

**ARTICLE XII  
DENSITY AND DIMENSIONAL REGULATIONS**

**Section 181 Minimum Lot Size.**

- (a) Subject to Subsection (b) and the provisions of Sections 187 (Cluster Subdivisions) and 188 (Architecturally Integrated Subdivisions), all lots in the following zones shall have at least the amount of square footage indicated in the following table:

<b>ZONING DISTRICT</b>	<b>MIN. SQUARE FEET</b>	<b>COMMENTS</b>
<b>R-6</b>	<b>6,000</b>	
<b>R-8</b>	<b>8,000</b>	
<b>R-10</b>	<b>10,000</b>	
<b>R-20</b>	<b>20,000</b>	
<b>R-40</b>	<b>40,000</b>	
<b>RA-40</b>	<b>40,000</b>	
<b>RA-20</b>	<b>20,000</b>	
<b>B-1 B-2 B-3</b>	<b>6,000</b>	<b>If used for residential purposes, otherwise, no minimum</b>
<b>B-6</b>	<b>8,000</b>	
<b>HC</b>	<b>6,000</b>	
<b>LI</b>	<b>No Minimum</b>	
<b>HI</b>	<b>No Minimum</b>	

- (b) The minimum lot sizes set forth in this section are permissible only if and to the extent that adequate water and sewer facilities are or can be made available to serve every lot in accordance with the provisions of Article XV of this ordinance. For example, in some areas zoned R-20 that are not served by public sewer, lots may have to exceed the 20,000 square feet minimum required above in order to accommodate septic tanks. In addition, where lots of less than 20,000 square feet are proposed and such lots do not have access to a sewage treatment facility or county sewer lines, The Union County Health Department - Environmental Health Division shall review and approve proposed plans as provided in Sections 238 and 239.

**Section 182 Residential Density.**

- (a) Subject to subsections (b) and (c) and the provisions of Sections 187 (Cluster Subdivisions) and 188 (Architecturally Integrated Subdivisions), every lot developed for residential purposes shall have at least the number of square feet per dwelling unit indicated in the following table. In determining the number of dwelling units permissible on a tract of land, fractions shall be dropped.

ZONING DISTRICT	MIN. SQUARE FEET PER DWELLING
R-6	6,000
R-8	8,000
R-10	10,000
R-20	20,000
R-40	40,000
RA-40	40,000
RA-20	20,000
B-1	6,000
B-2	6,000
B-3	6,000
B-6	8,000

- (b) Two-family conversions, primary residences with an accessory apartment, and duplexes shall be allowed only on lots having at least 150% of the minimum square footage required for one dwelling unit on a lot in such district. With respect to multi-family conversions into three or four dwelling units, the minimum lot size shall be 200% and 250% respectively of the minimum required for one dwelling unit.
- (c) The densities set forth in this section are permissible only if and to the extent that adequate water and sewer facilities are or will be made available to serve the proposed density in accordance with the provisions of Article XV of this ordinance (utilities).

**Section 183 Minimum Lot Widths.**

- (a) No lot may be created that is so narrow or otherwise so irregularly shaped that it would be impracticable to construct on it a building that:
  - (1) Could be used for purposes that are permissible in that zoning district; and
  - (2) Could satisfy any applicable setback requirements for that district.
- (b) Minimum lot widths shall be provided as shown below. Such lot width shall be measured along a straight line connecting the points at which a line that demarcates the required setback from the street intersects with lot boundary lines at opposite sides of the lot.

ZONING DISTRICT	LOT WIDTH	COMMENTS
RA-40	120'	
RA-20	100'	
R-40	120'	
R-20	100'	
R-10	80'	
R-8	80'	

ZONING DISTRICT	LOT WIDTH	COMMENTS
<b>R-6</b>	<b>60'</b>	
<b>B-1</b>	<b>None</b>	
<b>B-2</b>	<b>60'</b>	<b>None if for commercial use</b>
<b>B-3</b>	<b>60'</b>	<b>None if for commercial use</b>
<b>B-6</b>	<b>80'</b>	<b>None if for commercial use</b>
<b>LI</b>	<b>100'</b>	
<b>HI</b>	<b>100'</b>	

**Section 184 Building Setback Requirements.**

- (a) Subject to Sections 185 and 188 and the other provisions of this section, no portion of any building or any sign may be located on any lot closer to any lot line or to a street than is authorized in the table set forth below.
- (1) If the street right-of-way line is readily determinable (by reference to a recorded map, set irons, or other means), the street setback shall be measured from such right-of-way line. If the right-of-way line is not so determinable, the street setback shall be measured from the street centerline and the street setback distance shall be increased by fifteen feet plus one half of the width of the paved or traveled portion of the roadway.
  - (2) As used in this section, the term "lot boundary line" refers to lot boundaries other than those that abut streets.
  - (3) As used in this section, the term "building" includes any substantial structure which, by nature of its size, scale, dimensions, bulk, or use tends to constitute a visual obstruction or generate activity similar to that usually associated with a building. Without limiting the generality of the foregoing, the following structures shall be deemed to fall within this description:
    - a. Gas pumps, overhead canopies or roofs shall observe a minimum setback of twenty (20) feet from any road right-of-way, with no possibility of any additional variance. Canopies, roofs, and gas pumps located in the B-1 district shall be exempt. Where an addition, replacement, or new canopy is proposed to cover existing gas pumps which were constructed prior to the adoption of this ordinance, a minimum five (5) feet setback from any road right-of-way shall be observed. The addition to and/or relocation of any existing gas pumps, shall be prohibited unless constructed in conformance with the twenty (20) feet setback.
    - b. Fences running along lot boundaries adjacent to public street rights-of-way if such fences exceed six feet in height and are substantially opaque.

- (4) Notwithstanding the table set forth below, the minimum lot boundary setback for a corner lot shall be 15 feet. When zoning districts B-2, B-3, and HC are to be used for residential purposes, then R-6 setbacks shall be applicable, however, when there is a common boundary line with residentially zoned property, then the appropriate rear or side lot boundary line setback requirement of such residential zone shall apply where and to the extent that the B-2, B-3, B-4 and HC tract abuts such residentially zoned property.

ZONING DISTRICT	STREET SETBACK FOR BUILDING	STREET SETBACK FOR SIGN	LOT BOUNDARY SETBACK FOR BUILDING AND SIGN – SIDE LINE	LOT BOUNDARY SETBACK FOR BUILDING AND SIGN – REAR LINE
RA-40	40'	20'	15'	40'
RA-20	40'	20'	12'	40'
R-40	40'	20'	15'	40'
R-20	40'	20'	12'	40'
R-10	30'	15'	10'	30'
R-8	30'	15'	10'	30'
R-6	25'	12.5'	8'	25'
B-1	10'	--	--	--
B-2	25'	12.5'	15'	25'
B-3	25'	12.5'	15'	25'
B-6	25'	12.5'	8'	25'
HC	40'	20'	20'	40'
LI	50'	25'	20'	50'
HI	50'	25'	20'	50'

