

Chapter 2. DISTRICT PROVISIONS

2.1 General Intent

The zoning districts for the Town of Wendell are ordered and classified according to the Rural-Urban Transect, the model from which the Town’s Framework Plan was derived. The Framework Plan is a policy map intended to provide guidance to Wendell’s leaders as they make decisions on where and how the community should grow.

The Transect is a method of classifying the natural and built environments as a continuum of six conditions, ranging from rural to urban. The value of the Transect is that it classifies development form with the appropriate land use and development context. For example, a rural street typically has no curbs or sidewalks and its buildings look like farmhouses or barns. An urban street, depending on the intensity of urbanism, may have curbs and gutters, regularly placed street trees, sidewalks, and building forms that include common walls, flat roofs, and cornices. Each Transect zoning category has detailed provisions for the mix of uses, building type, density, height, street design, the design of parks and open space, the mix of uses, building design, parking, streetscape and other aspects of the human environment.

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T1 & T2: Natural & Rural Zones

The Transect begins with two zones that are rural in character: the Natural Zone (or T-1), which is made up of lands protected in perpetuity as natural, recreational or agricultural areas; and the Rural Zone (T-2), which includes areas of high agricultural, scenic, or environmental value that should be protected.

T3: Suburban Zone

The transition zone between countryside and town is called the Suburban Zone (T-3). The T-3 area consists primarily of single family homes. Although the T-3 area is primarily a residential zone, it may have other development types, such as schools and other civic uses.

T4: General Urban Zone

T-4 development is primarily residential, but more urban in character, having a higher density with a mix of housing types and a greater mix of uses, including neighborhood-serving commercial uses.

T5: Urban Center Zone

At the more urban end of the spectrum is the Urban Center Zone, or T-5. This can be a small neighborhood center or a larger Community/Town center, the latter serving more than one neighborhood.

T6: Urban Core Zone

The Urban Core or Downtown (T-6) serves not only adjacent neighborhoods, but the entire town and the region. It is typically the central business district where the greatest mix of uses occurs.

Special Districts: The Special Districts make allowance for specialized activities and development types, such as big box retail, institutional campuses, and industrial zones. The zoning districts for the Town of Wendell have been ordered along the Rural-Urban Transect, providing for appropriate development standards along the continuum (rather than a one-size-fits all approach) as well as a simplified tool for users of this Ordinance to facilitate appropriate forms of development.

A. Establishment of Base Districts

In accordance with North Carolina General Statute 160A-382 that sets forth the establishment of zoning regulation by district, the Town of Wendell is hereby divided into various zoning districts that set forth uniform regulations for the development of land within each district.

These district regulations are intended to provide a regulating plan for the use of land and buildings in standards of good health and safety and in conditions of orderly community development. These regulations shall apply to all land and structures within the respective zoning district.

Transect Zone	New District*	Old District
Base Districts		
T-1 Natural	Open Space Conservation (OSC)	None
T-2 Rural	Rural Agriculture (RA); max. 1 unit/acre with road frontage or 1 unit/2 acres for interior family subdivision lots	Residential Agricultural (RA); 20,000 sq ft minimum lots
	Rural Residential (RR); Very Low Density; 25,000 sq ft minimum lots	R20; 20,000 sq ft minimum lots
T-3 Suburban	Residential, Low Density (R2); 15,000 sq ft minimum lots	R15; 15,000 sq ft minimum lots
	Residential, Medium Density (R3); 10,000 sq ft minimum lots	R12; 12,000 sq ft minimum lots R10; 10,000 sq ft minimum lots
T-4 General Urban	Residential, High Density (R4); 6,000 sq ft minimum lots	R7; 7,000 sq ft minimum lots
	Residential, High Density (R7); 3,500 sq ft minimum lots	None
	Neighborhood Center (NC)	O&I Office and Institutional CN Neighborhood Commercial
T-5 Urban Center	Corridor Mixed Use (CMX)	CH Highway Commercial
	Community Center (CC)	CS Shopping Center Commercial
T-6 Urban Core	Downtown Mixed Use (DMX)	CD Commercial Downtown
		DROD Downtown Retail Overlay District
		DDOD Downtown Development Overlay District
SD Special Districts	Manufactured Home (MH)	MH Mobile Home Park District
	Highway Commercial (CH)	CH Highway Commercial
	Manufacturing & Industrial (M&I)	M&I Manufacturing & Industrial

*Designated floodplain area may not be platted as buildable lot.

