



**TOWN OF HARRISBURG, NORTH CAROLINA
HARRISBURG TOWN HALL
PLANNING AND ZONING BOARD MEETING**

**December 17, 2024
6:00 PM**

AGENDA

1. CALL TO ORDER

A. PUBLIC ACCESS TO LIVE MEETING VIA YOUTUBE

Harrisburg Town Hall's Council Chambers will be open for the public to attend the meeting in person. The public has the option to watch the meeting virtually via the YouTube platform using the link below or attend in person.

All persons wishing to address the Board for public comment or speak to a specific agenda item must be present in person.

<https://www.youtube.com/@HarrisburgNC/streams>

B. AGENDA ADOPTION

C. SPECIAL PRESENTATIONS

1. Harrisburg Vision, Mission, Goals, and Values

D. PUBLIC COMMENT - Anyone wishing to address the Board may do so during the Public Comment section. Please state your name and address for the record, be courteous and do not repeat what has already been said. Please keep your comments about the subject and not personal in nature.

2. CONSENT AGENDA

A. Consideration of Approval of minutes from November 19, 2024 meeting

3. OLD BUSINESS

4. NEW BUSINESS

A. H-2024-02-TA Text Amendments of Various Chapters of the Unified Development Ordinance

5. STAFF UPDATES/INFORMATION

6. ADJOURNMENT

Vision Statement

Harrisburg will be a distinctive, family-focused community where memories are made.

Mission Statement

Together, we enhance our quality of life by collaborating, planning, and investing to create our community of choice.

Harrisburg will be a distinctive, family-focused **community** where memories are made.

STRATEGIC PLAN

Together, we enhance our quality of life by collaborating, planning, and investing to create our **community** of choice.

GOALS

The Town of Harrisburg maintains a strong financial position.

The Town of Harrisburg promotes and supports a dynamic and responsive local economy.

The Town of Harrisburg provides safe, well-maintained, and dependable public facilities, systems, and services.

*The Town of Harrisburg communicates its goals, successes, and challenges to the **community** and serves as an advocate for the **community**.*

The Town of Harrisburg will actively and responsibly plan for our future with compassion and respect for our heritage.

VALUES

Honesty & Trust Commitment Compassion **Community** & Relationships Collaboration Accountability



TOWN OF HARRISBURG

Agenda Item Details

Title:

Consideration of Approval of minutes from November 19, 2024 meeting

Presenting Personnel:

Carly Bedgood, Planning Support Specialist

Suggested Motion or Action:

Motion to approve minutes of November 19, 2024 as presented.

Description/Background:

Attached are the minutes from November 19, 2024 Planning Board Meeting.

Recommendation:

Approve as presented.

Fiscal Impact:

None.

Attachments:

1. PZ MINS NOV 19 24

**TOWN OF HARRISBURG, NORTH CAROLINA
PLANNING & ZONING BOARD MEETING
TUESDAY, NOVEMBER 19, 2024
6:00 PM**

MINUTES

PRESENT: Chairman, Monica Long, Vice-Chairman, Bill Leake, Suzi Schoonmaker, Jessica Fava, Jeremiah Norberg, Steven Larson, Faith Silva

ABSENT: Kez Hubler

STAFF: Zac Gordon, Planning Director, Shelley DeHart, Assistant Planning Director, Carly Bedgood, Planning Technician

1. CALL TO ORDER

A. AGENDA ADOPTION

Jessica Fava made a motion to adopt the agenda as presented. Suzi Schoonmaker seconded the motion. **The motion passed 6-0 (Board member Larson arrived after the vote was taken).**

B. SPECIAL PRESENTATIONS

Planning Director, Zac Gordon, introduced the two new Town employees recently joining the Planning and Zoning Department. Christine Hamlett is our new Senior Planner and Emmilyn Potts is our new Planner. Welcome to Harrisburg.

C. PUBLIC COMMENT

None.

2. CONSENT AGENDA

A. Consider adoption of minutes from September 17, 2024, Planning and Zoning Board meeting.

MOTION: Jessica Fava made a motion to approve the minutes, second by Faith Silva.
The motion passed 7-0.

3. OLD BUSINESS

4. NEW BUSIENSS

A. H-2024-01-S McKinley Subdivision Preliminary Plat

The applicant is requesting approval of the preliminary plat for the McKinley Subdivision, authorized with the approval of H-2023-03-R McKinley Map Amendment on August 12, 2024. This approval authorized the development of a 190-acre site to accommodate a 60-lot, single-family residential community with conditions of approval. The applicant must obtain approval of the preliminary plat before submitting construction plans. Assistant Planning Director, Shelley, gave an overview of the approved project. The preliminary plat application has been reviewed by the

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NOVEMBER 19, 2024**

Development Review Committee and found to be in-compliance with the Unified Development Ordinance (UDO) and the associated conditional zoning approval.

The applicant, Andrew Allison of Charlotte, spoke on behalf of the project and answered a few questions from the Board Members. Their main concern was about the blasting that could take place on site; he told the Board that their team is not anticipating blasting but did include a statement on the Preliminary Plat in case it is required.

MOTION:

Steven Larson made a motion to approve H-2024-01-S with a second from Suzi Schoonmaker. **The motion passed 7-0.**

B. H-2024-01-TA Text Amendments of Various Chapters of the Unified Development Ordinance

Mrs. DeHart shared that the Town staff maintains a log of proposed modifications to the Town's Unified Development Ordinance (UDO). These amendments vary from minor edits to a full rewrite of Chapters. A number of these amendments are developed as the result of added "conditions of approval" placed on conditional zonings applications, staff identified issues that affect implementation of the codes, or changing conditions in land use or technology. This request is the first of many that will be processed over the coming year as we undertake a comprehensive update of the UDO. The amendments that are focused on this meeting are:

1. Establishing regulations for Cluster Box Units
2. Modifying stormwater pond regulations to require amenities around facilities
3. Clarify the definition for Limited-Service Restaurants
4. Minor editorial corrections within the Chapters
5. Adding requirements to enhance the quality of life for residents

1. Establishing regulations for Cluster Box Units

Section 140.04.07 Accessory Use and Structure Standards: This amendment proposes to add performance standards for the installation of Cluster Box Units (CBUs), more commonly known as "cluster mailbox units" utilized for the delivery of mail by the US Postal Service. The UDO has a definition for CBUs, however, there are no performance standards related to placement or design. The amendment is proposed as follows:

12. ***Cluster Box Units (CBUs): All CBU's shall meet the standards set forth by the U.S. Postal Service and the Town.***

a. Location: All units shall be placed in a safe and accessible location within a development's common open space or amenity center (outside of a public right-of-way). When CBU locations are dispersed throughout a community the unit placement shall be positioned within a block walking distance of the users. If large clusters of units are proposed, they shall be located at the common amenity center, or other common open space area, with designated off-street parking.

b. Site Design: All units shall be in compliance with the U.S. Postal Service criteria and shall include the following:

- i. Each CBU shall be installed under a covered structure or within a building that is architecturally compatible with the development.*
 - ii. Adequate lighting shall be provided for public safety.*
 - iii. Designated parking spaces are required and shall be ADA accessible.*
 - iv. Additional requirements may apply pursuant to the Town's development standards and specifications.*
- c. Permitting: All CBU sites shall be reviewed and approved by the Town for compliance with Town standards.*

2. Modifying stormwater pond regulations to require amenities around facilities

Section 142.02.11 Open Space and Park Design and Dedication: The Town continues to identify projects and/or code changes that will encourage wellness, movement, and enhance the quality of life for its residents. One such focus area is parks, open space, and greenway opportunities within developments. The benefits of these uses include:

- Facilitating physical activity and improves social health and connections; and
- Improves water quality, preserves wildlife areas, and improves air quality supporting environmental protections; and
- Supports community in the form of providing neighborhood connections, reconnecting children with nature, and promoting regional thinking; and
- Supports property values, promotes tourism, and other areas of the economy.

This proposed amendment will activate areas of development that are typically underutilized to further the goals and benefits of an active lifestyle. Stormwater pond areas within developments fall into the underutilized category.

This amendment is proposing to require:

- All stormwater facilities shall be a wet pond design in compliance with the Town's stormwater development standards.
- Amenities within a stormwater pond area shall include:
 - Paved 10' multi-use path around the pond facility that can be easily accessed within the development by a connecting sidewalk.
 - Benches and lighting.
 - Tree plantings
 - Dog-Waste Station.
- Landscape buffer if area directly abuts residential lot.

Additionally, the following modifications are proposed:

- The landscape buffer, and amenity enhancements listed above, will also apply to trails not associated with a stormwater pond; and
- The developer will receive credit for the stormwater pond area as "active" open space, where this area was previously prohibited to receive such credit.

3. Definition of restaurant-limited service

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Section 148.02 Definitions: This amendment proposes to modify the existing definition for restaurant, specifically “limited service.” This amendment's intent is to clarify the existing definition to ensure future restaurant use includes dine-in service.

Restaurant means a use category containing uses serving food and beverages where all service takes place within an enclosed building or accessory outdoor eating or food dispensing areas.

Uses in this use category include Baked Goods or Snack Shop; Catering Establishment; Coffee Shop; Ice Cream Shop; Restaurant, Full Service (dine-in only); Restaurant, Limited Service (delivery, carryout, drive-thru); and other uses meeting the definition of Restaurant *and shall include some interior sit-down, dine-in service as determined by ~~according to~~ the Director.*

Once Mrs. DeHart presented the topics of various chapters, the Board had a lengthy discussion regarding each, asking multiple questions and having a good discussion. Modification requests from the Board are as written:

- CBU’S- section 140.04.07 add under section 12B to require adequate wiring within the structure to support future safety equipment.
- Section 142.02 – under 3-B remove the "a" in front of homeowners and on page 26 under item 3, modify the opening statement reducing the open space credit to 50% of the amenitized area.
- Under 4B we will add the 12ft wide requirement for the type A landscape buffer

MOTION:

Jessica Fava made a motion to approve H-2024-01-TA with the modifications as discussed tonight and recommend approval to the Town Council with a second from Bill Leake. The Board further found that the amendment is consistent with HALUP.

The motion passed unanimously, 7-0.

5. STAFF UPDATES/INFORMATION

Criteria Worksheet for Planning Board Use

Planning Director, Zac Gordon, gave a presentation on staff reports, common decision criteria and specific decision criteria. Planning staff reports are intended to offer the Planning and Zoning Board a comprehensive overview of a development proposal. The purpose of a staff report is to provide the PZ Board with information needed to assess a proposal and to fulfill its obligation to provide the Town Council with a recommendation. Beginning in 2025, Planning staff reports will be organized around the following (5) Focus Areas:

1. Zoning/Land Use (UDO, HALUP, long rang plans)
2. Site/Building design
3. Transportation
4. Environmental
5. Sustainability

6. ADJOURNMENT

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MOTION: There being no further business, Jessica Fava made a motion to adjourn, with a second from Bill Leake. **The motion passed 7-0.**

Adopted on the 17th of December 2024

Monica Long, Chairperson

Carly Bedgood, Secretary



TOWN OF HARRISBURG

Agenda Item Details

Title:

H-2024-02-TA Text Amendments of Various Chapters of the Unified Development Ordinance

Presenting Personnel:

Shelley DeHart, Assistant Planning Director

Suggested Motion or Action:

Motion to:

- Recommend approval of H-2024-02-TA to the Town Council; and
- Find the proposed text amendments are consistent with the applicable criteria of Section 144.01.02 of the UDO and consistent with the goals of the HALUP in the areas Land Use & Development Design.