- (b) Whenever a lot in a nonresidential district has a common boundary line with a lot in a residential district, and the property line setback requirement applicable to the residential lot is greater than that applicable to the nonresidential lot, then the lot in the nonresidential district shall be required to observe the property line setback requirement applicable to the adjoining residential lot.
- (c) Notwithstanding the foregoing table, the applicable lot boundary setback for any lot within the HC zoning district that was not zoned for commercial or industrial purposes prior to being zoned HC and that is used for non-residential purposes shall be 100 feet with respect to the common boundary line with any other lot that is either residentially zoned or on which there is located an existing residence within fifty feet of such common lot boundary.
- (d) Setback distances shall be measured from the property line or street right-of-way line to the nearest portion of any building, excluding:

- (1) The outermost four feet of any uncovered porch, step, eave, gutter, canopy, or similar fixture; and
  - (2) A deck or patio if no portion of the same extends more than twelve inches off the ground; and
  - (3) Any structure that is a mere appendage to a building, such as a flagpole.
  - (4) Air conditioning and heating units.
- (e) Whenever a private road that serves more than three lots or more than three dwelling units or that serves any nonresidential use tending to generate traffic equivalent to more than three dwelling units is located along a lot boundary, then:
- (1) If the lot is not also bordered by a public street, buildings and freestanding signs shall be setback from the centerline of the private road just as if such road were a public street.
  - (2) If the lot is also bordered by a public street, then the setback distance on lots used for residential purposes (as set forth above in the column labeled "Lot Boundary Setback") shall be measured from the inside boundary of the traveled portion of the private road.
- (f) The front yard setback requirements of this ordinance for residential dwellings shall not apply to any lot where the average setback of existing buildings located wholly or partially within one hundred (100) feet on either side of the proposed dwelling and on the same side of the street in the same block and use district as such lot is less than the minimum required front yard depth. In such case, the setback on such lots may be less than the required setback but not less than the average of the existing setbacks on the aforementioned lots, or a distance of fifteen (15) feet from the right-of-way, whichever is greater.
- (g) Notwithstanding the setback and dimensional requirements contained in this Section, the following requirements shall apply on any lot located in a Business (B) or Industrial (I) district within the corporate limits of the Town of Wingate that fronts upon an arterial or collector street as shown on the most recently adopted version of the Wingate Thoroughfare Plan:
- (1) The required minimum front yard setback shall be ten (10) feet.
  - (2) There shall be no off-street parking allowed within any portion of the front yard. The area that lies between the front of the building and the adjacent public street shall generally be landscaped with grass, trees, shrubs and other natural plantings and/or contain other pedestrian-oriented amenities including sidewalks, walkways, benches, etc.
  - (3) Parking lots in the side yard shall not occupy more than thirty-five (35%) of the width of the lot along the primary street.

- (4) All new principal buildings shall be substantially parallel to the public road upon which they front. When more than one principal building is located on site, said regulation shall apply to the principal building closest to the adjacent public road. When an expansion to an existing building occurs, such expansion shall be made to satisfy this requirement, to the greatest degree feasible.
- (5) Street trees shall be planted along and parallel to the public road. Such trees shall be planted in the green strip that lies between the sidewalk and curb and/or no greater than twenty-five (25) feet inward from the edge of the road right-of-way. Large and small trees, as hereby referenced, shall be planted in the following manner:
  - a. One (1) large tree [per Section E-10(c) of Appendix E] per forty (40) feet of linear street frontage; or
  - b. One (1) small tree [per Section E-10(a) of Appendix E] per thirty (30) feet of linear street frontage; or
  - c. Large and small trees at the rate of one such tree per thirty-five (35) feet of linear street frontage.

Large trees may not be planted under any utility lines. The distribution of trees shall generally be proportionate to the street frontage. While an equal interval between trees is not required, it is the intent of this ordinance to not have long intervals without trees. Waivers to these regulations may be granted by the permit issuing authority where the adherence of these regulations would interfere or have the potential to interfere with any utility lines. Any trees planted in a NCDOT right-of-way shall first require permission from NCDOT.

#### **Section 185 Accessory Building Setback Requirements.**

- (a) While accessory buildings shall generally be required to comply with the building setback standards set forth in Section 184, accessory buildings in residential districts shall, subject to subsection (b), be allowed within five feet of a rear lot boundary line and within five feet of a side boundary line so long as the structure is located entirely behind the rear line of the principal building.
- (b) With respect to any lot in a residential district where accessory buildings are constructed under authority of subsection (a) closer to rear or side lot boundary lines than is generally permissible under Section 184:
  - (1) If the high point of the roof or any appurtenance of an accessory building exceeds twelve feet in height, the accessory building shall be setback from rear or side lot boundary lines an additional one foot for every foot of height exceeding twelve feet up to the required principal building setback; thereafter, no further setback is required.

- (2) Maximum lot coverage of principal and accessory buildings shall not exceed forty percent of the lot.

**Section 186 Building Height Limitations.**

- (a) For purposes of this section:
  - (1) The height of a building shall be the vertical distance measured from the mean elevation of the finished grade at the front of the building to the highest point of the building.
  - (2) A point of access to a roof shall be the top of any parapet wall or the lowest point of a roof's surface, whichever is greater. Roofs with slopes greater than seventy-five percent are regarded as walls.
- (b) Subject to the remaining provisions of this section, building and structure height limitations shall be a maximum of thirty-five (35) feet, with the exception of Section 186(c) below.
- (c) Maximum heights in the following districts may exceed the limits set forth in subsection (b) under the circumstances set forth herein:
  - (1) In the B-6 district, a building may exceed the thirty-five foot height limit so long as the portions of the building which exceed 35' in height shall have an indoor sprinkling system installed for fire safety purposes. In no case may a building in this district exceed eighty feet in height unless a conditional use permit has first been granted in accordance with Article IV of this ordinance.
  - (2) In the HC district, the height of a building may be increased to a maximum of sixty feet in accordance with the following provision. Such building must, for each foot (or fraction thereof) by which the building exceeds thirty-five feet, be set back at least an additional two feet beyond the minimums set forth in Section 184 from (i) the common boundary with any adjacent lot that is residentially zoned (see Section 135) or on which there is located an existing dwelling within fifty feet of such common boundary, and (ii) any street where, directly across such street from the proposed building, the property is residentially zoned or is the site of a residence that lies within fifty feet of the centerline of such street.
- (d) The following features are exempt from the district height limitations set forth in subsection (b):
  - (1) Chimneys, church spires, elevator shafts, and similar structural appendages not intended as places of occupancy or storage (but parapets and similar structural appendages shall not be exempt);

- (2) Flagpoles and similar devices;
  - (3) Towers and antennas (to the extent such uses are allowed, in the Table of Uses).
  - (4) Heating and air conditioning equipment, solar collectors, and similar equipment, fixtures and devices.
- (e) Notwithstanding subsection (b), in any zoning district the vertical distance from the ground to a point of access to a roof surface of any nonresidential building or any multi-family residential building containing four or more dwelling units may not exceed thirty-five feet unless the building inspector certifies to the permit-issuing authority, after consultation with the chief of any fire department serving such building, that (i) such building is designed to provide adequate access for fire fighting personnel or (ii) the building is otherwise designed or equipped to provide adequate protection against the dangers of fire.

