOSE STATEMENTS FOR GENERAL USE ZONING DISTRICTS.

RA RESIDENTIAL AGRICULTURAL DISTRICT.

The RA (Residential Agricultural) district is established to provide areas for low density single family uses, low intensity agricultural operations as well as agri-business and supportive industrial and commercial uses. Industrial operations are not permitted unless they clearly support an agricultural use. RA zoning protects and preserves valuable agricultural areas, implements agricultural protection zoning, establishes performance standards for rural businesses, preserves rural areas, preserves pasture land and agriculture, sets maximum permissible densities or new zoning districts, defines specific areas for rural commercial uses, and identifies areas appropriate for agricultural preservation.

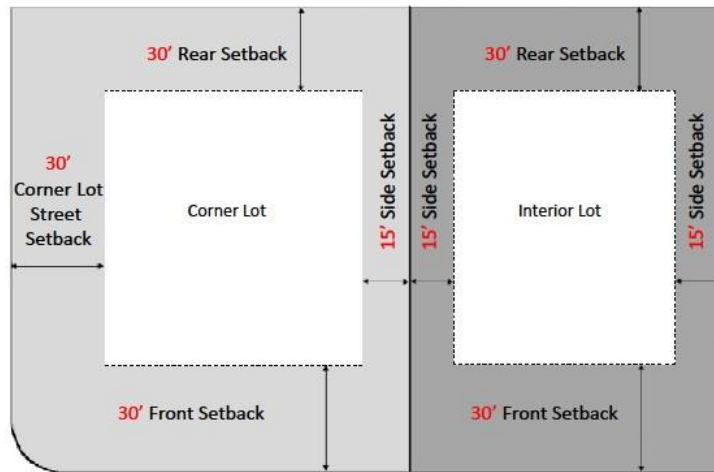
Residential Agricultural
(RA)
40,000 Sq. ft. Lot
100ft Lot Width



RR RESTRICTED RESIDENTIAL DISTRICT.

The RR district is established to provide areas for low-density single-family uses, with a maximum of one and one-half (1.5) dwelling units per acre. Property zoned RR should include only those tracts which abut or are in close proximity to existing large-lot single family development, making RR an appropriate transition district between rural, agricultural, and suburban uses.

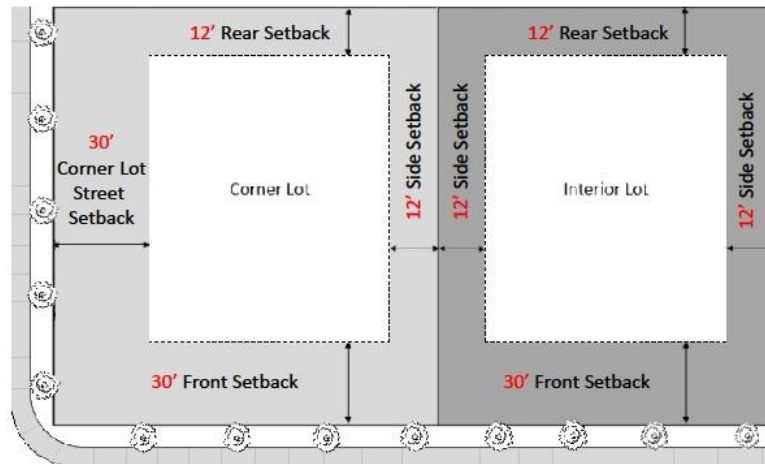
Restricted Residential
(RR)
30,000 Sq. ft. Lot
100ft Lot Width



RN-20 RURAL NEIGHBORHOOD DISTRICT

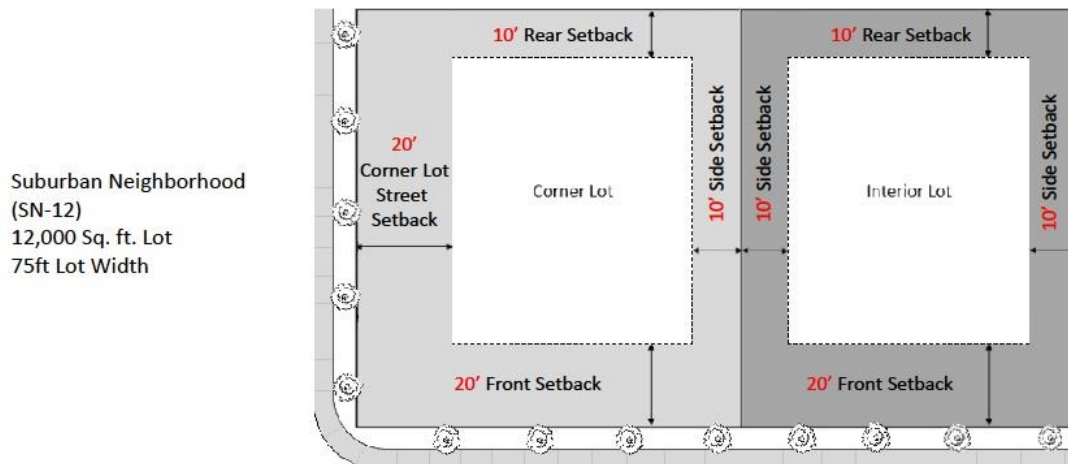
The RN-20 District is intended to provide single family detached homes in larger lot subdivisions at the outer limits of the Municipal boundaries, which may or may not have access to public sewer and are often served by private septic. RN-20 Districts should be located between Suburban Neighborhoods and rural/agricultural areas.

Rural Neighborhood
(RN-20)
20,000 Sq. ft. Lot
80ft Lot Width



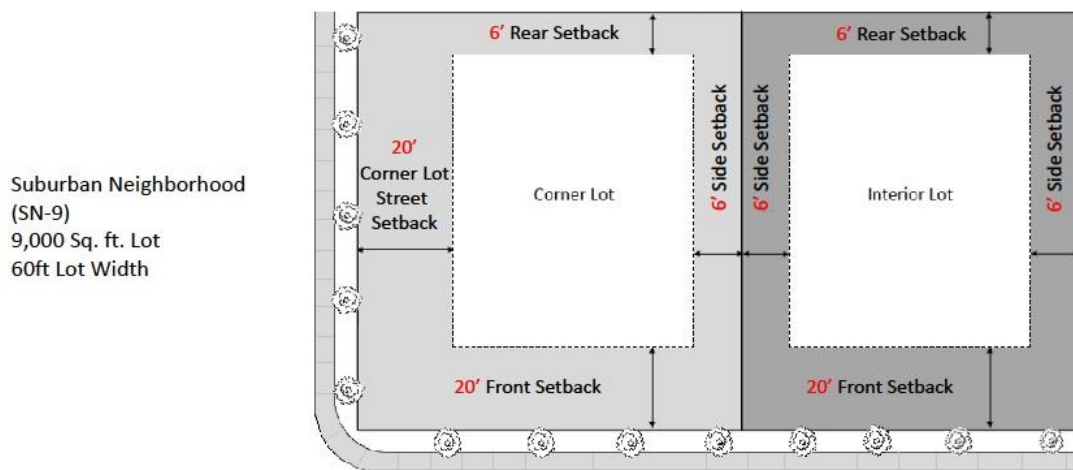
SN-12 SUBURBAN NEIGHBORHOOD DISTRICT (LOW)

The SN-12 District is established to provide detached single-family homes, in moderately compact developments within area(s) identified as “Suburban Neighborhood” in the “PlanSanLee Land Use Plan”. SN-12 Districts should be located in areas where large-lot development is discouraged and adequate public facilities and services are available. SN-12 is intended to facilitate the infill development of the municipalities’ conventional existing single family suburban neighborhoods and act as a transitional component of new larger residential developments. While not urban in nature, these neighborhoods are walkable, and provide a high degree of transportation connectivity both between individual neighborhoods and to the surrounding network of thoroughfares that provide access to commercial neighborhood centers.



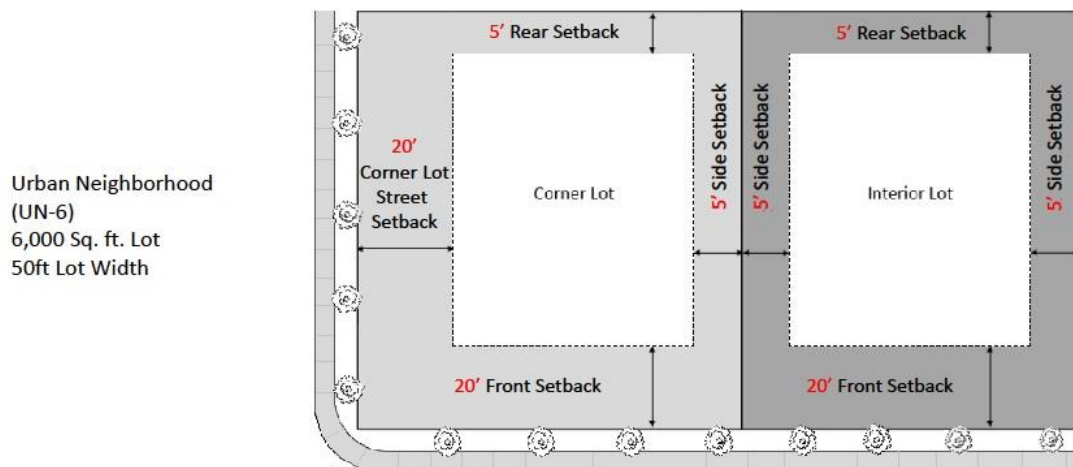
SN-9 SUBURBAN NEIGHBORHOOD DISTRICT (MEDIUM)

The SN-9 Suburban Neighborhood District is established to provide relatively intense mix of residential styles in area(s) identified as “Suburban Neighborhood” in the “PlanSanLee Land Use Plan”. SN-9 Districts should be located on the outskirts of a core urbanized area. The SN-9 District is established to provide housing in areas where adequate public facilities and services exist or planned in the near future with capacity to serve the development. Unit types may include single-family detached homes and duplexes. While not urban in nature, these neighborhoods are walkable, and provide a high degree of transportation connectivity both between individual neighborhoods and to the surrounding network of thoroughfares that provide access to commercial neighborhood centers. The number of units in an SN-9 project should be limited to 125 units; for projects greater than 125 units, application for Conditional Zoning VN-CZ should be sought.



UN-6 URBAN NEIGHBORHOOD DISTRICT.

The UN-6 District is established to provide higher density residential living opportunities with compact development consisting of the full spectrum of residential unit types in area(s) identified as “Urban Neighborhood” in the “PlanSanLee Land Use Plan”. The UN-6 District should be assigned for residential properties in the vicinity of the central business districts of Downtown Sanford, Broadway, and Jonesboro offering opportunities for in-fill development. The intent of this district is to recognize that gradual transformation of existing development to high quality mixed density residential development is needed to support the central cores of municipalities. This district encourages a mix of residential unit types and densities to provide a balance of housing opportunities while maintaining neighborhood compatibility. Unit types may include single family detached and attached dwellings, townhouses, duplexes and apartments, with a maximum of fourteen (14) dwelling units per acre except as otherwise provided in this Ordinance. UN-6 supports the principles of concentrating urban growth and reinforcing existing community centers. Streets in the UN-6 District should be interconnected, with streets and sidewalks providing a connection from the municipalities’ urban cores and other mixed-use districts to the Single-Family Residential districts surrounding these neighborhoods. Higher density residential development allows a greater number of households to walk or bike, thus supporting local businesses while reducing the parking demand and providing environmental and health benefits. The number of attached dwellings, townhouses, duplexes and apartments units in an UN-6 project should be capped at 125 units; for projects greater than 125 units, application for MF-12 or Conditional Zoning VN-CZ should be sought.



Attached Townhouse Standards

Minimum Lot Size – Single-family Attached (Townhouse) (gross square feet) - 1600

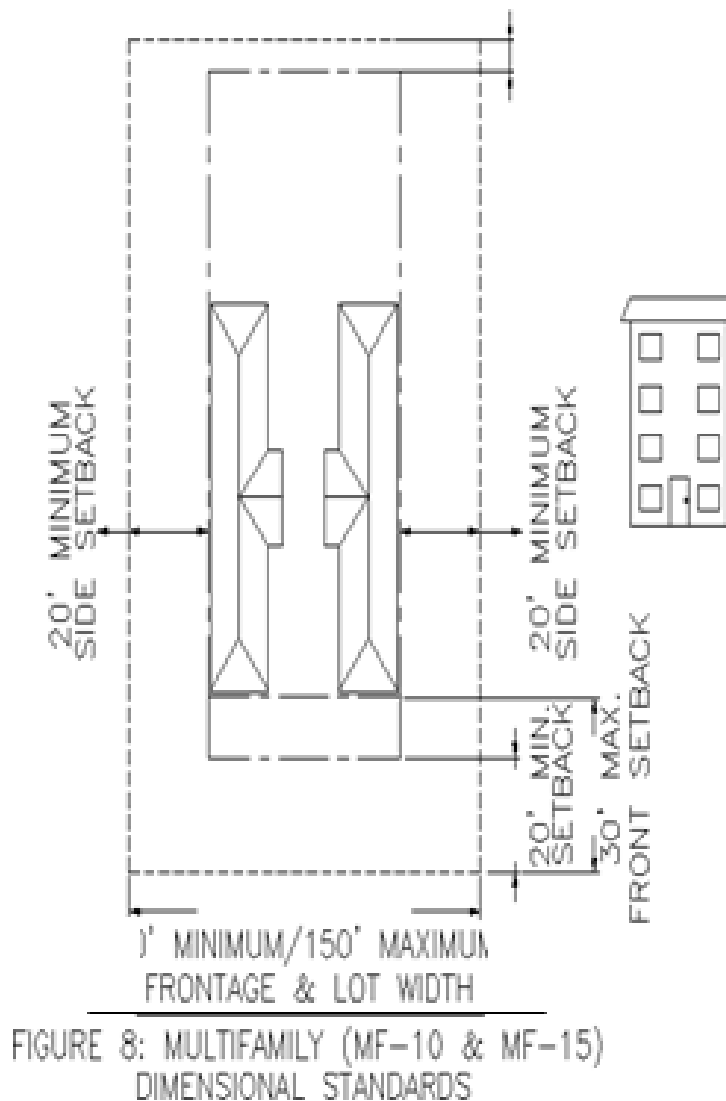
Minimum Lot Width measured at Front Street Setback - Single- family Attached (Townhouse) - 20

Minimum Side Yard Setback - Single-family Attached (Townhouse) interior lot lines – 0

Minimum Building Separation between Buildings that contain Townhouse Units- 20

MF-12 MULTI-FAMILY DISTRICT

A MF-12 Multi-family district permit multi-family uses with a maximum density of up to 12 units per acre, depending on unit size. A MF-12 district designation may be applied to a use in a residential neighborhood that contains a mixture of single family and multi-family uses or in an area for which limited density multi-family use is appropriate. A MF-12 district may be used as a transition between a single family and higher intensity uses. MF-12 districts are appropriate in areas containing a variety of dwelling types, or in single-family areas at the intersection of Local Roads and Collector or higher order streets. MF-12 districts are appropriate in locations where affordable housing is needed. MF-12 districts shall be designated only in areas with central water and sewer.



NC NEIGHBORHOOD COMMERCIAL DISTRICT.

The NC district is established to provide small areas for office and professional services combined with shop front retail uses, shops for artisans and craftsmen, designed in scale with surrounding residential uses. This district provides a balance of residential and non-residential land use opportunities reflecting the economic needs of residents and business owners. Location of NC districts should include lots, parcels or tracts located at the intersections of collector streets, including collector/collector and minor thoroughfare/collector, except where an existing building or structure used as permitted in the NC District has been established prior to the adoption of this Ordinance on a parcel subject to an application for rezoning. The distance shall be measured between the closest boundaries of the two (existing and proposed) districts.

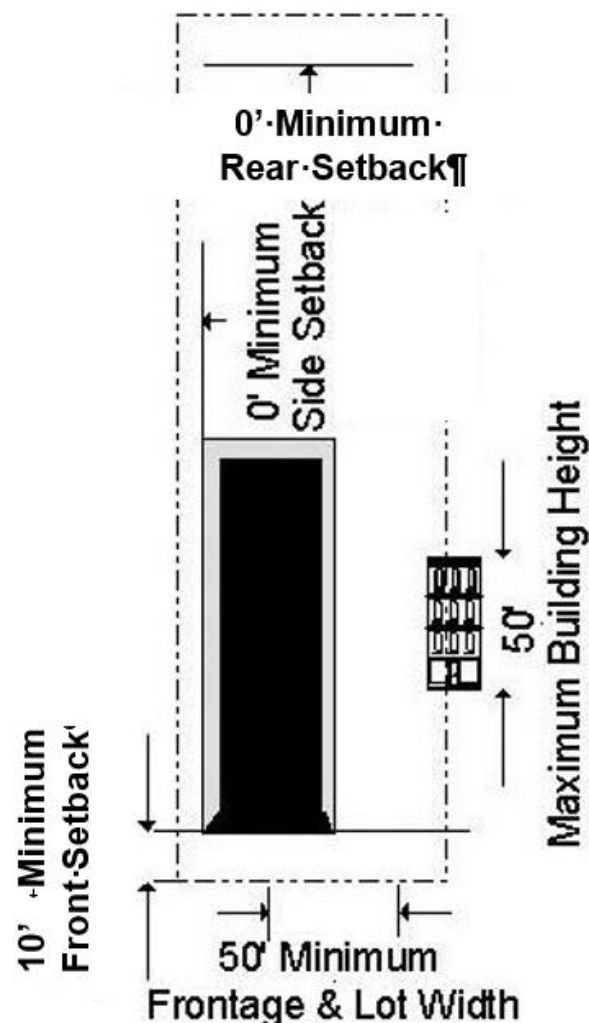


Figure 10: Neighborhood Commercial (NC) dimensional standards

CBD CENTRAL BUSINESS DISTRICT.

The “CBD” district is established to provide concentrated downtown retail, service, office and mixed uses (including residential uses) in the existing central business districts. Shopping centers are permitted, but design standards are required in order maintain a neighborhood commercial scale, to promote pedestrian activity, and to maintain the unique character of the center. Pedestrian circulation is required as are common parking areas. The “CBD” district promotes the long-term vitality of the central business districts. No rezoning to a “CBD” District is appropriate unless the lot, parcel or tract subject to the application adjoins an existing “CBD” zoning district.

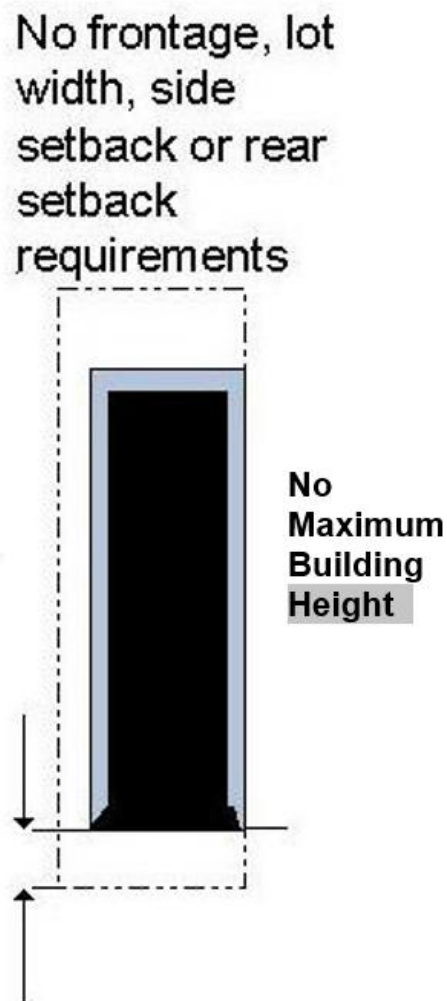


Figure 11: Central Business District (CBD) dimensional standards

O&I OFFICE & INSTITUTIONAL DISTRICT

The Office & Institutional District is established to provide for agencies and offices rendering specialized services and traditional institutional functions (both public and private) including, but not limited to, governmental facilities, cultural and recreational facilities, educational facilities and charitable institutions.

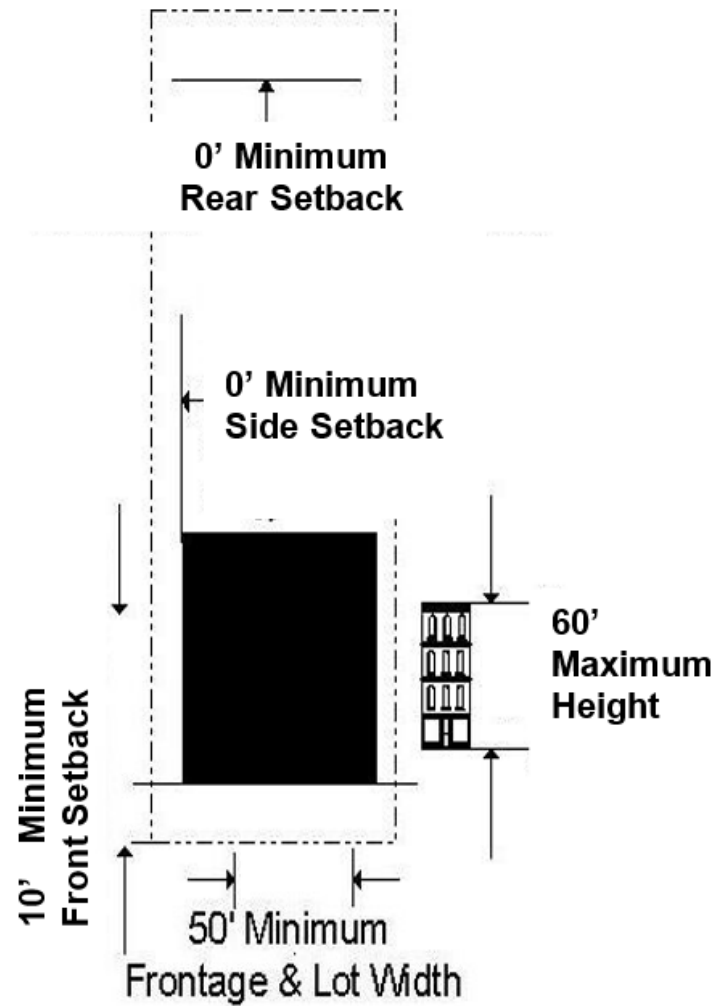


Figure12: Office & Institutional (O&I) dimensional standards

C-1 LIGHT COMMERCIAL & OFFICE DISTRICT

The C-1 district is established to provide areas for indoor retail, service and office uses. The purpose of the C-1 district is to accommodate well-designed development sites that provide excellent transportation access, make the most efficient use of existing infrastructure and provide for an orderly transition between uses. C-1 Zones should be located in areas which continue the orderly development and concentration of moderate commercial uses. C-1 zones should be located on or within proximity to major and/or minor thoroughfares.

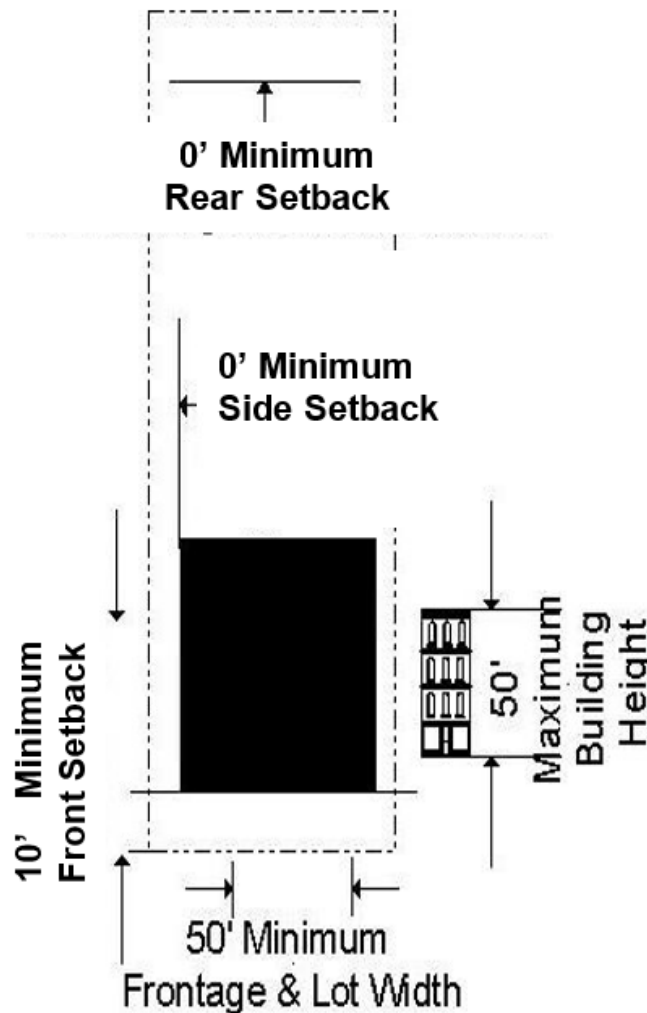


Figure13: Light Commercial & Office (C-1) dimensional standards

C-2 GENERAL COMMERCIAL DISTRICT.

The “C-2” district is established to provide areas for general commercial activities designed to serve the community such as shopping centers, repair shops, wholesale businesses, and retail sales with limited outdoor display of goods and limited outdoor operations. This district promotes a broad range of commercial operations and services necessary for large regions of the County, providing community balance. “C-2” zones should be located on or within proximity to major thoroughfares. This shall not apply where an existing building or structure used as permitted within the “C-2” District has been established prior to the adoption of this Ordinance on a parcel subject to an application for rezoning.