B. Planned Development Districts

The following districts function as floating overlay districts. They are permitted subject to the minimum development size and/or density of the underlying district.

Traditional Neighborhood Development (TND) (*Old NT and PUD*)

C. Overlay Districts

In accordance with North Carolina General Statute 160A-382, the following overlay districts are established. These overlay districts impose additional requirements on properties within one or more underlying base or conditional districts.

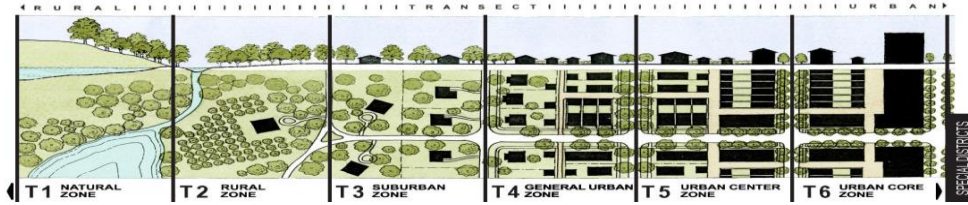
Manufactured Housing Overlay (MHO) (*Old MHOD*)

Gateway Overlay (GO) (*Old SHOD*)

D. Conditional Districts

Where lands are classified in a conditional zoning district, any conditions approved by the Board of Commissioners shall apply in addition to the regulations governing development in the corresponding base zoning district. The procedure for the establishment of these districts is found in Section 15.13. See Section 2.18, Conditional Districts, for additional details. Each District has a corresponding Conditional District.

2.2 Form-Based Standards by Zoning District



Base Districts	OSC	RA RR MH	R2 R3	R4 R7 NC	CMX CC	DMX	CH M&I MH
Assigned Districts			TND (R3)	TND	TND	TND	
Conditional Districts Overlay Districts, & PUDs⁵	CD PUD	CD PUD	CD PUD	CD PUD GO MHO (R4,R7)	CD PUD GO	CD PUD GO	CD PUD GO
Building Type (CH 5)	OSC Civic Institutional House (street)	RA and RR Civic Institutional House (street)	R2 and R3 Civic Institutional House (street) R3 House (alley)	R4 and R7 Civic Institutional House (street) House (alley) R7 Townhouse Apartment	CMX and CC Civic Institutional House (street) House (alley) Townhouse Apartment Mixed-Use Commercial	DMX Civic Institutional House (street) House (alley) Townhouse Apartment Mixed-Use Commercial	District – specific requirements
Minimum Lot Size (CH 5)	See Section 2.4	RA – 1 acre with road front; 2 acres interior family subdivision RR – 25,000 sf	R2 – 15,000 sf R3 – 10,000 sf	R4 – 6,000 sf R7 – 3,500 sf	As determined by building type	As determined by building type	As determined by building type
Min. Height	None	None	None	None	None	2 stories/20 ft	None
Max. Height (CH 5- Bldg Type)	50 ft	50 ft	3 stories	3 stories	5 stories	4 stories	CH - 3 stories M&I - None
Open Space Dedication¹ (CH 7)	As req'd by district	RA – None RR - Yes	Yes	Yes	Yes	Yes	Yes
On-Street Parking (CH 10)	None	None	Occasional (marked)	Marked	Marked	Marked	Marked
Lighting (CH 11)	Not Required	Not Required or Regular Spacing	Regular Spacing	Pedestrian-Scaled	Pedestrian-Scaled	Pedestrian-Scaled	Regular Spacing
Curb² (CH 9)	Not Required	Not Required	R2 – Not Req. or Vertical R3 – Rolled or Vertical	R4 /R7 –Rolled or Vertical NC - Vertical	Vertical (Standard)	Vertical (Standard)	Vertical (Standard)
Drainage³ (CH 9)	Open Swale	Open Swale	Closed/LID ³	Closed/LID ³	Closed/LID ³	Closed/LID ³	Closed/LID ³
Street Trees (CH 8)	Not Required	RA - None RR - 40 ft average in planting strip	40 ft average spacing in planting strip	40 ft average spacing in planting strip	40 ft average spacing in planting strip or tree wells	40 ft average spacing in tree wells	40 ft average spacing in planting strip or tree wells
Sidewalk⁴ (CH 9)	Not Required	Multi-Use Path (Typical)	5-8 ft; one/both sides	5-16 feet; one or both sides	6-16 feet both sides	8-16 feet both sides	5-16 feet both sides

¹ Dedication is required for residential development only

² Where vertical curb and gutter is specified, it shall be 1.5 ft. wide for residential development and 2.5 ft. for non-residential or mixed-use development.