**Section 187 Cluster Subdivisions.**

- (a) In any single-family residential subdivision in the zones indicated below, a developer may create lots that are smaller than those required by Section 181 if such developer complies with the provisions of this section and if the lots so created are not smaller than the minimums set forth in the following table:

<b>ZONING DISTRICT</b>	<b>MINIMUM SQUARE FEET</b>
<b>R-8</b>	<b>6,000</b>
<b>R-10</b>	<b>7,500</b>
<b>R-20</b>	<b>15,000</b>
<b>R-40</b>	<b>15,000</b>
<b>RA-40</b>	<b>15,000</b>
<b>RA-20</b>	<b>15,000</b>

- (b) The intent of this section is to authorize the developer to decrease lot sizes and leave the land "saved" by so doing as common open space, thereby lowering development costs and increasing the amenity of the project without increasing the density beyond what would be permissible if the land were subdivided into lots of the size required by Section 181.
- (c) The amount of common open space that must be set aside shall be determined by:
- (1) Subtracting from the standard square footage requirement set forth in Section 181 the amount of square footage of each lot that is smaller than that standard;
  - (2) Adding together the results obtained in (1) for each lot.

- (d) The provisions of this section may only be used if the usable open space set aside in a subdivision comprises at least 10,000 square feet of space that satisfies the definition of usable open space set forth in Subsection (e).
- (e) For purposes of this section, the term "common open space" means an area that:
  - (1) Is not encumbered with any substantial structure;
  - (2) Is not contained within a street right-of-way, or otherwise devoted to use as a roadway, parking area, sidewalk, or waste disposal field; and
  - (3) Is legally and practicably accessible to the residents of the development out of which the open space is taken.
- (f) At least one-half of the common open space set aside under this section shall be usable open space, meaning an area that is capable of being used and enjoyed for passive recreation (such as walking or jogging) and that:
  - (1) Is left in its natural or undisturbed state (as of the date development began), if wooded, except for the cutting of trails for walking or jogging (see below), if not wooded at the time of development, is properly vegetated and landscaped with the objective of creating a wooded area or other area that is consistent with the objective of providing passive recreational opportunities; or
  - (2) Consists of a pond, lake, or other natural or man made body of water; or
  - (3) Multi-use trails designed to attract walkers, joggers, in-line skaters, pet owners wheelchair users, cyclists, etc. shall be designed for exclusive use of non-motorized users (with the exception of motorized wheel chairs). The following standards shall apply:
    - a. Trails may be paved with asphalt (1-2 bituminous surface course) or unpaved with 4" thick compacted pit gravel, built to the specifications found in Appendix H.
    - b. The trail shall be located a minimum of 3' from any road right-of-way, trees, poles, or other obstacles.
    - c. If the trail intersects with a road right-of-way, posts or bollards shall be installed at the intersection to prevent unauthorized motor vehicles access. In addition, the intersection shall bear vehicle warning signs about the bicycle or pedestrian crossing.
    - d. The vertical clearance along the trail shall be 8', minimum.

- e. The longitudinal grade shall be a maximum of 5%, and the cross slope shall be no greater than 1/4" per foot from the centerline (See Appendix H).
- f. Curves shall have a minimum radius of 95'.
- g. Notwithstanding Section 183, "Minimum Lot Widths", lot widths may be set by the developer. However, the setback requirements of Sections 184 and 185 shall apply in cluster subdivisions.

**Section 188 Architecturally Integrated Subdivisions.**

- (a) In any architecturally integrated subdivision, the developer may create lots and construct buildings without regard to any minimum lot size, lot width, or setback restrictions except that:
  - (1) Lot boundary setback requirements shall apply where and to the extent that the subdivided tract abuts land that is not part of the subdivision; and
  - (2) Each lot must be of sufficient size and dimensions that it can support the structure proposed to be located on it, consistent with all other applicable requirements of this ordinance.
- (b) The number of dwelling units in an architecturally integrated subdivision may not exceed the maximum density authorized for the tract under Section 182.
- (c) To the extent reasonably practicable, in architecturally integrated residential subdivisions the amount of land "saved" by creating lots that are smaller than the standards set forth in Section 181 shall be set aside as common and usable open space in accordance with the provisions of subsections 187(e) and (f).
- (d) The purpose of this section is to provide flexibility, consistent with the public health and safety and without increasing overall density, to the developer who subdivides property and constructs buildings on the lots created in accordance with a unified and coherent plan of development.

**Section 189 Density on Lots Where Portion Dedicated to the Town or State or County.**

- (a) Subject to the other provisions of this section, if (i) any portion of a tract lies within an area that the Town, State, or County would like to acquire or have dedicated as part of a proposed school site, public park, greenway, other open space area, or public right-of-way and (ii) before the tract is developed, the owner of the tract, with the concurrence of the Town, dedicates to the Town, County, or State that portion of the tract that lies within such an area, then, when the remainder of the tract is developed for residential purposes, the permissible density at which the remainder may be developed shall be calculated in accordance with the provisions of this section.

- (b) If the proposed use of the remainder is a single family detached residential subdivision, then the lots in such subdivision may be reduced in accordance with the provisions of Sections 187 and 188 except that the developer need not set aside usable open space to the extent that an equivalent amount of land has previously been dedicated to the county in accordance with subsection (a).
- (c) If the proposed use of the remainder is a two-family or multi-family project, then the permissible density at which the remainder may be developed shall be calculated by regarding the dedicated portion of the original lot as if it were still part of the lot proposed for development.
- (d) If the portion of the tract that remains after dedication as provided in subsection (a) is divided in such a way that the resultant parcels are intended for future subdivision or development, then each of the resultant parcels shall be entitled to its pro rata share of the "density bonus" provided for in subsections (b) and (c).

**Section 190 Incentives for Smart Design Residential Developments in the RA-40, R-40, RA-20, and R-20 Zoning Districts.**

- (a) After consultation and approval by the land use administrator, a residential density bonus of 15% may be provided as incentive to promote smart design. This section only applies to residential subdivisions where major development permit approval is required after the effective date of this section. This section cannot be used jointly with Section 188 Architecturally Integrated Subdivisions. The minimum parcel size to apply this section shall be 25 acres. To receive the 15% density bonus the following must be applied:

Smart Growth Design must provide these:

- (1) Public Water and Sewer – The residential subdivision shall provide utilities as approved by the Town of Wingate.
- (2) Stormwater Management – Post development discharge rate at the property boundary is equal to the pre- development rate for the two and twenty-five storm events (2 and 25). Not applicable if directly discharging into a FEMA regulated flood plain.
- (3) Open Space – At least 10% of the total site must be set aside as permanent open space, which is accessible to the residents of the development.
- (4) Curb, Gutter, & Sidewalk – Streets within the subdivision shall have curb, gutter and sidewalks. Sidewalks shall be on both sides of collector streets and one side on local streets (per Section 216). Local streets that end in a cul-de-sac shall have the sidewalk constructed up to the bulb.
- (5) Neighborhood Pool/Club House (must be built before releasing more than 75% of lots) and/or other recreational facilities including but not limited to

bike paths, ball fields, golf courses, pocket parks, walking trails (per Section 187(3) and Appendix H.), basketball courts, and other similar recreational facilities.

