

Section 3.02 LB Local Business District

Intent – The LB *Districts* are established to promote a village oriented, pedestrian friendly environment for the provision of a full range of convenience goods and services, which are necessary to meet the daily needs of nearby residential neighborhoods and to promote *dwelling units* located in the upper stories of mixed use *buildings*. *Permitted uses* within the LB *Districts* are regulated in character to assure harmonious development with the nearby residential *districts* served and are limited in size and scale to promote pedestrian access.

- A. **Permitted Uses.** (See Section 1.20, I. – Limitation on Permitted Uses in the LB – Local Business District, for additional restrictions on *permitted uses*.)
1. *Primary Uses.*
 - a. Automotive Sales & Service: *Quick Oil Change Facility*. [Amended Ordinance #10-11]
 - b. Clothing Service: Costume Rental; Dressmaking; Dry Cleaning and Laundry Establishment; Millinery (Fabric) Shop; Shoe Repair Shop; Tailor and Pressing Shop; Tuxedo Rental. [Amended Ordinance #08-13, Amended Ordinance #10-11]
 - c. Educational Uses: Kindergarten; *Child Care Center*; *Child Care Ministry*, *Private School*. [Amended Ordinance #04-13, Amended Ordinance #10-11]
 - d. Food Sales and Service: Bakery – Retail; Convenience Store; Dairy Bar – Retail; Delicatessen; Grocery; Ice Cream Store – Retail; Restaurant – Sit-down; Yogurt Store – Retail. [Amended Ordinance #10-11]
 - e. Miscellaneous: *Bed & Breakfast*; Clinic – medical, dental or optometrists; *Cottage Business / Residential*; *Cottage School*; Print Shop; *Tourist Home*. [Amended Ordinance #10-11]
 - f. Office / Professional Services: Architect; Artist; Bank Machines - Walk-up; Bank Machines (ATM's) – Free Standing; Bank / Savings & Loan / Credit Union; Construction Companies (office only); Consultant; Contractors (office only); Dentist; Design Services; Engineer; Home Remodeling Companies (office only); Insurance Agent; Lawyer; Musician; Physician; Pharmacist; Photographic Studio; *Professional Offices*; Real Estate Office; Travel Agency. [Amended Ordinance #10-11, 11-08]*
 - g. Personal Service: Barber Shop; Beauty Shop; Health Spa or Fitness Center; Locksmith; Tanning Salon. [Amended Ordinance #10-11]

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- h. Public Facilities: Community Center; *Neighborhood Recycling Collection Point*; *Religious Use*. [Amended Supplement #7 corrected typographical error, Amended Ordinance #10-11]
- i. Recreation: Aerobics Studio; Arcade; Dance Studio. [Amended Ordinance #10-11]
- j. Residential: *Dwelling Unit* – upper level. [Amended Ordinance #10-11]
- k. Retail: Antique Shop; Apparel Shop; Art Gallery; Arts and Craft Store; Automobile Parts Sales (new); Bicycle Sales and Service; Camera Store; Card Shop; Clock Shop; Coin and Stamp Shop; Computer Store; Convenience Store; Drug Store; Fabric Store; Flower Shop; Frame Shop; Gift Shop; Hardware Store; Hobby, Toy or Game Shop; Jewelry Store; Music Store; Newsdealer; Paint Store; Pet Store; Radio, TV, Music Sales and Service; Retail Showroom; Sporting Goods; Shoe Store; Stationery and Book Store; Video Store. [Amended Ordinance #10-11]