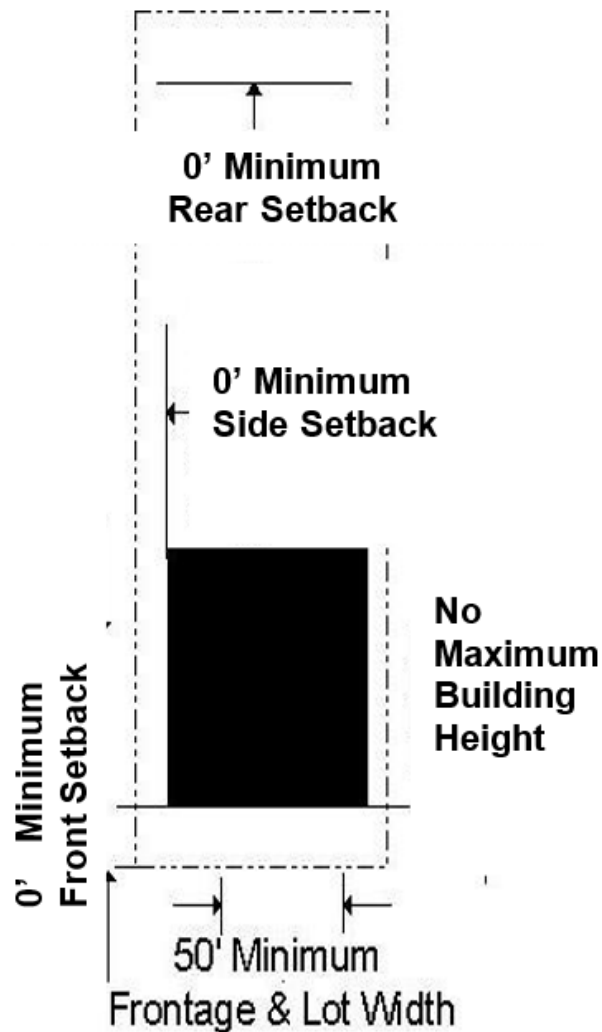


Figure 14: General Commercial (C-2) dimensional standards

HC HIGHWAY COMMERCIAL

The purpose of the highway commercial (HC) is to accommodate uses that depend upon a large flow of traffic and convenient access, such as retailing of durable goods, the provision of commercial services to industrial areas, and the provision of services to tourists.

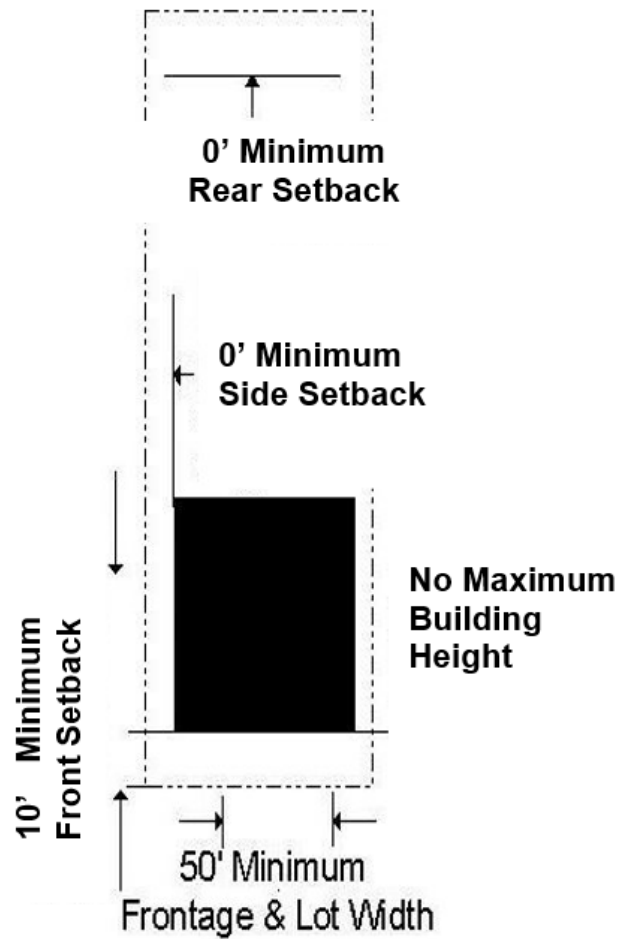


Figure 15: Highway Commercial (HC) dimensional standards

LI LIGHT INDUSTRIAL DISTRICT.

The LI district is established to provide for areas that contain a mix of light manufacturing uses, office park and limited retail and service uses that service the industrial uses in an attractive business park setting with proper screening and buffering, all compatible with adjoining uses. LI districts should include areas which continue the orderly development and concentration of light industrial uses. LI zones should be located so as to have direct access to or within proximity to a major or minor thoroughfare. This shall not apply where an existing building or structure used as permitted within the LI District has been established prior to the adoption of this Ordinance on a parcel subject to an application for rezoning.

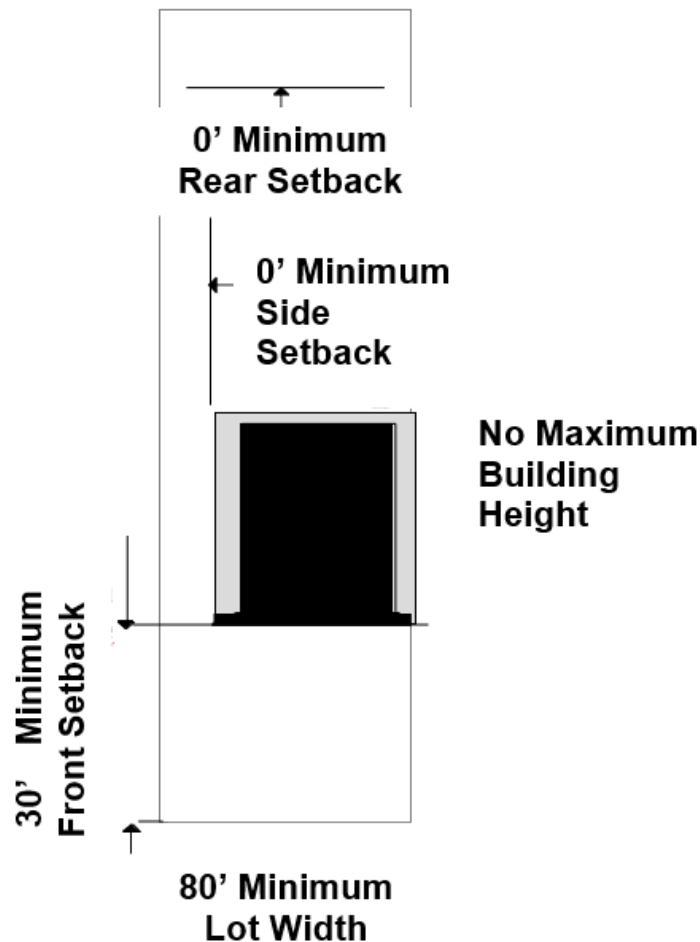


Figure 16: Light Industrial (LI) dimensional standards

HI HEAVY INDUSTRIAL DISTRICT.

The HI district is established to provide for areas of heavy manufacturing, concentrated fabrication, manufacturing and industrial uses which are suitable based upon adjacent land uses, access to transportation and the availability of public services and facilities. It is the intent of this district to provide an environment for industries that is unencumbered by nearby residential or commercial development. HI should be located in areas where conflicts with other uses can be minimized to promote orderly transitions and buffers between uses. The HI district is established in order to provide sites for activities which involve major transportation terminals, and manufacturing facilities that have a greater impact on the surrounding area than industries found in the LI district. HI districts should not be located adjacent to any property that is zoned for residential use, including mixed-use developments with an adjacent residential designation. HI zones should be restricted so as to have direct access to or within proximity to a major or minor thoroughfare. This shall not apply where an existing building or structure used as permitted within the HI District has been established prior to the adoption of this Ordinance on a parcel subject to an application for rezoning.

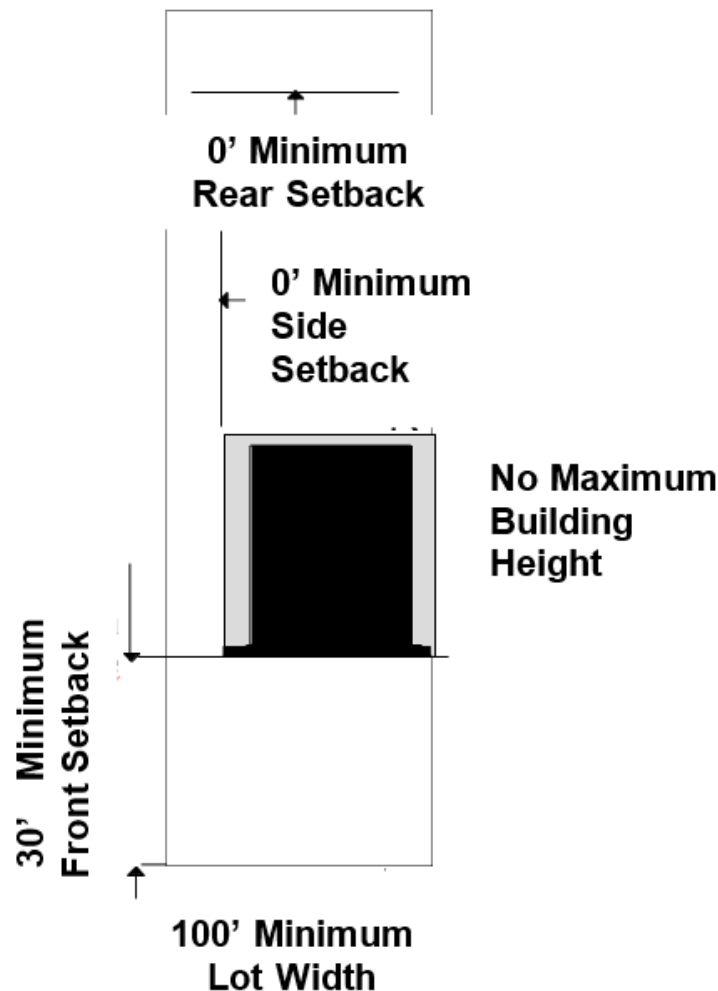


Figure 17: Heavy Industrial (HI) dimensional standards

PURPOSE STATEMENT FOR OVERLAY ZONING DISTRICTS.

The overlay zone creates special siting, use and compatibility issues which require use development regulations in addition to those found in the underlying zoning districts. If any regulation in an overlay zoning district requires lower densities, greater setbacks, or otherwise imposes greater standards than those required by the base zoning district, the more restrictive standard applies. See §§ 4.11 through 4.15 for the purpose statements and regulations applicable to the overlay zoning districts.

4.4 ZONING MAP

The boundaries of zoning districts established by this Ordinance shall be designated on a map or maps entitled Official Zoning Map(s) of the County of Lee. These maps and all references and dates shown thereon shall be certified by the Chairman of the Lee County Commissioners, the Mayor of the City of Sanford, and the Mayor of the Town of Broadway. The Official Zoning Map is hereby incorporated by reference as set forth in its entirety herein, and may be referred to as Article 4, § 4.4 of the UDO.

The Official Zoning Map shall be located in the Department of Community Development. A copy of the Official Zoning Map shall be kept on file with the Clerk of the City of Sanford, Town of Broadway, and Lee County. Changes thereto shall be clearly shown on the Official Zoning Map when officially adopted by the City of Sanford, Town of Broadway, and/or Lee County.

The Official Zoning Map shall bear a stamp showing the effective date of this Ordinance and shall:

- Be certified by the Department of Community Development
- Be identified by the signatures of the County Commission Chairman and the Mayors
- Be attested by the County of Lee Clerk
- Bear the seal of the County of Lee under the words: “Official Zoning Map, Sanford/Lee County/ Broadway”

If a zoning district is eliminated and there is no corresponding zoning district classification on the Official Zoning Map, the property shall remain subject to all restrictions, regulations and conditions imposed under the zoning ordinance in effect at the time that the Official Zoning Map previously in effect was effective unless and until the zoning classification of the property is amended pursuant to this Ordinance.

If a property is zoned as a conditional zoning district at the time of adoption of this ordinance, it shall remain subject to all terms, conditions, and restrictions of approval under the zoning ordinance in effect prior to the adoption of this Ordinance.

4.5 ZONING DISTRICT BOUNDARIES

Unless otherwise provided, zoning district boundaries shall be located on municipal corporate lines, section lines, parcel lines, natural boundary lines or on the center lines of highways, streets, alleys, or railroad rights-of-way. In cases where these lines are not used, the zoning district lines shall be as determined by using the scale of the Official Zoning Map. If a parcel of land is divided by a zoning district boundary line at the time of enactment of this Ordinance or by subsequent amendments thereto, the appropriate standards and uses for each zone shall apply on the portion of the parcel covered by that zone.

Any dispute as to the boundary or location of property within a zoning district shall be resolved in accordance with the following criteria. When a district boundary is shown as approximately following a street, highway, alley, road, right-of-way, parkway, public utility right-of-way, railroad, stream or watercourse, the boundary shall be deemed to be the centerline of such feature.

- Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

- Boundaries indicated as approximately following established municipal limits and county borders shall be construed as following such lines.
- Boundaries indicated as separated from but approximately parallel to any of the features indicated above, or any land marked or monumental line, shall be deemed to be parallel to the aforesaid centerline or railroad track mid-point.
- Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- Where a street, highway, railroad or other physical monument or marker on the ground, by which a boundary is determined, varies from that as shown on the Official Zoning Map, the physical monument or marker located on the ground shall control. Where physical or cultural features, such as flood plains, vary from those shown on the Official Zoning Map, or in other circumstances not covered above, the Department of Community Development shall determine the district boundaries.

4.6 USE REGULATIONS (INCLUDES PERMITTED USE MATRIX)

GENERALLY.

No use shall be permitted pursuant to this Ordinance, and no Development Permit authorizing a use may be authorized, issued, or approved by any officer, official, or agency, unless said use is listed as a permitted or Special Use in this § 4.6 and all applicable permits and approvals have been issued by the agency or official with final decision-making authority. Those uses permitted as Primary Uses or Buildings within each zoning district shall be those uses listed in the Use Matrix (Table 4.6-1) and as forth in § 4.6, below.

PRIMARY USES.

No Zoning Clearance Permit shall be issued for a Primary use not specifically mentioned or described by category in the Use Matrix (Table 4.6-1). Notwithstanding any provision of this Section to the contrary, uses which are preempted by state statute are not listed in the Use Matrix, and may be permitted in accordance with state law.

INTERPRETATION OF USE MATRIX.

The use categories listed in the first column of Table 4.6-1 are defined in this Ordinance, the LBCS or in other resources cross-referenced in this Ordinance. In determining whether a use is permitted by right, permitted as a Special Use, or prohibited within each zoning district, the following rules of construction apply:

P	Permitted Uses. The letter “P” indicates that the listed use is permitted by right within the zoning district. Permitted uses are subject to all other applicable standards of this Ordinance.
D	Permitted Uses with Development Regulations. The letter “D” indicates that the use is also subject to development regulations as prescribed in Article 5. The use may be permitted as of right or as a Special Use, but will also be subject to the requirements of Article 5 Supplemental Development Regulations.
S	Special Uses. The letter “S” indicates that the listed use is permitted within the respective zoning district only after review and approval of a Special Use Permit, in accordance with the review procedures of § 3.5 of this Ordinance. Special Uses are subject to all other applicable standards of this Ordinance and those requirements that may reasonably be imposed by the County of Lee consistent with the criteria set forth in § 3.5 of this Ordinance and any Development Regulations which apply to said use.
-	Prohibited Uses. A dash (“-”) indicates that the listed use type is not allowed within the respective zoning district, unless it is otherwise expressly allowed by other regulations of this Ordinance.

ACCESSORY AND TEMPORARY USES.

Permitted Accessory Uses and permitted Temporary Uses are set forth in Article 5 of this Ordinance. If a Primary use is listed as prohibited in a Zoning District, but is permitted as an Accessory Use in § 5.1 of this Ordinance, the use is permitted only as an Accessory Use to a Principal Use or Principal Building on the same lot, tract or parcel. Such uses cannot be established unless and until there is a Principal Use or Principal Building on the same lot, tract or parcel to which that use is accessory.

USES NOT LISTED.

The Department of Community Development shall make a determination if a use not mentioned could reasonably be interpreted to fit into a use category where similar uses are described. It is the intent of this Article to group similar or compatible land uses into specific zoning districts, either as permitted uses or as uses authorized by a Special Use permit. In the event that a particular use is not listed in the Use Matrix, and such use is not listed as a prohibited use and is not otherwise prohibited by law, the Department of Community Development shall determine whether a materially similar use exists in this Section.

Should the Department of Community Development determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed and the Department of Community Development’s decision shall be recorded in writing. The Department of Community Development may determine that a use is materially similar if the use is listed as within the same Structure or Function classification as the use specifically enumerated in the Use Matrix, as determined by the Land-Based Classification Standards (“LBCS”) of the American Planning Association. The use shall be considered materially similar if it falls within the same LBCS classification.

INTERPRETATION OF LAND BASED CLASSIFICATION STANDARDS (LBCS).

In order to assist in interpretation of the Use Matrix, the LBCS numbers precede each use in the Use Matrix. In interpreting the Use Matrix, the following rules of construction shall apply:

- If a use is listed for a specific classification, while a more general classification within the same industry classification is also listed for another use, the specific classification governs. The specific use is not permitted in all districts where the uses coded to the general classification are permitted simply because they share a similar code number. The numbers increase as the classifications get more specific.
- Some uses are listed separately, but fall within the same LBCS classification. The uses within one such classification are not permitted in all of the zoning districts as the others simply because they fall within the same LBCS classification.

Example: “Restaurant, with incidental consumption of alcoholic beverages” is coded as LBCS Structure 2220. A “Restaurant, no consumption of alcoholic beverages permitted” is also coded as Structure 2220. The former is listed as a prohibited use in District X. It is not considered a permitted use in X simply because it falls within the same LBCS classification as the latter us.

Table 4.6 –1 PERMITTED USE MATRIX:

Use	LBCS Function	LBCS Structure	RA Residential Agricultural	RR Restricted Residential	RN-20 Residential Single-	SN-12 Residential Single-	SN-9 Suburban Neighborhood	UN-6	MF-12 Multifamily	NC Neighborhood Commercial	HC Highway Commercial	C-1 Light Commercial & Office	C-2 General Commercial	O&I Office & Institutional	CBD Central Business District	LI Light Industrial	HI Heavy Industrial
Accessory uses																	
Accessory uses (see § 5.1)		11 30	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Urban Beekeeping (see 5.44)															P/ D		
Residential Uses																	
Accessory Dwellings (see § 10.4)	1100	1130	P/ D	P/ D	P/ D	P/ D	P/ D	P/ D	-	-	-	-	-	-	-	-	-
Building, Mixed Use - Mixed commercial and residential use where commercial use is primary on first floor, with dwellings occupancy second floors or above (no unenclosed storage) (see §5.35)		23 00	-	-	-	-	-	-	-	-	-	-	-	-	P/ D	-	-
Dwelling, Duplex (two-family dwelling)	1100	1121	P	-	-	-	P	P	P	-	-	-	-	S	-	-	-
Dwelling, Manufactured home, Class A Unincorporated Lee County and Town of Broadway only (see § 10.5)	1100	1150	P/ D	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Dwelling, Manufactured home, Class A City of Sanford only (see § 10.5)	1100	1150	S/ D	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Dwelling, Manufactured home, Class B Unincorporated Lee County only (see § 10.5)	1100	1150	P/ D	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Dwelling, Manufactured home, Class B City of Sanford and Town of Broadway only (see § 10.5)	1100	1150	S/ D	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Dwelling, Manufactured home, Class C Unincorporated Lee County only (see § 10.5)	1100	1100	S/ D	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Dwelling, Manufactured home, Class C City of Sanford and Town of Broadway only (see § 10.5)	1100	1100	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Dwelling, Modular home	1100	1110	P	P	P	P	P	P	P	-	-	-	-	S	-	-	-
Dwelling, Multifamily (three or more units) (see § 10.3)	1100	1200	-	-	-	-	-	P/ D	P/ D	-	-	-	-	S/ D	-	-	-

Dwelling, Single-family attached (see § 10.3)	1100	1120	-	-	-	-	-	P/D	P/D	P/D	-	-	-	S/D	-	-	-
Dwelling, Single-family detached	1100	1110	P	P	P	P	P	P	P	-	-	-	-	S	-	-	-
Home Occupations (see § 5.16)			P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D
Manufactured Home for Hardship Unincorporated Lee County only (see § 10.6)			P/D	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Manufactured Home Park (see § 4.11)	1100	1100															
Rural Family Occupation Commercial/Industrial Unincorporated Lee County only (see § 5.30)			S/D	-	-	-	-	-	-	-	-	-	-	-	-		

<i>Use</i>	<i>LBCS Function</i>	<i>RA Residential Agricultural</i>	<i>RR Restricted Residential</i>	<i>R-20 Residential Single-Family</i>	<i>R-14 Residential Single-Family</i>	<i>R-12SF Residential Single-Mixed</i>	<i>R-12 Residential Mixed</i>	<i>R-10 Residential Mixed</i>	<i>R-6 Residential Mixed</i>	<i>MF-12 Multifamily</i>	<i>NC Neighborhood Commercial</i>	<i>HC Highway Commercial</i>	<i>C-1 Light Commercial & Office</i>	<i>C-2 General Commercial</i>	<i>O&I Office & Institutional</i>	<i>CBD Central Business District</i>	<i>LI Light Industrial</i>	<i>HI Heavy Industrial</i>
Travel trailer/Recreational Vehicle/Motor home/Camper, to be used as a Temporary Residence Unincorporated Lee County and ETJ areas of Sanford and Town of Broadway (see § 5.34.2.9)		P/D	P/D	P/D														
Accommodations and Group Living																		
Bed and breakfast inn (see § 5.4)	1310	P/D	P/D	-	-	S/D	S/D	S/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	-	-
Boarding house/Room Renting	1320	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Dormitories for the students of colleges, commercial schools, staff of hospitals	1320	1320	S	S	S	S	S	S	S	S	S	P	S	P	P	S	-	-
Family Care Homes (see NCGS § 160D-907 (see § 5.12)	6520	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	-	-	-	-	-	-	-	-
Group Home/Residential Care Facility, Level 1	6520	-	-	-	-	-	-	-	-	S	P	P	P	P	P	-	-	-
Group Home/Residential Care Facility, Level II	6520	-	-	-	-	-	-	-	-	S	P	P	P	P	P	-	-	-
Group Home/Residential Care Facility, Level III	6520	-	-	-	-	-	-	-	-	-	S	S	S	S	S	-	-	-
Group Home/Residential Care Facility, Level IV	6520	-	-	-	-	-	-	-	-	-	S	S	S	S	S	-	-	-
Hotel, Motel, and tourist court (see §		-	-	-	-	-	-	-	-	-	-	P/	P/	P/	P/	P/	P/	P/

5.17)	1330 1330													D	D	D	D	D	D	D
Child and Youth Services	6561	-	-	-	S	S	S	S	S	P	-	-	-	-	P	-	-	-	-	-
Nursing, Supervision, Adult Care Homes, Group Care Facilities and other rehabilitative services	6520	S	S	S	S	S	S	S	S	P	-	P	P	P	P	-	-	-	-	-
General Sales or Service																				
ABC Store (liquor Sales), incorporated areas only	2155	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P	P
Administrative Services, Travel Arrangement and Reservation Services, Investigation and Security Services (locksmiths)	2420- 2440	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P
Agricultural equipment, sales and service	2120	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	P	P	P
Animal Hospitals, Veterinary services, Animal Shelters, Kennels / Animal Pet Services (see § 5.3)	2418 2720	S/ D	-	-	-	-	-	-	-	-	-	-	P/ D	P/ D	P/ D	-	-	P/ D	P/ D	P/ D
Antique Shops	2145 2230	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P
Appliance Sales, Repair and Maintenance, (no outside storage)	2125	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P	P
Art dealers, supplies, sales and services	2142	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P
Auction sales, general merchandise (no vehicular sales)	2140	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P	P
Auction Sales, vehicular sales		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Bakeries, retail, including manufacturing of goods for sale on the premises only	2151	-	-	-	-	-	-	-	-	-	-	-	S	P	P	P	-	P	P	P
Bicycle (non motorized) Sales and/or Repair	2113	-	-	-	-	-	-	-	-	-	-	-	S	P	P	P	-	P	P	P
Books, Magazines, music, etc.	2135	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P		P	P	P
Building, Mixed Use - Mixed commercial and residential use where commercial use is primary on first floor, with dwellings occupancy second floors	23 00	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-

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<i>Use</i>	<i>LBCS Function</i>	<i>LBCS Structure</i>	<i>RA Residential Agricultural</i>	<i>RR Restricted Residential</i>	<i>R-20 Residential Single-Family</i>	<i>R-14 Residential Single-Family</i>	<i>R-12SF Residential Single-Family</i>	<i>R-12 Residential Mixed</i>	<i>R-10 Residential Mixed</i>	<i>R-6 Residential Mixed</i>	<i>MF-12 Multifamily</i>	<i>NC Neighborhood Commercial</i>	<i>HC Highway Commercial</i>	<i>C-1 Light Commercial & Office</i>	<i>C-2 General Commercial</i>	<i>O&I Office & Institutional</i>	<i>CBD Central Business District</i>	<i>LI Light Industrial</i>	<i>HI Heavy Industrial</i>
or above (no unenclosed storage)																			
Camera and Photographic Supplies	2132		-	-	-	-	-	-	-	-	P	P	P	P		P	P	P	
Car Washes and Car Care Centers (see § 5.5)	25 93		-	-	-	-	-	-	-	-	-	P/D	-	P/D	-	-	P/D	P/D	
Clothing, Jewelry, Luggage, Shoes, etc.	2133		-	-	-	-	-	-	-	-	P	P	P	P		P	P	P	
Computer and Software Sales	2131		-	-	-	-	-	-	-	-	P	P	P	P		P	P	P	
Consumer Goods, not otherwise listed	2140		-	-	-	-	-	-	-	-	S	P	P	P		P	P	P	
Convenience stores, without gas sales	2152	2591	-	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	
Convenience stores, with gas sales	25 91		-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	
Consignment Shops, Used Merchandise Store (not otherwise listed)	2145	2240	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P	
Dry cleaning and laundry	2600		-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P	
Electronic equipment (small), sales and service	2120		-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	
Farm, landscape, and garden supply sales (feed, seed, fertilizer, farm hardware, lawn furniture, mulch, fencing, fountains, statuary, and other incidental sales of products or related items) - (with indoor storage only)	2123		S	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P	
Farm, landscape, and garden supply sales (feed, seed, fertilizer, farm hardware, lawn furniture, mulch, fencing, fountains, statuary, and other incidental sales of products or related items) - (with outdoor storage)	2123		S	-	-	-	-	-	-	-	-	P	-	P	-	-	P	P	
Farmers Markets and market shops, including open markets	2260		-	-	-	-	-	-	-	-	-	P	-	P	-	S	-	-	
Finance and Insurance Services (Bank, Credit and Finance, Insurance-related)	2200-2250		-	-	-	-	-	-	-	-	S	P	P	P	P	P	P	P	
Flea markets (indoors)	21 45	2580	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	
Flea markets (outdoors) (see § 5.14)	21 45	2580	-	-	-	-	-	-	-	-	-	P/D	-	P/D	-	-	-	-	