- (6) Street Connectivity – Streets within the subdivision are well connected with a limited number of cul-de-sacs. Connectivity to existing streets adjacent to the subdivision is desired. Minimum of two exit streets.
- (7) Street Trees – Street trees planted throughout the residential subdivision on each side of the streets. (See Street tree standards for type, size, and spacing).
- (8) Pedestrian Street Lights – Street lights at a pedestrian scale to add character as well as safety along the streetscape.
  - Optional. Property receives an additional 10% density bonus if the requirements below are met:
    - (a) All of the eight (8) required amenities/improvements are provided.
    - (b) Land is dedicated for public use. In compliance with Section 189, an offer of dedication must be accepted by the Board of Commissioners. Residents of the development out of which the dedication of land was taken must have a safe means of accessing the public use (school, park, greenways, or open space). Crossing major or minor thoroughfares shall require the placement of a safe pedestrian crossing as approved by the North Carolina Department of Transportation. The density shall be distributed in the development according to the approved plans.
    - (c) The developer may create lots and construct buildings without regard to any minimum lot size, lot width, or setback restrictions except that:
      - (1) Lot boundary setback requirements shall apply where and to the extent that the subdivided tract abuts land that is not part of the subdivision; and
      - (2) Each lot must be of sufficient size and dimensions that it can support the structure proposed to be located on it, consistent with all other applicable requirements of this ordinance.
      - (3) The intent of this section is to authorize the developer to decrease lot sizes and leave the land “saved” by so doing as common open space. The common open space must be legally and practicably accessible to the residents of the development out of which the open space is taken.

Crossing major or minor thoroughfares shall require the placement of a safe pedestrian crossing as approved by the North Carolina Department of Transportation.

- (d) For purposes of maintenance of improvements not dedicated for public use, the developer shall establish a homeowners association in accordance with Section 67.
- (e) RESERVED
- (f) Street Trees
  - (1) Quantity. Trees shall be provided at the equivalent of not more than fifty (50) feet apart along all frontages of all lots. In the case of a corner lot, one (1) tree shall be provided for the first one hundred (100) feet of the longest frontage, then one (1) tree per fifty (50) feet thereafter. In the event of a fraction of a tree required, if the fraction is less than three-quarters (3/4), the lower number shall be used. If the fraction is (3/4) or greater, the higher number shall be used. Existing trees that are to be preserved may be used to satisfy the requirements of this provision.
  - (2) Location and Spacing. Street trees must be spaced linearly outside the public road right-of-way, within twenty-five feet area, provided they are within the view of the public.
  - (3) Size. Street trees shall have a minimum trunk size of two and one-half inch (2-1/2") caliper, as measured twelve (12) inches above the established ground level.
  - (4) Species. Utilization of a variety of street tree species is specifically encouraged, in order to promote variety in the streetscape and to reduce exposure to disease that may affect any one particular tree species. Street trees shall be selected from the following list:

**DECIDUOUS TREES-** Large trees – 50 feet and over in height and over 40 feet in spread.

<u>Common Name</u>	<u>Botanical Name</u>
Norway Maple	Acer platanoides
Emerald Queen Norway Maple	Acer platanoides
Crimson King Maple	Acer platanoides
Sugar Maple	Acer saccharum
Green Mountain Sugar Maple	Acer saccharum
Sycamore Maple	Acer pseudoplatanus
Hackberry	Celtis occidentalis

<u>Common Name</u>	<u>Botanical Name</u>
Marshall Seedless Green Ash	Fraxinu pennsylvanica
Summit Ash	Fraxinus pennsylvanica
Autumn Purple White Ash	Fraxinus americana
Rosehill White Ash	Fraxinus Americana
Blue Ash	Fraxinus quadrangulata
European Ash	Fraxinus excelsior
Ginkgo(male only)	Ginkgo biloba
Imperial Honeylocust	Gleditsia tricanthos
Shademaster Honeylocust	Gleditsia tricanthos
Skyline Honeylocust	Gleditsia tricanthos
Kentucky Coffee-tree	Gymnocladus dioicus
Bur Oak	Quercus macrocarpa
Chickapin Oak	Quercus muehlenbergi
English Oak	Quercus robur
Schumard Oak	Quercus shumardii
Shingle Oak	Quercus imbicaria
Swamp White Oak	Quercus bicolor
Bald Cypress	Taxodium distichum
American Linden	Tilia Americana
Redmond Linden	Tilia euchlora
Silver Linden	Tilia tomentosa
Japanese Zelkova	Zelkova serrata

Medium Trees – 30 to 50 feet in height and 25 to 40 feet in spread.

<u>Common Name</u>	<u>Botanical Name</u>
Miyabe Maple	Acer miyabei
Tartarian Maple	Acer tataricum
Baumann Horsechestnu	Aesculus hippocastanum
Yellow Buckeye	Aesculus glabra
Eurpoean Black Alder	Alnus glutinosa
River Birch	Betula nigra
Katsuratree	Cercidiphyllum japonicum
Yellowood	Cladrastris lutea
Turkish Filbert	Corylus colurna
Cucumbertree Magnolia	Magnolia acuminata
Amur Corktree	Phellodendron amurense
Bradford Callery Pear	Pyrus calleryana
Chanticleer Callery Pear	Pyrus calleryana
Japanese Pagoda Tree	Sophora japonica
Peking Lilac	Syrianga pekinensis
Greenspire Linden	Tilia cordata
Lacebark Elm	Ulmus parvifolia

Small trees – 15 to 30 feet in height and less than 30 feet in spread.

<u>Common Name</u>	<u>Botanical Name</u>
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<u>Common Name</u>	<u>Botanical Name</u>
Amur Maple	<i>Acer ginnala</i>
Hedge Maple	<i>Acer campestre</i>
Columnar Norway Maple	<i>Acer platanoides</i>
Columnar Sugar Maple	<i>Acer saccharum</i> 'Columnar'
Red Horsechestnut	<i>Aesculus x carnea</i>
Red Buckeye	<i>Aesculus pavia</i>
Pink Horsechestnut	<i>Aesculus x plantierensis</i>
Speckled Alder	<i>Alnus rugosa</i>
Downy Serviceberry	<i>Amelanchier arborea</i>
Redbud	<i>Cercis canadensis</i>
Lavalle Hawthorne	<i>Crataegus x lavallei</i>
Washington Hawthorne	<i>Crataegus phaenopyrum</i>
Winter King Hawthorne	<i>Crataegus virdis</i> '
Adams Crabapple	<i>Malus</i> 'Adams'
Japanese Flowering Crabapple	<i>Malus floribunda</i>
Red Splendor Crabapple Splendor'	<i>Malus</i> 'Red
Snowcloud Crabapple	<i>Malus</i> 'Snowcloud'
Snowdrift Crabapple	<i>Malus</i> 'Snowdrift'
Ironwood (Hophornbeam)	<i>Ostrya virginiana</i>
Japanese Tree Lilac	<i>Syringa reticulata</i>

#### EVERGREEN TREES

<u>Common Name</u>	<u>Botanical Name</u>
White Fir	<i>Abies concolor</i>
Chinese Juniper	<i>Juniperus chinensis</i>
Norway Spruce	<i>Picea abies</i>
White Spruce	<i>Picea glauca</i>
Colorado Spruce	<i>Picea pungens</i>
Colorado Blue Spruce	<i>Picea pungens glauca</i>
Limber Pine	<i>Pinus flexilis</i>
Austrian Pine	<i>Pinus nigra</i>
Eastern White Pine	<i>Pinus strobus</i>
Himalayan Pine	<i>Pinus wallichiana</i>
Southern White Pine	<i>Pinus strobiformis</i>
Virginia Pine	<i>Pinus virginiana</i>
Scotch Pine	<i>Pinus sylvestris</i>
Douglas Fir	<i>Pseudotsuga menziesii</i>
Oriental Arborvitae	<i>Thuja orientalis</i>
White Cedar	<i>Thuja occidentalis</i>
Mission Arborvitae	<i>Thuja occidentalis</i>

Evergreen trees or ornamental trees may be substituted for the required street trees. Evergreens of a minimum height of six (6) feet may be substituted at a one-to-one exchange rate. Ornamentals of a minimum height of six (6) feet or caliper of one and one-half (1-1/2") may be substituted at a rate of two (2) ornamentals for each street tree.