2. *Special Exception Uses.*

- a. Automotive Sales & Service: *Automotive Repair – Minor*; Car Wash (automatic or self); Gasoline Service Station (without repair). [Amended Ordinance #08-13, Amended Ordinance #10-11]
- b. Clothing Service: Self-service Laundry. [Amended Ordinance #10-11]
- c. Communication/Utilities: *Telecommunications Tower*; Electricity Relay Station; Non-municipal Utility Substation; Non-municipal Pumping Stations; Water Towers. [Amended Ordinance #05-01, #10-11, #15-10]
- d. Food Sales and Service: *Artisan Food and Beverage Producer*; *Bar*; Restaurant – Drive In; Restaurant – Drive Through; *Tavern*. [Amended Ordinance #10-11, 15-10]
- e. Government Use: Fire Station; Governmental Offices; Municipal / State Road Maintenance Facility; Police Station; Post Office – with outdoor parking of delivery vehicles; Public Library. [Amended Ordinance #04-13, Amended Ordinance #10-11]
- f. Miscellaneous: *Artificial Lake*; *Hotel*; *Motel*; Mortuary/ Funeral Home /Crematory; *Tourist Home*; Veterinary Hospital. [Amended Supplement #7 corrected typographical error, Amended Ordinance #10-11]
- g. Office / Professional Services: Bank Machines (ATM's) – Drive Through. [Amended Ordinance #11-08]
- h. Residential: *Dwelling, Multifamily* – with Mixed-Use *Development*; *Multifamily Townhouse* - with Mixed Use *Development*; *Nursing Home*; *Rest Home*; *Single Family Dwelling* with Mixed Use *Development*. [Amended Ordinance #09-08, 09-13, 10-11, 16-11]*

- i. Retail: Liquor Store. [Amended Ordinance #10-11]*

- 3. *Accessory Uses* – See Section 3.07, A. – Accessory Uses, Buildings and Structures.

- 4. *Temporary Uses* – See Section 3.07, B. – Temporary Uses, Buildings and Structures.

B. Development Standards.

1. Minimum *Lot Width* and *Frontage* - each *single use site, subdivision, or integrated center* shall have a minimum *frontage* on a *public street* of 50 feet.

Each *lot* or *out lot* shall have sufficient *frontage* and *access* as set forth in Section 7.06, B., 1. Lot Arrangement of this UDO. [Amended Ordinance #13-09]

2. *Yards and Building Setbacks*

- a. Front - a *minimum front yard* and *minimum building setback* measured from the greater of the *proposed right-of-way* or existing *right-of-way* shall be provided as follows: [Amended Ordinance #14-07]*

<i>Freeway: NC-540 / US 1:</i> [Amended Ordinance #14-07]*	100'
<i>Freeway: NC 55 Bypass:</i>	50'
<i>Thoroughfare:</i>	30'
<i>Collector Street:</i>	30'
<i>Local Street / Cul-de-Sac Street:</i>	30'
<i>Residential Gateway:</i>	30'

Provided, however:

- (1) Any 30' minimum *front yard* and minimum *building setback* listed above for a *thoroughfare* may be reduced to 20' by utilizing the following design features: [Amended Ordinance #09-18, #13-09]
 - (a) All architectural regulations as stated in Section 3.08 are provided without alternate compliance for the *façade* adjacent to the *front yard*; [Added Ordinance #09-18]
 - (b) all *parking areas* are located without a waiver of *parking area* location as stated in 7.04, E., 3. Maximum Number of *Off-Street Parking Spaces*; and [Added Ordinance #09-18]
 - (c) no *parking areas* or *interior access drives* are located between the *front lot line* and front line of the *primary building*. [Amended Ordinance #09-18]
- (2) Any 30' minimum *front yard* and minimum *building setback* listed above on *collector streets, local streets, cul-de-sac streets, or residential gateways* may be reduced to fifteen (15) feet with a maximum of thirty-five (35) percent of the *façade* of the building

at the fifteen (15) foot line, by utilizing the following design features: [Amended Ordinance #09-18]

- (a) *Parking areas* shall be located only to the side and rear of the building; and [Amended Ordinance #09-18]
- (b) provide outdoor seating for restaurants and/or outdoor display or sales of merchandise along the *front yard* not exceeding ten (10) percent of the *gross floor area* of the tenant space and locate so that the building entrance of the business or building is not blocked; and [Amended Ordinance #09-18]
- (c) all architectural regulations as stated in Section 3.08 are provided without alternate compliance for the façade adjacent to the *front yard*. [Added Ordinance #09-18]

b. Minimum *Side Yard* and *Setback*:

(1) *Integrated Centers*:

- (a) Minimum *Side Yard* - ten (10) feet
- (b) Minimum *Side Bufferyard* - twenty (20) feet

[Removed Ordinance #14-07]*

(2) *Single Use Sites*:

- (a) Minimum *Side Yard* - ten (10) feet
- (b) Minimum *Side Bufferyard* - twenty (20) feet

c. Minimum *Rear Yard* and *Setback*:

(1) *Integrated Centers*:

- (a) Minimum *Rear Yard* - ten (10) feet
- (b) Minimum *Rear Bufferyard* - twenty (20) feet

[Amended Ordinance #15-01]*

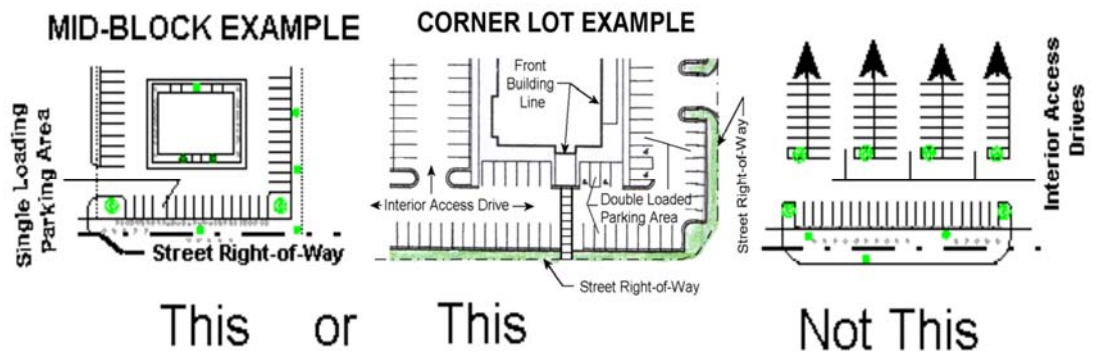
- (2) *Single Use Sites:*
 - (a) Minimum *Rear Yard* - ten (10) feet
 - (b) Minimum *Rear Bufferyard* - twenty (20) feet
- d. *Minimum Yards for Out Lots* [Added Ordinance #14-07]* - *Out lots or multi-tenant buildings* within an *integrated center* shall provide a *minimum yard* of zero (0) feet along all *lot lines* in common with other *out lots* or in common with the main portion of the *integrated center*. If any portion of an *out lot* abuts the perimeter of the *integrated center*, that portion of the *out lot* shall be required to comply with the applicable *minimum front, side or rear yard* requirements set forth above. The main portion of the *integrated center* shall not be required to provide a *minimum yard* along the *lot line* in common with an *out lot*. If an *out lot* is for an *individual tenant space* within a *multi-tenant building*, there shall be a *minimum side yard* of zero (0) feet.

Provided, however, the *minimum yards* for *out lots* along all *lot lines* in common with other *out lots* may be used for *parking areas, loading areas, interior drives or interior access drives* provided that:

- (1) the area of each such *minimum yard* that would have been devoted to landscaping and the amount of landscape material that would have been required to be installed in each such *minimum yard*, if not complying with the special provisions of this sub-Section, are provided elsewhere on each of the affected *out lots* as either additional *foundation landscaping area* or additional interior *parking area* landscaping; and,
 - (2) documentary assurances are provided on the *final plat* or by other legally binding instrument which binds the adjoining *lots* to be developed in compliance with the special provisions of this sub-Section allowing such *minimum yards* to be used for *parking areas, loading areas, interior drives or interior access drives* subject to the provision of such additional *foundation landscaping area* or additional interior *parking area* landscaping.
3. Use of *Minimum Yards* and *Bufferyards*

All *minimum yards* and *bufferyards* shall be landscaped in compliance with the requirements for perimeter *yard* landscaping as set forth in Section 7.01 – Landscape Regulations of this UDO and shall remain free from *structures* except where expressly permitted below:

- a. Minimum *front yards*:
- (1) along *freeways* – shall be maintained as *open space* free from *buildings* or *structures*;
 - (2) along *Thoroughfares, Collector Streets, Local Streets, Cul-de-Sac Streets, and Residential Gateways* – may include: *driveways; parking areas;* and, *signs* as regulated by Section 7.03 – Sign Regulations of this UDO, and shall otherwise be maintained as *open space* free from *buildings* or *structures*, provided, however, that: [Amended Ordinance #13-09]
 - (a) *parking areas* located between a *front building line* and a *street right-of-way* shall be limited to either a single loaded *parking area* or a double loaded *parking area* served by not more than one (1) *interior access drive*, where the *interior access drive* is located generally parallel to the *street right-of-way*; and,