Florist	2141	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P
Freestanding Ice Vending Unit (see § 5.37)		-	-	-	-	-	-	-	-	-	-	P/D	-	P/D	-	-	P/D	-
Furniture or home furnishing sales	2121	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Gasoline stations	21 2270 16	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P
Grocery stores and Supermarkets (less than 25,000 sq. ft. GFA)	2151	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	P	P
Grocery stores and Supermarkets (more than 25,000 sq. ft. GFA)	2151	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	P	-
Hardware, home centers, lumber yard, heating and plumbing etc., outside storage	2122212 2592 6351021 27	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	P	P
Hardware, home centers, lumber yard, heating and plumbing etc., inside storage	2122212 2592 6351021 27	-	-	-	-	-	-	-	-	-	-	P	P	P		P	P	P
Heavy Equipment, sales and service	2120	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	P	P
Leasing/Rental Recreational Goods (Furniture, Party Supplies, Sporting Goods)	2333	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P

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Use	LBCS Function	LBCS Structure	RA Residential Agricultural	RR Restricted Residential	R-20 Residential Single-Family	R-14 Residential Single-Family	R-12SF Residential Single-Family	R-12 Residential Mixed	R-10 Residential Mixed	R-6 Residential Mixed	MF-12 Multifamily	NC Neighborhood Commercial	HC Highway Commercial	C-1 Light Commercial & Office	C-2 General Commercial	O&I Office & Institutional	CBD Central Business District	LI Light Industrial	HI Heavy Industrial
Leasing, Commercial and Industrial Machinery and Equipment	2334		-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	P	P
Gunshops and Gunsmiths	2134		-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Mail order or direct selling establishments / Electronic Shopping and Mail-Order Houses	2144		-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P
Manufactured home and /or storage building sales (see § 5.21)	2112		-	-	-	-	-	-	-	-	-	-	P/D	-	P/D	-	-	P/D	P/D
Mini-warehousing/Self-service storage leasing (see § 5.22)	3600 2710 2720		-	-	-	-	-	-	-	-	-	-	P/D	P/D	P/D	-	-	P/D	P/D

Medical equipment sales, rental or leasing	2120	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P
Monument and cut stone sales		-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	P
Motion Picture, Video and Audio Production	4221 4223	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P
Motorcycle, Motorized Scooters, ATV Sales and/ or Leasing/Rental (Indoor display)	2113	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P
Motorcycle, Motorized Scooters, ATV Sales and/or Leasing/Rental (Outdoor display)	2113	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	P
Motor Vehicles, (automobiles), Boats, RV's Sales and/or Leasing/Rental (see § 5.24)	2111 2112 2114 2323 3200	-	-	-	-	-	-	-	-	-	-	P/D	-	P/D	-	-	P/D
Motor Vehicle Parts, Accessories, Tire Sales, enclosed building only	2115	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P
Motor Vehicle, Motorcycle, ATV's, Boats, RV's, etc., repair and service	2110, 2280 2120	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	P
Motor Vehicle Towing with incidental storage, excluding Salvage Yards & Junkyards	4138	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	P
Nurseries and greenhouses, commercial (see § 5.25)	9140 8400	S/D	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P
Office building (general)	2200-2455 5140-5160 6800-6820 2100	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P
Palmistry services, Fortune Tellers, Astrologers	2600	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	-
Pawnshops (as defined by NCGS 66-387)		-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P
Personal Services (e.g., nail salons, barbers, shoe repair, and similar establishments), not otherwise listed	2600	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P
Pet store or pet supply store	2710	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P
Pharmacy or Drugstore, without drive through facility		-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P
Pharmacy or Drugstore, with drive through facility		-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P
Printing and Publishing Services	4210	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P
Professional Services (Legal, Accounting, Architectural, Graphic, Consulting Services,	241024162417	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P

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Use	LBCS Function	LBCS Structure	RA Residential Agricultural	RR Restricted Residential	R-20 Residential Single-Family	R-14 Residential Single-Family	R-12SF Residential Single-Family	R-12 Residential Mixed	R-10 Residential Mixed	R-6 Residential Mixed	MF-12 Multifamily	NC Neighborhood Commercial	HC Highway Commercial	C-1 Light Commercial & Office	C-2 General Commercial	O&I Office & Institutional	CBD Central Business District	LI Light Industrial	HI Heavy Industrial
Research and Development, Advertising, etc.)																			
Real Estate, Sales, Rental & Leasing	2300-2336		-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P
Repair of any goods, equipment or vehicles, the manufacture, assembly or sales of which are permitted in that zoning district			P	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P
Restaurants, with drive-in or drive-through facilities	2500 2220		-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	-
Restaurants, no drive-in or drive-through facilities	2500 2220		-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-
Retail sales or service establishments, not listed elsewhere, and conducted within an enclosed building	2100		-	-	-	-	-	-	-	-	-	S	P	P	P	-	S	P	P
Rural family occupation – Commercial/Industrial Unincorporated Lee County only (see § 5.30)		S/D	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Services to buildings and dwellings (Extermination, Janitorial, Landscaping, Carpet and Upholstery cleaning, Packing and crating, etc.), no outside storage	2450-2455		-	-	-	-	-	-	-	-	-	S	P	P	P	P	P	P	P
Services to buildings and dwellings (Extermination, Janitorial, Landscaping, Carpet and Upholstery cleaning, Packing and crating, etc.), with outside storage	2450-2455		-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	P	P
Shopping Center, less than 25,000 sq. ft.	2500		-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	P	P
Shopping Center/Superstore, 25,000 - 100,000 sq. ft. (see§ 10.2)	2500		-	-	-	-	-	-	-	-	-	-	P/D	-	P/D	-	-	P/D	P/D
Shopping Center/Superstores, over 100,000 sq. ft (see§ 10.2)	2500		-	-	-	-	-	-	-	-	-	-	P/D	-	P/D	-	-	P/D	P/D

Sporting goods, toys, and hobby sales, excluding guns and gunsmiths	2134	-	-	-	-	-	-	-	-	-	S	P	P	P	-	P	P	P
Tattoo Parlor/Tattoo Studio and/or Body Piercing	2600	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P
Tobacco or Tobacconist	2143	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Upholstery and furniture refinishing	2120	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Wine Shop (see 5.43)		-	-	-	-	-	-	-	-	-	-	P/ D	P/ D	P/ D	-	P/ D	-	-
Wholesale trade, generally, with operations conducted and merchandise stored entirely within a building and not otherwise listed	3500	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	P	P
Industrial & Manufacturing Uses																		
Chemicals, plastics and rubber products	3320	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	P
Concrete and Asphalt Plants (see § 5.8)		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P/ D	P/ D
Contractors' offices/shop with outdoor storage areas	7110-7450	-	-	-	-	-	-	-	-	-	-	S	-	S	-	-	S	P
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Contractors' offices/shop without outdoor storage areas	7110-7450		-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P
Dolls, Toys, Games, and musical instruments	3420		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Electrical equipment, appliance and components manufacturing	3360	2621	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Finished nonmetallic mineral products (brick, refractories, ceramics, glass, cement, etc.)	3330		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Food and Beverage manufacturing	3110		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Brewery (Regional Brewery and Large Brewery)																		P	P

Brewery (Microbrewery, see § 5.42)												P/D	P/D	P/D		P/D	P	P
Food manufacturing, Animal Slaughter and Processing	3110	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P
Furniture and Related Products Manufacturing	3230	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Jewelry and Silverware manufacturing	3410	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Junkyard / Automobile Salvage Yard (see § 5.18)		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S/D
Landfills, LCID (2 acres or less in size) (see § 5.19)		P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	-	P/D	P/D
Landfills, C&D or LCID (greater than 2 acres in size) (see § 5.20)		S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	-	P/D	P/D
Landfills, Sanitary/Solid Waste (see § 5.20)	4345 6320	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S/D
Leather and Allied Products	3140	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Machinery and Equipment manufacturing (w/indoor storage/operations only)	3350	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Machinery and Equipment manufacturing (w/outdoor storage/operations)	3350	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P
Manufactured housing manufacturing		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P
Manufacturing, excluding other uses listed in this table	3100-3230, 3400-3520	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	S	P
Metal Manufacturing (excluding smelting operations)	3340	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	p	P
Metal Manufacturing (smelting and similar operations)	3340	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P
Mining and Quarrying	8000-8500	Permitted only within the Mining Special Use Overlay District, see Section 4.16 of this Ordinance.																
Oil and Gas Exploration, Development and Production	8100	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S
Gas Compressor Station	8100	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S
Office Supply, inks, etc. manufacturing (except paper)	3430	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Paper and Printing Materials manufacturing	3220	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	P
Petroleum, Asphalt & Coal Manufacturing	3310	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P

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Use	LBCS Function		LBCS Structure		RA Residential Agricultural	RR Restricted Residential	R-20 Residential Single-Family	R-14 Residential Single-Family	R-12SF Residential Single-Family	R-12 Residential Mixed	R-10 Residential Mixed	R-6 Residential Mixed	MF-12 Multifamily	NC Neighborhood Commercial	HC Highway Commercial	C-1 Light Commercial & Office	C-2 General Commercial	O&I Office& Institutional	CBD Central Business District	LI Light Industrial	HI Heavy Industrial
Pharmaceutical Manufacturing			-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Pottery Manufacturing & Sales			P	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	P	P
Retail outlets for products manufactured on premises			-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Sawmills or Planing Mills			-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	P
Sign manufacturing	3440		-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	P	P
Storage of Flammable Liquids (In Bulk) Above Ground Storage (see § 5.31)			-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S/D	S/D
Textile Mills & Apparel Manufacturing	3130		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Tire Recapping			-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Tobacco Manufacturing	3120		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Transportation equipment, automobiles, aircraft, boat, railroad, etc.	3770		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Warehouse structures, generally	3600	2730 2740 2750 2760	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	P	P
Wood Products, (except furniture)	3210		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Arts, Recreation & Entertainment																					
Aquarium or Planetarium	4420 4430		-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	
Adult establishments (see § 5.2)			-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S/D	
Amphitheater	3130		S	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	P	-	
Amusement or Theme Park Establishment	5310		-	-	-	-	-	-	-	-	-	-	-	S	-	S	-	-	S	P	
Art galleries	5210	4400	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	
Botanical gardens & arboreta	5230	4450	P	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	
Bowling alley	5380	3200	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P	
Campgrounds (see § 5.29)	5400		S/D	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Drive-in theaters (see § 5.11)	3140		-	-	-	-	-	-	-	-	-	-	-	P/D	-	P/D	-	-	P/D	-	

Entertainment Establishments (lounges, discos, nightclubs, pool halls and/or private clubs) (see § 5.26)		-	-	-	-	-	-	-	-	-	-	P/D	P/D	P/D	-	-	P/D	P/D
Exhibition, convention, or conference structure	3400	-	-	-	-	-	-	-	-	-	-	S	S	P	P	P	P	P
Fitness and recreational sports, gym, health spa, reducing salon, swimming pool/auditorium, racquet club or athletic club (not otherwise listed)	5370	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P
Golf courses, public and private	5370	S	S	S	S	S	S	S	S	S	-	-	-	-	P	-	P	P
Golf driving ranges	5370	S	S	S	S	S	S	S	S	S	-	P	P	P	P	-	P	P
Golf, miniature	5340	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P

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Use	LBCS Function	LBCS Structure	RA Residential Agricultural	RR Restricted Residential	R-20 Residential Single-Family	R-14 Residential Single-Family	R-12SF Residential Single-Family	R-12 Residential Mixed	R-10 Residential Mixed	R-6 Residential Mixed	MF-12 Multifamily	NC Neighborhood Commercial	HC Highway Commercial	C-1 Light Commercial & Office	C-2 General Commercial	O&I Office & Institutional	CBD Central Business District	LI Light Industrial	HI Heavy Industrial
Hunting and trapping, game retreats, game and fishing preserves	9520		S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P
Movie Theater	3120		-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Museums and art galleries	5210	4400	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-
Outdoor stage, bandstand, or similar structure (maximum 3,000 sq. ft.)	6970		S	-	-	-	-	-	-	-	-	-	-	P	P	-	P	P	P
Parks, playgrounds, and athletic fields operated on a noncommercial basis	5500		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Performance Theaters (outdoor)	5110	3110	S	-	-	-	-	-	-	-	-	-	-	P	P	-	P	P	P
Performance Theaters or auditoria (indoor)	5110	3110	S	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Racetracks, drag strips (motorized vehicles) 5.27	5130		S/D	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P/D	P/D
Recreation activities, commercial indoor , not otherwise listed	5300		S	-	-	-	-	-	-	-	-	-	P	P	P	-	S	P	P
Recreation activities, commercial			S/	-	-	-	-	-	-	-	-	-	-	-	P/	-	-	P/	P/

outdoor (defined in Article 5), not otherwise listed 5.28	5310 4440	D														D			D	D
Skating Rink - Ice Or Roller Skating	5390	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	P	P
Sports stadiums or arenas	5120 3300	S	S	S	S	S	S	S	S	S	S	-	P	P	P	P	S	S	P	P
Stables/Riding Academies	8240	P/D	P/D	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Stable, Accessory to Dwelling	5300 8240	P/D	P/D	P/D	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Studios for artists, designers, musicians, photographers, sculptors, woodworking (not as home occupation)	5210 4410	S	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	P	-	-
Travel Trailer Parks (see § 5.36)		S/D	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Zoos	5230 4450	S	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	P	P
Education, Public Administration, Health Care, and Institutional																				
Cemeteries, public and private (does not include individual family plots) (see § 5.6)	4700	P/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D
Civic, Social, and Fraternal Organizations, including community centers, meeting halls, community halls, reception halls, wedding halls, for assembly and recreation	6830 3700 3800	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P
Community food services (see § 5.7)	6563	-	-	-	-	-	-	-	-	-	-	-	-	P/D	P/D	-	-	P/D	-	
Correctional facilities (see § 5.9)	6222 4600	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P/D	
Crematorium & Embalming	6720 4800	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P
Day Care facility, Child Care Center (see § 5.10)	6562	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	P/D	P/D	P/D	P/D	P/D	P/D	-	-	

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Use	LBCS Function		LBCS Structure	RA Residential Agricultural	RR Restricted Residential	R-20 Residential Single-Family	R-14 Residential Single-Family	R-12SF Residential Single-Family	R-12 Residential Mixed	R-10 Residential Mixed	R-6 Residential Mixed	MF-12 Multifamily	NC Neighborhood Commercial	HC Highway Commercial	C-1 Light Commercial & Office	C-2 General Commercial	O&I Office & Institutional	CBD Central Business District	LI Light Industrial	HI Heavy Industrial
Day Care facility, Home Child Care (see § 5.10)	6562			P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	-	-
Day Care facility, Adult (see § 5.38)	6566			S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	P	P	P	P	P	P	-	-
Fire, sheriff, and emergency services	6400-6430	4500-4530		S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P
Funeral homes	6710	4800		-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P
Governmental Functions, not otherwise listed	6200 - 6221			S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P
Hospitals	6530	4110		-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-
Libraries		4300		S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	-	-
Medical and dental clinics or offices, ambulatory or outpatient care, family planning and care, and blood or organ banks	6510 - 6514	4120		-	-	-	-	-	-	-	-	-	S	P	P	P	P	P	-	-
Post office	6310			-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P
Religious Complex (less than 350 seats), new site	6600	3500		P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	P	P
Religious Complex (more than 350 seats), new site	6600	3500		P	-	-	-	-	-	-	-	-	P	P	P	P	P	-	P	P
Religious Complex (any size), addition to existing complex/site	6600	3500		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Schools, Continuing Education (alternative, adult, colleges and universities, and technical, trade, and other specialty schools)	6124-6144 6147	4220		S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P
Schools, Pre-K – Secondary (nursery and preschool, grade schools, elementary, middle, and high school), new site	6110-6123	4210		S	S	S	S	S	S	S	S	S	P	P	P	P	P	S	S	S

Schools, Pre-K – Secondary (nursery and preschool, grade schools, elementary, middle, and high school), addition to existing site	6110-6123	4210	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Schools, Fine and Performing Arts	6145		-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	
Social assistance, welfare and charitable services	6560-6568		-	-	-	-	-	-	-	S	S	P	P	P	P	S	S	-	
Transportation, Communication, and Utilities																			
Airports, Heliports, and Support Establishments	4110-4114	3920-5600-5650	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Bus passenger stations/terminals/shelters	4133	5300	-	-	-	-	-	-	-	-	-	P	-	P	-	P	P	P	
Freight terminals & truck terminals	4140-4144		-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	
Gas or electric generation distribution facilities, compressor stations, or substations	4310	6410-6422, 6440-6460	S	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	
Hazardous waste facilities (subject to NCGS § 130A-293) (See 5.15)		6340	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S
Parking lots, parking structures or underground parking areas (commercial or governmental)		5200-5250	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	

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Power generation plants or substations	6430-6434		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S
Public utility storage and service yards			-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	P	P

Radio and TV stations and studios (excluding transmission tower)	4231	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P
Railroad freight yards, repair shops/sheds and marshalling yards	4123 5720	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Sewage treatment and Water treatment plants	4340	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P
Solar Collectors, Commercial (see § 5.39)	4310	S/D	S/D	S/D	S/D	S/D	S/D			S/D	S/D	S/D	S/D	S/D	S/D	S/D		S/D	S/D
Solar Collectors, Residential (see § 5.40)		P/D	P/D	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Solid Waste Collection, Transfer and/or disposal (Non-Hazardous)	4343	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S
Solid Waste Convenience Centers		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S
Solid waste combustor or incinerator	4344 6330	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S
Taxi and Limousine Service	4137	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Telecommunication towers (see § 5.33)	4230 6500	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D
Utility lines (including electric lines, phone/cable lines, distribution circuits, gas/fuel lines, water lines, steam/air conditioning lines, irrigation channels, and sewer/waste water lines)	6100-6162	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Agriculture																			
Animal Production and Support Services, (unincorporated Lee County)	9300-9380 8200	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Animal Production and Support Services, (Sanford and Broadway)	9300-9380 8200	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P
Crop Production and Support Functions, (unincorporated Lee County)	9100-9240 8100	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Crop Production and Support Functions, (Sanford and Broadway)	9100-9240 8100	P	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P
Forestry and Logging and Support Services, (unincorporated Lee County)	9400-9430	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Forestry and Logging and Support Services, (Sanford and Broadway)	9400-9430	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P
Livestock sales and markets	9200	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P
Signs - See Article 11 of this Ordinance Temporary Uses - See § 5.34 of this Ordinance																			

4.7 BUILDING STANDARDS, LOT SIZES AND DIMENSIONAL REGULATIONS

PURPOSE.

This Section establishes minimum and maximum standards for the height, number of stories and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, and the location and use of buildings pursuant to NCGS § 160D-702.

Developments in the VN-CZ districts shall be governed by § 4.8 in this Ordinance and shall not be subject to the dimensional and density regulations of this § 4.7 or Table 4.7-1 unless specified.

SINGLE-FAMILY DETACHED RESIDENTIAL.

For Conventional Subdivisions, the ordinance does not establish a maximum or minimum number of total permitted dwelling units, because the total number of dwelling units is governed by minimum lot size.

MULTI-FAMILY

For Multifamily projects, maximum density in the MF-12 District is 12 units an acre and in the UN-6 District is 14 units an acre. It should be noted that the number of attached dwellings, townhouses, duplexes and apartments units in an UN-6 project should be capped at 125 units; for projects greater than 125 units, application for MF-12 or Conditional Zoning VN-CZ should be sought.

NON-RESIDENTIAL

Impervious surface ratio is the measurement tool used to regulate intensity for non-residential zoning districts. Impervious surfaces include all buildings or structures measured at their greatest extent and so as to include areas overhung by eaves, balconies, and other projecting features of the structure; also all paved or otherwise hard-surfaced areas such as buildings, pavement, gravel areas (e.g. roads, parking lots, paths), recreation facilities (e.g. tennis courts), and similar hard-surfaced areas. Impervious surface ratio is a measure of the amount of impervious area that covers a parcel or tract. As an example, a maximum impervious surface ratio of 0.7 indicates that a maximum of 70% of the land area may be covered with an impervious surface.

Table 4.7-1 establishes a maximum impervious surface ratio for each of the non-residential zoning districts.

DIMENSIONAL REGULATIONS.

SETBACKS.

Setbacks for buildings or structures are measured as the area between the furthest projection of a principal structure and the lot line on which the structure is located, except as modified by the standards of this Section. Setbacks shall be unobstructed from the ground to the sky except as specified in this Section. Building setbacks for each zoning district are set forth in Table 4.7-1.

The following features may encroach into a required building setback:

- Bay windows or other structural overhang, not to exceed three (3) feet;
- Chimneys, not to exceed two (2) feet;
- Heating and cooling units, not to exceed (3) feet;
- Overhanging roof, eave, gutter, cornice, or other architectural feature and awnings, not to exceed 2 feet;
- Steps, stairs or fire escapes (non-enclosed), not to exceed 6 feet;
- Porches, Patios, Balconies, Decks, or other similar architectural features (non-enclosed), not to exceed 8 feet;
- Any accessory building or use customarily incidental to the permitted primary use or building as allowed in accordance with § 5.1, “Accessory Uses and Structures”.

PROVISIONS FOR REDUCED FRONT YARD SETBACK FOR INFILL IN DEVELOPED AREAS.

The minimum or maximum front setback may be reduced for any lot where the average established front setback on already developed lots located within 300 feet on each side of such lot, and fronting on the same street as such lot, is less or more than the minimum or maximum required setback. In such cases, the minimum or maximum front setback on such a lot may be less or more than the required front setback, but not vary by more than five (5) feet from the average of the existing front setbacks on the developed lots within 300 feet of each side.

Where the applicant requests an adjustment in the front setback, the average setbacks shall be provided by the applicant based upon public records or actual measurements. Where the Administrator requires an adjustment in the maximum front setback, such information shall be provided by the Department of Community Development. The Department of Community Development is also authorized, but not required, to provide data pertaining to the average setback for designated areas of the County for purposes of this section.

SETBACKS FOR LOTS WITH MORE THAN ONE STREET FRONTAGE.

Structures shall meet the front yard setback from all abutting street rights-of-way unless otherwise provided in this Ordinance. For undeveloped multiple frontage lots, the developer has the option to determine which yard shall be considered the “front” so long as the structure to be constructed on said lot shall have its front facing the same yard. For the purposes of applying setbacks to an existing developed lot, the front yard setback shall be defined as the yard with the shortest amount of street frontage. All other frontages shall be considered street side yards and the rear yard shall be that yard that is opposite the designated front yard. For the purposes of determining setback distance, a street side yard shall be considered the same as a front yard and shall meet the respective front yard setback.

HEIGHT REGULATIONS.

Building height is measured as the vertical distance between the average natural grade between the lowest and highest grades along the foundation and 1) the average height level between the eaves and ridge line of a gable, hip or gambrel roof; or 2) the highest point of a mansard roof; or 3) the highest point of the coping of a flat roof.

EXCEPTIONS TO HEIGHT RESTRICTIONS.

Zoning district height limits shall not apply to:

- belfries, cupolas, spires, or domes,
- monuments,
- airway beacons,
- structures for essential services,
- windmills,
- flagpoles,
- chimneys and chimney flues,
- telecommunications towers (subject to the provisions of § 5.33 of this Ordinance).
- bulkhead,
- elevator,
- water tank,
- or to any similar structure or necessary mechanical appurtenance extending above the roof of any building if such structure does not occupy more than 33 percent of the area of the roof.

Lot Size and Dimensional Standards

Zoning District	Minimum Lot Size (Sq. ft.)	Maximum Density (Units)	Maximum Impervious Surface Ratio	Minimum Lot Width (in Feet)	Minimum Lot Depth (in feet)	Maximum Building Height (in feet)	Minimum Front Setback (in feet)	Minimum Side Setback (in feet)	Minimum Rear Setbacks (in feet)
Residential Agricultural (RA)	40,000		—	100	150	40	30	15	30
Restricted Residential (RR)	30,000		—	100	125	40	30	15	30
Rural Neighborhood (RN-20)	20,000		—	80		40	30	12	12
Suburban Neighborhood Low (SN-12)	12000			75		40	20	10	10
Suburban Neighborhood Medium (SN-9)	9000			60		40	20	6	6
Urban Neighborhood (UN-6)	6,000	14.0 attached	—	50		40	20	5	5
Multi-Family (MF-12)	—	12.0	—	50	100	60	20	20	20
Neighborhood Commercial (NC)	—	—	0.7	50	100	50	10	0	0
Office & Institutional (O&I)	—	—	0.7	50	100	60	10	0	0
Light Commercial & Office (C-1)	—	—	0.7	50	100	50	10	0	0
Highway Commercial (HC)	—	—	0.8	50	100	—	10	0	0
General Commercial (C-2)	—	—	0.8	50	100	—	10	0	0
Central Business District (CBD)	—	—	1	—	—	—	0	0	0
Light Industrial (LI)	—	—	0.8	80	100	—	30	0	0
Heavy Industrial (HI)	—	—	0.9	100	100	—	30	0	0

Note 1. Lot size requirements for VN-CZ developments are governed within the specific sections of this Ordinance.