Description/Background:

A request to amend various chapters of the UDO to:

- Modify development regulations under building design and lighting.
- Correct minor edits within these Chapters

Recommendation:

Approve as presented.

Fiscal Impact:

None

Attachments:

1. H-2024-02-TA Various Chapters
2. Attachment A - Landscape & Buffer
3. Attachment B_Lighting



Planning and Zoning Department

Staff Report – Planning and Zoning Board H-2024-02-TA: Various Chapters

DATE: December 17, 2024

SUBJECT: **H-2024-02-TA:** Various Chapters of the Unified Development Ordinance (UDO). Request to amend various Chapters of the UDO for the purpose of correction, clarification, or adding regulations.

Applicant: Staff Text Amendment

Staff Report Prepared by: [OBJ] Shelley DeHart, Assistant Planning Director

Neighborhood Meeting: [OBJ] N/A

APPLICATION SUMMARY:

- Staff is proposing the modification of various sections of the UDO. The intent behind this proposed action is to:
 - Codify requirements typically placed on conditional zoning projects, thus establishing them as standard regulations; and
 - Corrections and minor edits
- These amendments are focused on:
 - Corrections within the Development Landscaping Sections: minor edits to formatting and dimension notes in “Figures” to match table and text within code.
 - Clarification within the Lighting Fixture Standards: adding language that could require specific fixture style/and or light type based on development site.
 - Lighting Location and Design Standards: add maximum illumination specification at property line when site adjoins a residential property.
 - Clarifying regulations for Street Lighting: adding language to clarify that street lighting requirements apply to existing and proposed streets within, or adjacent to a development site.
- These proposed amendments are recommended by staff and found to be consistent with the criteria outlined in Section 145.01.07 of the UDO and the goals of the Harrisburg Area Land Use Plan (HALUP).

STAFF ANALYSIS

This is the second in a series of proposed text amendments planned for the Town’s Unified Development Ordinance (UDO). These amendments will vary from minor edits to full rewrite of Chapters. A number of these amendments are developed as the result of added “conditions of approval” placed on conditional zonings applications, staff identified issues that affect implementation of the codes, or changing conditions in land use or technology. This request is the first of many that will be processed over the coming year as we undertake a comprehensive update of the UDO.

AMENDMENTS

Section 141.04.02 and 141.04.03 – Development Landscaping and Buffers:

- Section 141.04.02 B(6) – correct the category number within the paragraph to be consistent with the number of categories listed.
- Section 141.04.02 D(5) – correct the number of “classes” listed in the paragraph to match the number of classes listed within this subsection.
- Section 141.04.03 – Correct Figure 141.04.03-1 figure notes to reflect the required width of 12-feet consistent with Table 141.04.03-2 within this section.
- Section 141.04.03 (E) – adjust subsection correcting “E” to “F” and subsequent subsection headings to the end of this section.

Chapter 141.06 Outdoor Lighting:

- Section 141.06.01 B (4) – add language related to the possibility of requiring a specific light fixture style and/or type based on location or development type. This will ensure that lighting will be required to be consistent with an approved planned development and/or blend styles with existing lighting within the community.
- Section 141.06.02 C – added a maximum footcandle (illumination intensity) on development sites when located adjacent to residential use.
- Section 141.06.03 – Added subsection A & B to clarify that the street lighting policy applies to existing or proposed streets, whether public, private, or NCDOT roadway. It further clarifies the fixture types for streetlights are to be cobra head style and pedestrian scale decorative lights – Hagerstown style.

PLANNING AND ZONING BOARD CONSIDERATION:

The Planning and Zoning Board review of text amendments is outlined in Section 145.03.01 of the UDO. The Board shall consider the **applicable** common decision criteria in 145.01.07, together with the following:

1. **Errors.** The amendment is necessary to correct an error or inconsistency in the UDO; or *This amendment is necessary to correct issues with implementation of the code, clarify definitions, and correct references within the UDO.*
2. **Changing Conditions:** The amendment is necessary to meet the challenge of a changing condition that was not anticipated in the HALUP. *The text amendments further the goals of the HALUP under Land Use and Development Design.*

Applicable Common Decision Criteria:

1. The amendment promotes the purposes of the UDO as found in Section 144.01.02 as follows:
 - a. Comprehensive Plan (HALUP) – The amendment furthers the goals associated with Land Use & Development Design.
 - b. Public Health & Safety – The amendment adds and clarifies performance standards around public health and safety associated with lighting and land use buffers.
 - c. Quality of Life – The amendment promotes good design principles and practices, for quality development for street lighting and landscaping.
 - d. Economic Development – The amendment enhances the quality of life that promotes economic growth and vitality within a community.
2. The proposed text amendment includes clarification development regulations aimed at protecting public health and welfare by reducing future conflicts between land uses associated with light pollution and landscape buffering.
3. This text amendment application is following the required meeting and public hearing process as outlined in the UDO.
4. The proposed amendment furthers the implementation goals of the HALUP.

RECOMMENDED ACTIONS: Receive the report, public comment, and render a recommendation to approve, approve with modifications, or disapprove the text amendment to Town Council.

Attachment A – Section 141.04.02 & 141.04.03 Development & Buffer Yard Landscaping

Attachment B – Chapter 141.06 – Outdoor lighting

141.04.02 Development Landscaping

- A. Planting Yards.** The purpose of planting yards is to aesthetically enhance and separate different land uses and zoning districts from each other, as well as to beautify individual sites, the roadside or streetscape, and are intended to eliminate or minimize potential nuisances such as dirt, litter, glare of lights, and unsightly buildings or parking areas. Planting yards shall include buffer yards as described in Section 141.04.03 and the following described below.
- B. Building Yards.** The purpose of building yards is to aesthetically and visually enhance the appearance of buildings with the following standards:
1. *Where Required.* Building yards shall be provided along the portion(s) of the building facing any adjacent off-street parking area, excluding loading/unloading areas.
 2. *Measurement.*
 - a. Minimum dimensions shall apply, and be measured, horizontally.
 - b. Widths shall be measured from the respective building front wall.
 3. *Corners.* Where building yards turn at building corners, the length measurements determining plant quantities shall not be required to overlap.
 4. *Widths.*
 - a. Building yards shall be of different types, based upon the size of the structure around which the building yard is to be located, as established in Table 141.04.02-1, Building Yard Landscape Requirements.
 - b. The width of the building yard and the density of plantings shall increase as the size of the structure around which the building yard is to be located increases.
 5. *Walkways.* Entrance walkways to buildings may cross building yards. The width of the entrance walkway shall not be calculated as part of the length of the building yard for purposes of determining the total required landscaping, provided, however, that the width deducted for the entrance walkway shall not exceed the width of the entrance to the building.
 6. *Categories.* There shall be ~~four~~ **three** different categories of building size for purposes of determining the building yard type. Table 141.04.02-1 identifies the building yard required for a given development, based on the size of the structure around which the building yard is to be located, and specifies the required plantings and dimensions of the respective building yard.

Category 1

Less than 2,500 Square Feet to 9,999 Square Feet Gross Floor Area (GFA)

Category 2

10,000 Square Feet to 99,999 Square Feet GFA

Category 3

100,000 Square Feet GFA and over

Table 141.04.02-1, Building Yard Landscaping Requirements

Building Yard Category	Minimum Width	Min. Required Shade Trees	Min. Required Ornamental Trees	Min. Required Small or Medium Evergreen Shrubs
1	8 feet	N/A	1 per 30 lin. feet	8 per 30 lin. feet
2	10 feet	1 per 50 lin. feet	1 per 50 lin. feet	12 per 30 lin. feet
3	12 feet	1 per 40 lin. feet	1 per 40 lin. feet	14 per 30 lin. feet

- C. Parking Lot Yards.** The purpose of parking lot yards is to aesthetically and visually enhance the appearance of parking lots with the following standards:
1. *Location.* Parking lot yards shall be located around and within parking lots and shall be of different sizes, based upon the size of the respective parking lot. The size of the parking lot yard shall increase as the size of the respective parking lot increases.
 2. *Measurement.* Minimum parking lot yard widths, as listed below shall apply, and be measured, horizontally.
 - a. Parking lot with less than five spaces: No parking lot yard required;
 - b. Parking lot with five to 20 spaces: 5 feet in width;

- c. Parking lot with 21 to 50 spaces: 10 feet in width; and
 - d. Parking lot with more than 50 spaces: 15 feet in width.
3. *Interior Parking Lot Landscaping Area.* Parking lots in the MU, CC, and EC districts shall provide a minimum 10 percent net area of landscaping on the interior or exterior of parking lots. Parking lots for multi-family developments and in the O-I, NC, GC, and CD districts shall provide a minimum 20 percent net area of landscaping on the interior or exterior of parking lots.
 4. *Plantings.* Landscaped planting areas and islands for parking lot yards shall have one shade tree, or two ornamental trees, and eight small shrubs per each 10 parking spaces. Furthermore, the perimeter of all vehicular use areas shall be screened per the requirements of Figure 141.04.02-1, *Vehicular Use Area Planting Standards*, Figure 141.04.02-2, *Parking Area Screening Techniques*, and Figure 141.04.02-3, *Perimeter Buffering Techniques*.
 5. *Planting Areas and Islands.* Planting areas and islands shall be not less than nine feet in width and shall include a minimum of 150 square feet of open planting area for ornamental trees and 300 square feet for shade trees. Shrubs, or ground covers may be planted within the required open planting area for trees without increasing the area. Planting areas and islands shall have a minimum prepared depth of 18 inches. All landscaped areas shall be protected from vehicular encroachment by concrete curb and gutter. Landscaped areas shall be covered with mulch, ground cover or grass between shrub and tree plantings. Planting areas may be aligned or staggered and may be installed as islands or linear strips as depicted in Figure 141.04.02-4, *Examples of Parking Lot Layouts*.
 6. *Tree Location.* Required trees shall be located within or adjacent to parking lots as tree islands, medians, at the end of parking bays, traffic delineators, or between rows of parking spaces in a manner such that no parking space is located more than 60 feet from a parking lot tree.
 7. *Alternative Location.* In instances where the strict interpretation of this Section will seriously limit the function of the parking area, increase stormwater runoff, or create ponding or pooling of water so as to impair the habitability of buildings or interfere with traffic circulation, the Director may permit a portion of the required landscaping to be located near the perimeter of the lot.