- (b) no portion of the *parking area* shall be located closer to the *right-of-way* than ten (10) feet.
- b. Minimum *Front Bufferyards* - may include: *driveways;* or, *signs* as regulated by Section 7.03 – Sign Regulations of this UDO, and shall otherwise be maintained as *open space* free from *buildings* or *structures*;
 - c. Minimum *Side and Rear Yards* - may include: *interior access driveways;* or, *walkways* or other pedestrian way connections to adjoining *lots*, provided that the remainder of said *yards* shall be maintained as *open space* free from *buildings* or *structures*;
 - d. Minimum *Side and Rear Bufferyards* – may include: *interior access driveways;* or, *walkways* or other pedestrian way connections to adjoining

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residential areas, provided that the remainder of said *bufferyards* shall be maintained as *open space* free from *buildings* or *structures*.

4. *Maximum Building Height*- forty-five (45) feet; provided, however, that:
 - a. no portion of any *building* located between fifteen (15) feet and thirty (30) feet from a *front lot line* shall be in excess of thirty-five (35) feet; and,
 - b. the *setback* for that portion of any *building* or *structure* which is in excess of thirty-five (35) feet shall be increased by one (1) foot for each one (1) foot of the height of the *building* or *structure* above thirty-five (35) feet until the maximum height of the *building* or *structure* is allowed. [Amended Ordinance #07-03]

5. *Maximum Gross Main Floor Area* - *Maximum Gross Main Floor Area* for the *Permitted Uses* in the LB District shall be permitted as specified below:
 - a. *Maximum Gross Main Floor Area* as a *Primary Use*: [Amended Ordinance #07-03]
 - (1) No single use contained in a multi-tenant *integrated center building* shall exceed eight thousand (8,000) square feet of *gross main floor area*.
 - (2) No free-standing *building* containing a single use, whether on a *single use site* or in an *integrated center*, shall exceed twelve thousand (12,000) square feet of *gross main floor area*.
 - (3) No *integrated center* shall exceed twenty-four thousand (24,000) square feet of total *gross main floor area*.

 - b. *Additional Maximum Gross Main Floor Area* as a *Special Exception Use*: [Added Ordinance #07-03]

Additional Gross Main Floor Area may be granted as a *Special Exception Use* as specified below:

 - (1) No single use or free-standing *out lot* use shall exceed sixteen thousand (16,000) square feet in *gross main floor area*;
 - (2) No individual and separately operated use in a multi-tenant *building* in an *integrated center* shall exceed sixty thousand (60,000) square feet of *gross main floor area*; and,
 - (3) No *integrated center* shall exceed one-hundred and twenty-five thousand (125,000) square feet of total *gross main floor area*.

6. Parking and Loading - See Section 7.04 – Off-Street Parking Regulations and Section 7.05 – Off-Street Loading Regulations; provided, however, a *single use site* or *integrated center* in the Local Business District may include *on-street parking* located immediately adjacent to the *single use site* or *integrated center*, if such adjacent *on-street parking* is approved by the agency having jurisdiction over *on-street parking* and the *Director of Engineering*. If *on-street parking* is provided, the amount of *off-street parking* required by this UDO for the *single use site* or *integrated center* shall be deemed to be reduced by the number of *on-street parking spaces* provided immediately adjacent to the *single use site* or *integrated center*.