- (g) Street lights shall be located at each street intersection, at the turnaround of each cul-de-sac, and elsewhere at intervals of not more than three hundred (300) feet alternating on both sides of the roadway. Fixtures shall be of a decorative/ornamental design with wiring underground.
- (h) The overall density of a tract developed shall be determined as provided in Section 182, with the exception of the density bonus. As required with other subdivisions, the road right-of-way shall not be utilized in calculating the site density.

**Sections 191 through 195 Reserved zero Side Setback.**

(a) Zero Side Setback Option: Zero side setback development may be used in any zoning district which permits single-family developments if the development contains ten or more contiguous lots and is served by public sanitary sewer. Zero side setbacks and proposed building locations must be delineated on the approved subdivision plat.

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(b) Development Standards:

(1) Setbacks of zero feet are permitted only where the lots on both of the affected lot lines are part of a zero side setback development.

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(2) A wall and roof maintenance easement (five feet along one-story walls, ten feet along two-story walls) shall be provided on the opposite side of the zero setback lot line.

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(3) Whenever one side setback is zero, the minimum setback on the opposite side of the same lot shall be twice the minimum side setback required by this Ordinance for the zoning district in which the development is located.

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(4) If the side wall of the structure is located on or within three feet of the property line, windows or other openings that allow for visibility into the side yard of the adjacent lot shall not be allowed. However, windows such as clerestory or translucent windows that do not allow visibility into the side yard of the adjacent lot shall be allowed.

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(5) The subdivision shall be designated as a zero side setback subdivision on the plat at the time of approval.

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**Section 192 Traditional Neighborhood Development**

(a) Traditional Neighborhood Development is permissible in the \_\_\_\_\_ and \_\_\_\_\_ zoning districts.

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(b) General Design Principles: TNDs shall adhere to the following general principles and design standards:

(1) Neighborhoods have clearly delineated centers and edges and are limited in size to promote pedestrian activity.

(2) The distance from the center to the edge of a neighborhood is generally no greater than ¼ to ½ mile.

(3) TNDs provide a balanced mix of residential, retail, professional and personal service, office, civic, public, and recreational uses.

(4) Residential uses include a diversity of housing types.

(5) Street patterns are interconnected and blocks are short.

(6) TNDs are organized around an activity center consisting of shopping, offices, public, and civic uses.

(7) Public and civic uses, such as schools, libraries, government offices, parks and recreational facilities, plazas, and village greens are prominent features and focal points.

(8) Formal and informal open space is located throughout a TND

(c) Development Area Requirements: A minimum of 10 acres shall be required for a TND.

(d) Minimum Lot Area and Density:

(1) Individual lot sizes may be reduced below the minimum specified in Table 10-1, Table of Density and Dimensional Requirements for the zoning district in which the TND is located.

(2) The permitted density of the residential component of a TND shall be determined during the conditional use permit review process but in no case shall the density exceed the maximum density delineated in the following table:

<u>Zoning District</u>	<u>Maximum DU/Gross Residential Acre</u>

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Factors taken into consideration in determining the permissible density of a specific TND shall include the anticipated vehicular traffic, infrastructure, and environmental impacts of the proposed TND.

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(e) Dimensional Requirements

(1) To promote flexibility and creativity, dimensional standards shall be established in accordance with the TND purpose and design principles. The determination of appropriate building setbacks, lot coverage, building heights for proposed uses will be made during the special use permit review process.

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(2) Each lot created within a TND shall be of sufficient size and dimensions that it can support the structure proposed to be located on it, consistent with all other applicable requirements of this Ordinance.

(f) Permissible Residential Uses within a TND: Permissible residential uses within a TND include single-family detached dwellings, two-family dwellings, townhouse dwellings, condominium dwellings, multi-family dwellings, and live/work units.

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(g) Permissible Nonresidential Uses within a TND: Nonresidential uses allowed within a TND shall be the same as those specified for the underlying zoning district in Table 10-1, Table of Permitted Uses. In addition, the following commercial uses are permitted provided that no more than 15 percent of the total land area of a TND shall be used for such commercial uses:

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(1) Business, Professional and Personal Services:

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a. Accounting, Auditing or Bookkeeping

b. Administrative or Management Services

c. Bank, Savings and Loan, or Credit Union

d. Barber Shop

e. Beauty Shop

f. Clothing Alteration or Repair

g. Computer Maintenance and Repair

h. Employment Agency, Personnel Agency

- [i. Engineering, Architect or Survey Service](#)
- [j. Finance or Loan Office](#)
- [k. Insurance Agency](#)
- [l. Laundromat, Coin-Operated](#)
- [m. Law Office](#)
- [n. Medical, Dental or Related Office](#)
- [o. Photography, Commercial Art Studio](#)
- [p. Real Estate Office](#)
- [q. Shoe Repair or Shoeshine Shop](#)
- [\(2\) Retail Trade:](#)
  - [a. ABC Store \(liquor\)](#)
  - [b. Antique Store](#)
  - [c. Arts and Crafts](#)
  - [d. Bakery](#)
  - [e. Bar, Night Club, Tavern](#)
  - [f. Bookstore, except Adult Bookstore](#)
  - [g. Computer Sales](#)
  - [h. Convenience Store](#)
  - [i. Drugstore](#)
  - [j. Florist](#)
  - [k. Food Store](#)
  - [l. Hardware Store](#)
  - [m. Newsstand](#)
  - [n. Optical Goods Sales](#)
  - [o. Pet Store](#)
  - [p. Record and Tape Store](#)
  - [q. Restaurant \(without drive-thru\)](#)
  - [r. Service Station, Gasoline Sales](#)

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s. Video Tape Rental and Sales, except Adult Video Store

(3) No nonresidential use shall be permitted within 150 feet of the perimeter of the planned unit development unless the same or a similar use exists adjacent to the perimeter at the time of approval of the planned unit development or is a use permitted by zoning on the adjoining property.

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(4) Building permits for commercial uses in TNDs shall not be approved until building permits authorizing the construction of at least 30 percent of the total residential units have been issued.

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(h) Land Allocation by Use Type: The minimum and maximum land area devoted to specific land use types shall be determined as follows:

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<u>Land Use Type</u>	<u>Minimum</u>	<u>Maximum</u>
<u>Single-family uses</u>	<u>15%</u>	<u>75%</u>
<u>Two-family and multi-family uses, including townhouses and condominiums</u>	<u>10%</u>	<u>40%</u>
<u>Retail, service, and office uses</u>	<u>2%</u>	<u>30%</u>
<u>Civic Uses</u>	<u>2%</u>	<u>None</u>

(i) Open Space: The minimum amount of useable common open space that shall be reserved for passive and/or active open space purposes shall be in accordance with the standards and requirements of Section [redacted]. The minimum amount of private common open space required by this subsection is in addition to the minimum recreational space required in subsection (h) below.