Figure 141.04.02-1, Parking Lot Yard Planting Standards per 100 Linear Feet

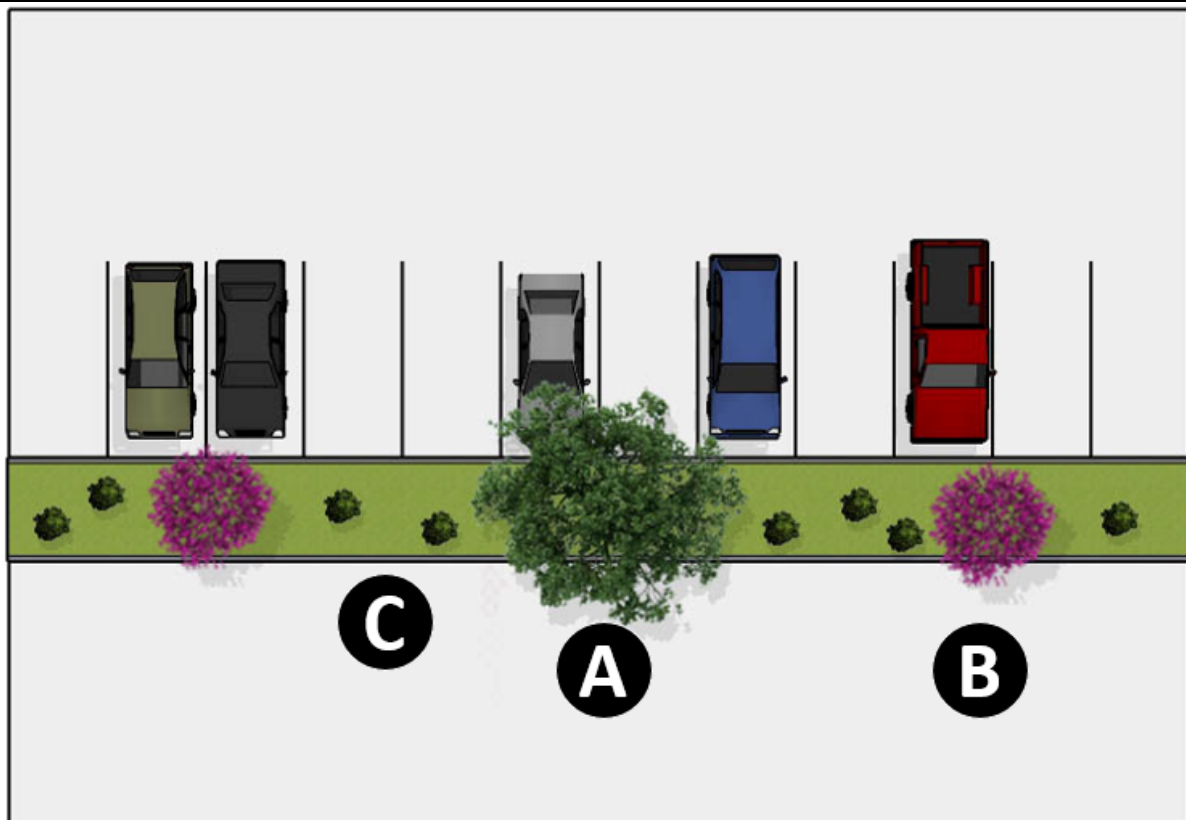


Figure 141.04.02-1, Parking Lot Yard Planting Standards per 100 Linear Feet

FIGURE NOTES:

A = 1 Canopy Tree; B = 2 Ornamental Trees; C = 8 Shrubs;

1. Screening is not required for 100% of the length of the parking area.

2. 25% of the [driveway](#) length may remain unscreened.

3. [Sidewalks](#) and driveways that cut through the [screen](#), connecting the [Vehicle Use Area](#) to [streets](#) and other [properties](#), are not included in the calculations.

4. Screening emphasis should be on parking area for [vehicles](#) vs. drives.

5. Narrow breaks may be permitted within the perimeter screen to allow for pedestrian [access](#).

Figure 141.04.02-2, Parking Area Screening Techniques

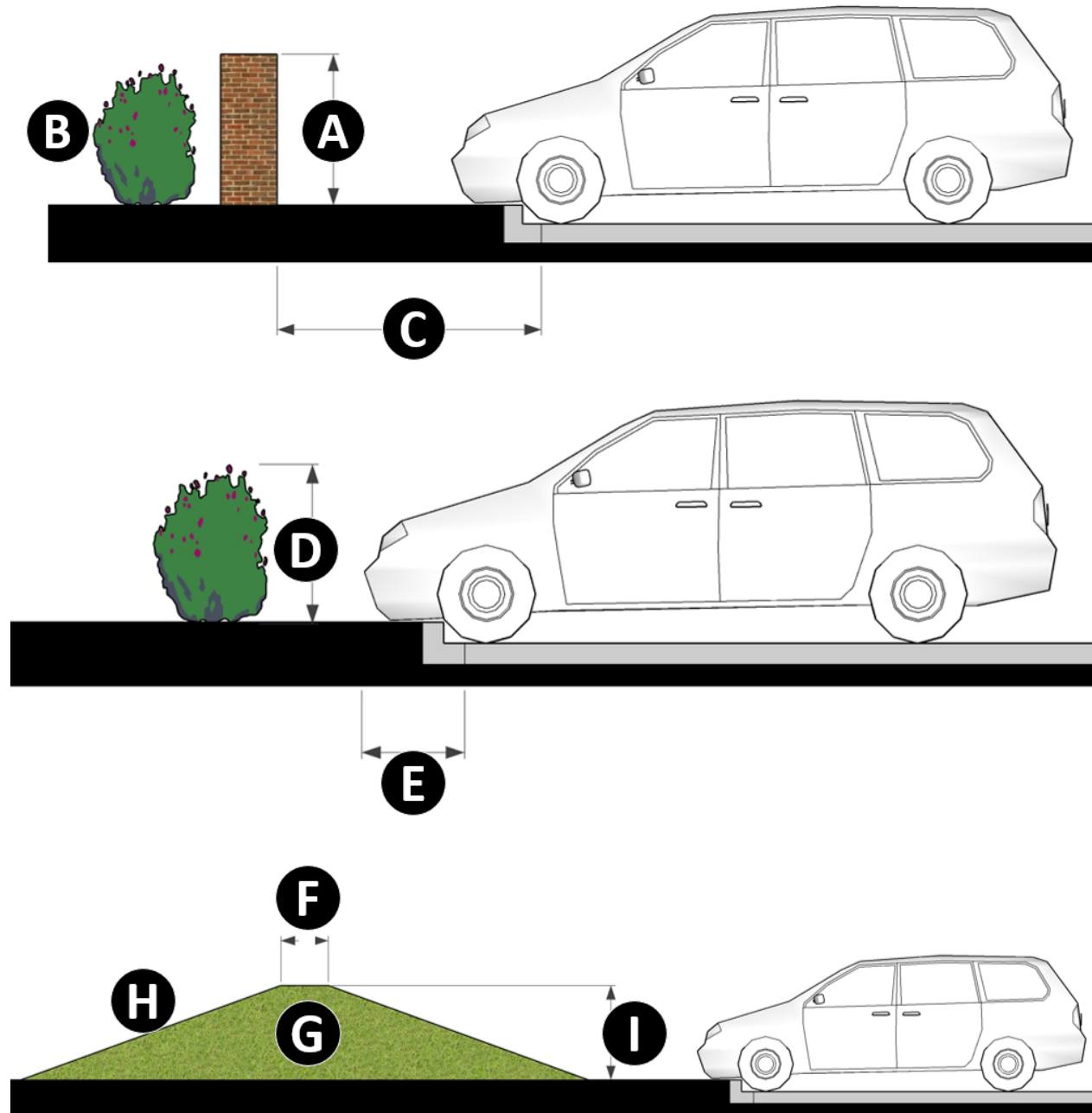


FIGURE NOTES:

A = Opaque screening to be provided to a minimum [height](#) of 3'-0" | B = [Evergreen](#) vegetation required on side of wall visible from street or access [easement](#) | C = Minimum of 4'-0" of clearance between wall and curb or wheel stop | D = Evergreen vegetation shall be a minimum of 3'-0" in height after 3 years | E = Minimum of 2'-8" of clearance between planting area and curb or wheel stop | F = Top of [berm](#) width shall, at minimum, equal half of berm height | G = Groundcover required | H = 2:1 maximum [slope](#) | I = 4'-0" maximum height above toe of berm.

1. Berms may be used in combination with planting to meet height requirements.

Figure 141.04.02-3, Perimeter Buffering Techniques

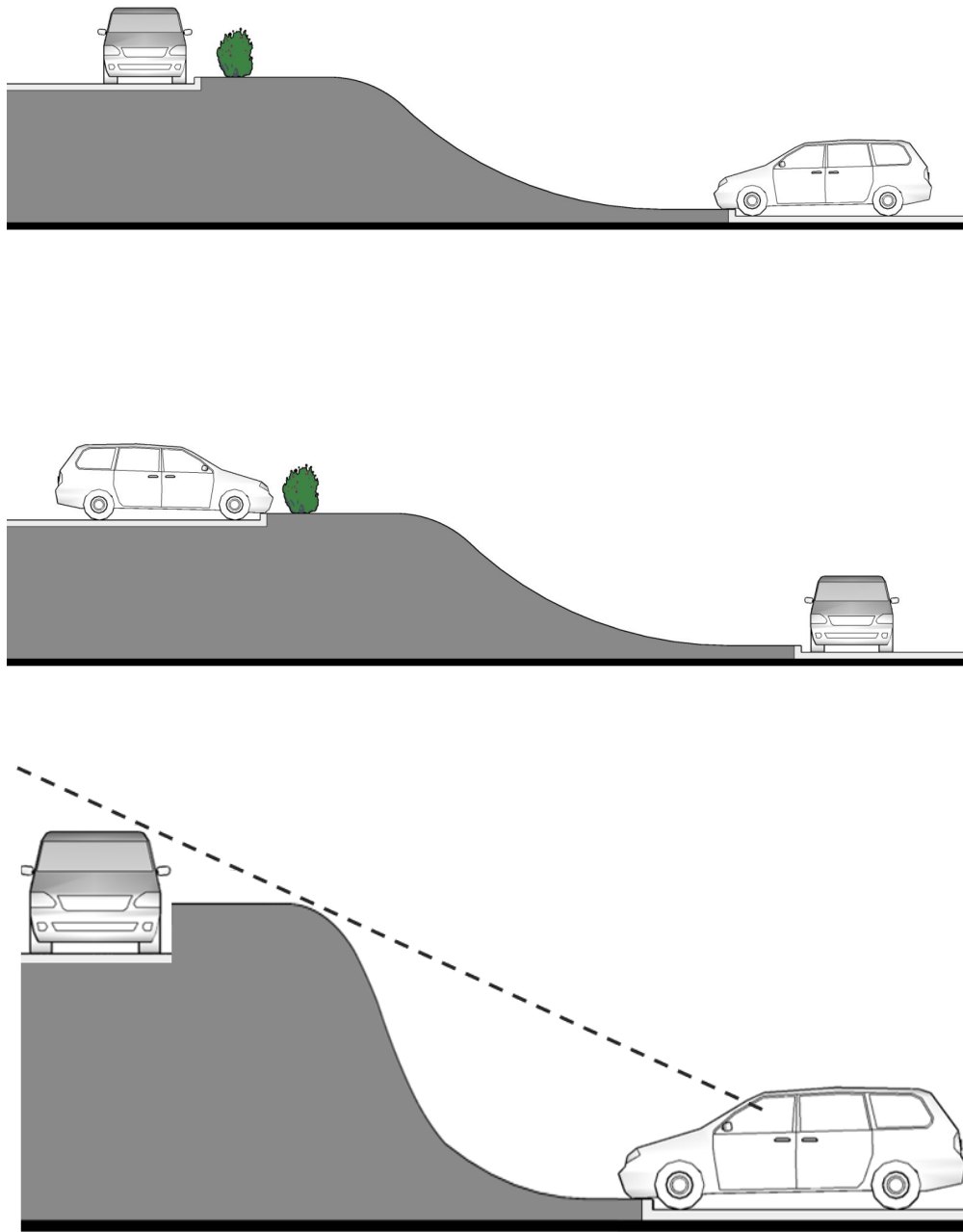


FIGURE NOTES:

1. Screen shall be located where it will most effectively screen from street or access easement.
2. Topography may be used to screen without the benefit of vertical screening devices.