7. Signs - See Section 7.03 – Sign Regulations.

8. Outdoor Operations - All uses and operations (except *off-street parking*, *off-street loading* and delivery and walk-up customer service windows) shall be conducted completely within enclosed *buildings*, except where expressly permitted below:
 - a. Outdoor seating for restaurants provided that such outdoor seating:
 - (1) shall not be located in any required yard or *street right-of-way* except for a *front yard* along a *collector street*, *local street*, *cul-de-sac street*, or *residential gateway*;
 - (2) shall be permitted only along the business' tenant bay or storefront the façade; and,
 - (3) shall not block the entrance to the business or building;
 - (4) shall not be located between a *building line* and a *bufferyard*;
 - (5) shall be included in the calculation of required *foundation landscaping area* and any applicable *building foundation landscaping area* and associated *plant unit value* shall be extended or relocated around the perimeter of the outdoor seating area;
[Amended Ordinance 14-07]*
 - (6) shall not exceed 10% of the *gross floor area* of the restaurant; and
[Amended Ordinance 14-07]*
 - (7) shall be located so as not to interfere with *sidewalks* or pedestrian ways by maintaining five (5) feet of *sidewalk* clear for pedestrian flow; and [Added Ordinance 14-07]*

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- (8) shall provide parking bumpers if the outdoor seating area is located adjacent to an *off-street parking area*. [Added Ordinance 14-07]

- b. *Outdoor display* or sales of merchandise provided: [Amended Ordinance 08-12]
 - (1) shall not be located in any *street right-of-way*;
 - (2) shall be located against the *building* façade;
 - (3) shall be permitted only along the business' tenant bay or storefront façade;

[Removed Ordinance #15-10]*

 - (4) shall not block the entrance to the business or *building*;
 - (5) any *outdoor display* or sales of merchandise shall not exceed ten (10) percent of the *gross floor area* of each non-related and separately operated *use*;
 - (6) shall not be located in a *required yard* or *required bufferyard*, except for a *front yard* along a *collector street*, *local street*, *cul-de-sac street*, or *residential gateway*; and,
 - (7) shall be located so as to not interfere or conflict with sidewalks, pedestrian ways by maintaining five (5) feet of sidewalk clear for pedestrian flow; and shall be located so as not interfere or conflict with any minimum required *parking areas*, *loading areas*, *driveways*, *interior access drives*, *interior access driveways*, *perimeter landscape yards* or *foundation landscaping*.

- c. *Outdoor Storage* – Storage of materials not for sale but associated with the *primary use*. [Added Ordinance #08-12]
 - (1) shall be *accessory* to the *primary use*;
 - (2) shall only be located along the rear façade of the *building* or those area(s) designated as *outdoor storage* on an approved site specific *development plan*;
 - (3) shall not exceed the lesser of: ten (10) percent of the *gross floor area* for each non-related and separately operated *use*;
 - (4) shall not be located in a *required yard* or *required bufferyard*;

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- (5) shall be enclosed within a chain link, lattice, ornamental, solid walled, or similar type fenced area, including entry/exit gates made of materials compatible with the fence, if a solid wall is constructed, the primary masonry *building material* of the *primary building* shall be used;
 - (6) The height above *grade* of said fence shall be at least six (6) feet and shall not exceed the lesser of twenty (20) feet or the height of the roofline; and
 - (7) Materials or products stored within the fenced storage area shall not exceed the height of the fence.
- d. Gasoline Pumps as a *Special Exception Use* - provided that no outdoor operations other than the dispensing or installation of gasoline, oil, antifreeze and other similar products and the performance of minor services for customers as related to said dispensing or installation are conducted on the site.
- e. Walk up or Drive through with a *Special Exception Use* customer service windows or Automated Teller Machines (ATM's), provided that such facilities shall:
- (1) be set flush with the façade of the *building*;
 - (2) if free-standing, abut the façade of the *building* or be located within a service unit island under a drive-through canopy attached to the *building*; and,
 - (3) be located so as to not interfere or conflict with sidewalks, pedestrian ways, *parking areas*, *loading areas*, *driveways*, *interior access drives*, *interior access driveways*, perimeter landscape *yards* or foundation plantings.
- f. Vending machines - provided that vending machines:
- (1) shall abut the exterior wall of the *building*; [Amended Ordinance 14-07]
 - (2) shall not be located in a required *yard* or required *bufferyard*; and [Amended Ordinance 14-07]
 - (3) no individual machine shall exceed twenty-four (24) cubic square feet. [Amended Ordinance 14-07]
9. Landscape Requirements - See Section 7.01 – Landscape Regulations.

