

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.*

[Amended Ordinance #10-11; Removed Ordinance #20-01; Renumbered Ordinance #20-01]*

- a. 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; 10-11]
- b. Educational Uses: Kindergarten; *Child Care Center*; *Child Care Ministry*; Private School. [Amended Ordinance #04-13; 10-11]
- c. 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]
- d. Miscellaneous: *Bed & Breakfast*; Clinic – medical, dental or optometrists; *Cottage Business / Residential*; *Cottage School*; Print Shop; *Tourist Home*. [Amended Ordinance #10-11]
- e. 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]
- f. Personal Service: Barber Shop; Beauty Shop; Health Spa or Fitness Center; Locksmith; Tanning Salon. [Amended Ordinance #10-11]
- g. Public Facilities: Community Center; *Neighborhood Recycling Collection Point*; *Religious Use*. [Amended Supplement #7 corrected typographical error, Amended Ordinance #10-11]

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- h. Recreation: Aerobics Studio; Arcade; Dance Studio. [Amended Ordinance #10-11]
 - i. Residential: *Dwelling Unit* – upper level. [Amended Ordinance #10-11]
 - j. 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); *Quick Oil Change Facility*. [Amended Ordinance #08-13, 10-11, 20-01]*
 - 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 Option *Development*; *Multifamily Townhouse* - with Mixed-Use Option *Development*; *Nursing Home*; *Rest Home*; *Single Family Dwelling* with Mixed-Use Option *Development*. [Amended Ordinance #09-08, 09-13, 10-11, 16-11; 20-01]*

- 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.

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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*; and [Amended Ordinance #09-18, 19-03]*
- (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

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- 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.

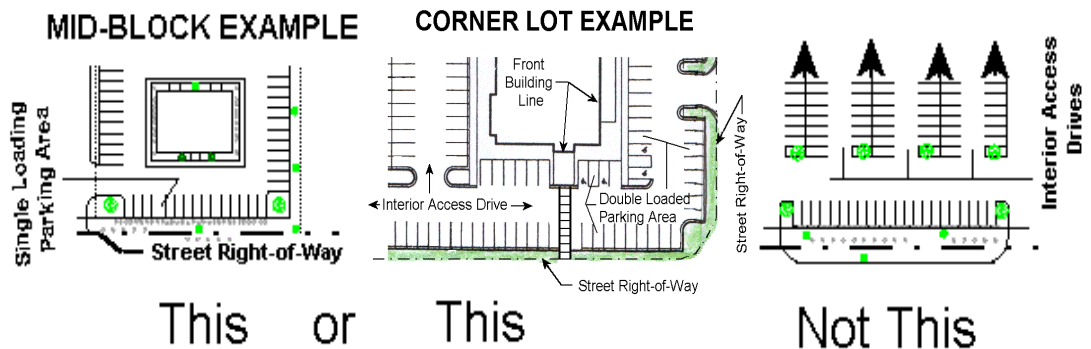
3. Use of *Minimum Yards* and *Bufferyards*

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

4. *Building Height* [Amended Ordinance #20-01]*

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- a. **Maximum *Building Height*** – forty-five (45) feet; provided, however, that:
 - i. 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,
 - ii. 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]
 - b. **Minimum *Building Height*** – twenty (20) feet. [Added Ordinance #20-01]*
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*.

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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 façade; and,
 - (3) shall not block the entrance to the business or *building*; and [Amended Ordinance #19-03]*
 - (4) shall not be located between a *building line* and a *bufferyard*; and [Amended Ordinance #19-03]*
 - (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; and [Amended Ordinance 14-07, 19-03]*
 - (6) shall not exceed twenty-five (25%) percent of the *gross floor area* of the restaurant; and [Amended Ordinance 14-07, 19-03]*
 - (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 or other separation measures such as bollards, *ornamental fencing*, seatwalls, or planters as deemed necessary by the *Director* if the outdoor seating area is located adjacent to an *off-street parking area*. [Added Ordinance 14-07, Amended 19-03]*

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 fence*, 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; [Amended Ordinance #19-03]*
- (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. [Added Ordinance #19-03]*
- 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]
- g. Outdoor *playgrounds* provided that such outdoor *playground*: [Added Ordinance #19-03]*

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- (1) is an *accessory use* to a *permitted use*; and
 - (2) 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 *playground area*.
9. Landscape Requirements - See Section 7.01 – Landscape Regulations.

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

Any proposed *project* located in the LB *district* shall be eligible to utilize the Mixed-Use Option set forth in Section 3.09 – Mixed-Use Option of this UDO. [Amended Ordinance #20-01]*

[Removed Ordinance #20-01]*

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.