Figure 141.04.02-4, Example of Parking Lot Layout

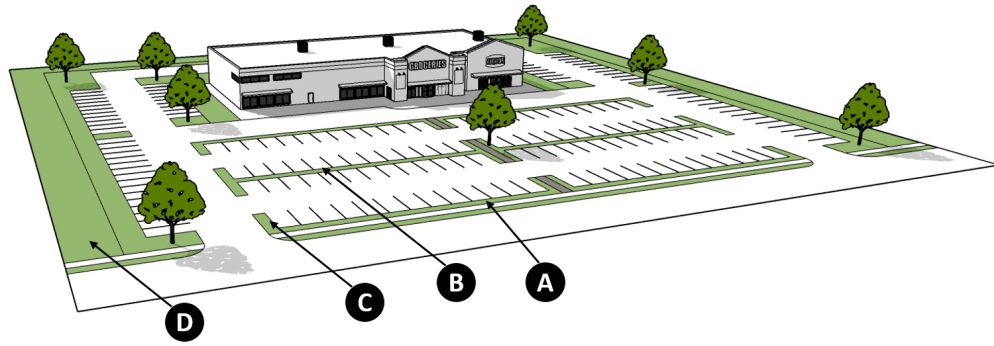


FIGURE NOTES:

A = Street Yard; B = Parking Area Landscaping; C = Parking Island; D = Perimeter Buffer

- D. Street Yards.** The purpose of street yards is to provide continuity of vegetation along the street right-of-way of non-local streets, creating a pleasing view from the road, and establishing a transition from vehicular thoroughfares, pedestrian areas or the built environment with the following standards, as conceptually depicted in Figure 141.04.02-5, *Street Yard Typical Example*.
1. Single-Family Subdivisions. New single-family home subdivisions shall require street yards, provided, however, that the street yard may be located in the right-of-way in the required planting strip between the curb and the sidewalk in accordance with the design specifications in this UDO.
 2. Measurement.
 - a. Minimum dimensions shall apply, and be measured, horizontally.
 - b. Widths shall be measured from the respective right-of-way/property line.
 3. Street Corners. Where street yards turn at street corners, the length measurements determining plant quantities shall not be required to overlap. Street yards shall be of different types, based upon the zoning of the property. The width of the street yard and the density of plantings shall increase as the intensity of the development increases.
 4. Community Transportation Plan. Street yards along key roadways identified in the Community Transportation Plan for future widening shall be of sufficient width to maintain required street yard width after a widening.
 5. Classes. There shall be ~~five~~ **six** different classes of land uses or zoning districts for purposes of determining the street yard type. The following land use or zoning district classes shall be based upon the specific land use to be developed, which is permitted either by right or by Special Use Permit as listed in the use tables in § 140.02, *Zoning Districts and Standards*, or in the applicable zoning district of the subject property and adjacent properties.

Class 1

AG, Agricultural

Class 2

Group Living use category and Multi-Family Residential uses

Class 3

NC, Neighborhood Commercial

O-I Office and Institutional

Office use category and Institutional, and Civic uses outside of these districts

Class 4

GC, General Commercial

CC, City Center

MU, Mixed Use

CD, Campus Development

PID, Public Interest District

[Retail Repair, Sales, and Service](#) uses and [Wholesale Trade](#) use categories outside of these districts

Class 5

EC, Employment Center

[Light Industrial](#) and [Heavy Industrial](#) use categories outside of these districts

[Passenger Terminal](#), [Warehousing and Storage](#), [Waste Related Use](#), and [Utilities](#) use categories.

Class 6

RE, Rural Estate

RL, Residential Low

RM, Residential Medium

RH, Residential High

Single- and Two- [Family](#) Residential uses outside of these districts

Table 141.04.02-2, Street Yard Landscaping Requirements

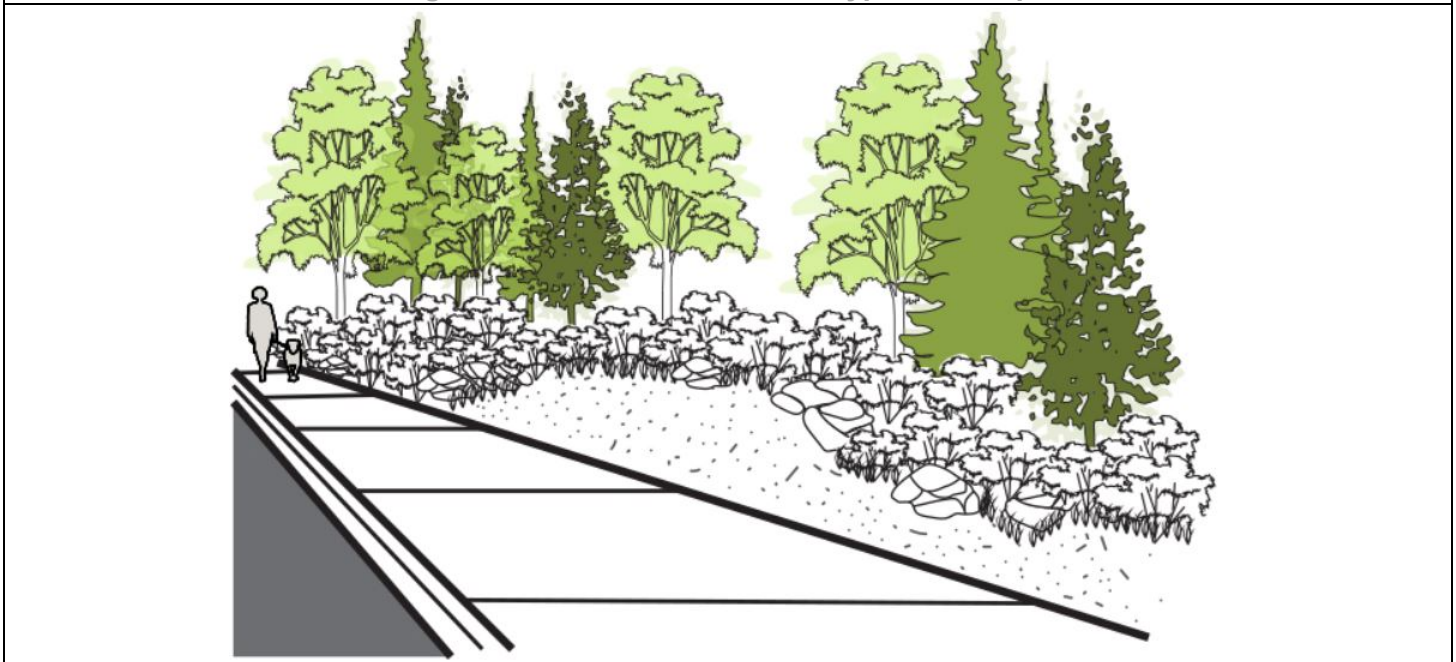
Street Yard Class	Minimum Width	Min. Required Shade* Trees	Min. Required Ornamental Trees	Min. Required Shrubs	Six-Foot High Berm Required
1**	6'	3 per 100'	5 per 100'	10 per 100'	No
2	8'	5 per 100'	8 per 100'	20 per 100'	No
3	10'	8 per 100'	10 per 100'	30 per 100'	No
4	10'	10 per 100'	15 per 100'	40 per 100'	No
5	12'	15 per 100'	15 per 100'	50 per 100'	No
6	25	10 per 100'	20 per 100'	30 per 100'	Yes

TABLE NOTES:

* Shade trees may not be planted under over-head power lines; ornamental tree requirements must be doubled in cases where shade trees may not be planted. Refer to Figure 141.04.01, *Ornamental Tree Substitution*.

** This standard shall only apply to new subdivision streets and along existing streets with curb and gutter that provides [access](#) to the subdivision.

Figure 141.04.02-5, Street Yard Typical Example



141.04.03 Buffer Yard Landscaping

- A. Purpose.** The purpose of [buffer yards](#) is to provide a transitional buffer between [zoning districts](#) and/or uses that may differ in [development intensity](#) and [density](#), provide a minimum buffer between uses of similar intensity and density and provide land space buffer between back-to-back [lots](#) within a [subdivision](#). These landscaped [planting yards](#) are intended to ensure that a natural area of appropriate size and density of plantings is planted or preserved between zoning districts and/or uses.
- B. Standards.**
- 1. Generally.** Buffer yards shall be of different types, based upon the relationship between the two [adjacent](#) zoning districts and/or land uses between which the buffer yard is to be located and/or the lots layout within the subdivision.
 - 2. Width and Plant Density.**
 - a.** The width of the buffer yard and the density of plantings shall increase as the difference between adjacent zoning districts and/or land uses increases. Minimum dimensions shall apply, and be measured, horizontally.
 - b.** Widths shall be measured from the respective [property line](#), except where buffer yards are permitted to straddle property lines, as set forth in this Section. Where buffer yards turn at [property](#) corners, the length measurements determining [plant](#) quantities shall not be required to overlap.
 - 3. Berm Slope.** A berm required as part of a buffer yards shall have a minimum downward slope of five percent and a maximum upward slope of 25 percent. In order to accommodate a berm, the buffer yard may need to be wider than required in Table [141.04.03-2, Buffer Yard Landscaping Requirements](#). For example, a Type C buffer yard would have to be over 48 feet in width in order to accommodate the berm but will only require the amount of plantings required for a Type C buffer yard.
- C. Buffer Yard Types.** There shall be five different classes of zoning districts and land uses for purposes of determining the buffer yard type. Land [use](#) classes shall be based upon the specific land use or use category to be developed or the existing zoning district in the following groupings of zoning districts, land uses, and use categories.