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(j) Street Design: The design and construction of streets within a traditional neighborhood development shall comply with the NCDOT's Traditional Neighborhood Development (TND) Guidelines.

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(k) Recreational Space: Minimum recreational space shall be provided as required in Section [redacted].

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(l) Common areas: Common areas shall comply with the requirements of Section [redacted].

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**Section 193 Design Standards for Small Lot Residential Subdivisions**

(a) For major residential subdivisions consisting of lots with an average minimum lot size of 10,000 square feet or less, the Planning Board may recommend and the Town Board may require any or all the following:

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- (1) Sufficient land area be designated and reserved on each individual lot to accommodate anticipated off-street parking;
  - (2) The recordation of deed restrictions and subdivision plat notations restricting vehicular parking on individual lots to paved surfaces and within reserved off-street parking areas;
  - (3) Wider minimum street pavement widths to accommodate on-street parking;
  - (4) The provision of off-street overflow and/or visitor parking;
  - (5) Sidewalks adjacent to both sides of all streets and/or pedestrian walkways to provide access to internal or adjoining recreational areas and facilities, schools, commercial areas, and other pedestrian-oriented areas;
  - (6) Greater building setbacks along the perimeter of the subdivision where it adjoins lower density residential areas;
  - (7) Wider buffer areas along the perimeter of the subdivision to provide a greater separation from adjoining lower density residential areas and/or increased planting standards to provide a more opaque screen;
  - (8) Multiple entrances to the subdivision from major streets of access;
  - (9) A higher level of vehicular connectivity with adjoining tracts;
  - (10) Shorter cul-de-sac street lengths; and
  - (11) Alternative means of vehicular access to individual lots fronting on major thoroughfares.
- (b) For purposes of this Section, the average lot size of all residential building lots proposed in the subdivision shall be calculated to define 'small lot subdivision'.
- (c) The Town Board, in determining the minimum design standards applicable to small lot subdivisions, shall take into consideration the following factors:

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(1) The overall density of the proposed subdivision relative to other developments in the vicinity of the small lot subdivision;

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(2) The total number of lots proposed;

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(3) The zoning patterns, projected future land use, and development potential of the surrounding area for similar small lot subdivision development;

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(4) The anticipated vehicular traffic generation and parking needs of the intended occupants or targeted market of the proposed development;

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(5) The existing and proposed street system and traffic flows and patterns; and

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(6) The mitigating impact of the voluntary provision of recreational and open space in an amount which exceeds the minimum amount required in Section \_\_\_\_\_

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(d) After determining the need for the imposition of the design standards delineated in subsection (a) above, the Town Board shall utilize the following guidelines to implement the additional requirements for small lot subdivisions:

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(1) Sufficient land area designated and reserved on each individual lot to accommodate anticipated off-street parking shall be calculated at approximately 200 square feet per required parking space. All parking shall be located completely on an improved driveway or improved parking pad. No more than 30 percent of the front yard or a side yard abutting a street on a corner lot may be improved for off-street parking and drives.

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(2) Minimum street pavement widths should be increased by approximately 9 feet to accommodate on-street parking. The Planning Board and Town Board shall request the recommendation of the Town Engineer and the NCDOT, if applicable, for specific pavement widths necessary to provide adequate on-street parking on public streets.

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(3) Off-street overflow and/or visitor parking shall generally be provided at the standard of one parking space per three lots unless the Town Board determines that the subdivision layout and density warrant a higher standard. Overflow/visitor parking shall be grouped and spaced throughout the subdivision so as to be

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readily accessible to lot owners. Overflow/visitor parking shall be owned and maintained by a property owners' association.

(4) Sidewalks shall be provided adjacent to both sides of all streets. Sidewalks and/or pedestrian walkways shall also be installed to provide access to internal or adjoining recreational areas and facilities, community buildings, schools, commercial areas, and other pedestrian-oriented areas;

(5) Building setbacks along the perimeter of the subdivision where it adjoins lower density residential areas shall be the same or exceed the building setback standard applicable to the adjoining lower density residential zoning district.

(6) To provide a greater separation from adjoining lower density residential areas, a 25-foot wide Type landscaped buffer shall be installed along the external boundary line of the small lot development that adjoins a lower density residentially-used or zoned property. The buffer shall comply with the planting requirements of Section \_\_\_\_\_.

(7) Developments of 50 or more residential units or additions to existing developments that increase the total number of residential units to 50 or more shall be required to provide vehicular access to at least two public streets unless the Town Engineer determines that topography, natural features, or the pattern of existing adjacent development makes such provision impracticable.

(8) Vehicular connectivity with adjoining tracts shall be determined in accordance with the provisions of Section \_\_\_\_\_.

(9) Cul-de-sac street lengths generally should not exceed 400 feet or be designed to provide access to no more than 20 dwellings or a maximum projected average daily traffic (ADT) of 200, whichever is greater.

(10) No individual lot fronting on a major or minor thoroughfare or a collector street shall have direct vehicular access to such roadway. Vehicular access to all lots shall be limited to internal, local residential streets.

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(e) The establishment of a property owners' association is mandatory. Recordation of private deed restrictions which address particular land use and development issues or which exceed Town of Wingate requirements is encouraged.

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### Section 194 Building Design and Architectural Character (Supplemental Material for additional Standards)

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The purpose and intent of this section is to establish standards to guide development that is aesthetically pleasing and compatible within the context of the surrounding area. These guidelines are intended to allow for creativity and diversity, and avoid to monotony in design.

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#### (a) Applicability

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(1) The standards and guidelines contained in Section 194 shall apply to all nonresidential structures or combined structures greater than 25,000 square feet. (Options: (i) apply to all structures located within commercial and industrial zoning districts, (ii) apply to all nonresidential structures with facades longer than 100 linear feet, (iii) also make applicable to residential development in PUDs, TNDs, etc.)

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(2) All development subject to this Section shall be compatible with the established architectural character of the Town of Wingate by utilizing a design that is complementary to existing Town architectural styles, designs, and forms. Compatibility shall be achieved through techniques such as the repetition of roof lines, the use of similar proportions in building mass and outdoor spaces, similar relationships to the street, similar window and door patterns, and the use of building materials that have color, shades, and textures similar to those existing in the immediate area of the proposed development.

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#### (b) Definitions

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this subsection shall have the meaning indicated when used throughout this Section.

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(1) Arcade. A continuous passageway parallel to and open to a street, open space, or building, usually covered by a canopy or permanent roofing.

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(2) Architectural Feature. A prominent or significant part of element of a building, structure, or site.

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(3) Architectural Style. The characteristic form and detail of buildings of a particular historic period.

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(4) Awning. An architectural projection that provides weather protection, identity and/or decoration and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight, rigid or retractable skeleton over which an approved cover is attached.

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(5) Building Mass. The height, width, and depth of a structure.

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(6) Bulk. The size and shape of buildings, structures, and non-building uses and the physical relationship of their exterior walls or construction or their location to lot lines and other buildings or structures or other walls or construction of the same building or structure.

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(7) Canopy. A structure constructed of rigid materials, including but not limited to metal, wood, concrete, canvas, or glass, which is attached to and supported by a building, or which is free-standing and supported by columns, poles, or braces extended to the ground.

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(8) Courtyard. A space, open and unobstructed to the sky, located at or above grade level on a lot bounded on three or more sides by walls or a building.