Note 2. The impervious surface ratio is expressed as a ratio (See Appendix A for definitions). Additional impervious surface restrictions might apply to portions of a site located within the Watershed Conservation Overlay Districts.

Note 3. Multifamily Dwellings, Townhouse, etc. are governed by additional dimensional standards. Refer to [§ 10.3](#) of this UDO for additional standards and regulations (see note below).

Note 4. All lot sizes and dimensional standards found in Table 4.7-1 in this Ordinance shall apply to residential lots containing duplexes as though they were detached single-family dwellings.

Note 5. For cul-de-sac and/or corner lots, see [§ 6.6](#) Lot Design Standards.

Note 6. The Maximum Lot-to-Depth ratio applies to all lots in the RA and RR Zoning created under the Major Subdivision procedure. Lots created under the Minor Subdivision procedures are exempt from these requirements.

Note 7: Any ramp or other structure constructed to comply with the standards of the Americans with Disabilities Act (ADA) or other similar Building Code requirement for the purpose of providing handicap access to a building shall be exempt from the required setbacks of this Table 4.7-1.

Note 8: Lot boundaries shall be made to coincide with natural and pre-existing topography to the extent practicable to avoid the creation of lots that can be built upon only by altering drainage ways. Lot boundary lines shall conform to the following requirements: (1.) The Lot boundary lines of a Major Subdivision shall not extend into areas equal to or below the Base Flood Elevation (BFE). (2.) The Lot boundary lines of a Major Subdivision shall not extend into areas designated as a stream Buffer Zone required by the US Army Corps of Engineers or the State of North Carolina. (3.) The Lot boundary lines of a Major Subdivision shall not extend into areas designated as Wetlands. As such the lot depth and subsequently minimum lot size may be reduced at the discretion of the Zoning Administrator on a case-by-case basis; approved modifications to these requirements with the justification must be stated in writing on the final plat.

Note 9: Front setbacks may be reduced to 12 feet if there are no driveways fronting the residence and vehicular access to the residence is gained through a rear alley or on street parking.

4.8 RESERVED (VN-CZ Section will be placed here)

4.8 VILLAGE NEIGHBORHOOD CONDITIONAL ZONING DISTRICT

The Village Neighborhood Conditional Zoning District (VN-CZ) option is intended to provide an opportunity for the development of land in a manner consistent with the historic and timeless principles of existing neighborhoods within Sanford and the surrounding areas. The Village Neighborhood Conditional Zoning District combines a variety of housing types and lot sizes with commercial and civic components to form a compact, walkable neighborhood setting. The Village Neighborhood Conditional Zoning District features a highly interconnected street network and setbacks appropriate to create a public realm built on a human scale. This Conditional Zoning District is intended to help the City of Sanford and the Town of Broadway achieve the following developmental goals:

- To establish growth areas within the community where existing and planned infrastructure will support higher density and more intense growth and development (Plan SanLee Objective 1)
- Preserve and protect the character of existing residential neighborhoods, historic districts, and similar community assets from encroachment by incompatible development while promoting ongoing investment and development around such areas (Plan SanLee Objective 4)
- Promote the long-term sustainability of Lee County's rich rural and agricultural heritage by directing growth away from productive farming areas and concentrating development in the urbanized portions of Lee County (Plan SanLee Objective 6)
- Enhance the functionality of the local and regional transportation network by aligning land use patterns with the existing and planned capacity of the region's streets and highways, promoting connectivity, and developing in a manner that encourages alternative modes of transportation (Plan SanLee Objective 5)
- Enhance the aesthetic character of legacy commercial corridors and business districts by promoting reinvestment, redevelopment, and retrofitting that matches the urban form and quality standards promoted by the Plan SanLee (Objective 3)
- Protect and preserve the environmental quality of Lee County through reasonable environmental regulations and context-sensitive development

standards to prevent negative effects of development on flood plains, ground water, air quality, forests, wetlands, and wildlife habitat (Plan SanLee Objective 7)

- To adopt and implement land use regulations that support development patterns that are consistent with the overall strategic objectives of the plan and conform to the land use vision promoted by the long-range plan (Plan SanLee Objective 10)

The VN-CZ concept is particularly well-suited to the Plan SanLee's emphasis on identifiable neighborhoods and community. By providing compact residential development linked with pedestrian facilities, commercial and civic components within walkable distances of residential areas, dispersed and functional open space accessible to all residents, and an identifiable edge, a Village Neighborhood Conditional Zoning District provides a sense of community.

4.8.1 APPLICABILITY

The Village Neighborhood Conditional Zoning District is recommended for large-scale residential major subdivisions that exceed 125 total lots/units. For proposed developments that exceed 375 total lots/units, a non-residential component (either commercial or civic in nature) shall be required in proportions referenced in Table 4.8-1 of this Section.

The provisions of this Section apply to any application for a VN-CZ as provided in § 4.8.2 hereto. Furthermore, it is understood that the standards as set forth in the remainder of this § 4.8.2 are intended as general guidelines for the creation of a conditional zoning district in which the subdivider/developer has the flexibility to create a distinct sense of place. A proposed Village Neighborhood Conditional Zoning District may deviate from the standards as set forth in this section if it can be demonstrated to the satisfaction of the Zoning Administrator that the alternative approach is in keeping with the spirit of a traditional neighborhood.

4.8.2 PROCESSING PROCEDURES

A Village Neighborhood Conditional Zoning District shall be considered a conditional zoning district and shall be processed in accordance with § 3.4 of this Ordinance. Applicants for the VN-CZ have two options for the review and approval of a Village Neighborhood Conditional Zoning District.

A) Village Neighborhood Conditional Zoning District Review Option 1

<u>VN-CZ REVIEW OPTION 1 OVERVIEW</u>
Pre-Application Conference with Community Development Staff
TRC (Technical Review Committee) Concept Review
Annexation Petition (if applicable)
Neighborhood Information Meeting
Zoning Map Amendment (Rezoning) Review – Planning Board [Public Hearing]
Zoning Map Amendment (Rezoning) Review – Governing Board

Review Option 1 is ideal for developers who intend to receive preliminary approval for a development by committing to self-imposed land use standards and lot sizes associated with the development site before marketing the project to a builder. This review process does not include the required review of engineered construction drawings, it does not include the dedication of public rights-of-way, public open space, or the platting of buildable lots.

Option 1 should be pursued by a developer or subdivider with the understanding that the builder(s) to whom the project is marketed would be required to proceed with VN-CZ *Option 2* to provide the Technical Review Committee and the appropriate jurisdiction's Planning Board and governing board the opportunity to review the project with engineering-level detail and specificity.

Figure 1: Example of a Conceptual Development Plan



Review Option 1 requires an overall concept plan with minimal design details, including maximum densities and intended land uses. The concept plan for *Option 1* does not require design elements such as lot layout, street layout, or other engineering-level details. Rather, it is intended to provide an overall concept for the extent and intensity of development for specific areas within a development site.

B) Village Neighborhood Conditional Zoning District Review Option 2

<u>VN-CZ REVIEW OPTION 2 OVERVIEW</u>
Pre-Application Conference with Community Development Staff
TRC (Technical Review Committee) Concept Review
Annexation Petition (if applicable)
Neighborhood Information Meeting
Zoning Map Amendment (Rezoning) Review – Planning Board [Public Hearing]
Zoning Map Amendment (Rezoning) Review – Governing Board
TRC (Technical Review Committee) Full Review
Construction Drawing Review/Approval
Preliminary Plat Review – Planning Board
Preliminary Plat Review – Governing Board

VN-CZ Review Option 2 is ideal for developers who are willing to commit to a development design and are prepared to move forward with a more detailed engineered site plan for approval and development. A site plan-specific development plan, which shall include details such as lot dimensions, street locations and hierarchy, utilities layout, open space locations, phase lines, the location of residential, commercial, multi-family and civic building lots, and a master signage plan, and other engineering-level details should be submitted to the Department of Community Development for a full technical review.

This process is intended to provide developers with an opportunity to have a large-scale project reviewed by the appropriate jurisdiction's Planning Board and governing board and have both the zoning map amendment and the preliminary plat(s) approved before construction. This process is also intended to provide assurance to governing boards that the development will not be modified or subject to further review.

4.8.3 SUBAREAS

The total site to be developed for a VN-CZ shall consist of a minimum of ten (10) acres in size. The development site may be divided into the following subareas:

- A) Residential single-family areas which shall consist of a variety of housing choices (attached and detached single-family dwellings), a variety of lot sizes (ranging between large lots, mid-size lots, and small lots), and architectural diversity.

Larger lots intended for single-family dwellings shall be located along the exterior perimeter of each Neighborhood that abuts existing subdivisions, while smaller, more dense single-family lots shall be concentrated further towards the focal point or Non-Residential component of the neighborhood and towards larger, undeveloped abutting tracts of land that could be developed in the future.

- B) A Village Main Street area which shall consist of a focal point of non-single-family residential (either civic, institutional, or light commercial development). Multi-family residential uses may also be incorporated into the design as the Village Main Street area.

Mixed-use developments are encouraged. Retail and service uses may designate the entire building area above the ground floor or the second floor for residential use, so long as adequate off-street parking exists in accordance with Article 8 of this Ordinance. The Non-Residential area shall consist of designations for Light Commercial (C-1), Neighborhood Commercial (NC), or Office & Institutional (O&I), or Multi-Family (MF-12), and uses permitted within those zoning districts.

- C) Parks and Open Space, including a Perimeter Greenbelt (See § 4.8.9.1 of this Ordinance). Parks are intended to provide accentuating focal points and community gathering spaces, while the Perimeter Greenbelt provides a clear edge to the community, open space for community residents, and natural areas for storm water management.

- D) Multi-Family development shall comply with the standards set forth in § 10.3 of this Ordinance. Multi-Family development shall comprise no greater than 25% of the total site's land area.

4.8.4.2 LOT SIZE DIVERSITY STANDARDS

A diversity of housing types is encouraged. Each VN-CZ development shall have a variety of housing choices.

TABLE 4.8-1 LOT SIZE CATEGORIES

1. Single-family detached dwellings on large lots (> 11,999 sq. ft.)
2. Single-family detached dwellings on mid-size lots (9,000 - 11,999 sq. ft.)
3. Single-family detached dwellings on small lots (6,000 – 8,999 sq. ft.)
4. Single-family attached or zero lot-line dwellings; including Duplexes or Townhomes (2,000 – 6,000 sq. ft.) (Minimum lot size 2,000 sq. ft.)

4.8.4.2.1 For every 125 units of single-family residential dwellings proposed within the project, another lot size must be available as shown in Table 4.8-1. If a proposal exceeds 125 units, the ratio of similar-sized lots must be approximately 1:1. For example, if a subdivider proposes a 150-lot development, 75 lots should be of one particular lot size put forth in Table 4.8-1, and 75 lots should be of another size. Dwelling units associated with multi-family residential shall not count towards the 125-unit threshold.

4.8.4.2.2 Mid-size and small lots shall be located in close proximity and along perimeters that abut large, undeveloped, rural parcels that could be developed in the future.

4.8.4.2.3 New development associated with a Village Neighborhood Conditional Zoning District that abuts existing residential subdivisions shall be of a comparable lot size, or no more than one Housing Lot Size category removed from the existing development. Refer to Table 4-1.2 regarding Housing Lot Size categories.

4.8.4.3 ACCESSORY DWELLINGS

Accessory dwellings shall be permitted within a Village Neighborhood Conditional Zoning District on any lot designated for single-family detached dwellings, consistent with § 5.1 of this Ordinance.

4.8.5 VILLAGE NEIGHBORHOOD CONDITIONAL ZONING DISTRICT DESIGN STANDARDS & SPECIFICATIONS

4.8.5.1 LOT ARRANGEMENT & DIMENSIONS

4.8.5.1.1 The area of the VN-CZ district shall be divided into blocks, streets, lots, and open space. Grading of blocks shall not produce abrupt “V” ditches, swales, or other disruptions to the landscape between dwellings on either individual lots or the same lot. The use of either a crawl space and/or stem-wall design is required to meet the characteristics of site development.

4.8.5.1.2 All buildings (excluding accessory buildings) shall have an entrance which opens to a public street, a public sidewalk, a square, or a plaza. This façade shall be considered the front of the building, and the façade facing the rear lot line shall be considered the rear of the building.

4.8.5.1.3 The minimum lot dimensions, setbacks, and development intensities for principal buildings shall be as set forth in Table 4.7-1 of this Ordinance. Setbacks for accessory structures and accessory dwellings shall comply with § 5.1 of this Ordinance. The frontage and setback requirements shall not apply to Parks and Open Space.

4.8.5.1.4 The impervious surface standards set forth in Table 4.7-1 shall apply to all Non-Residential development within a Village Neighborhood Conditional Zoning District.

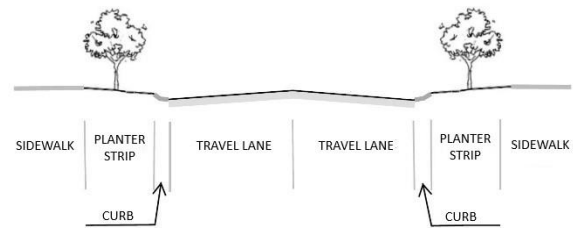
4.8.5.1.5 Impervious surface standards set forth in the Watershed Conservation Overlay District standards found in § 4.84 of this Ordinance shall take precedence over the standards found in Table 4.7-1 for any development

4.8.5.2 STREET & ALLEY DESIGN

4.8.5.2.1 All proposed internal streets within a Village Neighborhood Conditional Zoning District development shall be proposed for public maintenance by the appropriate municipal jurisdiction.

4.8.5.2.2 All public streets proposed within a Village Neighborhood Conditional Zoning District shall include street types described in either the City of Sanford’s or Town of Broadway’s *Technical Standards & Specifications Manual*.

Figure 2: VN-CZ Street Cross-Section Example



4.8.5.2.3 All proposed streets within a Village Neighborhood Conditional Zoning District shall include pedestrian sidewalks on both sides. The pedestrian sidewalk shall be a width of at least 5 feet.

4.8.5.2.4 All proposed streets within a Village Neighborhood Conditional Zoning District shall include curb & gutter on both sides.

4.8.5.2.5 All proposed streets within a Village Neighborhood Conditional Zoning District shall include a planting strip of at least 7 feet in width.

4.8.5.2.6 Proposed streets within a Village Neighborhood Conditional Zoning District shall conform to either the City of Sanford’s or the Town of Broadway’s Technical Specifications.

4.8.5.2.7 Internal streets providing access to the Village Neighborhood Conditional Zoning development shall be aligned perpendicular to Collector or higher order streets, unless otherwise approved by the North Carolina Department of Transportation or the appropriate municipality’s Public Works Department.

4.8.5.2.8 All lots created within a Village Neighborhood Conditional Zoning District shall have access to a proposed or existing public street. Vehicular access may be provided by proposed or existing alleys.

4.8.5.2.9 Public streets and alleys shall, whenever practicable, terminate at other public streets proposed within the VN-CZ and connect to existing and projected streets (“stub streets”) outside of the development. Stub streets shall include a guard rail at or near the property line. Signage shall be posted indicating that a street is intended to be constructed for future development.

4.8.5.2.10 A permanent access and utility easement shall be required for the full length of all proposed alleys in which utilities may be installed, or in which access may be needed for the provision of

public services, such as solid waste collection or utility maintenance.

4.8.5.2.11 An array of elements that are combined to meet the purposes of a Village Neighborhood Conditional Zoning District include:

- building placement line,
- right-of-way line,
- operational utility location,
- sidewalks,
- planting strips,
- curb & gutter,
- travel lanes,
- optional parallel on-street parking.

Alternative methods of assembling the required street elements shall be considered by the Public Works Department in order to allow the neighborhood street designs that are most appropriate to setting and use.

4.8.5.2.12 Block lengths within VN-CZ districts shall measure at least 250 linear feet and shall not exceed 900 linear feet. The Zoning Administrator will have discretion to allow block lengths that exceed 900 linear feet for lots along the exterior of development sites.

4.8.5.2.13 Blocks proposed within the VN-CZ district shall include a paved pedestrian walkway of either concrete or asphalt perpendicular to the street when block lengths exceed 600 linear feet. This walkway shall provide pedestrian access links to parallel streets on either side of the block. A pedestrian crosswalk of at least eight (8) feet in width at mid-block alignment with the aforementioned pedestrian walkway shall also be provided.

4.8.5.2.14 A separate pedestrian walkway connection, measuring no less than 4 feet in width, shall be provided to connect the primary front entryway of each dwelling to either the dwelling's private driveway or a public sidewalk.

4.8.5.3 STREET TREES

4.8.5.3.1 Street trees are required for all proposed internal public streets within a Village Neighborhood Conditional Zoning District and shall comply with the following standards:

A) One (1) large tree shall be required for every eighty (80) linear feet of public street. If overhead utilities are present, planting one (1) small maturing tree for every forty (40) linear feet of public street shall be permitted. Tree species must conform to the size standards found in UDO § 7.8.1. A variety of tree species are encouraged, but a single species of street tree should be used on each block.

Street tree species must be selected from the following list:

- Bosque Elm (*Ulmus Parvifolia*)
- Japanese Zelkova (*Zelkova Serrata*)
- Lacebark Elm (*Ulmus Parvifolia*)
- Little-leaf linden (*Tilia cordata*)
- Red Maple (*Acer rubrum*)
- Maidenhair Tree (*Ginkgo Biloba*)
- Tupelo (*Nyssa Sylvatica*)
- Pin Oak (*Quercus Nutallii*)
- Honey Locust
- American Sweetgum (fruitless) (*Liquidambar Styraciflua*)
- London Planetree (*Platanus x Acerifolia*)
- American Elm (*Ulmus Americana*)

B) Street trees shall be a minimum of fifteen (15) feet apart and a maximum of ninety (90) feet apart. Street trees may be evenly spaced or spaced to accommodate existing site features.

C) Street trees must be planted within the 7-foot planting strip required along all proposed public streets.

D) Street trees should avoid encroaching in sight distance triangles at intersections.

E) Street tree species must be identified on site plans for *Review Option 2*, along with a planting species table and associated information.

4.8.5.4 STREET LIGHTS

4.8.5.4.8 All proposed internal public streets within a Village Neighborhood Conditional Zoning District shall include streetlights. Streetlights shall also be provided at all intersections.

4.8.5.4.2 Streetlights shall be located within planting strips in accordance with standards set forth in each municipal jurisdiction's *Technical Standards and Specifications Manual*.

4.8.5.4.3 Spacing along public rights-of-way shall be determined by the appropriate utility provider.

4.8.5.4.4 The height of streetlight fixtures shall be 14 vertical feet within residential areas.

4.8.5.4.5 Streetlight fixtures shall not produce direct light into adjacent properties at a height above four (4) vertical feet at the building setback line of residential districts. Streetlights within non-residential areas shall not produce direct light into adjacent residential properties at a height above six (6) vertical feet at the property line.

4.8.5.4.6 Streetlights along residential streets shall utilize "Open Traditional" design on a black finished, Type "A" fiberglass pole as provided by Duke Energy or an equivalent utility provider.

4.8.5.5 CUL-DE-SAC STREETS

4.8.5.5.1 Cul-de-sac streets within a Village Neighborhood Conditional Zoning District shall not exceed 400 feet in length and shall only be utilized where topography makes a street connection impractical. The radius for the circular terminus, or turnaround, shall be no less than 45 feet. If the radius exceeds fifty (50) feet, an island may be planted in the center of the turnaround. The island shall have a minimum radius of ten (10) feet.

4.8.5.6 LEGALLY RESPONSIBLE ORGANIZATIONS

4.8.5.6.1 A legally responsible organization (i.e., a homeowners' association, a property owners' association, a special district, etc.) shall be established to maintain any private streets (where permitted), private driveways, residential alleys, open space, or other features and amenities not dedicated or accepted for public maintenance by the appropriate jurisdiction. Documents to assure private responsibility of future maintenance and repair by a homeowners' or property owners' association or a special district shall be provided to the Department of Community Development.

4.8.6 UTILITIES

All off-street utility easements not contiguous and parallel to the public right-of-way shall be located in

or on areas dedicated as Common Open Space. Off-street utility easements shall be dedicated to pedestrian use by the public in accordance with Article 6.

4.8.7 PARKS & OPEN SPACE

4.8.7.1 Village Neighborhood Conditional Zoning District open space shall comply with the standards and proportions of Table 4.8-2. Village Neighborhood Conditional Zoning District open space shall also comply with § 6.5 of this Ordinance.

4.8.7.2 Parks and open space shall be no less than 500 square feet in area.

Open space areas utilized for school bus stops or mail kiosks may be counted towards the open space minimum land allocation percentages. Areas proposed for school bus stops or mail kiosks may be exempted from the minimum open space area requirement of 500 square feet.

4.8.7.3 All parks and open space within a Village Neighborhood Conditional Zoning District shall be located within 1,500 linear feet of at least ninety percent (90%) of all dwelling units, as measured along the rights-of-way of streets.

4.8.7.4 Smaller segments of active open space disbursed throughout residential areas of the VN-CZ are encouraged. "Pocket parks," also known as *parkettes* and *mini-parks* are encouraged.

4.8.7.5 A distinction shall be made between *active* open space and *passive* open space. Active open space shall be planned and improved, accessible and usable by persons living nearby. Improved shall mean cleared of underbrush and debris, and enhanced with functional elements for residents' recreation.

4.8.7.6 Dedicated active open space shall have multi-functional or recreational features for residents' use and enjoyment.

Each individual section of dedicated active open space shall have at least one (1) of the following elements:

- Recreational structure (gazebo, pergola, sheltered picnic tables, etc.)
- Community garden
- Statue / Fountain
- Improved walking path
- Demarked and fenced-in athletic field

- Dog Park
- Tot Lot
- Splash pad
- Swimming pool
- Exercise or playground equipment
- Other amenities or features approved by the Zoning Administrator

4.8.7.6 All designated active open spaces must contain at least one (1) park bench and one (1) permanent trash receptacle.

4.10.7.7 All designated open spaces must be clearly labeled on concept sketches, site plans, and preliminary plats. Prior to the approval and recordation of the final plat, the developer must submit architectural renderings of all proposed active open space to the Department of Community Development for review and approval.

4.10.7.8 Dedicated active open space within Village Neighborhood Conditional Zoning Districts must contain at least four (4) separate elements from the aforementioned list. Dedicated active open space must be delineated and labeled on site plans for Review Option 2, with site renderings of each open space section.

TABLE 4.8-2 VILLAGE NEIGHBORHOOD CONDITIONAL ZONING DISTRICT OPEN SPACE STANDARDS.

OPEN SPACE TYPE	MINIMUM ALLOCATION	LAND
<i>Total Open Space</i>	15% of total site	
<i>Passive Open Space</i>	No minimum	
<i>Active Open Space</i>	7.5% of total site	
<i>Greenways or Greenbelts</i>	No minimum acreage requirement. Greenways or greenbelts shall be located within natural areas such as steep slopes, floodplains, or significant stands of trees.	

4.8.8 VILLAGE NEIGHBORHOOD CONDITIONAL ZONING DISTRICT LANDSCAPING BUFFERS & TREE PRESERVATION

4.8.8.1 Uses within the Village Neighborhood Conditional Zoning District shall comply with the Landscaping Standards of Article 7 within this Ordinance, except as otherwise provided herein.

In order to provide a continuous pedestrian transition for residential neighborhoods and non-residential areas, Retail, Service, or Civic uses shall not be separated from multi-family or single-family land areas by berms or buffers unless a trail or sidewalk is established which provides a direct connection between the uses.

4.8.8.2 PRESERVED PERIMETER GREENBELT

4.8.8.2.1 The exterior perimeter of a development site established as a Village Neighborhood Conditional Zoning District shall be screened with a minimum 20-foot-wide Perimeter Greenbelt that preserves existing tree stands, shrubbery, and other vegetation.

4.8.8.2.2 The Perimeter Greenbelt shall be incorporated into the Village Neighborhood Conditional Zoning design as non-developable common open space, to be preserved and left in a natural and organic state by the established responsible organization (homeowners' association, etc.). Environmentally sensitive areas (floodplains, wetlands, streams, creeks, etc.) located along the perimeter of the project site shall be included within the Perimeter Greenbelt.

4.8.8.2.3 The Perimeter Greenbelt shall extend along the entire exterior property line of the development site. The Perimeter Greenbelt shall not be required where stub streets, utility easements, neighborhood entryways, or other design elements are necessary or required.

4.8.8.2.4 The Perimeter Greenbelt shall not apply to areas of the Village Neighborhood Conditional Zoning District reserved for commercial development. Within commercial areas of a VN-CZ, the Landscaping Standards of Article 7 shall apply.

4.8.8.2.5 The Perimeter Greenbelt may be considered passive open space. The total calculated area of the Perimeter Greenbelt shall count towards the minimum open space land allocation requirements of Table 4.8-2.

4.8.8.2.6 Single-family lots that abut a proposed Perimeter Greenbelt that encompasses environmentally sensitive areas (flood hazard area, wetlands, etc.) may have lot size standards set forth in Table 4.8-7 reduced as practicably needed, at the discretion of the Zoning Administrator.