Class 1

AG, Agricultural

RE, Rural Estate

RL, Residential Low

Single- and Two- [Family](#) Residential uses outside of these districts

Class 2

RM, Residential Medium

RH, Residential High

[Group Living](#) use category and Multi-Family Residential uses outside of these districts

Class 3

NC, Neighborhood Commercial

[O-I Office](#) and Institutional

[Office](#) use category and Institutional, and Civic uses outside of these districts

Class 4

GC, General Commercial

CC, City Center

MU, Mixed Use

CD, Campus Development

[PID](#), Public Interest District

[Retail Repair, Sales, and Service](#) uses and [Wholesale Trade](#) use categories outside of these districts

Class 5

EC, Employment Center

[Light Industrial](#) and [Heavy Industrial](#) use categories outside of these districts[Passenger Terminal](#), [Warehousing and Storage](#), [Waste Related Use](#), and [Utilities](#) use categories.

- D. Adjacent Land Use Determinations.** Table 141.04.03-1, *Buffer Yard Chart*, identifies the buffer yard type required for a given development, based on the relationship between the adjacent zoning district and/or land uses. Table 141.04.03-2, *Buffer Yard Landscaping Requirements*, contains the required plantings and dimensions of the respective buffer yard types. The width of the buffer yard and the density of plantings increase as the difference in the nature and intensity of development in the respective adjacent land uses increases. 141.04.03
- E. City Center and Mixed Use Districts.** Table 141.04.03-3, *City Center and Mixed Use Buffer Yards*, identifies the buffer yard type required for a given development in the CC, City Center and the MU, Mixed Use zoning districts based on permitted land uses and use categories.

Table 141.04.03-1 <i>Buffer Yard Chart</i>					
Buffer Yard Types For Adjacent Zoning District / Land Use Categories					
Zoning District or Land Use Class	1 EXISTING	2 EXISTING	3 EXISTING	4 EXISTING	5 EXISTING
1 PROPOSED	A	N/A	N/A (B ²)	N/A (C ²)	N/A (D ²)
2 PROPOSED	A	A	B	C	D
3 PROPOSED	B ¹	B ¹	A	A	C
4 PROPOSED	C ¹	C ¹	B ¹	A	B
5 PROPOSED	D ¹	D ¹	C ¹	B ¹	B
TABLE NOTES:					
¹ Complete visual separation is required through the use of densely planted landscaping that would provide complete visual separation within three years of planting. See below for definition of "Visual Separation".					
² New single-family subdivisions shall provide the required buffer yard, if they abut existing non-residential developments which were constructed before the adoption of this UDO and lack the required buffer yard. If an adjacent non-residential development includes the required buffer yard, none shall be required of the residential subdivision.					
³ All approved development projects consisting of a primary structure /user and outparcels shall maintain that the primary user shall provide the buffer yards for all external boundaries. All outparcels shall be required to maintain a buffer yard between it and the primary user. The primary user is not responsible for an additional buffer yard between it and outparcels.					

Table 141.04.03-2 <i>Buffer Yard Landscaping Requirements</i>					
Buffer Yard Type	Minimum Width	Min. Required Shade Trees (per 100 linear feet)	Min. Required Ornamental Trees (per 100 linear feet)	Trees Required to be Evergreen (per 100 linear feet)*	Min. Required Evergreen Shrubs (per 100 linear ft.)
A	12'	3	5	2	10
B	15'	5	10	4	20
C	20' or 15' w/ 6' high berm , fence or wall	10	20	15	30
D	50' or 25' w/ 6' high berm, fence, or wall	15	25'	20	40
TABLE NOTES:					
*Evergreen trees shall be interspersed with other required plantings on a regular interval.					

Table 141.04.03-3 <i>City Center and Mixed Use District Buffer Yards</i>					
Buffer Yard Types For Adjacent Land Use Categories					
Zoning District or Land Use Class	1 EXISTING	2 EXISTING	3 EXISTING	4 EXISTING	5 EXISTING
1 PROPOSED	N/A	N/A	N/A (A ²)	N/A (B ²)	N/A (C ²)
2 PROPOSED	A	N/A	B	B	C

Table 141.04.03-3
City Center and Mixed Use District Buffer Yards

Buffer Yard Types For Adjacent Land Use Categories					
Zoning District or Land Use Class	1 EXISTING	2 EXISTING	3 EXISTING	4 EXISTING	5 EXISTING
3 PROPOSED	A ¹	A ¹	N/A	A	B
4 PROPOSED	B ¹	B ¹	A ¹	N/A	A
5 PROPOSED	C ¹	C ¹	B ¹	A ¹	N/A

TABLE NOTES:
Refer to table notes in Table 141.04.03-1, *Buffer Yard Chart*.