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(9) Façade. The exterior side of a building which faces, and is most nearly parallel to, a public or private street. The façade shall include the entire building wall, including wall face, parapets, fascia, windows, doors, canopy, and visible roof structures of one complete elevation.

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(10) Eave. The projecting lower edges of a roof overhanging the wall of a building.

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(11) Infill. The development of new housing or other buildings on scattered vacant sites which is surrounded by existing development.

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(12) Intensity. The number of square feet per acre by land use type with respect to nonresidential land uses.

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(13) Marquee. Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

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(14) Parapet wall. That portion of a building wall that extends above the roofline. Parapet walls are often used to shield mechanical equipment and vents.

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(15) Plaza. An open space that may be improved and landscaped; usually surrounded by streets and buildings.

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(16) Roof line. The highest edge of the roof or the top of a parapet, whichever establishes the top line of the structure when viewed in a horizontal plane.

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(17) Scale of Development. The relationship of a particular project or development, in terms of size, height, bulk, intensity, and aesthetics, to its surroundings.

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(c) Building Design Standards

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Design standards promote creativity and innovation while discouraging obtrusive, incongruous structures. The Town discourages architectural styles that do not build upon and promote the existing character of the Town. The Town supports the view that inspiring, well-maintained, and harmonious development is in the best economic development interests of all residents and businesses.

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(1) Emphasize Human Scale - Building design shall emphasize a human scale at ground level, at entryways, and along street frontages through the creative use of windows, doors, columns, canopies, and awnings.

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(2) Major Building Design Features Proportional - Major building design features, such as windows, doors, eaves, and parapets, shall be designed to be in proportion to one another.

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(3) Structural Lines Retained at Storefront Level - The structural lines of a building and its materials shall be retained at the storefront level. For instance, brick piers and columns shall be carried down to street level.

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(4) Awnings and Canopies - Awnings and canopies shall complement the color and material of the building to which they are affixed.

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(5) Massing - A single, large, dominant building mass shall be avoided. Where large structures are required, mass should be broken up through the use of setbacks, projecting and recessed elements, and similar design techniques. Changes in mass shall be related to entrances, the integral structure, and/or the organization of interior spaces and activities and not merely for cosmetic effect.

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(6) Avoiding Garage Dominance - Where garages are located in front of, even with, or to the side of a principal dwelling, the width of garage doors on the house elevation facing the street shall not exceed 40 percent of the total width of the house and garage together.

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(d) Avoiding Monotony of Design

Monotony of design in single or multiple building projects shall be avoided by varying detail, form, and siting to the maximum extent practicable, within the standards set forth in this article, to provide visual interest.

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(e) Harmony of Design

The purpose of this subsection is to preserve the design character of existing development, to protect the visual pattern of the community, and to promote harmony in the visual relationships and transitions between new and older buildings. New buildings should respect the scale, form, and proportion of existing development. This can be done by repeating building lines and surface treatments and by requiring some uniformity of detail, scale, proportion, texture, materials, color, and building form.

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(1) Building Color Shades - Building color shades shall be used to facilitate blending into the neighborhood and unify the development. The color shades of building materials shall draw from the range of color shades that already exist on the block or in the adjacent neighborhood.

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(2) Building Materials - Building materials shall either be similar to the materials already being used in the neighborhood or, if dissimilar materials are being proposed, other characteristics such as scale and proportions, form, architectural detailing, color, and texture, shall be utilized to ensure that enough similarity exists for the building to be compatible, despite the differences in materials.

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(3) Similar Size and Height for Infill Development - New infill development shall either be similar in size and

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height or, if larger, be articulated and subdivided into massing that is proportional to the mass and scale of other structures on the same block, or if no buildings exist thereon, then on adjoining blocks.

(4) Unify Individual Storefronts - If several storefronts are located in one building, the individual storefronts shall be unified in all exterior design elements, such as mass, window and door placement, color, materials, and signage.

(5) Additions and Renovations - Building additions and façade renovations should be designed to reflect existing buildings in scale, materials, window treatment, and color. A change in scale may require a transitional design element between the new development and existing buildings.

(6) Varying Architectural Styles - In developments with multiple structures of varying architectural styles, buildings shall be compatible by such means as a pattern of architectural features, similar scale and proportions, and consistent location of signage.

(f) Architectural Character

Architectural character focuses on the specific details that greatly affect the overall appearance of a particular development. These architectural character standards in this subsection provide direction in aspects of color, facade materials, rooflines, and the enhancement of entryways. The primary goal is to define the 'finishing touches' that provide the development with a sense of permanence, style, and compatibility. The Town discourages proposals that have not taken these matters into account. The Town policy is that all development be treated as a lasting contributor to the community and as a 'good neighbor' to its surroundings.

(1) Roofs

The following standards are intended to foster variations in roof lines to soften and reduce the massive scale of large buildings:

(a) Roof lines shall be varied to reduce the scale of structures and add visual interest.

(b) Roof shape (for example: flat, hip, mansard, or gable) and material shall be architecturally compatible with façade elements and the rest of the building.

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(c) Flat roofs must be enclosed by a parapet that screens mechanical equipment from view by pedestrians at street level.

(d) The height of the parapet shall not exceed one-third of the height of the supporting wall. Such parapet shall not be of a constant height for a distance greater than 150 feet.

(2) **Facades**

a. **Recesses and Projections**

Facades greater than 100 feet in length, measured horizontally, shall incorporate building wall offsets including recesses and projections along at least 20 percent of the length of the façade. Windows, awnings, and arcades shall total at least 60 percent of the façade length abutting a public street.

b. **Repeating Design Patterns**

Facades greater than 100 feet in length, measured horizontally, shall incorporate a repeating pattern of change in color, texture, and material modules. All elements should repeat at intervals of no more than 30 feet, either horizontally or vertically.

c. **Renovations**

Façade renovations shall incorporate original building details to the maximum extent practicable.

d. **Materials**

Brick, stone, or wood facades shall not be covered or replaced with artificial siding or panels.

e. **Roof Cornices**

If roof cornices have been removed or damaged on an existing building, renovations of that building must include retaining, repairing, and replacing the roof cornices if previously removed.

f. **Replacement of Windows**

Replacement of windows on the façade of an existing building shall be accomplished by using windows of the same trim, size, and character as the original.

g. **Exterior Wall Cladding**

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All exterior walls visible from a parking lot or public right-of-way in any zoning district except the L-1 and H-1 Industrial zoning districts shall be clad with the same material required for the front of the building. Buildings in the L-1 and H-1 zoning districts are required to provide the same material as the front of the building for at least 25% of the area of the side façades and 100% of the area of side façades directly facing a public right-of-way. All walls not visible from a parking lot or public right-of-way, or the remaining 75% of the side façades in the L-1 and H-1 zoning districts, may be constructed of alternate material(s), but shall be of a color that is complimentary to the primary material, is incorporated into the overall color scheme of the building, and is approved by the Town Board. See also subsection (4) a. Predominant Exterior Building Materials.

**h. Building Orientation**

New buildings shall be oriented so that the largest and longest façade faces the primary road. To the maximum extent feasible, new buildings shall be oriented or designed to minimize shadows falling on public or semi-public spaces.