4.8.8.2.7 If no substantial vegetation exists within an area that would be dedicated as a Perimeter Greenbelt (a greenfield area, for example), no new plantings or landscaping shall be required. The developer shall establish the 20-foot-wide buffer and allow vegetation therein to mature and fill in organically.

4.8.8.3 DISTURBANCE OF PRESERVED PERIMETER GREENBELT

4.8.8.3.1 Existing trees, shrubs, and other vegetation are intended to be preserved and undisturbed. If such plantings are damaged during site preparation, or during construction of the development, it shall be the developer's responsibility to replace and replant any displaced or damaged plant species.

4.8.8.3.2 A base fine of \$10.00 per square foot of disturbed area, not to exceed \$50,000 in total, shall be incurred by the developer in the event of the Perimeter Greenbelt being disturbed or plantings within the Greenbelt being damaged or removed during site preparation and development.

For every 300 square feet of area within the Perimeter Greenbelt that is disturbed, the following plant species shall be installed:

- One (1) large deciduous tree of at least a 2-inch caliper and at least 12-feet in height.
- One (1) large evergreen tree of at least a 2-inch caliper and at least 8-feet in height.
- Three (3) medium shrubs of at least 2-feet in height at the time of planting.

4.8.9 PARKING

4.8.9.1 Parking requirements for non-residential uses shall be in accordance with the Parking Standards found in Article 8 of this Ordinance, except as provided below in this subsection.

4.8.9.2 Parking lots for non-residential and civic uses shall be located at the rear or at the side of buildings. Parking lots shall not be permitted along the fronts of

buildings. On-street, parallel parking spaces are encouraged along the fronts of lots intended for non-residential and civic uses.

4.8.9.3 Loading areas shall adjoin alleys or parking areas to the rear of the principal building.

4.8.10 OUTDOOR STORAGE

4.8.10.1 The proposed development shall comply with the Outdoor Storage Regulations of § 10.1 of this Ordinance.

4.8.11 VILLAGE NEIGHBORHOOD CONDITIONAL ZONING ARCHITECTURAL & URBAN DESIGN STANDARDS

4.8.11.1 PURPOSE

The purpose of this section is to encourage residential development that maintains a minimum level of enduring and compatible design quality, and foster a unique sense of place within the City of Sanford or the Town of Broadway. The standards found within this section are intended to promote visually appealing and aesthetically distinctive residential neighborhoods.

4.8.11.2 ARCHITECTURAL STANDARDS FOR ALL VILLAGE NEIGHBORHOOD CONDITIONAL ZONING DISTRICTS

A) For single-family dwellings, at least every third home shall vary in architectural elevation within a residential block. The same front elevation façade shall not be used on lots that are opposite one another on the same street. Where home designs are repeated in a new development, building materials, exterior colors, and detailing shall be varied to distinguish between houses.

B) Applicants for a VN-CZ district shall be required to submit colorized architectural elevations of a "sample block" of the proposed development. These renderings shall depict the applicant's visualization of how a row of homes within the proposed development would appear at the human scale. Colorized renderings of the sample of homes within the proposed development shall be submitted for review by the appropriate jurisdiction's Planning Board and Governing Board.

SANFORD-BROADWAY-LEE COUNTY UNIFIED DEVELOPMENT ORDINANCE

ARTICLE 6. SUBDIVISION REGULATIONS.

Summary: This article establishes procedures for the subdivision of land. Included are requirements for the division of land into a subdivision, as defined in Appendix A of this Ordinance, as authorized by NCGS Chapter 160D, Article 8 (160D-801 through 808). This Article of the UDO shall officially be known, cited and referred to as the Subdivision Regulations of the County of Lee.

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6.1 GENERAL PROVISIONS

6.1.1 PURPOSE

As authorized by NCGS Chapter 160D, Article 8 (160D-801 through 808), the purposes of establishing this Article are:

6.1.1.1 To provide for the coordination of transportation networks and utilities within proposed subdivisions with existing or planned streets and highways and with other public facilities.

6.1.1.2 Within larger subdivisions, to provide for the dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision or for provision of funds to be used to acquire recreation areas serving residents of the development or subdivision or more than one subdivision or development within the immediate area.

6.1.1.3 To provide rights-of-way or easements for street and utility purposes including the dedication of rights-of-way pursuant to NCGS §136-66.10 or 136-66.11.

6.1.1.4 To provide for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions that substantially promote public health, safety, and the general welfare.

6.1.1.5 To provide that the final plat shows sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every street and alley line, lot line, easement boundary line, and other property boundaries, including the radius and other data for curved property lines, to an appropriate accuracy and in conformance with good surveying practice.

6.1.2 APPLICABILITY

This Article shall apply to any subdivision, as defined in Appendix A of this Ordinance, within the unincorporated area of Lee County and the corporate limits of the City of Sanford and Town of Broadway or any extraterritorial jurisdiction established pursuant to NCGS § 160D-201; -202. Land that has been subdivided prior to the effective date of these regulations should, whenever possible, be brought within the scope of these regulations to further the

purposes of this Ordinance. However, all existing preliminary plats that were approved under the prior Ordinance shall remain valid unless or until the approval expires.

6.1.3 AUTHORITY AND JURISDICTION

6.1.3.1 Each jurisdiction's Planning Board and governing board is vested with the authority to review, approve, conditionally approve and disapprove applications for preliminary plats.

6.1.3.2 DEPARTMENT OF COMMUNITY DEVELOPMENT

The Zoning Administrator or his/her designee is vested with the authority to review and approve sketch plats and to approve, conditionally approve and disapprove applications for minor plats (minor subdivisions) and/or final plats (major subdivisions), in accordance with G.S. 160D-403(b).

6.1.3.3 DEPARTMENT OF PUBLIC WORKS

The Department of Public Works is vested with the authority to review and approve Construction Plans, Subdivision Improvement Agreements, and Maintenance Bonds.

6.1.3.4 CITY COUNCIL, COUNTY COMMISSION, OR TOWN BOARD OF COMMISSIONERS

The Governing Body is vested with the authority to accept all public dedications including, but not limited to right-of-way, easements, park facilities, and open space.

6.1.4 WHEN A SUBDIVISION PLAT IS REQUIRED

6.1.4.1 From and after the effective date of this Ordinance, the owner or proprietor of any tract of land who desires to Subdivide land (to create a "Subdivision") shall be required to submit a plat of such Subdivision to the Department of Community Development, who is hereby charged with the responsibility for coordinating the processing of such plats. The subdivision plat submitted to the Department of Community Development must be prepared in accordance with the regulations set forth in this Article.

6.1.4.2 No person shall Subdivide Land without making and recording a plat and complying fully with the provisions of this Article and all other state and local laws and regulations applying to Subdivisions.

6.1.4.3 No person shall sell or transfer ownership of any lot or parcel of land by reference to a plat of a subdivision before such plat has been duly recorded with the Register of Deeds, unless such subdivision was created prior to the adoption of this Ordinance and any other subdivision ordinance applicable thereto.

6.1.4.4 No building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of this Ordinance, and no construction of any public or private improvements shall be commenced, except in conformity with the requirements of this Ordinance.

6.1.4.5 A final subdivision plat shall be approved by the Department of Community Development before the subdivision of a parcel may be recorded. No land may be subdivided through the use of any legal description other than with reference to a plat approved by the Department of Community Development in accordance with these regulations, except that which is permitted within § 6.1.5, below.

6.1.5 EXEMPT LAND DIVISIONS

Pursuant to NCGS § 160D-802, a subdivision plat shall not be required for any of the following (see definition of “Subdivision” in Appendix A):

6.1.5.1 The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the County of Lee as shown in this Ordinance;

6.1.5.2 The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved.

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

6.1.5.4 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 the municipality, as shown in this Ordinance.

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

6.1.5.6 The subdivision or recombination of land by public utilities.

6.1.5.7 The determination of whether a division of land is exempt from the definition of subdivision shall be made by the Zoning Administrator or his/her designee, upon review of the property owner or agent, with supporting documentation (maps, plats, etc.), as needed. Upon a determination by the Zoning Administrator that the proposed subdivision is exempt, a certificate of exemption shall be issued, and the subdivision shall not be subject to these subdivision regulations.

6.1.5.8 A subdivision plat meeting the requirements of G.S. 47-30 shall be prepared for all exempt subdivisions. The plat shall identify the subdivision as being exempt from the requirements of this Ordinance and shall be submitted to the Zoning Administrator for review. Following his/her review of the subdivision plat, the Zoning Administrator shall sign it and provide a copy to the applicant. The signed plat shall be recorded by the applicant with the Lee County Register of Deeds within thirty (30) days of being signed.

6.1.6 RECORDATION OF UNAPPROVED PLAT PROHIBITED

The Register of Deeds shall not file or record any subdivision plat required by this Ordinance until such plat shall have been approved, and such approval evidenced thereon, in accordance with the regulations set forth in this Article.

6.1.7 SALE OF PROPERTY IN VIOLATION OF THIS ORDINANCE PROHIBITED

No land described in this Section shall be subdivided or sold, or transferred until each of the following conditions has occurred in accordance with these regulations:

6.1.7.1 the subdivider or his authorized agent has submitted a conforming sketch plat of the subdivision to the Department of Community Development; and

6.1.7.2 the subdivider or his authorized agent has obtained approval of the sketch plat, a preliminary plat (when required), and a final plat as provided in this Article; and

6.1.7.3 The subdivider or his authorized agent files the approved final plat with the Register of Deeds.

6.1.7.4 CONTRACTS TO PRE-SELL

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 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 under the subdivision ordinance and recorded with the Register of Deeds in accordance with N.C.G. S. 160D-807(c). No local government body will incur any obligation to the prospective buyer or lessee with respect to the approval of the final subdivision plat. Changes to the preliminary and final plats are possible, and 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.

6.1.7.5 VIOLATIONS

Violations of the provisions of this section shall be subject to the enforcement and penalty provisions set forth in Article 1 of this Ordinance. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from these penalties. The jurisdiction may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the courts shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with this Ordinance. Building permits required pursuant to G.S. 160D-1110 may be denied for lots that have been illegally subdivided. In addition to other remedies, the jurisdiction 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 of conduct per G.S. 160D-807(a).

6.1.8 CLASSIFICATION OF APPLICATIONS

Before any land is subdivided, the owner of the property proposed to be subdivided, or his authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the procedures established in this Article 6.

6.1.9 COORDINATION OF FLEXIBLE ZONING APPLICATIONS WITH SUBDIVISION APPROVAL

An application for a site plan (see § 3.6 of this Ordinance) or a Conditional Use District (see § 3.4 of this Ordinance) may be initiated concurrent with the initiation of an application for approval of a preliminary subdivision plat.

6.1.10 LOTS REQUIRING A PRIVATE SEPTIC SYSTEM IN ORDER TO BE DEVELOPED

All proposed lots that would require a private septic system in order to be developed must be approved by either a licensed soil scientist or the Lee County Environmental Health Department prior to the plat being recorded.

6.2 MINOR SUBDIVISIONS

6.2.1 MINOR SUBDIVISION DEFINED

6.2.1.1 CITY OF SANFORD

The City of Sanford, including the ETJ, defines a minor subdivision as:

- (a) Any subdivision which contains not more than six (6) lots, including the parent or residual parcel, with frontage on an existing publicly-maintained street, and does not involve the extension of any public or private street for access to interior property; does not involve the extension of public water, sewer, or other public improvements; does not adversely affect the remainder of the parcel or adjoining property; or require an exception from any requirement of this ordinance; or
- (b) The creation of a single lot that does not have direct public street frontage. Such lots shall be allowed subject to the following conditions: (1) lot contains a minimum of two (2) acres in area, (2) lot shall be accessed via a recorded access easement of at least 30 feet in width, and (3) lot shall be restricted to development as one single-family dwelling. Creation of multiple lots (a subdivision) using this method shall be prohibited.

6.2.1.2 LEE COUNTY AND THE TOWN OF BROADWAY

Lee County and the Town of Broadway, including the ETJ, defines a minor subdivision as either of the following:

- (a) Any subdivision which contains not more than six (6) lots, including the parent or residual parcel, with frontage on an existing publicly-maintained street, and does not involve the extension of any public or private street for access to interior property; does not involve the extension of public water, sewer, or other public improvements; does not adversely affect the remainder of the parcel or adjoining property; or require an exception from any requirement of this ordinance.
- (b) Any subdivision which contains not more than three (3) lots, and does not involve the extension of any public or private street for access to interior property; does not involve the extension of public water, sewer, or other public improvements; or

require a variance from any requirement of this ordinance, provided that:

- No lot is less than the required minimum lot size of the respective zoning district.
- Access to interior lots is provided by a perpetual, private access easement, which has a minimum width of 30 feet, and connects directly to an existing publicly maintained road.
- Each lot fronts or abuts the private access easement or an existing, publicly maintained road.
- No more than three (3) lots are created along the 30-foot easement.

6.2.1.2.2 Any parent parcel that is subdivided as a Minor Subdivision under the standards set forth in § 6.2.1.1 and § 6.2.1.2 can be further subdivided, so long as the total number of lots created, including the parent or residual parcel, does not exceed six (6) lots.

6.2.1.2.3 No more than six (6) total lots can be created from a parent parcel under common ownership within a period of five (5) calendar years.

6.2.1.2.4 Any parcel to be divided as a Minor Subdivision adjacent to another property, under the same ownership, already platted as a Minor Subdivision shall be considered a Major Subdivision if the total number of lots to be created exceeds six (6) lots.

6.2.2 GENERAL SUBMISSION REQUIREMENTS

6.2.2.1 Only a final plat is required for approval of a minor subdivision.

6.2.2.2 Applications for final plat approval shall be submitted to the Administrator for completeness review. Appendix B outlines the information that is to be submitted with an application for any type of subdivision plat. The Administrator shall determine whether the application is complete and complies with the submission requirements set forth in Appendix B. If the application is incomplete or the submission requirements have not been complied with, the Administrator shall so notify the Applicant, specifying the deficiencies. Incomplete and/or non-compliant submissions shall not be processed.

6.2.2.3 The Administrator shall render a determination as to whether the plat is approved, approved with conditions or denied pursuant to § 6.2

of this Ordinance and NCGS §160D-804. If disapproved, the Administrator shall advise the subdivider of such action and shall indicate the reasons for denial.

6.2.3 RECORDING A FINAL PLAT.

6.2.3.1 Within 90 days of final plat approval, the applicant shall file the plat with the Register of Deeds as provided by law. The final plat approval shall expire within the above- referenced time period, unless the Administrator has granted an extension. The Administrator may grant up to two extensions of final plat approval, each of up to six (6) months. Failure to record the final plat within the time frame noted shall cause the final plat approval to be void. The applicant shall return a reproducible (mylar) copy of the recorded plat to the office of the Administrator. The final plat shall not be deemed a site-specific vesting plan pursuant to NCGS 160D-108 until it has been properly recorded.

As required by N.C.G.S. 47-30.2, a plat to be recorded shall be submitted to a Review Officer before the map or plat is presented to the Register of Deeds for recording. The Review Officer shall certify the map or plat if it complies with all statutory requirements for recording. A certification shall be substantially similar to that found in Appendix B. The Register of Deeds shall not accept for recording any map or plat required to be submitted to the Review Officer unless the map or plat has the certification of the Review Officer affixed to it.

6.2.4 ACCESS EASEMENTS ASSOCIATED WITH MINOR SUBDIVISIONS

6.2.4.1 Easements intended for vehicular access associated with minor subdivisions shall be no less than 30 feet in width and connect directly to an existing public street. Newly proposed access easements shall not connect to other proposed or previously established access easements.

6.2.4.2 No more than two (2) 30-foot access easements are permitted to adjoin and run parallel to each other to serve new or existing lots created via minor subdivision.

6.2.4.3 Easements established for the purposes of accessing an interior lot(s) via minor subdivision shall not intersect with any other existing or proposed access easements.

6.2.4.4 Easements may intersect or cross over other existing or proposed easements established for utilities, drainage, or purposes other than vehicular access. Subdividers seeking to establish such easements must obtain permission from the property owner, municipality, or other responsible entity that possesses interest in said easements prior to establishing a new access easement.

6.2.4.5 Property owners who seek to establish any easement through other parcels under separate ownership may only do so with the permission of all impacted parcel owners. Owners of parcels impacted by the establishment of any new easement must also sign the final subdivision plat prior to approval by the Department of Community Development.

6.3 MAJOR SUBDIVISIONS

6.3.1 MAJOR SUBDIVISION DEFINED

A major subdivision is defined as any subdivision which is not classified as a minor subdivision including, but not limited to (1) subdivisions of seven (7) or more lots; or (2) any size subdivision which requires the extension of a public or private street; or (3) any size subdivision which requires the extension of public water, sewer or other public improvements; or (4) any size subdivision which requires an exception from the requirements of this ordinance. The following steps are required:

- Sketch Plat
- Preliminary Plat
- Final Plat

6.3.2 SKETCH PLAT SUBMISSION REQUIREMENTS.

6.3.2.1 PURPOSE

The sketch plat approval process and preapplication conference provides an opportunity for the applicant to present its basic concept to local planning officials and receive their input, suggestions and concerns. This procedure permits the developer to go before the Department of Community Development with the description, but not full engineering details of the project. The sketch plat lays out the approximate location of existing features and planned construction and provides ownership information. Because of the preliminary and summary description of the development, the sketch plat does not permit development. However, the developer is given the opportunity to learn of suggestions which can be incorporated into the formal preliminary plan application without incurring significant expenditures.

6.3.2.2 INITIATION

The applicant shall schedule an appointment and meet with the Department of Community Development to discuss a sketch plat. The Department of Community Development shall also advise the applicant, when appropriate, to discuss the proposed subdivision with those officials who must eventually approve those aspects of the subdivision plat coming within their jurisdiction. If the plat is to be submitted in two (2) or more phases, a Master Plan shall be submitted which shows the sketch plat and preliminary plat for the entire subdivision.

MAJOR SUBDIVISION REVIEW AND APPROVAL PROCESS

Pre-Application Conference with Community Development Staff
TRC (Technical Review Committee) Concept Review <i>(optional)</i>
TRC (Technical Review Committee) Full Review
Construction Drawing Review/Approval
Preliminary Plat Review – Planning Board
Preliminary Plat Review – Governing Board
Final Plat Approval and Recordation

6.3.3 PRELIMINARY PLAT

6.3.3.1 PURPOSE

The preliminary plat application involves an examination of the proposal in much greater detail than at the sketch plat stage, since this stage determines whether the project will be approved, and if so, the conditions that will be required. Preliminary plat approval is the key discretionary decision-making point in the approval process. The applicant is required to submit, as applicable, detailed information as to all aspects of the development, including street layout, preservation of natural site features, and recreational and parking facilities, in order to assure that the decision-makers and all parties interested in the project have the opportunity to review all significant facets of the project.

6.3.3.2 APPLICABILITY

Approval of a Preliminary Plat is required for any tract where the eventual platting of the property involves a major subdivision. No final plat shall be approved until a Preliminary Plat for the property has been approved.

6.3.3.3 INITIATION

After the Department of Community Development has approved a sketch plat for a major subdivision, then the subdivider may file an application for approval of a preliminary plat. The application shall be filed with the Department of Community Development.

6.3.3.4 TECHNICAL REVIEW COMMITTEE (TRC)

The Technical Review Committee (TRC) is a multi-departmental body that is responsible for review and approval of major development projects, including all major subdivision preliminary plats. The Technical Review Committee is comprised of representatives from various departments, agencies, and organizations. The purpose of the TRC review is to provide an opportunity for a comprehensive review of major projects, provide constructive comments to applicants, and ensure compliance with local and state codes, regulations and technical standards.

All major subdivision preliminary plats must receive TRC approval prior to being placed on the appropriate jurisdiction's Planning Board agenda.

6.3.3.5 DECISION

- (a) After the application for preliminary plat approval is certified as complete, the Department of Community Development shall place the plat on the agenda of the next regularly-scheduled meeting of the appropriate local Planning Board.
- (b) The Department of Community Development shall refer copies of the plat and any accompanying material to those public officials and agencies concerned with new development, including, but not limited to, the building inspector, Lee County Health Department, Lee County School Board, the district engineer of the North Carolina Department of Transportation, the appropriate county soil conservation service office, and any consulting engineer retained by the Jurisdiction, for review and recommendation. Such agencies may review and comment as to whether the application satisfies the requirements of this Ordinance or any other requirements of state or federal law applicable to subdivision plats. A preliminary plat shall not be placed on the local Planning Board agenda until it has been deemed complete by the Department of Community Development.
- (c) The Planning Board shall review and take action on each preliminary plat. The Planning Board shall approve, disapprove, or conditionally approve the application for a preliminary plat subject to the following:

- Approval shall be noted on at least two copies of the preliminary plat. One (1) copy shall be retained by the Community Development Department, and one (1) copy shall be given to the subdivider.
 - If the preliminary plat is disapproved, the minutes shall specify the reasons for such action in writing. One (1) copy of such reasons shall be retained by the local Planning Board, and one (1) copy of such reasons shall be given to the applicant. If the preliminary plat is disapproved, the subdivider may make the recommended changes and submit a revised preliminary plat.
 - If the preliminary plat is conditionally approved, the minutes shall specify the reasons for such action in writing. One (1) copy of such reasons shall be retained by the appropriate jurisdiction's Planning Board and governing board, and one (1) copy of such reasons shall be given to the applicant. If the preliminary plat is conditionally approved, the subdivider may make the recommended changes and submit a revised preliminary plat to the Administrator for review.
 - A timely decision of the Planning Board to approve, disapprove, or conditionally approve the application for a preliminary plat shall be considered final and shall be referred to the appropriate Governing Body for review.
- (d) The preliminary plat shall then be transmitted to the Governing Body for consideration at their next regular meeting. A timely decision of the Governing Body to approve or disapprove, the application for a preliminary plat shall be considered final.

6.3.3.6 SCOPE OF APPROVAL

6.3.3.6.1 Approval of the preliminary plat by the Governing Body shall allow a subdivider to proceed with the preparation of the final plat.

6.3.3.6.2 Approval of the preliminary plat by the Governing Body without approved construction plans shall not constitute the necessary approval for submittal of the final plat.

6.3.3.6.3 Should the plat be approved subject to conditions or labeling corrections, the plat shall be revised and resubmitted to the Department of Community Development with all corrections within 60 days of the Governing Body's approval. Failure to return a corrected plat within this time period shall

constitute a violation. Additionally, no final plat may be approved until a corrected copy of the preliminary plat has been filed with the Department of Community Development.

6.3.3.6.4 The preliminary plat shall serve as a guide in the preparation of the final subdivision plat, which must be submitted for final approval and recordation upon fulfillment of the requirements of this Article.

6.3.3.6.5 The preliminary plat shall be valid for two (2) years after its final approval. A preliminary plat shall become void if a final plat is not approved within this time period. Final Approval of a phase or portion of a preliminary plat shall re-establish the effective date for measuring the time period of a preliminary plat approval.

6.3.3.7 REVISING APPROVED PRELIMINARY PLAT

6.3.3.7.1 Minor Amendments. The Department of Community Development shall have the authority to approve the following deviations from an approved preliminary plat:

- A change in the location of not more than ten percent (10%) of the number of lots;
- A change in the location of any part of open space acreage by not more than ten percent (10%) of the gross acreage of the proposed subdivision; or
- A change in the location of any part of proposed street alignment and lot configuration of more than ten percent (10%) of the gross acreage so long as the number of external access points is not decreased and the minimum street connectivity ratio as set forth in Article 10 is maintained.
- Changes to within parcel boundaries which do not affect external property lines.

6.3.3.7.2 Major Amendments. All other changes to an approved Preliminary Plat that do not meet the standards of this Section shall require the filing and approval of a new Preliminary Plat.

6.3.3.8 PHASING OF PRELIMINARY PLAT

6.3.3.8.1 A preliminary plat may be approved with multiple phases where it is the intent of the landowners

to proceed to final plats covering only a portion of the tract at any one time.

6.3.3.8.2 For each approved phase, the developer shall have up to two (2) years to submit the final plat for that respective phase.

6.3.3.8.3 The applicant may submit for an extension of the approved phase beyond the two-year limit. Application shall be made to the Department of Community Development for forwarding and review by the appropriate jurisdiction's Planning Board and governing board at their next regular meeting(s).

6.3.4 FINAL PLAT

6.3.4.1 PURPOSE

This section establishes procedures for the administrative approval of final plats. The purpose of a final plat is to ensure that all the conditions attached to preliminary approval (in the case of a major subdivision) and this Ordinance (in the case of major or minor subdivisions) are complied with. This section also permits a subdivider to take necessary actions to prepare maps, plats and documents, post a performance bond, and perform other minor acts. This section does not permit the Department of Community Development to attach new conditions to final approval or to deny final approval for reasons not presented during preliminary approval.

6.3.4.2 APPLICABILITY

There shall be a final plat for each subdivision which receives preliminary plat approval.

No final subdivision plat shall be recorded until a final plat has been approved as provided in this Section.

6.3.4.3 INITIATION

The materials required by Appendix B shall be submitted to the Department of Community Development for a determination as to whether it complies with the approved preliminary plat. The subdivider may submit final plat copies for only that portion of the approved preliminary plat which is proposed for recordation and development at that time, if such portion conforms to all requirements of this Article. The final plat shall conform to the approved preliminary plat. Any deviation from the approved preliminary plat which does not constitute a Minor Amendment as set forth in § 6.4.3.7 shall require

additional review and approval by the appropriate jurisdiction's Planning Board and governing board.

6.3.4.4 DECISION

6.3.4.4.1 Upon submittal of the copies of the final plat and other required materials, the Department of Community Development shall review the application for completeness and shall initiate and coordinate review by affected local and state agencies in order to determine substantial compliance with the approved preliminary plat and general compliance with the provisions of this ordinance and other applicable laws and regulations.