Figure 141.04.03-1
Type A Buffer Planting Standards

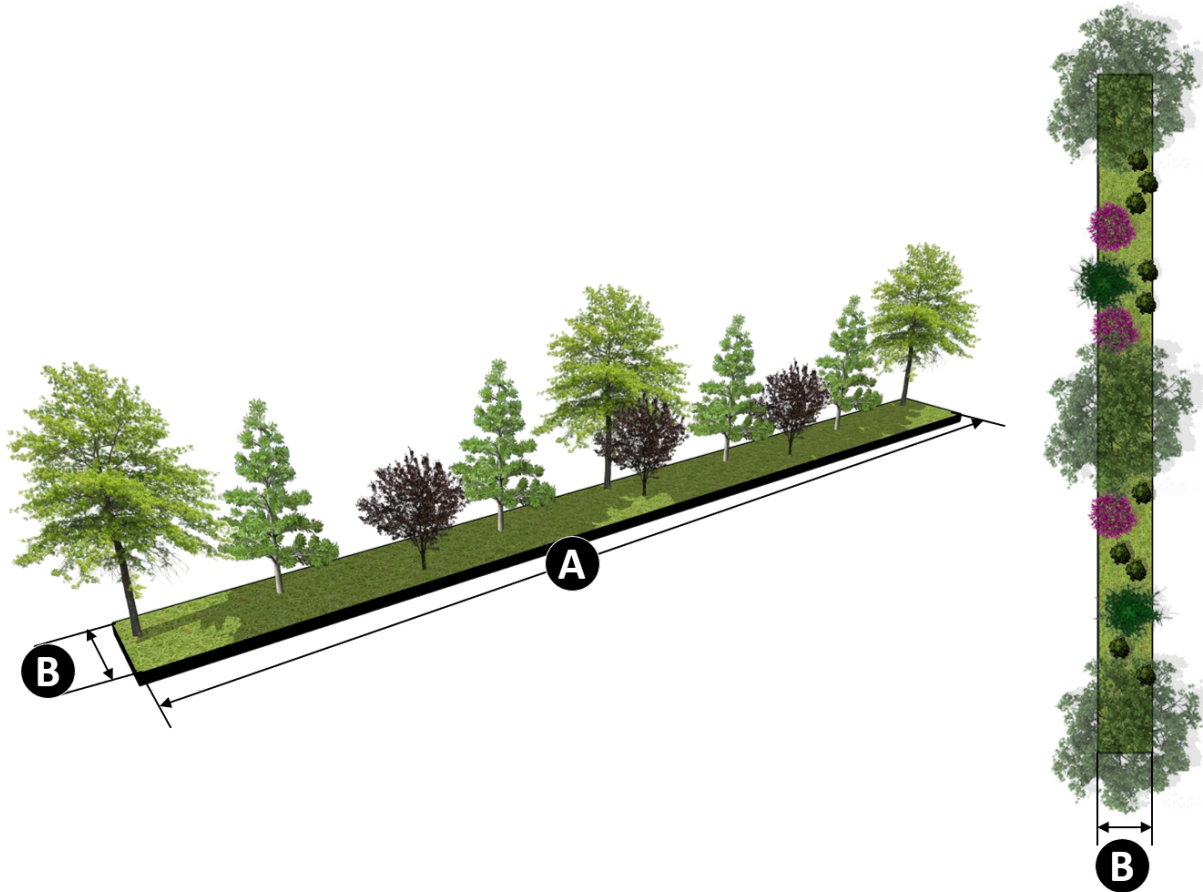


FIGURE NOTES: A = 100 feet; B = 8-12 feet

Figure 141.04.03-2
Type B Buffer Planting Standards

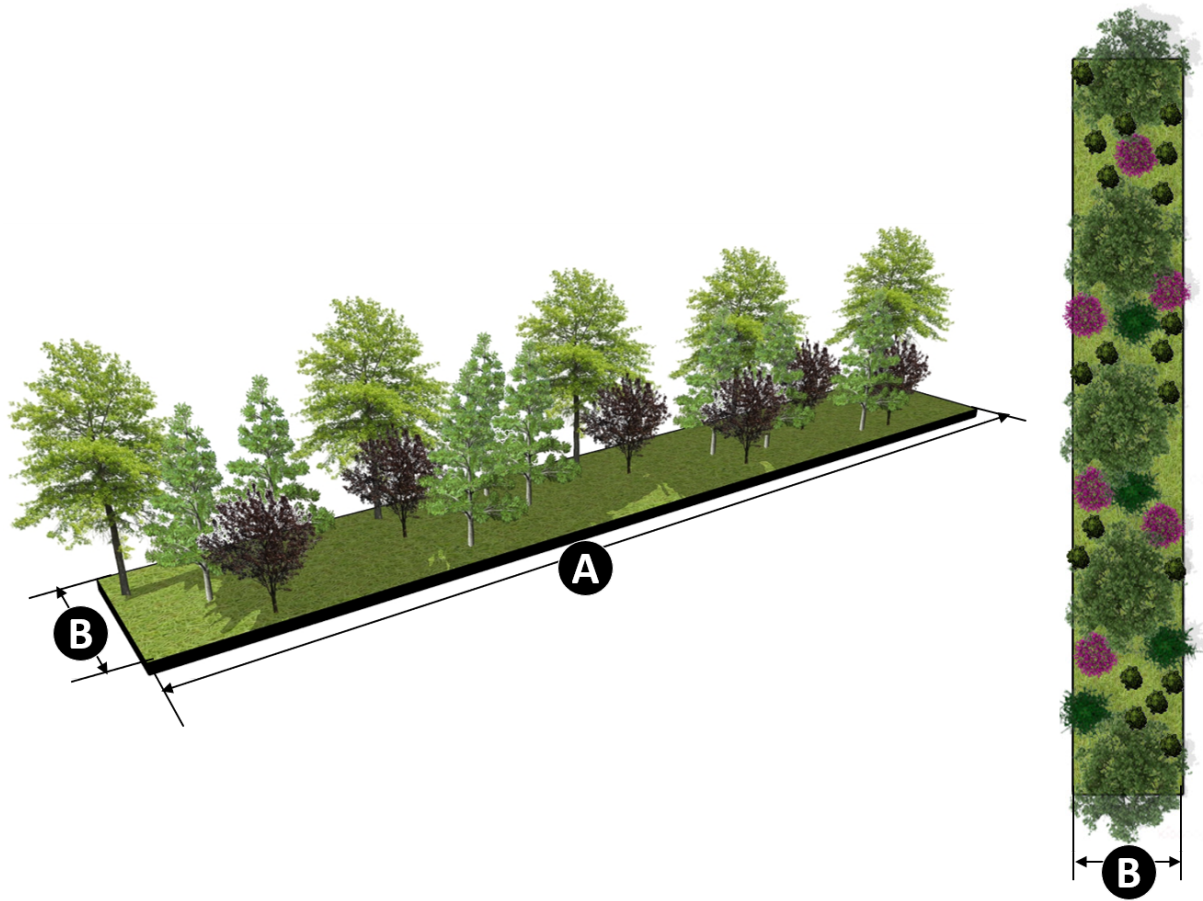


FIGURE NOTES: A = 100 feet; B = 15 feet

Figure 141.04.03-3
Type C Buffer Planting Standards Without Fence or Wall

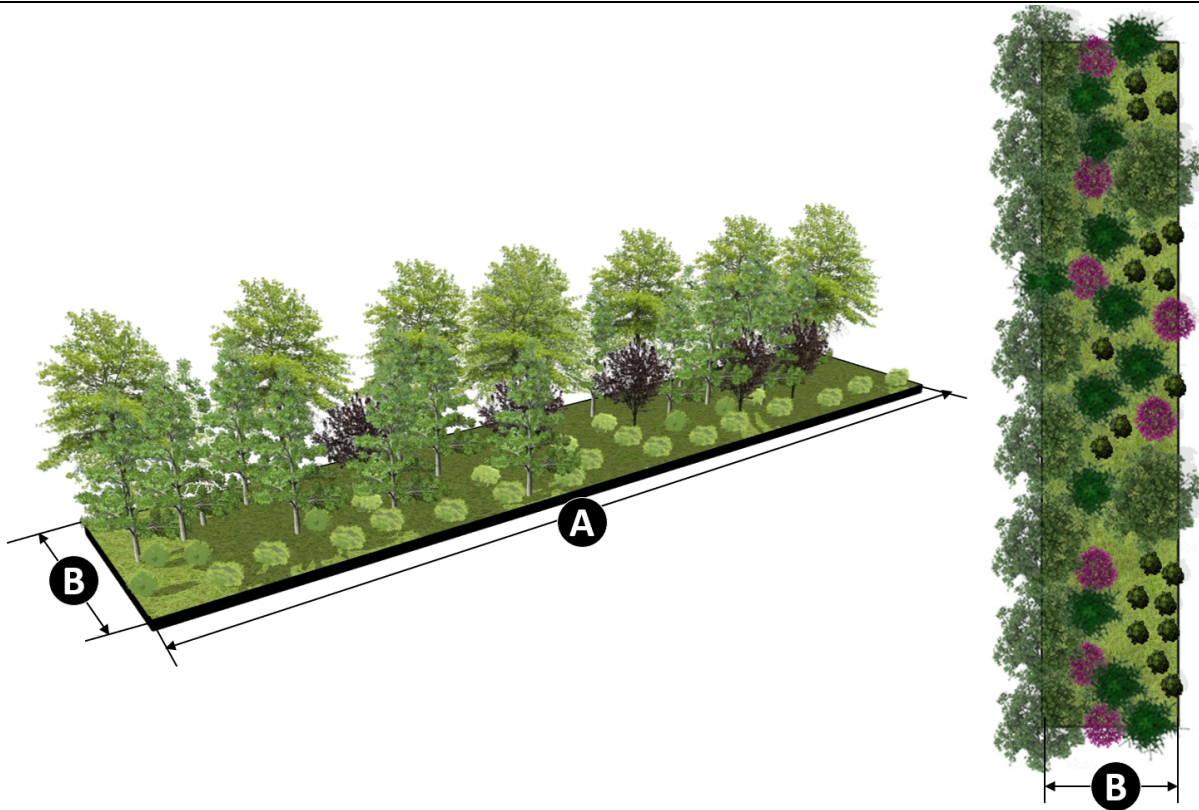


FIGURE NOTES: A = 100 feet; B = 20 feet

Figure 141.04.03-4
Type C Buffer Planting Standards With Fence or Wall

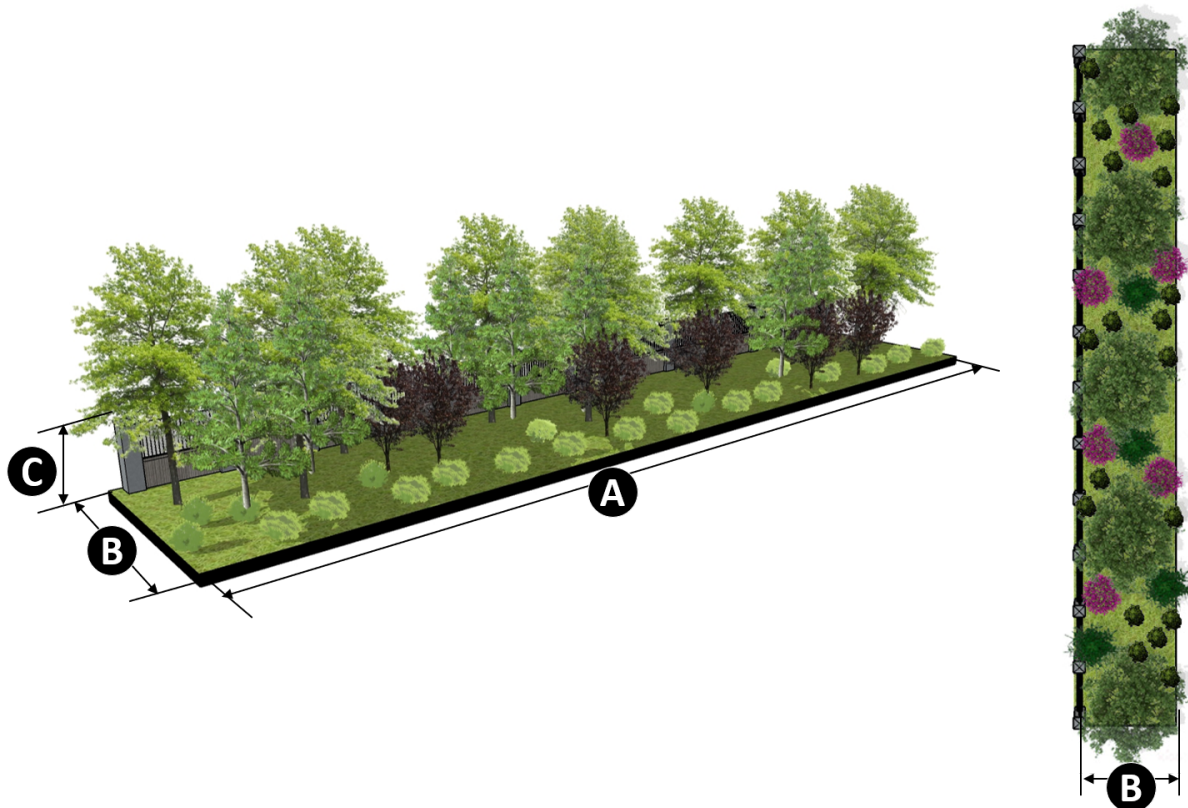


FIGURE NOTES: A = 100 feet; B = 15 feet; C = 6 feet

Figure 141.04.03-5
Type D Buffer Planting Standards Without Fence or Wall

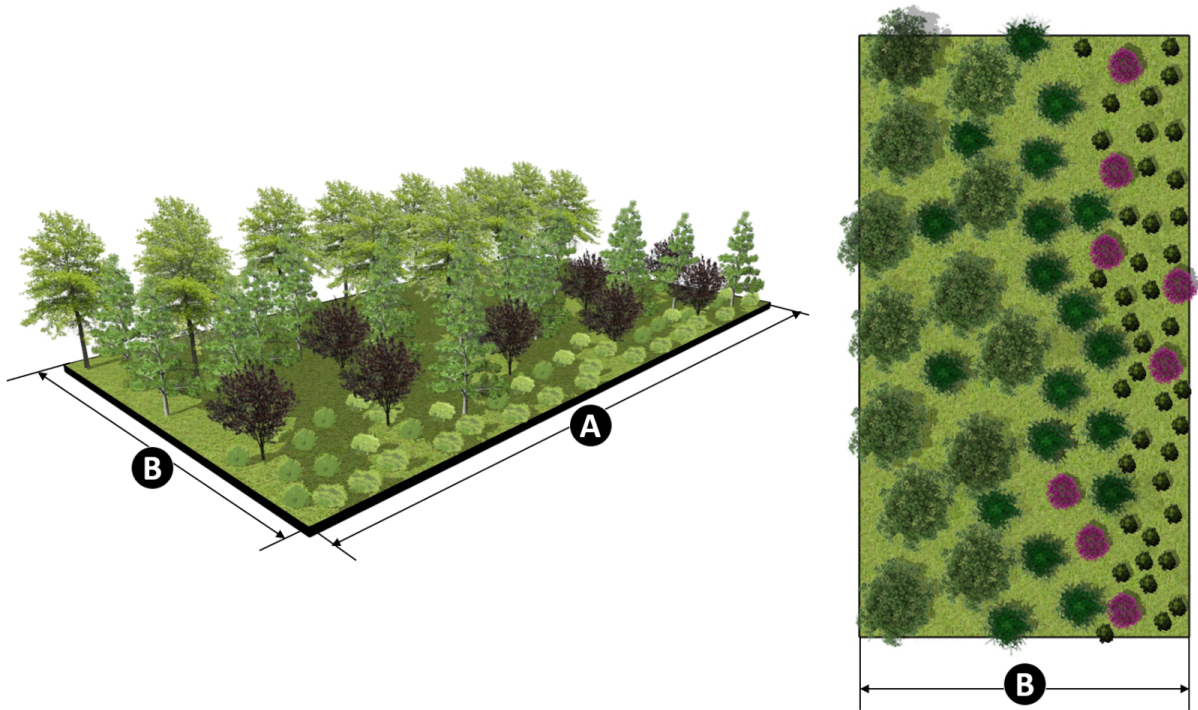


FIGURE NOTES: A = 100 feet; B = 50 feet

Figure 141.04.03-6
Type D Buffer Planting Standards With Berm

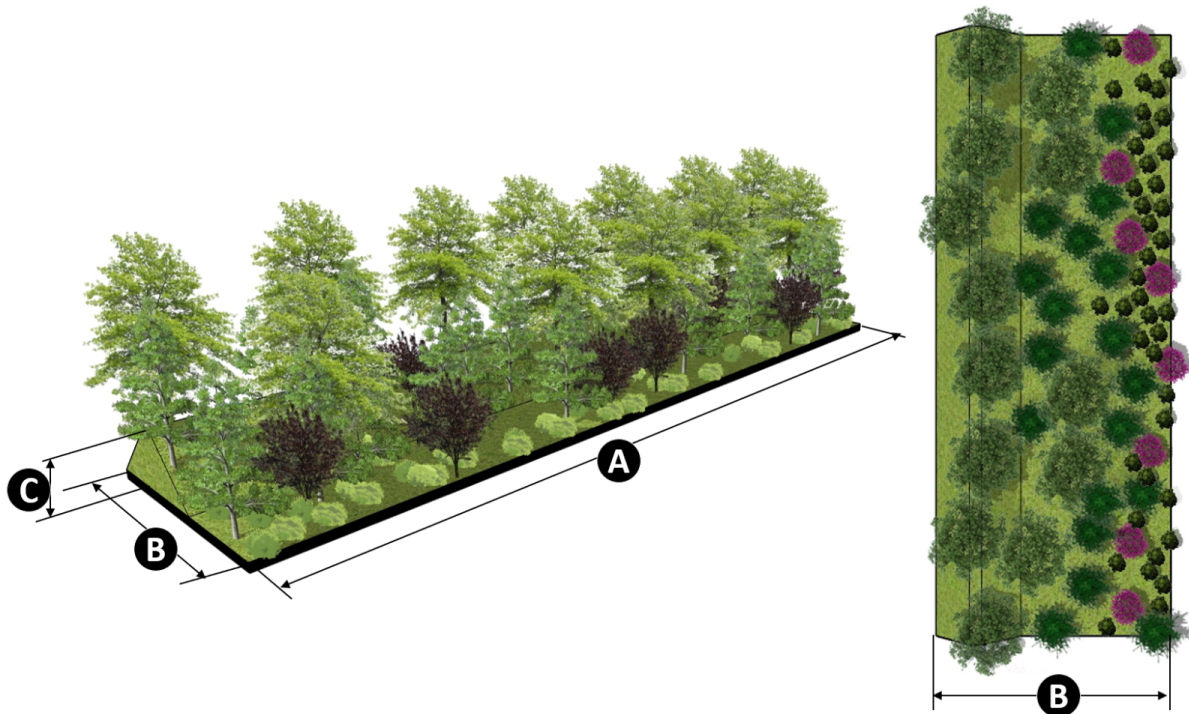
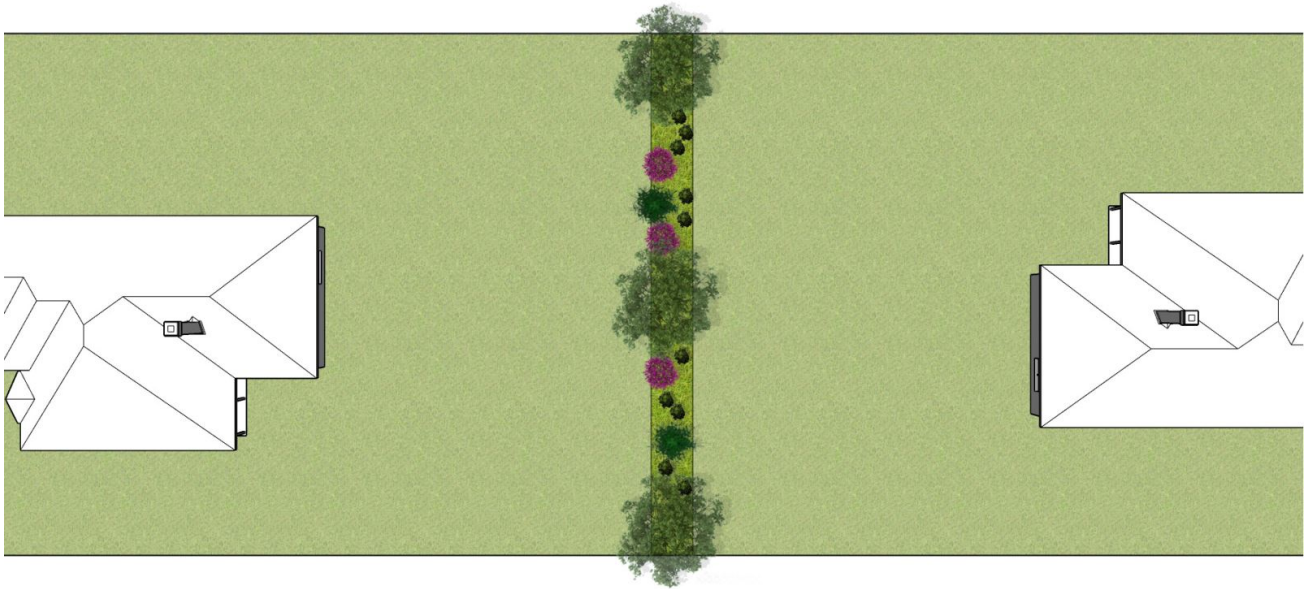


FIGURE NOTES: A = 100 feet; B = 25 feet; C = 6 feet

- F. Back to Back Residential Lots.** Residential Subdivisions with back to back lots that share a [common property line](#) shall have a planted [landscape](#) buffer [easement](#) a minimum of eight feet in width, and with the planting material required for a Type A buffer yard, equally divided on each lot, as depicted in Figure 141.04.03-7, *Rear Landscape Easement Illustration*. Such buffer easement shall be platted, deeded, and recorded.

Figure 141.04.03-7
Rear Landscape Easement Illustration



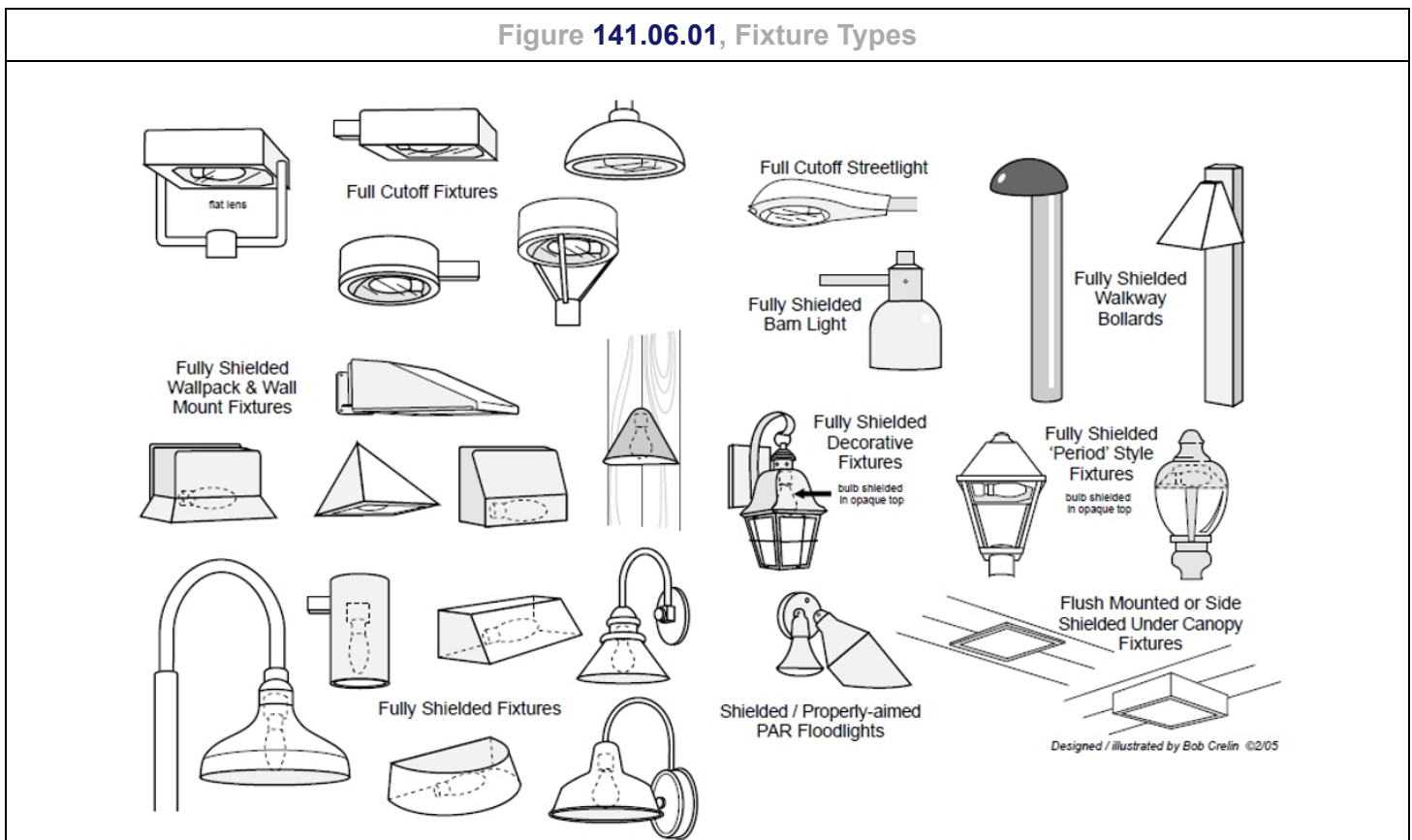
- G. Subdivision Entries.** Subdivision entries in the RE, RL, RM, and RH shall have a divided entry with a landscaped median. The median shall be planted with the planting material required for a Type A buffer.
- H. Exemptions.** Certain uses are exempt from the buffer requirements as described in this section. Exemptions include, but are not limited to the following:
1. **Common Ownership.** Lot or parcels, under common ownership, on which the uses or buildings demonstrate compatible design elements and are linked to adjacent lots or buildings by a common system of sidewalks or other pedestrian walkways across property lines;
 2. **Separation by ROW.**
 - a. Lots or parcels separated by a public street right-of-way greater than 30 feet in width;
 - b. Lots or parcels separated by a railroad right-of-way.
- I. Prohibited Uses and Structures.** The following are prohibited within buffer yards:
1. **Buildings and Equipment.** The construction of any structure, including but not limited to decks, patios, internal privacy fences, or the placement of any mechanical equipment within the landscape buffer yard except for equipment necessary for the provision of utilities;
 2. **Signs.** Signs, other than subdivision entrance signs;
 3. **Recreational Uses.** Active recreational uses, such as playfields, swimming pools, racquetball and tennis courts, or other active, structured recreational uses; and
 4. **Vehicle Use Area.** Vehicle use areas or circulation drives.
- J. Permitted Uses and Structures.** The following other uses and structures may be permitted in a buffer yard where the buffer yard width does not exceed the building setback width and provided that none of the required plant material is eliminated, the intended screening is accomplished, the total width of the buffer yard is maintained, and all other requirements of this Section are met:
1. Passive recreation;
 2. Sculpture, outdoor furniture, picnic areas, and other hardscape features;
 3. Pedestrian, bike, or equestrian trails;
 4. Golf courses;
 5. Stormwater retention basins;
 6. Parks and open space.
- K. Reduction in Required Buffer Yard.** Where a dedicated buffer yard exists on an abutting property, the Director may eliminate the buffer yard requirement for the property to be developed subject to the following:
1. **Written Agreement.**