C. **Mixed Use Option** [Added Ordinance #09-08]

Intent – The Mixed Use Option is established, consistent with the Vision Holly Springs *Comprehensive Plan*, to promote and guide integrated diverse but compatible *uses* into a development that is defined by unique and innovative design and pedestrian friendly features. This option is intended to be an alternative to the suburban mind-set that development be unconnected and uncoordinated, increasing reliance on individual vehicles and traffic congestion.

1. *Permitted Uses.*

All *uses* set forth in Section 3.02, A. – Permitted Uses shall be considered *permitted uses* in a Mixed Use Option *project*. The *uses* are arranged in categories to provide an appropriate mix of *uses*. *Uses* are placed in categories based on similar impacts and to ensure diversity of *uses*.

The Mixed Use Option *project* shall include both commercial and residential *uses* as specified below. Each *project* must contain a minimum of twenty (20) percent of residential *uses* and twenty (20) percent of commercial *uses*. Such *uses* may be contained within the *project* or within a *building*.

- (i) Commercial – Retail, Office/Professional Services, Miscellaneous, Clothing Service, Food Sales and Service, Personal Services, Recreation Uses.
- (ii) Residential – *single family* and/or *multifamily dwellings*.



Additional *uses* not listed in the categories above may be provided in accordance with Section 3.02, A. – Permitted Uses but shall not count towards the minimum twenty (20) percent requirement.



2. *Mixture of Uses.*

- a. The *project* shall contain the required minimum amount of commercial and residential *uses* within six (6) years of the first *certificate of occupancy* issued.
- b. For Mixed Use Option *projects* developed in phases, (as defined in the project's approved *Master Plan*), each phase shall be able to function as a standalone development and the *project* shall contain the required common space/*open space* at all times during the phases of construction.

- c. The *Town Council* may grant a one (1) year extension for a total of five (5) years if the property owner can provide evidence that a mix will be provided by the end of the additional year. The evidence may include, but is not limited to, tenant contracts, leases or other legal construction agreements with specific deadlines.
3. Development Standards.
- a. *Minimum Lot Width and Frontage* - None
 - b. *Maximum Project Gross Density* –eight (8) *dwelling units* per acre, provided, however:
 - (1) Any *project* located within a designated high density Community Growth Area or Regional Center as specified in the *Comprehensive Plan* may have a maximum *gross density* of fifteen (15) *dwelling units* per acre. [Amended Ordinance #12-05]
 - (2) For any *project* located within a designated high density Community Growth Area or Regional Center as specified in the *Comprehensive Plan* and also designated as Very-High Density Mixed-Use, maximum *gross density* may be increased to sixteen and one-half (16.5) *dwelling units* per acre if a minimum of twenty-five percent (25%) of *dwelling units* are located in a *building* containing ground floor non-residential *uses* when said *building* is part of a mixed-use option *project*. Maximum *gross density* may be increased to eighteen (18) *dwelling units* per acre if a minimum of forty percent (40%) of *dwelling units* are located in a *building* containing ground floor non-residential *uses* when said *building* is part of a mixed-use option *project*. [Added Ordinance #16-11]*
 - c. *Building Orientation:* [Amended Ordinance #12-05]
 - (1) *Buildings* are encouraged to be located as close as possible to the *building setback* line in order to achieve an urban streetscape. [Added Ordinance #12-05]
 - (2) *Primary building* facades shall be parallel to the sidewalk (*right-of-way*), except where it is desired to maintain a highly desirable *vista*. [Amended Ordinance #12-05]
 - d. *Building Setbacks and Separation:*
 - (1) All *setbacks* shall follow Section 3.02, B., 2. – Yards and Building Setbacks except as follows and elsewhere in this section:

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- (a) *Buildings* located on the periphery of the Mixed Use Option *project* directly adjacent to a residential *district* shall be located a minimum of twenty (20) feet from the *project* boundary. [Amended Ordinance #12-05]
 - (b) *Buildings* located on the periphery of the Mixed Use Option *project* directly adjacent to streets, or a commercial *district* shall be located a minimum of ten (10) feet from the *project* boundary. [Amended Ordinance #12-05]
 - (c) No *building* shall encroach upon the *right-of-way* of a proposed thoroughfare as designated on the *Comprehensive Transportation Plan*. [Amended Ordinance #12-05]
 - (d) There shall be no interior *setbacks* and separation requirements. All internal non-residential *buildings* are encouraged to be located within ten (10) feet of *street rights-of-way* to enhance the walkability of the development. *Buildings* located large distances from roads and pedestrian trails are strongly discouraged. However, all *structures* shall meet state *building* code requirements and all other requirements to protect the health, safety and welfare of occupants.
- e. *Maximum Building Height* - sixty (60) feet.
- f. *Off-Street Parking Areas* - Whenever feasible, *off-street parking* shall comply with the following criteria:
- (1) Development Standards
 - (a) *Off-Street Parking areas* shall be located where residents and businesses have easy and convenient access. The *project* shall consider dedicating a certain portion of *off-street parking* for each *use* and must submit a parking study based on the proposed breakdown. The parking study shall be based on similar projects, with similar *use* percentage breakdowns when possible, in the surrounding area. The *off-street parking area* should not be located in such a manner that it dominates the *street frontage*.
 - (b) *Off-street parking* should be oriented behind or to the side of a *building* when possible and shall not exceed a

maximum depth of sixty (60) feet (i.e. two-way aisle with parking on both sides) not counting required landscaping.

- (c) *Off-street parking* requirements shall be governed by the provisions set forth in Section 7.04 – Off-Street Parking Regulations except as modified by this section.
- (2) Design Guidelines:
- (a) Shared Parking - Where parking demands for the various *uses* within the *project* peak during different times of the day, parking should be shared. *Off-street parking* should be developed as a combined *off-street parking area* under the provisions outlined in Section 7.04 – Off-Street Parking Regulations.
 - (i) *On-street parking* located along the *project frontage* may be counted towards the minimum number of required *off-street parking spaces* for the commercial component within the *project*. The number of *off-street parking spaces* may be reduced if a combined *off-street parking area* is approved based on the shared parking and parking study requirements set forth above.
 - (ii) However, in no case shall the combined required *off-street parking* for the mixed use *project* provide less than the minimum required *off-street parking* for the residential *use*.
 - (iii) The *Director* shall determine the required *off-street parking* for *uses* not mentioned in this section or elsewhere in the UDO, based on the requirements for similar *uses*.
 - (iv) *Staff* may authorize the use of combined *off-street parking areas* for *uses* or activities located within mixed use *projects* if it finds that the mixed use *project* is in accordance with Section 7.04, E., 4. – Reduction for Combined Off-Street Parking Areas.
 - (v) Alternate Parking Plan approval shall be subject to the following conditions and limitations:

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- a) No more than fifty (50) percent of the *off-street parking* required for a *building* or *use* may be supplied by *off-street parking areas* required for any other *building* or *use*.
- b) The applicant shall submit sufficient data to indicate that there is no substantial conflict in the principal operating hours of the *uses* proposing to make use of the combined *off-street parking areas*.
- c) The property owners involved in the joint use of *off-street parking areas* shall submit a legal agreement approved by the town attorney as to form and content guaranteeing that said required *off-street parking* shall be maintained so long as the *use* requiring *off-street parking* is in existence or unless the required *off-street parking* is provided elsewhere in accordance with the provisions of this Section. Such instrument, when approved as conforming to the provisions of this section, shall be recorded by the property owner with the Wake County Register of Deeds and a copy thereof filed with the Department of Planning & Zoning.

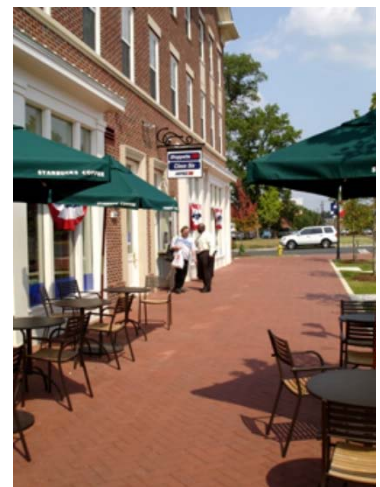
g. *Open Space* and Public Spaces -

The purpose of *open space* is to provide areas for passive and active social interaction. Areas which are accessible to the passing public are considered public spaces and are just as important to a development as those accessible only to the residents of the *project*. *Open space* areas should be surrounded by attractively designed *building* and landscape elements as well as *uses* that effectively shape and energize the *open spaces* as necessary to create a focal point of activity. Each Mixed Use Option *project* must contain *open space*, to be comprised of an amount of one (1) percent, of the total *project* acreage/square feet.