6.3.4.4.2 The final plat and related materials shall be approved or disapproved by the Department of Community Development. Approval shall be in the form of a written letter to the subdivider (or contact person as listed on the application) advising that the final plat meets all requirements of this Ordinance and that the original final plat may be submitted to the Department of Community Development.

6.3.4.4.3 Upon receipt of all necessary signatures of the final plat, the applicant shall record it with the Register of Deeds.

6.3.4.4.4 Except as provided in 6.4.6 (Subdivision Improvement Agreements), all applicants shall complete, all street, sanitary, and other public improvements of the subdivision as required by this Ordinance before the final plat is recorded. Such public improvements shall be accepted by the Department of Community Development, the Department of Public Works (within the incorporated area and ETJ of the City), the North Carolina Department of Transportation (as applicable), and any other agency with jurisdiction to review and inspect such improvements.

6.3.4.4.5 The final subdivision plat application shall be accompanied by all formal irrevocable offers of dedication to the public of all streets, local government uses, utilities, parks, and easements, in a form approved by the respective Attorney; and the subdivision plat shall be marked with a notation indicating the formal offers of dedication as provided in Appendix B.

6.3.4.4.6 Whenever a subdivider applies for approval of a final plat which contains only a portion of the land encompassed in the approved preliminary plat and which includes required open space, the subdivider

shall either apply for dedication of the land as included in the phase or provide a financial contribution which is proportional to the population expected to reside in the area of the final plat. The financial contribution shall be calculated in the same manner as set forth in Section 6.5.4 of this Ordinance.

6.3.4.5 RECORDING A FINAL PLAT

The applicant shall file the plat with the Register of Deeds as provided by law within ninety (90) days after final approval. The final plat approval shall expire within the above-referenced time period, unless the Department of Community Development has granted an extension. Failure to record the final plat within the time frame noted shall cause the final plat approval to be void, and shall require a new application. The final plat shall not be deemed a site-specific vesting plan pursuant to NCGS 160D-108 until it has been properly recorded. The applicant shall return a reproducible (mylar) copy of the recorded plat to the office of the Department of Community Development.

6.3.5 SUBDIVISION IMPROVEMENT AGREEMENTS.

6.3.5.1 COMPLETION OF IMPROVEMENTS

6.3.5.1.1 The Department of Community Development may delay the requirement for the completion of required improvements prior to recordation of the Final Plat if the applicant enters into a Subdivision Improvement Agreement by which the applicant agrees to complete all required on-site and off-site public improvements no later than one (1) year following the date upon which the final plat is recorded.

6.3.5.1.2 If improvements are not completed to the specifications of the local government, and the current performance guarantee is likely to expire prior to completion of the required improvements, the performance guarantee shall be extended, or a new performance guarantee issued, for an additional period; provided, however, that the extension shall only be for a duration necessary to complete the required improvements.

6.3.5.1.3 The Applicant shall bear the responsibility to prepare a Subdivision Improvement Agreement. The attorney for either the City of Sanford, Town of Broadway, or Lee County shall approve any Subdivision Improvement Agreement as to form. The

type of performance guarantee shall be at the election of the developer.

6.3.5.1.4 At the discretion of the Department of Public Works, the Department of Public Works may enter into a subdivision improvement agreement with the applicant for a development containing multiple final plats concerning the timing and sequence of roadway, water, wastewater, drainage, public school, and park or open space dedication and improvements. Notwithstanding any provision in this Ordinance to the contrary, the subdivision improvement agreement shall determine the time when the required improvement or dedication for multiple final plat developments shall occur.

6.3.5.2 PERFORMANCE SECURITY.

6.3.5.2.1 Whenever the Department of Public Works permits an applicant to enter into a Subdivision Improvement Agreement, the Applicant shall provide sufficient security to ensure completion of all required public improvements. The security shall be any of the following:

- a surety bond issued by any company authorized to do business in North Carolina,
- a letter of credit issued by any financial institution licensed to do business in North Carolina,
- or other form of guarantee that provides equivalent security to a surety bond or letter of credit

The type of performance guarantee shall be at the election of the developer.

6.3.5.2.2 The performance guarantee shall originate with the developer. An itemized cost estimate of all improvements intended for public maintenance shall be prepared by a licensed civil engineer based upon the approved construction plans on file with the Department of Public Works.

6.3.5.2.3 The performance guarantee shall be in an amount approved by the Department of Public Works as reflecting 125 percent of the reasonably estimated cost of the improvements in the approved construction plan and shall be sufficient to cover all promises and conditions contained in the Subdivision Improvement Agreement.

6.3.5.2.4 The performance guarantee shall cover the estimated costs of all proposed improvements intended for public maintenance that are not constructed or installed prior to final plat approval and recordation.

6.3.5.2.5 The performance guarantee may be reviewed by the attorney for the jurisdiction in which the development is to take place.

6.3.5.2.6 In addition to all other security, when the County of Lee participates in the cost of an improvement, the applicant shall provide a performance bond from the contractor, with the County of Lee as a co-obligee.

6.3.5.2.7 If security is provided in the form of a cash escrow, the applicant shall deposit with the Finance Department of Lee County, the Town of Broadway, or the City of Sanford, as applicable, a cash amount or certified check in an amount not less than the amount specified by the Department of Public Works.

6.3.5.2.8 The performance guarantee shall accrue to the County of Lee for administering the construction, operation and maintenance of the improvements.

6.3.5.2.9 Where oversized facilities are required, the Department of Public Works and applicant shall specify a reimbursement procedure in the Subdivision Improvement Agreement.

6.3.5.3 RELEASE OF PERFORMANCE SECURITY.

6.3.5.3.1 Upon completion of all improvements as covered by the Subdivision Improvement Agreement, the Department of Public Works (or his/her designee) shall inspect the work. If the Department of Community Development determines that the work is satisfactory and complete, and the improvements have been accepted, letters of credit or cash escrow shall be returned to the developer, and surety bonds shall be released.

6.3.5.4 Upon satisfactory completion of improvements secured by a surety bond, upon the request of the developer, the appropriate local government shall timely provide written acknowledgement that the required improvements have been completed and the performance security shall be released.

6.3.5.5 FAILURE TO COMPLETE IMPROVEMENTS.

6.3.5.4.1 If a Subdivision Improvement Agreement has been executed and security has been posted and required public improvements are not installed pursuant to the terms of the Agreement, the Department of Public Works may:

- Declare the Agreement to be in default thirty days prior to the expiration of the guarantee instrument, and require that all public improvements be installed regardless of the extent of completion of the development at the time the agreement is declared to be in default;
- Obtain funds pursuant to the surety and complete the public improvements by itself or through a third party;
- Assign its right to receive funds pursuant to the surety in whole or in part to any third party, including a subsequent owner of the subdivision or addition for whom the public improvements were not constructed, in exchange for the subsequent owner's Agreement to complete the required public improvements; and/or
- Exercise any other rights available under the law.

6.3.5.5 GUARANTEE IN LIEU OF IMPROVEMENTS

6.3.5.5.1 In lieu of completion of construction of the required improvements and utilities prior to final plat approval, the property owner may provide a performance guarantee in accordance with G.S. 160D-804.1. The performance guarantee shall be in an amount equal to 125% of the estimated cost of the installation of the required improvements, as determined by the jurisdiction.

6.3.5.5.2 The performance guarantee shall secure the completion of construction of the improvements shown on the approved preliminary plat and as detailed within the approved construction plans.

6.3.5.5.3 The performance guarantee shall remain in full force and effect until such time as the construction of improvements and installation of utilities are completed and accepted by the municipal zoning

jurisdiction, or a minimum of one year whichever is greater in accordance with G.S. 160D-804.1.

6.3.5.5.4 Failure to maintain the required performance guarantee shall result in the revocation of the approval of the preliminary plat and any permits issued as a result of the preliminary plat approval.

6.3.5.5.5 A temporary construction easement permitting the municipal zoning jurisdiction or its designee(s) to access the property for the purpose of constructing/installing the guaranteed improvements is required to be provided with the performance guarantee. The temporary construction easement shall be valid until all guaranteed improvements have been constructed/installed and approved or accepted by the municipality or State of North Carolina. The temporary construction easement shall bind to all successive owners until the guaranteed improvements have been constructed/installed and approved or accepted by the municipality or State of North Carolina. Said temporary construction easement shall be recorded at the office of the Lee County Register of Deeds, with recording fees to be paid by the applicant/landowner.

6.3.5.5.6 Failure to initiate construction of the improvements within one year of the date the performance guarantee was accepted by the municipal zoning jurisdiction shall result in the jurisdiction, at its sole discretion, constructing the improvements, with the cost to be paid from the performance guarantee.

6.3.5.5.7 The guarantor institution shall, if requested by the jurisdiction, pay all or any portion of the funds to the jurisdiction up to the amount needed to complete the improvements based on an estimate by the jurisdiction.

6.3.5.5.8 The jurisdiction may spend such portion of said funds necessary to complete all or any portion of the required improvements.

6.3.5.5.9 The jurisdiction shall return to the developer any funds not spent in completing the improvements. Default on a project does not release the developer from responsibility for the completion of the improvements.

6.3.5.5.10 In the event that the amount of performance guarantee on hand is insufficient to pay for the completion of the improvements, the property owner shall pay to the municipal zoning jurisdiction the total amount of the insufficiency. If the jurisdiction is not paid, the amount of the insufficiency shall

constitute a lien on the property in favor of the jurisdiction.

6.3.6 SUBDIVISION EXCEPTIONS

6.3.6.1 Subdivision exceptions shall be available only for Major Subdivisions in conjunction with the application for Preliminary Plat approval.

6.3.5.6 Where the Planning Board and Governing Body finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve exceptions to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that the exception shall not have the effect of nullifying the intent and purpose of these regulations.

6.3.5.7 All such exceptions shall be approved by the Governing Body, upon recommendation from the Planning Board, as part of the preliminary plat approval.

6.3.7. DEDICATION AND ACCEPTANCE OF PUBLIC AREAS

(A.) Rights-of-way and easements.

The approval of a final plat constitutes dedication but does not constitute acceptance by the jurisdiction or the public of the right-of-way of each public street and easement shown on the plat. The approval of a plat does not constitute acceptance for maintenance of other improvements in the right-of-way such as street paving, utility lines, drainage facilities or sidewalks. When located within the corporate limits of a municipality, such dedications may be accepted only by resolution of the municipality's governing board or by their designee following inspection and approval to ensure compliance with specifications established by the jurisdiction or by the jurisdiction exercising control over and maintaining these areas. Until the offer of dedication is accepted by the jurisdiction in either of these manners, the developer shall be responsible for maintenance of those areas.

(B.) Open space

Land designated as public open space or a park on a plat, in accordance with Article 6 of this Ordinance,

shall be considered to be offered for dedication, but not accepted until the municipality's governing board, or their designee, has by express action done so. Until such dedication has been accepted, such areas may be used for open space purposes by its owner or by an association representing owners of lots within the subdivision. Land so offered for dedication shall not be used for any purpose inconsistent with the proposed public use without the approval of the municipality's governing board.

(C.) Sites for public facilities

Where a school or other public site is shown on an approved plat recorded with the Lee County Register of Deeds, the site shall either be dedicated for public purpose at the option of the property owner or reserved for acquisition by the Lee County School Board for a period not exceeding eighteen (18) months from the date of approval of the preliminary subdivision plan.

(D.) Required improvements

Improvement requirements shall be fulfilled, or their complete performance guaranteed in accordance with North Carolina General Statute 160D-804 before a final plat shall be approved by the Zoning Administrator for recording.

6.3.6 MAINTENANCE OF COMMON AREAS

6.3.6.1 A legally responsible organization (i.e. homeowners' association, special district, etc.) shall be established to maintain any private streets, open space, or other features and amenities not accepted for public maintenance. Documents to assure private responsibility of future maintenance and repair by a homeowners' association or a special district shall be provided to Department of Community Development. The local government shall not be responsible for enforcement of the responsible organization documents.

6.3.7 MASTER PLANS AND PHASED DEVELOPMENT

6.3.8.1 Applicants intending to develop major subdivisions in two (2) or more phases must propose a conceptual **master plan** illustrating the full extent of land to be developed. General information should be provided with the master plan, including lot and density layout, internal street system, and prospective open space locations. The submittal of a second phase

of development of an original parent tract(s), where only one phase was previously proposed and approved, shall prompt the master plan requirement. Failure to provide a master plan shall prevent the second phase from being placed on any jurisdiction's Planning Board agenda.

6.3.8.1 Subdivisions may be designed to be platted and constructed in phases. A plan for phased development must be approved by the Zoning Administrator. The plan for phased development shall provide for the provision of adequate public facilities to support each and any phase independent of the overall subdivision plan. Access and water supply for fire protection shall be present to the extent required by the North Carolina Fire Prevention Code. In approving the phases, the Zoning Administrator may require that additional streets, water and sewer facilities, or other required public facilities be constructed as part of the phase or phases to ensure that sufficient public facilities will be in place to support each phase or phases independent of any future subdivision development.

6.3.8 Final plats for subdivisions developed in phases shall be recorded in accordance with the schedule presented by the applicant during the preliminary plat approval and approved as part of the preliminary plat approval process as specified in Section 3.6 of this Ordinance. The applicant may request, in writing, adjustments of the approved schedule and the Zoning Administrator may grant extensions of up to 12 months for each phase. If the final plat for any phase of the subdivision is not submitted in accordance with the approved schedule, the preliminary plat shall be resubmitted to the Zoning Administrator for review and approval unless the extension(s) remain within the scope of the vested rights per G.S. 160D-108(d) established in accordance with a site-specific development plan in accordance with Section 3.6 of this Ordinance. Such resubmittal shall be in accordance with the requirements of this Ordinance.

6.4 Intentionally Left Blank

6.5 OPEN SPACE**6.5.1 PURPOSE**

The provisions of this Section require new development to provide open space. The provision of accessible open space, and the preservation of resource lands, provide the following benefits for landowners, applicants, and the community:

- Protection of property values;
- Protection of public health by the provision of recreational opportunities and opportunities for exercise and participation in community activities;
- Protection of health and safety through flood control, protection of water supply, cleansing of air, and separation from hazards;
- Protection of Environmentally Sensitive Areas and natural systems such as wetlands, marshes, streams, rivers, and wildlife diversity and habitat;
- Provision of boundaries between incompatible uses and edges from continuous development;
- Protection of water quality by the retention of existing vegetation and soils;
- The long-term stabilization of property tax rates by providing higher quality development; and
- Minimizing traffic congestion by providing for recreational opportunities within walking distance of new homes and businesses.

6.5.2 APPLICABILITY

6.5.2.1 Open space as set forth in this § 6.5 shall be required only for major subdivisions or multi-family developments which are located within a UN-6, SN-9, SN-12, RN-20, or VN-CZ zoning district and include 30 or more new or cumulative lots/dwelling units or infill development that adds eight (8) or more new or cumulative residential lots/dwelling units.

Development within the RA and RR zoning districts shall be exempt from required Open Space.

6.5.2.2 For the purposes of this section, “cumulative lots/dwelling units” shall include the total number of lots or dwelling units as created within any single or multi-phased development or subdivision. Multiple developments that are adjoining one another and are developed under the same general ownership shall be considered as cumulative.

6.5.2.3 The amount of open space to be reserved shall be the percentage of gross land area as set forth below:

TABLE 6.5-1 OPEN SPACE REQUIREMENTS BY ZONING DISTRICT

ZONING DISTRICT	TOTAL OPEN SPACE REQUIRED	ACTIVE OPEN SPACE REQUIRED
RN-20	5%	2%
SN-12	7.5%	3%
SN-9	10%	5%
UN-6	12%	6%
VN-CZ	15%	7.5%

For the purposes of this section, “gross land area” shall include the total amount of acreage as included within an undeveloped parent tract(s) as planned or platted for development.

6.5.2.4 Area designated as Open Space shall be no less than 500 square feet in area. Areas proposed to be utilized as school bus stops and mail kiosks may be exempt from the minimum area requirement.

6.5.2.5 Open water, wetlands, utility easements, land which exceeds eighteen (18%) percent slope and undisturbed floodplains shall be designated as Open Space and may account for up to 50 percent of the total area requirement. Such Open Space shall not count towards the required minimum active Open Space portions unless improved with usable amenities.

6.5.3 ACCESS TO OPEN SPACE.

6.5.3.1 Parks and Open Space shall be located within 1,500 linear feet of at least ninety percent (90%) of all dwelling units, as measured along the rights-of-way of streets providing access between the two.

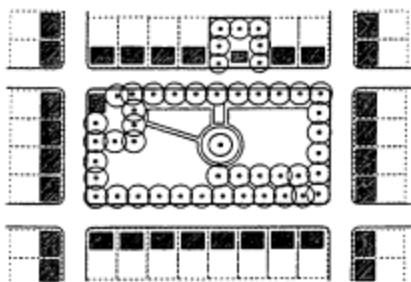
All areas to be preserved for open space shall be accessible to pedestrians by one of the following:

- frontage (width as required in this Section) on a public street right-of-way; or
- a recorded pedestrian easement at least twenty (20) feet in width
 - the easement shall include a pedestrian pathway paved or otherwise improved at the discretion of the Zoning Administrator and maintained for access; or
- fee simple property

6.5.4 TYPES OF OPEN SPACE

Preservation of open space in developing areas serves to meet recreational needs of residents, improve the aesthetic character of the community, enhance air quality, protect water quality, and augment to residents' quality of life. The following open space types and associated diagrams are intended to serve as examples for developers, who are encouraged to creatively incorporate these open space types into their designs.

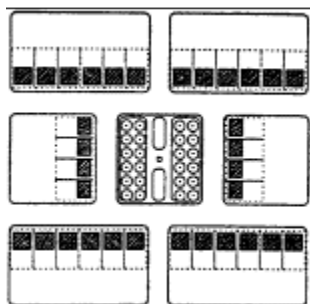
A) Park



Parks shall be bounded by streets on at least two (2) sides of their perimeter.

Parks shall be considered as active open space, but are areas where both passive and active recreation may occur simultaneously. Improvements such as benches, gazebos, picnic tables, playground and exercise equipment are encouraged for parks.

B) Square

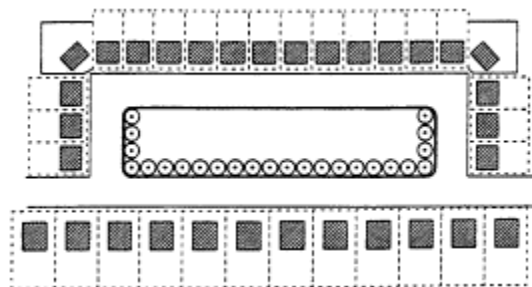


Squares shall be bounded by streets on at least three (3) sides of their perimeter.

Squares shall be used in high-density environments where residents have little yard space. Squares are used to bring a natural landscape into a high-density environment. As such, not more than 25% of a square should be impervious surface coverage.

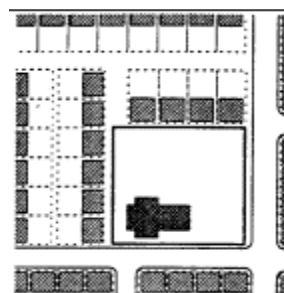
Hardscaping shall be of an enhanced decorative finish to improve aesthetic impact for persons viewing and/or visiting the Square (example: brick pavers or decorative concrete edges instead of solid asphalt ribbon or broom finished concrete for walkways).

C) Forecourt



Forecourts are open spaces that act as buffers between residential buildings and streets or non-residential buildings. Forecourts are entirely bounded by buildings or streets. Forecourts shall be planted parallel to all primary street rights-of-way as shown in the illustration above.

D) Plaza



A plaza should be an open area adjacent to a civic or commercial building. Plazas shall be planted with deciduous trees to provide shade in the summer. Plazas function as gathering places and may incorporate a variety of non-permanent activities such as outdoor farmers markets or craft fairs. Plazas shall match the architectural style of the buildings that they are

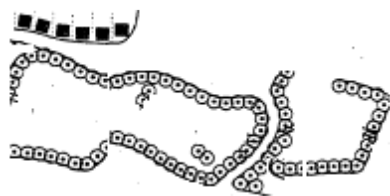
adjacent to regarding materials and design. Plazas shall be level or gently sloping.

E) Greenway



Greenways are spaces designed to incorporate natural settings such as creeks and significant stands of trees within a neighborhood. Greenways shall have streets or pedestrian ROWs parallel to or integrated into at least 70% of their length. Greenways are used for walking, jogging, biking, and they are used as wildlife corridors. Greenways may have infrequent small-scale active recreational facilities such as playgrounds, although the majority of greenways shall be for pedestrian and/or bicycle recreation.

F) Natural and Agricultural Open Space



Natural and Agricultural Open Space preserves agricultural lands, environmentally sensitive areas such as stream buffers and floodplains, scenic views, cultural features, and rural character that would likely be lost through conventional development approaches. Natural and Agricultural Open Space shall not be considered as active open space.

6.5.5 PERIMETER GREENBELT

6.5.5.1 The outer perimeter of all residential major subdivisions that exceed 30 lots shall be bounded by a minimum 20-foot landscaping buffer ("Perimeter Greenbelt") that preserves existing tree stands, shrubbery, and other vegetation.

6.5.5.2 A perimeter greenbelt shall be required only when a subdivision development site is 10 acres or greater.

6.5.5.3 The total area of the preserved perimeter greenbelt may be considered as part of the passive open space requirements set forth in Table 6.5-1.

6.5.5.4 The perimeter greenbelt shall be incorporated into the major subdivision design as non-developable common open space, to be maintained by the established responsible organization (homeowners' association, etc.). Environmentally sensitive areas (floodplains, wetlands, streams, creeks, etc.) located along the perimeter of the project site shall be included within the perimeter greenbelt.

6.5.5.5 The perimeter greenbelt shall extend along the entire exterior property line of the development site. The perimeter greenbelt shall not be required where stub streets, utility easements, neighborhood entryways, or other design elements are needed or required.

6.5.5.6 The perimeter greenbelt shall not supersede other landscape buffer requirements, such as those found in Article 6.8 or Article 7 of this Ordinance.

6.5.5.7 Single-family lots that abut a proposed perimeter greenbelt encompassing environmentally sensitive areas (wetlands, floodplains, etc.) may have lot sizes reduced as practicably needed, per the Zoning Administrator.

6.5.5.8 Existing vegetation within the perimeter greenbelt is to be preserved. Areas that would be reserved as a perimeter greenbelt for new developments that are without significant vegetation (farmland or "greenfield" sites, for example) shall be maintained as they exist, and vegetation permitted to grow to form a buffer naturally.

6.5.5.9 DISTURBANCE OF PRESERVED PERIMETER GREENBELT

6.5.5.10 Existing trees, shrubs, and other vegetation are intended to be preserved and undisturbed. If such plantings are damaged during site preparation or construction of the development, it shall be the developer's responsibility to replace and replant any displaced or damaged plantings.

6.5.5.11 A base fine of \$10.00 per square foot of disturbed area, not to exceed \$50,000.00 in total, shall be incurred by the developer in the event of the perimeter greenbelt being disturbed or plantings within the greenbelt being damaged or removed during site preparation and development construction.

For every 300 square feet of area within the perimeter landscape buffer that is disturbed, the following plant species must be installed:

- one large deciduous tree of at least a 2-inch caliper and at least 12-feet in height
- one large evergreen tree of at least a 2-inch caliper and at least 8 feet in height
- three (3) medium shrubs of at least 2 feet in height at the time of planting

6.5.5.12 IMPROVEMENT OF OPEN SPACE

Active open space shall be planned and improved, accessible and usable by persons living nearby. Improved shall mean cleared of underbrush and debris, and enhanced with functional elements for residents' recreation.

6.5.5.11.1 Dedicated active open space shall have multi-functional or recreational features for residents' use and enjoyment.

Each individual section of dedicated active open space shall have at least one (1) of the following elements:

- Recreational structure (gazebos, pergolas, sheltered picnic tables, etc.)
- Community garden
- Statue / Fountain
- Improved walking surface
- Demarked and fenced-in athletic field
- Dog Park
- Tot Lot
- Splash pad
- Swimming pool
- Exercise or playground equipment
- Other amenities or features approved by the Zoning Administrator

6.5.5.13 All designated active open spaces must contain at least one (1) park bench and one (1) permanent trash receptacle.

6.5.5.14 All designated open spaces must be clearly labeled on concept sketches, site plans, and preliminary plats. Prior to the approval and

recordation of the final plat, the developer must submit architectural renderings of all proposed active open space to the Department of Community Development for review and approval.

6.5.6 FEES IN LIEU OF OPEN SPACE

6.5.6.1 In lieu of land dedication, the appropriate jurisdiction's governing board may permit the subdivider to contribute a cash payment to the appropriate jurisdiction. The value of such payment shall be the pre-development tax value for the amount of dedicated land from the parcel for which the open space is being reserved as required under § 6.5.2 and, if the site is in Sanford or Broadway, the cash value of the minimum required improvements for the particular category of parks or open space. The specified contribution shall be determined by the tax value at the time final plat approval is granted. Such tax value shall consider zoning district changes that occur at any time up until final plat approval. Tax deferrals of any kind shall not be used in the calculation of the fees.

6.5.6.2 If, at the option of the appropriate jurisdiction's governing board it is determined that a cash dedication shall be made, said cash shall be paid to the appropriate jurisdiction, and shall be deposited into a special Parks and Recreation Service Area fund prior to final plat approval. Money in the fund, including accrued interest, shall be expended solely for acquisition, development or rehabilitation of park land or improvements related thereto. Money in the fund may only be spent by the appropriate local government for acquisition. Collected fees shall be appropriated by Lee County for a specific project to serve residents of the subdivision in a budgetary year within seven years upon receipt of payments or within seven years after the issuance of building permits on one-half of the lots created by the subdivision, whichever occurs later. If such fees are not so committed, these fees shall be distributed and paid to the then record owners of the subdivision in the same proportion that the size of their lots bears to the total area of all lots in the subdivision.