- a. The adjoining property owners have provided a written agreement restricting the use of the dedicated buffer yard to uses provided for in this Section;
 - b. The written agreement also includes maintenance responsibilities of the existing buffer yard consistent with the requirements of this Section; and
 2. *Net Buffer Yard.* The “net” buffer yard satisfies the minimum buffer yard requirements of this Section for both properties. The net buffer shall include the cumulative total for both required buffers.
- L. Existing Vegetation.** Existing healthy vegetation may be counted toward required landscaping. In order to do so, the landscape plan shall indicate the type, number and size of existing plants that are sufficient to comply with the respective buffer yard. It shall not be necessary to indicate the total inventory of existing plants. Only plants required to meet the provisions of this UDO shall be required to be listed. The critical root zones of existing vegetation shall be protected during construction, as required in Section 141.04.04, *Tree Protection Standards*.
- M. Application Toward Setback Requirement.** Buffer yard areas shall be counted towards required building setbacks.
- N. Designation of Buffer Yard as Landscaped Area.** Buffer yards shall be designated as landscaped areas on the application for development approval and as landscape easements when shown on a subdivision plat. The buffer yard shall be recorded with the title of the property as a landscape buffer yard easement.
- O. Buffer Yard on Property Line.** When platting abutting lots, the applicant may dedicate a buffer yard that straddles the property line, provided the cumulative buffer width is maintained for both yards.
- P. Visual Separation.** Where complete visual separation is required, it shall be accomplished through the use of landscaping which provides year-round opaque screening. In addition, to provide complete visual separation within three years of planting, when and if needed, landscaping may be combined with earthen berms or masonry walls to accomplish the required visual separation.
- Q. Plant Location.** Where fences or walls are part of a buffer yard, plants shall be installed on the outside of the fence or wall, facing toward the neighboring property. Fences and walls shall not decrease the plantable area by more than one foot in width along the buffer yard, including any geo-grid that would limit tree installation.
- R. Maintenance of Buffer.** It is the intent of the Town that all buffers will be maintained in their natural state and will not be excessively pruned or trimmed except as necessary to maintain compliance with all other town regulations, such as those prohibiting obstruction of roadway sight distances or obstruction to the free use of public sidewalks or streets. Infectious, invasive, exotic, dead, and damaged trees may be removed if no damage is done to other vegetation.

141.06.01 Light Fixture Standards

- A. Generally.** The maximum permitted illumination and the maximum permitted light fixture height of outdoor lighting on private property shall conform to the standards of this Section.
- B. Fixture Type and Standards.**
1. *Architectural Integration.* Exterior lighting shall be architecturally integrated with the architectural character of the building.
 2. *Nuisance.* Determination of light fixtures and levels of illumination to achieve a certain function or desired effect shall also reduce or eliminate the hazardous aspects and nuisance of glare and light spillover.
 3. *Spillover.* All exterior lighting, with the exception of street lighting, that is used in and around buildings, recreation areas, parking lots, and signs, shall be designed to protect against the spillover of light to adjacent properties or the public right-of-way. Street lighting shall comply with the Town's Street Lighting Policy, as established in Section 141.06.03, *Street Lighting Policy*.
 4. *Characteristics.* Lighting may be characterized by the kind of fixtures to be installed (such as shoebox, acorn, or wall pack as depicted in Figure 141.06.01-1, *Fixture Types*); by use or activity being served (i.e. sports activities, utility lighting, lot lighting, or security lighting); or by desired effect, (i.e. spot lighting). Lighting design, ~~and location, and fixture selection~~ should be planned to serve the primary lighting objective. ~~Fixture selection may be restricted to a specific style/and or type, based on location, development type such as a Planned Development, or adjacent existing streetlight styles.~~
 5. *Lighting Plan.* Site Lighting shall be depicted on a Lighting Plan that meets the requirements of the Development Guidebook and shall be submitted as part of all development plan approval process.

Figure 141.06.01, Fixture Types



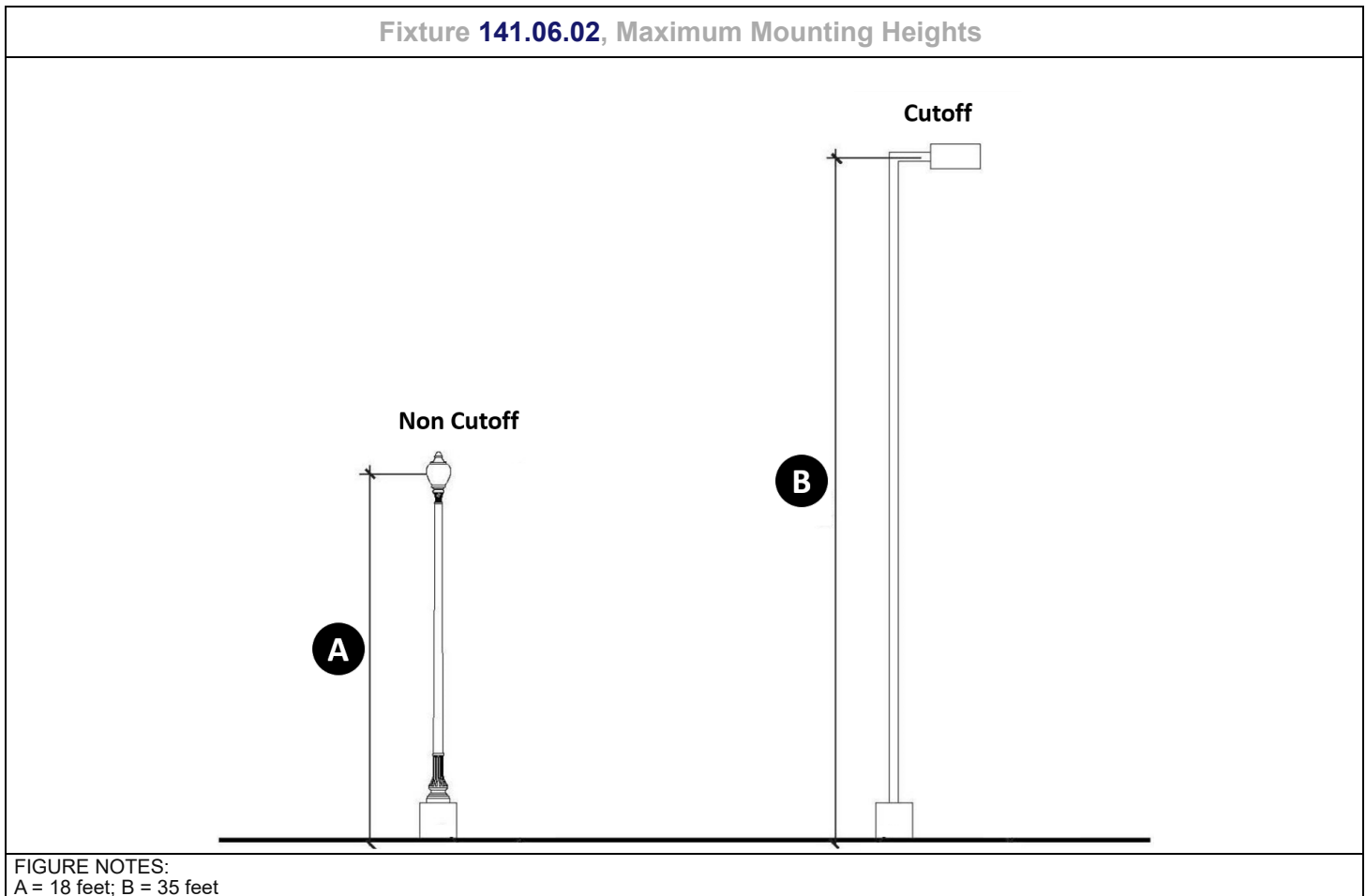
C. Cut-Off Requirements and Timers.

1. *Cut-Off.* Generally, light fixtures shall be "cut-off" fixtures that limit lighting that is visible or measurable at the property line and shall be of constant intensity.
2. *Non Cut-Off.* Fixtures without baffling (non cut-off) may be used only for decorative purposes, provided:
 - a. They have lamps that produce no more than 1,500 lumens (approximately equal to a 100 watt incandescent bulb);

141.06.02 Location and Design Standards

A. Freestanding Fixture Height.

1. *Generally.* Lighting fixtures in scale with pedestrian activities shall provide for uniform distribution of light to produce minimal shadows.
2. *Non-cutoff Lights.* No non-cut-off light fixture shall be greater than 18 feet above grade as depicted in Figure 141.06.02, *Maximum Mounting Heights*.
3. *Cutoff Lights.* No cut-off light fixture shall be greater than 35 feet above grade.
4. *Pole Base.* The base of the pole shall be of a color or material that matches that of the primary building or shall be landscaped with shrubs as part of the parking lot landscaping requirements in Section 141.04.02, Development Landscaping.



B. Location.

1. *Setback.* All outdoor lighting shall be located at least 10 feet from property lines defining rear and side yards or required perimeter buffer areas as required by this UDO.
2. *Placement.* Fixtures should be placed to provide uniform distribution of light and to avoid intense lighting to minimum excessive glare.

C. Illumination.

The average intensity illumination for outdoor lighting shall not exceed six footcandles in intensity as measured at grade. **Reduction of illumination intensity will be required when adjoining property use is residential with the goal of not exceeding two footcandles at the shared property line.**

D. Canopies and Awnings.

Lighting levels for canopies and awnings of commercial facilities shall be adequate only to facilitate the activities taking place in such locations and shall not be used to attract attention to the businesses. Lighting fixtures mounted on canopies shall be recessed so that the light's lens cover is recessed or flush with the bottom surface (ceiling) of the canopy and/or shielded by the fixture or the edge of the canopy so that light is restrained. Canopies shall be constructed of non-light-emitting material.

- E. Exceptions.** Because of their unique requirements for nighttime visibility and limited hours of operation, the lighting of active recreation areas, such as for [Outdoor Entertainment](#) uses are exempt from the requirements of this Section.
- F. Prohibited Lighting.**
1. *Flickering.* No flickering or flashing lights shall be permitted.
 2. [Buffer Yards](#). Light sources should not be located within any buffer yard areas except on pedestrian walkways.

141.06.03 Street Lighting Policy

The Town's Street Lighting Policy establishes standards for the installation and maintenance of decorative street lighting and roadway lighting in the Town.

- A.** The Street Lighting Policy applies to all types of streets and roadways (private, Town, or NCDOT maintained), proposed or existing, and within or adjacent to the development site.
- B.** Fixture types shall be a mixture of cobra head style and pedestrian scale decorative lights (Hagerstown).