- (1) As a whole, *open space* should satisfy the following criteria:

- (a) Provide areas for social interaction with other people; or, for passive and active *uses* as appropriate.
 - (b) Public spaces shall be accessible to residents.
 - (c) Provide a strong image and sense of place.
 - (d) Be a part of the pedestrian linkage throughout the *project* and adjacent land *uses*.
 - (e) Provide an overall theme and visual connection between spaces and *uses* within the *project*.
 - (f) Be designed or located to ensure that it is useable year-round.
 - (g) Provide areas which have awnings, wind breaks, sun shade and/or landscaping that would provide shelter from the elements.
 - (h) Create a pleasant pedestrian village-like atmosphere.
- (2) *Open space* may include, but is not limited to, outdoor areas such as *plazas*, outdoor dining areas, rooftop gardens, and landscaped areas designed for active use.
- (3) *Open space* should be located or designed in such a manner that noise or activity does not unduly impact the residents of the mixed use *project* or nearby residential *projects*.
- (4) Encouraged to be located adjacent to the retail component of the *project* that can be converted for joint use with outdoor dining and pedestrian access. However, when used in conjunction with an outdoor dining area, the area shall be designed in such a manner that pedestrian access is not being impeded or hindered. The minimum dimension for clear pedestrian access should be at least six (6) feet.



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(5) Where possible, larger public spaces should be located near the main pedestrian access to the *project*.

h. Commercial Design Guidelines - When positioning commercial *uses*, issues such as access and entrances, address, identity and visibility, security, marketability, and connections to other *uses* should be taken into account. Retail space should be designed with adequate access from all internal *uses*. Proximity to existing commercial *uses* located on adjacent parcels is essential because it allows for the continuation of commercial corridors. Whenever possible, the commercial areas should include *street* front retail that promotes an active pedestrian area to draw the attention of the passing public. To accommodate the conditions of the ever-changing economic trends, the commercial areas should be designed to allow easy conversion from one commercial use to another.



(1) The commercial area of the Mixed Use Option *project* shall include the following elements:

- (a) Storefront windows that provide transparency to the *building* at the pedestrian level.
- (b) Visual interest which can draw the attention of the passing public.
- (c) Whenever feasible, orientation towards the *street* and major pedestrian or plaza areas.
- (d) Locate retail commercial *uses* relying heavily on passing foot traffic such as retail *uses* at ground level, with less active *uses* (i.e., office *uses*) located above ground level.

(2) In all cases, unless stated elsewhere in this section, commercial *projects* shall be subject to the architectural and site design requirement set forth in Section 3.08 – Architectural and Site Design Requirements.

i. Residential Design Guidelines - Residential *uses* may be located in a separate *building* or in mixed configurations with commercial *uses* in the

same *structure*. Factors such as privacy, security, amenities, and views are very important. To provide adequate privacy and security, residential entrances can be placed in the quieter areas away from the main commercial portions. Access to *open space* areas, either public or private is important.



- (1) Residential *uses* may be located in a separate *building* or in mixed configuration with commercial in the same *structure*, single family detached lots and/or *multifamily townhouses* may be located in an integrated area of the Mixed Use Option *project*. When in a mixed configuration, residential *uses* should be located on the upper stories; or, on ground floors when the *structure* does not use storefront space. In no case shall residential *uses* be located on the ground floor of a *building* located on commercial *street frontage*.
- (2) In all cases, multifamily *buildings* (i.e. *apartments, condominiums*) shall be subject to the architectural and site design requirement set forth in Section 2.07, D. – Architectural and Site Design Review of this UDO.
- (3) In all cases, *single family dwellings* and/or *multifamily townhouses* shall be subject to the design features set forth in Section 2.09, C., 2., d.- Design Features of this UDO.

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D. Architectural and Site Design Review. [Amended Ordinance # 09-08]

All development located within the LB *district* shall be subject to the architectural and site design requirements set forth in Section 3.08 – Architectural and Site Design Requirements of this UDO.