6.5.7 CONNECTION TO EXISTING OR PLANNED PUBLIC PARKS, OPEN SPACE AND/OR GREENWAYS.

6.5.7.1 If a proposed development is adjacent to or abutting the boundary of an existing publicly-maintained park, designated public or private open space area, a discernable connection must be made between the proposed and existing developments'

parks and open space.

If a proposed development is adjacent to, abutting, or located within the boundary of a proposed park, designated future public open space, or planned greenway trail, land and/or public access easements must be dedicated to allow the continued expansion of aforementioned parks, open spaces, or greenway trails.

6.5.8 MAINTENANCE

6.5.8.1 GENERALLY.

Land designated as Open Space shall be maintained as a park or open space and may not be separately sold, subdivided, or developed except as provided below.

6.5.8.2 OPEN SPACE MAINTENANCE PLAN REQUIRED.

Any areas reserved as parks or open space shall be indicated on a preliminary and/or final subdivision plat. An Open Space Maintenance Plan shall be submitted as a part of the application for development approval including the project phasing schedule. This plan shall designate and indicate the boundaries of all open-space areas required by this Ordinance. The plan shall:

- Designate areas to be preserved as open space; and
- Specify the manner in which the open space shall be perpetuated, maintained, and administered

6.5.8.3 MAINTENANCE REQUIREMENTS.

6.5.8.3.1 Open Space areas shall be maintained so that their use and enjoyment as Open Space are not diminished or destroyed. Open Space areas may be owned, preserved, and maintained by any of the following mechanisms or combinations thereof:

- Dedication of public Open Space to any unit of government within the County of Lee, an appropriate public agency, or a non-profit entity (such as a land conservancy) if such an agency or entity is willing to accept the dedication and is financially capable of maintaining such Parks and/or Open Space.
- Common ownership of privately-maintained Open Space by a property owner's association or homeowners' association

which assumes full responsibility for its maintenance. The restrictive covenants shall provide that, in the event the homeowner's association fails to maintain the Open Space according to the standards of this Ordinance, the appropriate local government jurisdiction may, following reasonable notice:

- demand that the maintenance deficiency be corrected; or
- enter the Open Space to maintain same.

The cost of such maintenance, if performed by the local unit of government, shall be charged to the homeowners' association.

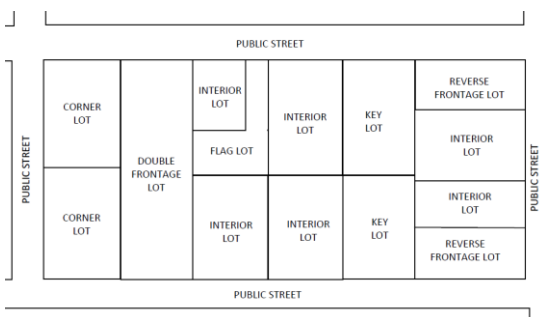
6.6 LOT DESIGN STANDARDS

6.6.1 APPLICABILITY

6.6.1.1 The provisions of this § 6.6 shall apply to any newly created or proposed Lot or Parcel resulting from a subdivision of land as provided for in this Article.

6.6.1.2 All newly created lots shall meet or exceed the zoning district dimensional standards of § 4.7 and shall be designed for their potential uses, so that adequate buildable area is provided and adequate room for required setbacks (see § 4.7) and buffer yards (see Article 7) will exist on the lot.

FIGURE 6.6-1. Example of Lot Types



6.6.2 CORNER LOTS.

6.6.2.1 Side lot lines of lots abutting a public or private right-of-way shall, to the extent practicable:

- run at right angles to the right-of-way line, or
- in the case of cul-de-sacs or curvilinear street rights-of-way, radial to the curve.

6.6.3 LOT FRONTAGE REQUIREMENTS.

6.6.3.1 Unless otherwise permitted herein, every lot resulting from a subdivision of land as provided for in Article 6 of this Ordinance shall abut and have direct access to a publicly maintained street or other public right-of-way legally dedicated, except as provided in this section.

6.6.3.2 For proposed subdivisions with frontage on an Arterial or Collector Street, the maximum number of lots to be created shall be limited to six (6) lots. Any proposed subdivision proposing more than five six lots shall require the additional lots to be served by a newly constructed internal public street.

6.6.3.3 Frontage on a public street shall not be required in the following situations; provided, however, that an easement providing access to the public street shall be recorded and submitted with the application for development approval:

- A single lot for the purpose of development of a single-family dwelling pursuant to Section 6.2.1.1 of this Ordinance (option available only within zoning jurisdiction of the City of Sanford)
- Minor subdivisions in which a private access easement is permitted pursuant to Section 6.2.1.2 of this Ordinance (option available only within zoning jurisdiction of the Town of Broadway and Lee County).
- Outparcel lots within nonresidential subdivisions;
- Townhouse or Rowhouse lots where the individual lots are separated from a public right-of-way by a strip of land under common ownership by the owners of the lots;
- Lots fronting on approved private shared driveways/roadway as part of an approved conditional zoning (planned development).

6.6.3.4 Lots may be granted access from arterial or collector streets upon issuance of a driveway permit by NCDOT or the appropriate municipal jurisdiction.

6.6.3.4 Double frontage shall not be approved, except where required in unusual circumstances and specifically approved by the Zoning Administrator.

6.6.3.5 Flag lots shall not be permitted, except when sufficient lot width is provided, in accordance with Table 4.7-1 of this Ordinance.

6.6.4 CUL-DE-SAC LOTS.

6.6.4.1 A lot located on a cul-de-sac shall provide:

- A minimum lot frontage of at least 35 feet;
- A minimum lot width of 60 feet at the Building Line; and
- A lot area equal to or greater than the minimum lot area.

6.6.5 PUBLIC UTILITY LOTS EXEMPT.

6.6.5.1 Lots to be created for the express purposes of public utilities, using land or an unoccupied building of generally less than 2,500 square feet of site area, are

exempt from minimum lot standards of this Ordinance. Exempted utility lots which exceed 2,500 square feet may be permitted subject to review and approval by the Administrator.

6.6.6 LOT DESIGN AND ENVIRONMENTALLY SENSITIVE AREAS

6.6.6.1 Lot boundaries shall be made to coincide with natural and pre-existing topography to the extent practicable to avoid the creation of lots that can be built upon only by altering drainage ways. Lot boundary lines shall conform to the following requirements:

- a) Lot boundary lines of a major subdivision shall not extend into areas equal to or below the Base Flood Elevation (BFE)
- b) Lot boundary lines of a major subdivision shall not extend into areas designated as a stream buffer zone required by the U.S. Army Corps of Engineers or the State of North Carolina
- c) Lot boundary lines of a major subdivision shall not extend into areas designated as wetlands.

FIGURE 6.6-2 *Prohibited* Lot Layout Within Environmentally Sensitive Areas



FIGURE 6.6-3. *Preferred* Lot Layout, Avoiding Environmentally Sensitive Areas:



6.6.6.2 Single-family lots that abut environmentally sensitive areas (wetlands, floodplains, etc.) may have minimum lot sizes reduced as practicably needed, at the discretion of the Zoning Administrator.

6.7 LOT BOUNDARIES

6.7.1 Lot boundaries must be contiguous with street right-of-way boundaries and shall not extend to the center of public streets or encroach into street right-of-way. Land to be subdivided which has existing property lines extending into street rights-of-way or into streets shall dedicate a street right-of-way as required by the appropriate zoning jurisdiction's *Technical Standards & Specifications Manual* for that section of the street located on or adjacent to the property being subdivided.

6.8 STREET DESIGN STANDARDS

6.8.1 STREET DESIGN

The design of all public streets and roads within the municipal zoning jurisdiction shall conform to standards set forth in the municipal zoning jurisdiction's or NCDOT's *Technical Standards & Specifications Manual*. Where permitted, private streets must be constructed to municipal zoning jurisdictions' design standards, and inspected by the Public Works Department. Private streets shall be maintained by the developer or responsible organization.

6.8.1.1.1 Secondary access shall be provided for major residential subdivisions of 30 or more lots. Secondary access must be a paved internal public street that connects to an existing public street to provide adequate traffic circulation.

6.8.1.1.2 All exterior points of access streets shall be designed so as to avoid hazard areas such as floodways.

6.8.1.2 SIGHT DISTANCE TRIANGLES.

Sight Distance Triangles shall comply with the North Carolina Department of Transportation, Subdivision Roads - Minimum Construction Standards (July 1, 1985) or the most recently officially adopted version, G.2 and Figures 3 and 4 in the unincorporated area of the County, and with the *Technical Standards & Specifications Manual* in the incorporated areas of Lee County.

6.8.1.3 CUL-DE-SAC STREETS.

6.8.1.3.1 Cul-de-sacs or other dead-end streets designed to be permanently closed are strongly discouraged and can only be used when it is not feasible to connect to an existing or future street.

6.8.1.3.2 Cul-de-sacs shall be subject to the same design guidelines as local roads, above, except as modified herein.

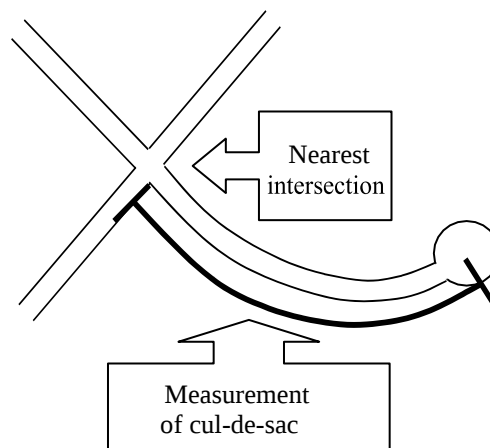
6.8.1.3.3 The radius for the circular terminus, or turnaround, shall be not less than 45 feet, as measured from the edge of pavement. If the radius exceeds fifty (50) feet, an island may be planted in the center of the turnaround. The island shall have a minimum radius of 10 feet.

6.8.1.3.4 The length of a cul-de-sac street shall be measured from the center of the cul-de-sac terminus to the first point of an intersection. In no event shall the cul-de-sac exceed the lengths set forth in Table 6.8-1 below.

TABLE 6.8-1 Maximum Length for Cul-de-sac Streets

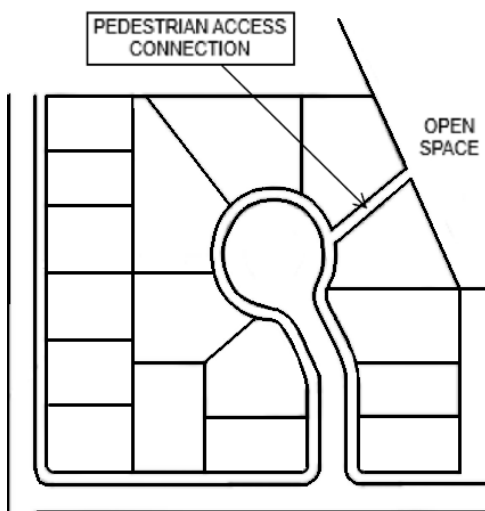
ZONING DISTRICT	MAXIMUM LENGTH (IN FEET)
RA and RR	1,000
All Other Zoning Districts	400

FIGURE 6.8-1 Example of how a cul-de-sac street is measured.



6.8.1.3.5 The Zoning Administrator may approve modifications to cul-de-sac requirements on a case-by-case basis, with the justification stated in writing on the final plat.

FIGURE 6.8-2 Example of pedestrian access connection to cul-de-sac streets.



6.8.1.3.6 Cul-de-sacs shall, when practicable, have a minimum twenty (20) foot wide common open space for pedestrian access connecting to the nearest public space, street right-of-way, or common open space, and have improved pedestrian connections, where practicable to provide pedestrian access connectivity.

6.8.1.4 CONTINUATION OF STREETS.

The proposed street layout shall be coordinated with the street system of the surrounding area. Where possible, existing principal streets shall be extended.

6.8.1.4.1 STUB STREETS

Where the property to be subdivided abuts another property that, in the opinion of the Zoning Administrator, could be subdivided in the future, the proposed street layout shall include a public street and right-of-way, meeting the jurisdiction's standards for width and grade, which connects the streets in the subdivision to the abutting property. This street shall be paved to the property line of the abutting parcel and public right-of-way shall be preserved for the construction of a future street providing access to the abutting parcel. The subdivider(s) shall be responsible for placing a permanent sign(s) within the right-of-way of the stub street stating that it is the location of a future street. Such sign(s) shall be approved by the Zoning Administrator before being placed in said right-of-way.

6.8.1.5 NAMING OF STREETS

All streets shall be named, and signs conforming to applicable municipal standards shall be posted at intersections showing the name of every street. New streets which are obviously in alignment with others already existing and named shall bear the names of the existing streets where practical. Street names must conform to the standards of the Lee County Department of Strategic Services. Prospective street names shall be submitted to the Department of Community Development for review and approval prior to final plat approval.

6.8.1.6 CURB AND GUTTER

6.8.1.6.1 All new single-family residential subdivisions shall be required to provide curb and gutter, with the exception of subdivisions within RA and RR zoning districts, and unincorporated areas of Lee County.

6.8.1.6.2 Specific design standards for the curb and gutter shall be obtained from the respective jurisdiction's engineering department or other authorized agency's *Technical Standards & Specifications Manual*.

6.8.2 BLOCK DESIGN.

6.8.2.1 The purpose of this section is to encourage appropriately sized street blocks that encourage street connectivity and efficiency of public and safety services.

TABLE 6.8-2 Block Length Standards

Zoning District	Minimum Block Length	Maximum Block Length
RA and RR	250 linear feet	1,500 linear feet
RN-20	250 linear feet	1,200 linear feet
SN-12, SN-9, UN-6	250 linear feet	900 near feet

6.8.2.2 Residential major subdivisions within RN-20, SN-12, SN-9, and UN-6 zoning districts shall include a paved pedestrian walkway of either concrete or asphalt perpendicular to the street when block lengths exceed 600 linear feet. This walkway shall provide pedestrian access links to parallel streets on

either side of the block. A pedestrian crosswalk of at least eight (8) feet in width at mid-block alignment with the aforementioned pedestrian walkway shall also be provided.

FIGURE 6.8-3 Example of Pedestrian Walkway



6.8.3 SIDEWALKS

6.8.3.1 Sidewalks shall be provided along existing street frontage of all major subdivisions of land, except in unincorporated areas of Lee County

6.8.3.2 Sidewalks shall be provided along all proposed internal public streets, except in unincorporated areas of Lee County, as demonstrated in Table 6.8-3 below. Sidewalks shall not be required for residential developments within RA and RR zoning districts.

6.8.3.3 Sidewalks may be located within the street right-of-way, on private or public property, or in common areas. All sidewalks not located within the public right-of-way shall have a public access easement adjacent to public right-of-way permitting public use of the sidewalk.

TABLE 6.8-3 Sidewalk and Planting Strip Standards

Zoning District	Sidewalk Requirement	Planting Strip Requirement
RA and RR	--	--
RN-20	5-foot sidewalk on one (1) side of all public streets	Minimum 7-foot planting strip with sidewalk
SN-12, SN-9, UN-6	5-foot sidewalk on both sides of all public streets	Minimum 7-foot planting strip with sidewalks.

6.8.3.4 Specific design standards for sidewalks shall be obtained from the respective jurisdiction's engineering department or other authorized agency's *Technical Standards & Specifications Manual*.

6.8.4 STREET TREES

Street trees are required in the planting strip within the public right-of-way along all street frontages for new single-family residential major subdivisions, except in RA and RR zoning districts.

6.8.4.1 Street trees are required at the following rate:

- A) One (1) large tree shall be required for every eighty (80) linear feet of public street. If overhead utilities are present, planting one (1) small maturing tree for every forty (40) linear feet of public street shall be permitted. Tree species must conform to the size standards found in UDO § 7.8.1. A variety of tree species are encouraged, but a single species of street tree should be used on each block.
- B) Street trees shall be a minimum of fifteen (15) feet apart and a maximum of ninety (90) feet apart. Street trees may be evenly spaced or spaced to accommodate existing site features.
- C) Street trees must be planted within the 7-foot planting strip required along all proposed public streets.
- D) Street trees should avoid encroaching in sight distance triangles at intersections.

Street tree species must be selected from the following list:

- Bosque Elm (*Ulmus Parvifolia*)
- Japanese Zelkova (*Zelkova Serrata*)
- Lacebark Elm (*Ulmus Parvifolia*)
- Little-leaf linden (*Tilia cordata*)
- Red Maple (*Acer rubrum*)
- Maidenhair Tree (*Ginkgo Billoba*)
- Tupelo (*Nyssa Sylvatica*)
- Pin Oak (*Quercus Nutallii*)
- Honey Locust

- American Sweetgum (fruitless) (*Liquidambar Styraciflua*)
- London Planetree (*Platanus x Acerifolia*)
- American Elm (*Ulmus Americana*)

6.8.5 SCHOOL BUS STOPS & MAIL KIOSKS

6.8.5.1 A functional school bus stop area should be provided within all residential major subdivisions. Locations may be incorporated within Open Space areas. Final approval of bus stop locations is subject to review by the Lee County Schools Transportation Director.

6.8.5.2 Functional mail kiosk areas should be provided within all residential major subdivisions. Mail kiosk areas should be dispersed throughout the residential major subdivision to encourage practical delivery and residential collection of mail. Final approval of mail kiosk locations is subject to review by the U.S. Postal Service or local USPS Postmaster.

6.8.6.2 Open Space areas utilized for school bus stops or mail kiosks may be counted towards the open space minimums. Areas proposed to be utilized as school bus stops and mail kiosks may be exempt from the minimum Open Space area requirement of 500 square feet.

6.8.6 BUFFER YARD REQUIRED ALONG SPECIFIC THOROUGHFARES.

6.8.6.1 A Class “D” buffer yard per § 7.5 of this Ordinance shall be required along the perimeter of a residential subdivision where abutting the following thoroughfares:

- U.S. 1
- U.S. 15-501
- U.S. 421
- N.C. 42
- N.C. 78
- N.C. 87
- All other U.S. or N.C. numbered highways

6.8.6.2 Public streets and/or pedestrian accessways shall be allowed to cross the buffer yard. All required buffer yards shall be platted as common areas and may be included as “open space” subject to the standards and criteria as set forth in § 6.5 of this Ordinance.

ARTICLE 9.2

STORMWATER MANAGEMENT

SECTION 1: GENERAL PROVISIONS

9.2.1 Title

This Article shall be officially known as “The Sanford Stormwater Management Ordinance”, but it may also be referred to as “The Stormwater Ordinance.” It may be furthermore referred to herein as “this Article.”

9.2.2 Purpose and Authority

The purpose of this Article is to protect, maintain and enhance the public health, safety, environment and general welfare by incorporating the applicable requirements of the State of North Carolina and United States Army Corps of Engineers rules establishing minimum requirements and procedures to control the adverse effects of issues related to increased *stormwater runoff* and nonpoint and point source pollution, *buffer* protection, and illicit discharges into municipal stormwater systems. It has been determined that proper management of construction-related and post-*Development stormwater runoff*, illicit discharges, and *buffer* protection will minimize damage to public and private property and infrastructure; safeguard the public health, safety, and general welfare; and protect water and aquatic resources. This Article applies to all properties within the City of Sanford and the Town of Broadway including their extraterritorial jurisdictions, regardless of whether the property is currently being “developed” or not.

The governing body of the City of Sanford and Town of Broadway are authorized to adopt this Article pursuant to North Carolina law, including but not limited to Article 14, Section 5 of the Constitution of North Carolina; North Carolina General Statutes §143-214.7 and rules promulgated by the Environmental Management Commission thereunder; Session Law 2004-163; Chapter §160A, §§ 174, 185; as well as Chapter §113A, Article 4 (Sedimentation Pollution Control); Article 21, Part 6 (Floodway Regulation); Chapter §160D (Local Planning and Development Regulation).

9.2.3 Findings

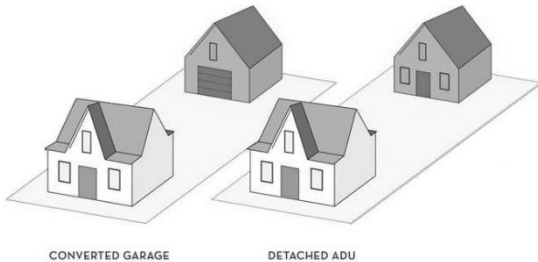
It is hereby determined that:

- 9.2.3.1 *Development* and *Re-Development* alter the hydrologic response of local *watersheds* and increase *stormwater runoff* rates and volumes, flooding, soil erosion, *stream* channel erosion, nonpoint and point source pollution, and sediment transport and deposition, as well as reducing groundwater recharge;

- 9.2.3.2 These changes in *stormwater runoff* contribute to increased quantities of water-borne pollutants and alterations in hydrology that are harmful to public health and safety as well as to the natural environment; and
- 9.2.3.3 These effects can be managed and minimized by applying proper design and well-planned controls to manage *stormwater runoff* from *Development* sites.
- 9.2.3.4 Therefore, the governing bodies of the City of Sanford and the Town of Broadway adopt the aforementioned water quality and quantity regulations to meet the requirements of state and federal law regarding control of *stormwater runoff* and discharge.

10.4 ACCESSORY DWELLINGS (ADUs)

Accessory dwellings shall only be permitted as set forth in Table 4.6-1 Permitted Use Matrix of this Ordinance.



10.4.1 STANDARDS FOR ACCESSORY DWELLINGS

- Only one (1) ADU shall be permitted per lot containing a single-family dwelling unit (the principal dwelling) in either a new or existing conforming accessory structure.
- The accessory structure housing the ADU must be located to the side or rear of the principal dwelling. On corner lots, the accessory structure housing the ADU must be behind the principal dwelling. The ADU can be oriented toward the front street (same orientation as principal dwelling) or toward the side street (90 degrees from orientation of principal dwelling). An ADU shall meet all setback requirements as established for principal uses within the zoning district within which it is located.
- (1.) The ADU shall not be considered a separate unit for the purpose of determining density.
- (2.) The maximum gross floor area for the ADU shall be 2000 sq. ft. or 50% of the gross floor area of the principal structure, whichever is less. The minimum gross floor area for the UDO shall be 400 sq. ft. and must meet the minimum requirements of the *North Carolina State Residential Building Code*.
- (3.) The ADU must be located in a separate structure, which could include a detached garage.
- (4.) Vehicular access to the ADU shall be via the same drive that provides access to the principal structure unless the ADU is located on a corner or through lot. If located on a corner or through lot, a secondary drive may provide access to the ADU, but the secondary drive shall not be on the same street as the drive providing access to the principal dwelling.
- (5.) One (1) parking space may be provided for the ADU. The parking space shall be located in the same area as the parking provided for the

principal dwelling unit unless the lot is a corner or through lot and a separate drive provides access to the ADU. Such parking areas shall not include grassed or turf areas

- (6.) The design and construction of the accessory structure housing the ADU shall be compatible with the design and construction of the principal dwelling unit. To ensure compatibility, the following standards shall be met:
 - (a.) The design of the accessory structure housing the ADU shall be of the same architectural style as that of the principal dwelling unit.
 - (b.) The roof style and pitch of the accessory structure housing the ADU shall be the same as that of the principal dwelling unit.
 - (c.) The exterior building materials used for the accessory structure housing the ADU shall be the same as those used for the principal dwelling unit. When the principal dwelling unit is predominantly brick or stone, the use of smooth wood or fibrous cement siding for the accessory structure housing the ADU is appropriate to reinforce the ancillary and secondary nature of the ADU.
 - (d.) Windows and doors used for the accessory structure housing the ADU shall be the same style and design as those used for the principal dwelling unit. Window and door placement (fenestration) on the accessory structure housing the ADU shall mimic that of the principal dwelling unit.
 - (e.) Exterior paint colors for the accessory structure housing the ADU shall be the same as (or complementary to) those for the principal dwelling unit.
- (7.) The use of manufactured (mobile) homes, travel trailers, campers, or similar units as an ADU is prohibited. In the RA zoning district, manufactured (mobile) homes would be allowed as ADUs; maximum gross floor area standards would not be applicable.
- (8.) The ADU shall not be deeded and/or conveyed to separate and/or distinct ownership separately from the principal dwelling unit.
- (9.) Home occupations may be located within the ADU.

CITY OF SANFORD PUBLIC NOTICE

Notice is hereby given that the City of Sanford City Council and Planning Board will hold a joint public hearing on Tuesday, August 16, 2022, at the City of Sanford City Council Chambers at 225 E. Weatherspoon St. The Boards will consider text amendments for residential development to the jointly adopted City of Sanford/Lee County/ Town of Broadway Unified Development Ordinance (UDO). The hearing will begin at 6:00 p.m. or as soon thereafter as deemed practical by the City Council. The proposed UDO text amendment is described below:

Consideration of text amendments to the jointly adopted UDO, with an update to Article 4: Sections 1-8 (Zoning District Regulations), Article 6 (Subdivisions), Article 9.2 (Storm Water Management), and Article 10.4 (Accessory Dwellings) and remove the language in Article 4: Sections 9 (Planned Unit Development), 10 (Traditional Neighborhood Development), and 15 (Residential Design Standards Overlay District). The recommended amendments to the UDO are available for viewing/downloading at <https://www.sanfordnc.net/770/Proposed-UDO-Amendments>. If approved, the recommended date for the amendments to take effect would be Jan. 1, 2023.

Should you have any questions, please contact the Sanford/Lee County Zoning & Design Review Department via email at david.montgomery@sanfordnc.net, phone at (919) 718-4657, Ext. 5392 or during normal business hours at 115 Chatham Street, Suite 1, Sanford, NC 27330. Upon request and with 24-hour notice, the City will provide an interpreter for the hearing impaired or any other type of auxiliary aid.

Cualquier ciudadano que tenga preguntas o comentarios de las cosas al referido, puede comunicarse a el departamento de desarrollo para Sanford/Condado de Lee, llame al (919) 718-4656.