**(3) Entryways**

**a. Required Entryway Features**

Entryway design elements and variations shall provide orientation and aesthetically pleasing character to the building. The following standards identify desirable entryway design features. Each principal building on a site shall have clearly defined, highly visible customer entrances featuring no less than three of the following:

1. Canopies or Porticos
2. Arcades
3. Overhangs
4. Recesses/projections
5. Raised corniced parapets over the doors
6. Peaked roof forms
7. Arches
8. Wing walls

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9. Outdoor patio

10. Display windows

11. Planters

12. Architectural details such as tile work and moldings which are designed into the building structure and overall design

**b. Sides Facing Abutting Street**

All sides of a principal building that directly face an abutting public street shall feature at least one customer entrance.

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**(4) Exterior Building Materials and Colors**

**a. Predominant Exterior Building Materials**

Predominant exterior building materials shall be high quality materials, including brick, wood, cast stone, stucco, sandstone, other native stone, and tinted/textured concrete masonry units.

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**b. Colors**

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1. Façade colors shall be of low reflectance and/or subtle colors. Building trim may feature brighter colors, but neon tubing is not allowed as an accent material. The use of high intensity colors or fluorescent colors shall be prohibited.

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2. Variations in color schemes are encouraged in order to articulate entryways and public amenities so as to give greater recognition to these features.

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**(5) Outdoor Plazas**

Outdoor plazas shall contain at least two of the following features:

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a. Landscaping island

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b. Benches

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c. Fountains

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d. Clock tower

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e. Pond or other prominent water feature

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f. Sculptures or similar artwork

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**Section 195 Compatibility Standards**

The operational compatibility standards in Section 195 shall apply to all uses.

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(a) Glare

Glare from arc welding, acetylene torch cutting, or similar processes shall be contained within a completely enclosed and vented building.

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(b) Heat and Humidity

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Uses, activities, and processes shall not produce any unreasonable, disturbing, or unnecessary emissions of heat or humidity at the property line of the site on which they are situated, which cause material distress, discomfort, or injury to a reasonable person.

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(c) Noise

No activity or operation subject to this Ordinance shall exceed the maximum permitted sound levels as set forth in this Ordinance and in Article of the Town of Wingate Code of Ordinances (refer to the town's noise ordinance, typically a separate free-standing ordinance).

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(d) Vibration

No use, activity, or process shall produce vibrations that are perceptible without instruments at the property line for more than three minutes in any one hour of the day between the hours of 7:00 a.m. and 10:00 p.m., or for more than 30 seconds in any one hour between the hours of 10:00 p.m. and 7:00 a.m.

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(e) Operational/Physical Compatibility

The following conditions may be imposed upon the approval of any development to ensure that it is compatible with existing uses, including but not limited to, restrictions on:

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(1) Hours of operation and deliveries;

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(2) Location on a site of activities that generate potential adverse impacts on adjacent uses, such as noise and glare;

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(3) Placement of trash receptacles;

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(4) Location of loading and delivery areas;

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(5) Location, intensity, and hours of illumination;

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(6) Placement and illumination of outdoor vending machines, telephones, ATMs, and similar outdoor services, structures, and activities;

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(7) Additional landscaping and buffering;

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(8) Height restrictions to preserve light and privacy and views of significant features from public property and rights-of-way;

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(9) Preservation of natural lighting and solar access;

(10) Ventilation and control of odors and fumes; and

(11) Dust-control paving.

(f) Evidence of Compliance  
The Land Use Administrator shall require such evidence of ability to comply with appropriate performance standards, mitigation measures, and conditions as set forth in this Section as the Land Use Administrator deems necessary prior to issuance of a certificate of zoning compliance.

**Section 195A Outdoor Lighting**

(a) General Requirements

(1) All exterior lighting, such as that used in and around buildings, recreation areas, parking lots, and signs, shall be designed to protect against the spillover of light to adjacent properties. It shall also be designed to protect against glare onto public rights-of-way thereby impairing the vision of motorists and adjoining properties.

(2) All exterior lighting shall be shielded from adjacent properties by thick evergreen vegetated buffers, berms, walls, or fences, and/or the use of directional lighting, lighting shields, special fixtures, timing devices, appropriate light intensities, luminaries, and mountings at appropriate heights.

(3) Exterior lighting shall be architecturally integrated with the building's style, materials, and colors in the selection and design of light poles, brackets, and fixtures.

(b) Lighting Plan Required

(1) A lighting plan indicating illumination intensities shall be submitted with site plans and subdivision plats. The Land Use Administrator is authorized to waive this requirement for small independent development projects on less than an acre if the fixture types are specified on the site plan or plat.

(2) Any changes to the lighting plan must be approved by the Land Use Administrator through a site and/or subdivision plat revision.

(c) Exterior Lighting Standards

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(1) General standards:

a. Outdoor lighting shall be designed, located and mounted at heights no greater than:

(1) 18 feet above grade for non-cut-off lights.

(2) 35 feet above grade for cut-off lights.

b. All outdoor lighting shall be designed and located such that the maximum illumination measured in foot candles at a property line shall not exceed 0.4 for non cut-off lights and 1.5 for cut-off lights. Cut-off lighting shall be designed to direct light downward (e.g., shoe box style).

c. For parking lots, the minimum light level shall be no less than 0.2 foot-candles. The average foot-candle maintained to the minimum foot-candles ratio shall be no greater than 4:1 (upper to lower limits).

d. All outdoor lighting fixtures shall be located a minimum of 10 feet from a property or right-of-way line and should not be within a required perimeter buffer or streetscape unless it is located at the interior edge.

e. A lighting plan is required for site plan approval for all but single family residential developments.

f. Floodlights, spotlights or any other similar lighting shall not be used to illuminate buildings or other site features unless approved as an integral architectural element on the development plan. On-site lighting may be used to accent architectural elements and not be used to illuminate entire portions of building(s).

(2) Lighting for Canopies

a. Lighting for canopies shall be restricted to lighting fixtures (including lenses) that do not project below the bottom of the canopy. Lighting for canopies for service stations and other similar uses shall not exceed an average of 12 foot-candles as measured at ground level at the inside of the outside edge of the canopy.

b. Canopies used for building accents over doors, windows, etc. shall not be internally lit (i.e., from underneath or behind the canopy).

(3) Wall Pack Lights

Wall packs on buildings may be used at entrances to a building to light unsafe areas. They are not intended to draw attention to the

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building or provide general building or site lighting. 'Wall Packs' on the exterior of the building shall be fully shielded (true cut-off type--bulb or light source not visible from off-site) to direct the light vertically downward and be of low wattage (preferably 100 watts or lower).

(4) Illumination of Outdoor Sports Fields and Outdoor Events Areas

- a. All such lighting fixtures shall be equipped with a glare control package (e.g., louvers, shields, or similar devices), and the fixtures shall be aimed so that their beams are directed and fall within the primary playing or event area; and
- b. The hours of operation for the lighting system for any game or event shall not exceed one hour after the end of the game or event.

(5) Sign Lighting

Lighting fixtures illuminating signs shall comply with the requirements of Article XVII, Signs, and such fixtures shall be aimed and shielded so that direct illumination is focused exclusively on the sign face.

(6) Timer Devices

- a. Timer devices shall be employed to shut off luminaries or to reduce light levels when full lighting is not required, such as after normal business hours.
- b. Special attention shall be given to protecting adjoining residential properties from off-site illumination after 10:00 pm.

~~Sections 191 through 195 Reserved~~

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