City of Sanford

City Council Actions on Items Requiring a Planning Board Recommendation

1. ZONING MAP AMENDMENT APPLICATION, PB ITEM 2022-0701

Application by Trinity Capital Advisors, LLC to rezone 13 tracts of land comprising 611.90 +/- acres total with frontage on Rod Sullivan Road (SR 1483) and Jefferson Davis Hwy / US Hwy 1 from Residential Agricultural (RA) to Light Industrial (LI). The subject property is owned by Stephens Enterprises, LLC and are identified as Lee County Tax Parcels 9667-72-1752-00 (portion west of US Hwy 1), 9667-50-6965-00, 9666-78-7977-00, 9666-69-3230-00, 9666-58-4589-00, 9666-57-0619-00, 9666-47-9499-00, 9666-47-9279-00, 9666-47-9077-00, 9666-57-5048-00, 9666-65-7121-00, 9666-54-6675-00, and 9666-53-8950-00 as depicted on Tax Maps 9667.04, 9666.02, 9666.01, and 9666.03.

This public hearing was tabled at the June 21st meeting and may be un-tabled/continued at the July 19th meeting. Adjoining property owners and interested parties should attend this meeting.

2022-07-19: SCC annexed the subject property into the corporate city limits.

2022-07-19: SPB meeting was closed at 11:15pm prior to a recommendation being made on this item and will continue the meeting on 2022-07-26 at 6:00pm in the same location.

2022-07-26: SPB reconvened at 6:00pm in the same location and voted to approve this request by a unanimous vote.

2022-08-02: SCC voted to approve by a unanimous vote.

2. ZONING MAP AMENDMENT APPLICATION, PB ITEM 2022-0702

Application by Criteria Development to rezone four tracts of land totaling approximately 110.14 acres with frontage on Colon Road (SR 1415) and US Hwy 1/Jefferson Davis Hwy to the Gum Fork Conditional Zoning District to allow the development of a mixed-use project with commercial, multi-family, and single-family residential land uses. Two of the tracts of land, identified as Lee County Tax Parcels 9656-61-6791-00 and 9656-50-9252-00, are zoned Central Carolina Enterprise Park (CCEP) – Triassic Conditional Zoning District. The other two tracts of land, identified as Lee County Tax Parcels 9655-59-2618-00 and 9655-58-7870-00 (3930/3940/3942 Colon Road), are zoned Residential Agricultural (RA). The subject property is owned by D.R. Horton, Inc. and is depicted on Tax Maps 9656.04 and 9655.02.

2022-07-19: The SPB recommended that the existing RA zoning be (re)assigned to this site so that a design that complies with the long-range plan may be created and submitted as part of a future site plan/subdivision plan rezoning application.

2022-07-19: The SCC received the recommendation of the SPB so that they may comply with state law regarding assigning a zoning district within 60 days of property being annexed into the corporate city limits and voted to keep the existing RA zoning be (re)assigned to this site - so that a design that complies with the long-range plan may be created and submitted as part of a future site plan/subdivision plan rezoning application.

3. ZONING MAP AMENDMENT APPLICATION, PB ITEM 2022-0703

Application by Pinnacle Partners, LLC to amend the Brookshire Conditional Zoning District, which was

approved in November of 2021 to allow the development of a residential subdivision with a multi-family area and a commercial area as illustrated on the Brookshire Subdivision Conceptual Development Plan with conditions. This is a site plan/subdivision plan specific conditional district; therefore, more detailed information regarding the project design was required prior to moving forward with the development of the site, which the applicant has submitted for consideration at this time. The subject property is

comprised of three adjoining tracts of land totaling 168 ± acres with frontage on Valley Road (SR 1325), Forestwood Park Road (SR 1384), and Boone Trail Road/US 421 Hwy and is identified as Lee County Tax Parcels 9624-96-0209-00, 9634-04-4681-00, 9634-14-7642-00, as depicted on Lee County Tax Maps 9642.02, 9642.04, 9634.01 and 9634.03
2022-07-19: The SPB meeting was closed at 11:15pm prior to a recommendation being made on this item and will continue the meeting on 2022-07-26 at 6:00pm in the same location.

2022-08-02: SCC voted to approve with the conditions included in the Planning Board recommendation by a unanimous vote.

2022-07-26: SPB reconvened at 6:00pm in the same location and voted to approve this request by a unanimous vote with the condition that the zoning must be amended again in the future to provide conceptual architectural elevations of the houses for review/approval by the Planning Board and City Council since this information is typically provided as part of the rezoning process, but was not included with this amendment.

2022-08-02: SCC voted to approve with the existing & proposed conditions as noted in the Planning Board recommendation by a 5 to 1 vote. The one dissenting vote was by Chas Post.

4. ZONING MAP AMENDMENT APPLICATION, PB ITEM 2022-0705

Application by Mark Lyczkowski to rezone two adjoining tracts of land comprising 7.11 +/- acres with frontage on Burns Drive and Friars Drive, adjoining the entrance to Nottingham Subdivision, from Office & Institutional (O&I) to the Burns Towns Conditional Zoning District to allow the development of a 45 unit townhome community as illustrated on the “Burns Drive Towns Conceptual Development Plan” submitted as part of the application. The subject property is owned by ACA/PJA, LLC and is identified as Lee County Tax Parcels 9643-57-1338-00 and 9643-57-6362-00 as depicted on Tax Maps 9643.02 and 9643.01.

2022-07-19: The SPB meeting was closed at 11:15pm prior to a recommendation being made on this item and will continue the meeting on 2022-07-26 at 6:00pm in the same location.

2022-07-26: SPB reconvened at 6:00pm in the same location and voted to approve this request by a unanimous vote with the conditions submitted as part of the application and with the following additional conditions:

- 1.) A 6ft tall white vinyl privacy fence will be installed along the property line shared with Manna Church/Brickcity Community Church at 1408 Burns Drive.

- 2.) A 20ft wide buffer of existing trees along Burns Drive is intended to remain undisturbed; however, in the event that there is a need to remove any of the existing trees due to the proposed site grading, new trees at least 3ft tall will be planted within this area.
- 3.) Evergreen trees will be planted along the shared property line with 204, 212, 214, 216, and 220 Loxley Lane (Lots 1-5, Phase 1 of Nottingham Subdivision).
- 4.) Green Giant Arborvitae trees will be planted along the property line shared with 725 Lakeside Drive (Lot 154, Phase 1 of Nottingham Subdivision).
- 5.) Every other townhome unit will be a different style (multiple units per building) and will contain a mix of building materials on the front façade to create architectural interest that is similar in style to the conceptual elevations submitted with the application, labeled H&H Homes.

2022-08-02: SCC voted to approve with the conditions included in the Planning Board recommendation by a unanimous vote.

5. MAJOR SUBDIVISION PREL. PLAT, CASE 2022-0707 (*No public hearing required*)
 Consideration of a preliminary subdivision plat for Marelli Subdivision, a 98.45 acre residential subdivision with frontage on Broadway Road and Kelly Drive that is proposed for development with 353 total lots that are a mix of single-family homes and townhomes to be served by City of Sanford maintained public water, sewer, and streets.
 2022-07-19: The SPB meeting was closed at 11:15pm prior to a recommendation being made on this item and will continue the meeting on 2022-07-26 at 6:00pm in the same location.
 2022-07-26: SPB reconvened at 6:00pm in the same location and voted to approve this preliminary plat by a unanimous vote
2022-08-02: SCC voted to approve with preliminary plat by a unanimous vote.

MEMORANDUM

TO: Sanford Parks Commission

DATE: 21 July 2022

FROM: Bob Bridwell

SUBJECT: **REVIEW OF PROPOSED UNIFIED DEVELOPMENT ORDINANCE OPEN SPACE PROVISIONS**

Wednesday, July 18 I met with David Montgomery, Senior Planner and Thomas Mierisch, Planner to review open space provision (section 6.5). A summary of the standards therein are as follows.

Sanford Unified Development Ordinance Provisions – Summary of Open Space Standards

- Open space requirements are triggered by the creation of 30 or more new or cumulative lots/dwelling units (previously the 100th lot/dwelling unit was the trigger for *any* open space)
- Open Space is further delineated into “active” and “passive” open space, with active open space defined as *“planned and improved, accessible and usable by persons living nearby. Improved shall mean cleared of underbrush and debris, and enhanced with functional elements for residents’ recreation.”*
- All areas designated as “active open space” must contain at least one amenity from a provided list
 - The list is as follows:
 - Recreational structure (gazebo, pergola, sheltered picnic table, etc.)
 - Community garden
 - Statue / fountain
 - Improved walking surface
 - Demarked and fenced-in athletic field
 - Dog park
 - Tot lot
 - Splash pad
 - Swimming pool
 - Exercise or playground equipment
 - Other amenities or features approved by the Zoning Administrator
- Open Space requirements increase proportionately with increasing density, based upon zoning designation for new developments.
- Open Space areas must be located within 1,500 feet (a short walk) of the bulk of proposed homes
- No more than 50% of all designated Open Space can be open water, steep slopes, flood hazard areas, utility easements, or land that is otherwise difficult to develop or utilize for recreation
 - Previously, the areas of land that could be set aside as Open Space was unspecified (with developers setting aside land with steep topography, floodplains, etc.).

- Types of Open Space (plazas, forecourts, squares, etc.) are delineated and defined in the new Subdivision Regulations as examples and inspiration for developers to incorporate into their design.
- A perimeter greenbelt of at least 20ft in width around the perimeter of a development site is required for all new proposed residential subdivisions
 - The 20ft buffer is to be undisturbed and allowed to grow organically, if no substantial vegetation is present at the time of development—developers are not required to install plantings in the buffer, but can if they would like.

It is important to note that the document we discussed at our Parks Commission meeting is the current UDO open space provision. The proposed UDO is a substantial improvement on the existing requirements for open space. This is significant in three important areas.

1. The **clause exempting residential projects within ½ miles of a public park has been removed.**
2. Open space areas within any given project must be **substantive**. No more than 50 percent of designated open space can be marginal land (wetlands, flood plain, severe terrain); and must be accessible to all buildable lots (street, sidewalk, walking path) **within 1,500 feet**. The open space must include improvements and not just a patch of grass or dirt.
3. Open space is a significant design consideration of proposed project and review accordingly. Design standards are enumerated in open space provisions. Please note that there is also a greenbelt provision. Typically, it is the responsibility of the planner to work with the project designer and developer to generate to insure neighborhood and community integrity.

Planning staff advised that the first draft of the ordinance was developed by a consultant and contained highly complex requirements that were technically challenging and difficult to interpret. The staff went to considerable effort to rework the provisions in clear, understandable language that retained design quality and neighborhood integrity.

I am comfortable in recommending that Parks Commission render its **support** of the proposed Unified Development Ordinance, particularly the Open Space provisions of section 6.5. The deadline for public comment is 28 July. Please advise if you have any questions, or need further information/clarification.

BB

**Public Meeting and On-Line Public Comments
on Proposed UDO Residential Amendments and Staff Responses**

Public Meeting

- Held 2 public drop-in meetings on Th. July 21st and 28th.
- 9 people attended, 1 land developer, 1 real estate agent, a director of affordable housing, 2 project engineers, 1 representative from SAGA, and 3 citizens

Public Comments Received via drop-in sessions and on-line portal

Comment: Save the trees...I appreciate the 20' buffer...we need more though...stop clearcutting please.

Response: As you noted, the new draft language is proposing a green belt of 20 feet in width along the entire perimeter of the exterior property line of the development site on subdivisions 10 acres or greater in order to preserve existing tree stands, shrubbery, and other vegetation. There may be instances where that width is wider if the developer chooses to use it as part of the open space requirement because that portion of the project is undevelopable.

Comment: For Zoning Classifications C-2, CBD, HC, LI and HI, why is there no maximum building height? Does this mean that a 20-story unit could be constructed?

Response: No, there are no restrictions on building height in the C-2, CBD, HC, LI and HI unless specifically assigned in design standards for a particular use. Phase II of the UDO Amendments will focus on multi-family and non-residential development standards and height may be addressed for some commercial/industrial uses during that phase. The Phase II process of developing standards will begin in January 2023.

Comment: In the Zoning Matrix, does this mean that no Manufactured Homes are permitted in the City of Sanford at all?

Response: The City would allow manufactured homes in an existing grandfathered manufacture home park or one that already had the manufactured home park overlay district approved prior to the adoption of the UDO in 2006.

Comment: I did not see anything that indicates that developers would be assessed an Impact Fee to cover the costs associated with overall impacts of growth on the City/County. Is this correct? If so, why not? I did see where they do need to cover the costs associated with the streets, etc. surrounding their new subdivision, but with the recent increases in water/sewer, etc. passed on to residents to cover "growth", I would like to see developers charged an Impact Fee instead of residents.

Response: The City of Sanford City Council recently adopted system development fees. System development fees are one-time charges assessed to new water and/or wastewater customers, or developers or builders, to recover a proportional share of capital costs incurred to provide service availability and capacity for new customers. The fee under this proposal is approximately \$3000 per water/sewer tap.

Comment: In the ADU guidance, does this mean that the City of Sanford is now allowing new detached units to be located in current residential neighborhoods, i.e., Granny Pods? I understand that there are square footage restrictions with this.

Response: Yes, the proposed amendments to the UDO would allow ADUs (granny flats, in-law units, backyard cottages, or secondary units) in all residential zoning districts within the City of Sanford. Only one (1) ADU shall be permitted per lot containing a single-family dwelling unit (the principal dwelling) in either a new or existing conforming accessory structure. The maximum gross floor area for the ADU shall be 2000 sq. ft. or 50% of the gross floor area of the principal structure, whichever is less. The minimum gross floor area for the UDO shall be 400 sq. ft. and must meet the minimum requirements of the North Carolina State Residential Building Code.

Comment: Please extend the Kiwanis and Endor bicycle trails and make bicycle route access for bicycles to these trails safer by creating safe bike routes on the roads leading to them. Many people who live in developments find it desirable to have bike paths and walking trails with easy and safe access. These simple features increase the value of homes, promote healthy activities and can reduce unhealthy emissions from vehicles by promoting bicycle and e-bike use.

Response: Plans are in place to extend the Kiwanis and Endor bicycle trails from the current southern terminus to the YMCA located along Carthage Street back towards Wicker Street and along Wicker Street from Carthage Street to US1. Some funding has been attained from various sources, but the timing of those funding sources is varied.

In regards to the proposed draft language, it requires that if a new development is located next to an existing park, open space, and greenway a discernable connection must be made between the proposed development and existing parks and open space. In addition, the City of Sanford Parks Commission plans to update its Master Parks Plan within the next two years which will identify locations for future parks, open space, and greenways. The proposed language in the UDO amendments requires that if a proposed development is adjacent to, abutting, or located within the boundary of a proposed park, designated future public open space, or planned greenway trail, land and/or public access easements must be dedicated to allow the continued expansion of aforementioned parks, open spaces, or greenway trails.

Comment: Regarding property currently designated Mixed Use Activity Center by the adopted Lee County and City of Sanford Land Use Plan - is this land use designation being replaced by a new designation and if so, what is the change regarding multi-family uses?

Response: A zoning classification that correlates to the Mixed-Use Activity Center Place Type by the adopted Lee County and City of Sanford Land Use Plan is not being addressed in this Phase I of the UDO Amendments. Phase I focuses primarily on single family development. Phase II of the UDO Amendments will focus on multi-family and non-residential development standards and therefore will address the vision for the Mixed-Use Activity Center Place Type in an appropriate zoning classification. The Phase II process of developing standards will begin in January 2023.

Comment: I am not an expert on the UDO so forgive me if my feedback is incorrect or improper in some way. Under Article 4.7 (Building Standards) - I would like to see something about minimum insulation requirements, I know that Energy Star standards have become overly onerous to imply on entire communities, but establishing some minimum wall/attic R ratings would benefit the future owners and the community overall by reducing energy demand... Finally for Article 10 (ADU) I would also like to see minimum insulation requirements be included, if possible.

Response: Wall/attic insulation requirements are covered in the NC Residential Building Code. All residential structures, including ADUs, must meet the energy requirements. Insulation requirements can be found in Chapter 11 of the NC Residential Code Table N1102.1.2 (402.1.2) Page 307.

For Article 6.3 (Major Subdivisions) I would like builders to provide more information on what the materials for exterior products would be used, including roof and siding.

Response: "In 2015 the NC State Legislature prohibited regulation of "building design elements" and is codified in G.S. 160D-702(b). The law provides a list of what cannot be regulated.

The prohibition covers: 1) Exterior building color, 2) Type or style of exterior cladding material, 3) Style or materials of roofs or porches, 4) Exterior nonstructural architectural ornamentation, 5) Location or architectural styling of windows and doors, including garage doors, 6) Location of rooms, and 7) Interior layout of rooms.

There are several items that are explicitly listed as not being "building design elements" and therefore can be regulated. These are 1) Height, bulk, orientation on the lot, location of structure on a lot, 2) Use of buffering or screening to

minimize visual impacts, to mitigate impacts of light or noise, or to protect the privacy of neighbors, 3) Regulations governing permitted uses of land or structures.”

“The prohibitions of “building design elements” apply to any regulation of buildings subject to the N.C. Residential Code for all single-family homes and duplexes in by right zoning districts.” Currently in the proposed draft language, all single-family homes and duplexes in the by right zoning classifications of Urban Neighborhood (UN-6), Suburban Neighborhood (SN-9), Suburban Neighborhood (SN-12), Rural Neighborhood (RN-20), Restricted Residential (RR), and Residential Agricultural (RA) could not be regulated.

“The law does create an exception to this prohibition of design regulations. Design standards may be applied if the developer/builder involved voluntarily consents to them. In this instance the standards can only be imposed if the landowner consents for property to be placed in a conditional zoning district and requires mutual consent for conditions imposed.” (David Owens, NC School of Government)

As part of the Village Neighborhood Conditional Zoning process, the draft language requires an applicant to submit colorized architectural elevations of a “sample block” of the proposed development. These renderings shall depict the applicant’s visualization of how a row of homes within the proposed development would appear at the human scale. Colorized renderings of the sample of homes within the proposed development shall be submitted for review by the appropriate jurisdiction’s Planning Board and Governing Board. While the language does not prescribe what materials, style, etc. are acceptable and not acceptable, the Planning Board and Governing Board will have the opportunity to view the vision of the development and verify with the applicant the mutual consent of the look and feel of the development prior to approval.

It should be noted that the prohibitions do not apply to multi-family housing or non-residential buildings.

Comment: While the new residential zoning districts in the draft UDO will allow for a greater diversity of housing in Sanford, many of the proposed site design requirements will increase development costs, make topographically challenging sites much more difficult to develop, and create barriers for working families to attain homeownership in the years ahead. My specific concerns include:

1. Requiring open Space to be located within 1,500 linear feet of at least ninety percent (90%) of all dwelling units will be extremely difficult to achieve on many sites with steep topography, waterbodies and wetlands. It will also lead to the preservation of less-meaningful open space with regard to habitat and tree canopy protection. The UDO should include performance-based open space standards that give site planners greater flexibility in neighborhood design.

Response: 1500 linear feet is more than a quarter of mile. Most if not all the developments that are currently being proposed meet this threshold as developers use unbuildable portions of the property such as steep topography, waterbodies and wetlands as open space. The problem with the current language is that we are not attaining meaningful active space, hence open water, wetlands, utility easements, land which exceeds eighteen (18%) percent slope and undisturbed floodplains that are designated as Open Space may account only for up to 50 percent of the total area requirement unless improved with usable amenities which then can count in the active open space percentage. Keep in mind also that school bus stops or mail kiosks may be counted towards the open space minimums and do not have to meet the 500 sq ft gross area requirement.

2. The prohibition of lot boundary lines into areas equal to or below the Base Flood Elevation (BFE), or a stream buffer zone will also create site design challenges and likely result in lower lot yields. There's no reason for unbuildable portions of a lot to be kept out of these areas, and stream buffers are often more effectively protected on private property than when included in common open space.

Response: It is just good planning practice to not allow lot boundary lines into areas equal to or below the Base Flood Elevation (BFE); we have already had instances of homes flooding and as more development occurs, flooding will become more of an issue. Staff has included language in the ordinance 6.6.6.2 Single-family lots that abut environmentally sensitive areas (wetlands, floodplains, etc.) that would allow the lot sizes to be reduced less than the required zoning classification within reason and at the discretion of the Zoning Administrator. Planning staff disagrees that stream buffers are often more effectively protected on private property than when included in common open space, in fact quite the opposite, including property owners building accessory structures in these areas.

3. The requirement that all subdivision streets include both a 5' sidewalk & 7' planting strip will massively reduce lot yield and make neighborhood streets feel like thoroughfares, with huge setbacks from the ROW. I know of no other municipality in NC (including the City of Charlotte) where a 7' planting strip is required on internal subdivision streets.

Response: Currently there is a 25-front foot setback in R-10 and a 30-foot setback in R-12 and R-14. The proposed new zoning districts will require a 20-front setback in SN-9 and SN-12. From a homeowner's point of view the distance between the house and the back of curb for the old zoning district R-10 and the proposed SN-9 would be negligible and in the case of the old zoning district R-12 and R-14 and the proposed SN-12 would actually be less. In addition, the developer is getting a larger lot yield because the new regulations require a 9000 sq as opposed to 10,000 sq., and 12,000 as opposed to 14,000 sq. feet. In addition, pedestrians using the sidewalk will be safer as they will be further from vehicular traffic and the viability of the tree will be improved due to the increased root zone.

4. In 6.8.5.1, how is a 'functional school bus stop' defined? Will these also be required in active adult or age-targeted subdivisions? Seems like a waste of cost and space as school populations are constantly shifting -- and who will be responsible for maintenance?

Response: We don't define it, but a bench would be expected; the school transportation representative is on our Technical Review Committee and will be able to identify location for the bus stop. For active adult or age-targeted subdivisions, a bench at a mail kiosk may suffice. School bus stops would be considered open space and be maintained by the HOA.

5. The language throughout Section 6 requiring inter-parcel connectivity and stub streets should include an option for developers to request exemptions where site conditions make such connections impractical."

Response: For cul-de-sacs, Section 6.8.1.2.5 states that The Zoning Administrator may approve modifications to cul-de-sac requirements on a case by-case basis, with the justification stated in writing on the final plat. 6.8.1.2.6 Cul-de-sacs shall, when practicable, have a minimum twenty (20) foot wide common open space for pedestrian access connecting to the nearest public space, street right-of-way, or common open space, and have improved pedestrian connections, where practicable to provide pedestrian access connectivity.

For stub streets, 6.8.1.4.1 STUB STREETS Where the property to be subdivided abuts another property that, in the opinion of the Zoning Administrator, could be subdivided in the future, the proposed street layout shall include a public street and right-of-way, meeting the jurisdiction's standards for width and grade, which connects the streets in the subdivision to the abutting property. This is basically the same process we currently use; planning staff understands that site conditions make some connections impractical and therefore stub streets are always a negotiated process.

Comment: Providing missing middle-income housing. Please also consider more fixed income housing for the community. There are senior citizens in our community who are being priced out of the housing (apartments) they have occupied for over ten years. Housing that is less expensive or based on income are full and have at least a 1 year waiting list. Citizens who were born here, raised here, worked here and contributed to their community deserve better than this.

Response: As noted above, the proposed language does allow for ADUs in all residential zoning districts within the City of Sanford. ADUs are middle-income housing product that is being reintroduced as a viable fixed income housing in. Townhomes, a more affordable attached single-family product, would be allowed by right in the UN-6 zoning district, and duplexes would be allowed in both UN-6 and SN-9 zoning districts. In addition, as more of these newer apartments and townhomes come on-line demand for that type of housing would be reduced and we believe that the rental rates of existing older apartments should trend back down.

Offer even greater tax incentives to renovate established housing in the downtown area.

Response: There are five National Register Districts in and around Downtown Sanford and Historic Jonesboro. Owners of property within those districts have and can take advantage of federal and state tax credits to offset the costs of rehabilitating historic properties through the NC State Historic Preservation Office. In addition, low-income housing tax credits are available through the NC Housing Finance Agency. We have had several developers take advantage of these tax incentives in their projects by providing affordable housing.

Comment: Daytime temperatures in cities can be much as 1 to 7 degrees Fahrenheit higher than in nearby rural areas and cool down slower in the evening hours. Perhaps start implementing a comprehensive heat response plan as part of your Environmental Stewardship program for our communities.

Response: It is our understanding that a heat response plan is a coordinated plan that describes and organizes activities to prevent heat-related morbidity and mortality. From the little information we were able to gather most heat response plans are conducted by Emergency Management or Public Health Departments as a stand-alone plan or an annex to an all-hazards plan depending on your jurisdiction. We will certainly pass along your recommendation to the appropriate department. That being said, we are proposing street trees in the planting strip within the public right-of-way along all street frontages for new single-family residential major subdivisions, except in RA and RR zoning districts. One (1) large tree shall be required for every eighty (80) linear feet of public street. The City of Sanford is designated a Tree City USA and recognizes that trees play a significant role in shading and cooling buildings by several degrees. Because the street trees will be within the ROW they will be maintained by the City and not subject to cutting at the discretion of the property owner if the initial planting requirement was on private property.

Comment: Stop clear cutting. It is already affecting our wildlife populations.

Response: As noted above, the new draft language is proposing a green belt of 20 feet in width along the entire perimeter of the exterior property line of the development site on subdivisions 10 acres or greater in order to preserve existing tree stands, shrubbery, and other vegetation.

Comment: Please consider a moratorium on any future housing developments until it can be determined if our community/infrastructure/water resources can handle/absorb the already proposed plans for housing growth.

Response: A moratorium requires a legislative action by a governing board. Those wishing to seek a moratorium on any future housing development should solicit that through the appropriate governing officials, including the City of Sanford, Town of Broadway, and Lee County.