³ LID (Low Impact Development) drainage options shall be as specified in the UDO or approved by the Administrator.

⁴ Sidewalk Width: 5 ft for Residential, 8 ft min for Retail/Restaurants and 8-16 ft for DMX.

⁵ With respect to PUDs, all standards shall be as established within the PUD approval document.

2.3 Use Categories and Tables of Permitted Uses

- A.** All uses permitted in this Ordinance have been divided into eight general categories and are generally defined as follows:
1. **Residential:** Premises available for long-term human habitation by means of ownership and rental, but excluding short-term leasing or rental of less than a month’s duration.
 2. **Lodging:** Premises available for short-term human habitation, including daily and weekly rental.
 3. **Office/Service:** Premises available for the transaction of general business and the provision of services, but excluding retail sales and manufacturing, except as a minority component.
 4. **Retail/Restaurants:** Premises available for the commercial sale of merchandise, prepared foods, and food and drink consumption, but excluding manufacturing.
 5. **Entertainment/Recreation:** Premises for the gathering of people for purposes such as arts and culture, amusement, and recreation.
 6. **Manufacturing/Wholesale/Storage:** Premises available for the creation, assemblage, storage, and repair of items including their wholesale or retail sale.
 7. **Civic/Institutional:** Premises available for organizations dedicated to religion, education, government, social service, health care, and other similar functions.
 8. **Infrastructure:** Uses and structures dedicated to transportation, communication, information, and utilities.

B. Interpretation of Use Matrices

1. **Permitted/Prohibited Uses:** Uses not listed as permitted (P); permitted with additional standards (PS); or requiring a special use permit (SUP) are presumed to be prohibited from the applicable zoning district.
2. **Uses Not Listed:** In the event that a particular use is not listed in the Use Matrix, and such use is not listed as a prohibited use and is not otherwise prohibited by law, the Administrator shall determine whether a materially similar use exists in this Chapter. Should the Administrator determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed and the Administrator’s decision shall be

recorded in writing. Should the Administrator determine that a materially similar use does not exist, this Chapter may be amended to establish a specific listing for the use in question.

a. Materially Similar Uses: The Administrator may determine that a use is materially similar if:

- i.** The use is listed as within the same Structure or Function classification as the use specifically enumerated in the Use Matrix, as determined by the Land-Based Classification Standards (“LBCS”) of the American Planning Association [*Reference: <http://www.planning.org/lbcs/index.html>*]. The use shall be considered materially similar if it falls within the same LBCS classification and meets the requirements of subsection ii below.
- ii.** The proposed use shall not generate average daily trips exceeding other similar uses proposed in the zoning district by more than 10 percent, as determined by the Institute of Transportation Engineers, Trip Generation (most recent edition)(the “TTE Manual”), which document is hereby incorporated by this reference. If the trip generation is not listed in the ITE Manual, then the use shall be considered materially similar to the use that most closely approximates the proposed use. The Administrator may also refer to similar local traffic studies.

3. Rules of Construction: In order to assist in interpretation of the Use Matrix, the LBCS numbers, where applicable, are enumerated in Chapter 19, Definitions. In interpreting the Use Matrix, the following rules of construction shall apply:

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

C. Use Matrices

BASE DISTRICT	OSC	PUD	RA	RR	R2	R3	R4	R7	NC	CMX	CC	DMX	MH	CH	M&I	TND
Residential																
Dwelling-Single Family	P	P*	P	P	P	P	P	P	P	P	P	P	P	P	-	P
Dwelling-Multifamily	-	P*	-	-	-	-	-	SUP	SUP	SUP	SUP	SUP	-	SUP	-	SUP
Dwelling-Secondary	PS	P*	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	-	PS	-	PS
Family Care Home (6 or fewer residents)	PS	P*	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	-	PS
Home Occupation	-	P*	PS	PS	PS	PS	PS	PS	P	P	P	P	-	P	-	PS
Housing Service for the Elderly	-	P*	-	-	-	PS	PS	P	P	P	P	P	-	P	-	P
Live-Work Units	-	P*	-	-	-	-	-	-	PS	PS	PS	PS	-	PS	-	PS
Manufactured Housing	-	P*	PS	PS	-	PS	-	-	-	-	-	-	PS	-	-	-
Lodging																
Bed and Breakfast Inns	P	P*	P	P	P	P	P	P	P	P	P	P	-	P	-	P
Hotels/Motels/Inns	-	P*	-	-	-	-	-	-	-	P	P	P	-	P	-	P
Rooming or Boarding House	-	P*	-	-	-	-	-	PS	PS	PS	PS	PS	-	-	-	PS
Office/Service																
Animal Services	-	P*	PS	PS	PS	PS	PS	-	-	PS	PS	PS	-	PS	PS	-
ATM	-	P*	-	-	-	-	-	-	PS	P	P	P	-	P	P	P
Animal Services – Boarding as Primary	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Banks, Credit Unions, Financial Services	-	P*	-	-	-	-	-	-	P	P	P	P	-	P	-	P
Business Support Services	-	P*	-	-	-	-	-	-	P	P	P	P	-	P	P	P
Child/Adult Day Care Home (8 or less persons)	-	P*	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	-	PS	-	PS
Child/Adult Day Care Center (More than 8 persons)	-	P*	-	-	-	-	-	-	SUP	PS	PS	PS	-	PS	PS	PS
Community Service Organization	-	P*	-	-	-	-	-	-	P	P	P	P	-	P	-	P
Continuing Care Retirement Community	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Drive Thru Service	-	P*	-	-	-	-	-	-	PS	PS	PS	SUP	-	PS	-	SUP
Equipment Rental	-	P*	-	-	-	-	-	-	-	P	-	-	-	P	P	-
Funeral Homes	-	P*	-	-	-	-	-	-	P	P	P	P	-	P	-	P
Group Care Facility (More than 6 residents)	-	P*	PS	PS	-	-	SUP	SUP	PS	PS	PS	PS	-	PS	-	PS
Government Services	SUP	P*	P	P	P	P	P	P	P	P	P	P	-	P	P	P
Laundry Services	-	P*	-	-	-	-	-	-	P	P	P	P	-	P	-	P
Medical Services - Clinic, Urgent Care Center	-	P*	-	-	-	-	-	-	P	P	P	P	-	P	-	P
Medical Services – Doctor office	-	P*	-	-	-	-	-	-	P	P	P	P	-	P	-	P

P Permitted
PS Permitted subject to Additional Standards in Chapter 3
P* Permitted uses for PUD Zones will be determined in accordance with 2.19

SUP Special Use Permit Required (See Chapter 3 and Chapter 15)
— Not Permitted

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DISTRICT PROVISIONS

BASE DISTRICT	OSC	PUD	RA	RR	R2	R3	R4	R7	NC	CMX	CC	DMX	MH	CH	M&I	TND
Office/Service (cont)																
Outdoor Kennels/Equine Facilities	-	P*	PS	PS	-	-	-	-	-	-	-	-	-	PS	PS	-
Post Office	-	P*	-	-	-	-	-	-	P	P	P	P	-	P	P	P
Personal Services	-	P*	-	-	-	-	-	-	P	P	P	P	-	P	P	P
Professional Services	-	P*	-	-	-	-	-	-	P	P	P	P	-	P	P	P
Residential Treatment Facility	-	P*	-	-	-	-	-	-	SUP	SUP	SUP	-	-	SUP	-	-
Studio – Art, Music	-	P*	-	-	-	-	-	-	P	P	P	PS	-	P	P	P
Studio – Dance, Martial Arts	-	P*	-	-	-	-	-	-	P	P	P	SUP	-	P	P	P
Tattoo Parlor	-	P*	-	-	-	-	-	-	-	-	-	-	-	PS	-	-
Vehicle Services – Minor Maintenance/Repair	-	P*	-	-	-	-	-	-	-	PS	PS	PS	-	PS	PS	-
Vehicle Services – Major Repair/Body Work	-	P*	-	-	-	-	-	-	-	PS	-	PS	-	PS	PS	-
Retail/Restaurants																
Alcoholic Beverage Sales Store	-	P*	-	-	-	-	-	-	SUP	PS	PS	PS	-	PS	-	PS
Auto Parts Sales	-	P*	-	-	-	-	-	-	P	P	P	P	-	P	-	-
Bar/Tavern/Night Club	-	P*	-	-	-	-	-	-	SUP	SUP	SUP	SUP	-	SUP	-	SUP
Car Wash – Stand Alone, Self Service	-	P*	-	-	-	-	-	-	-	PS	PS	-	-	PS	-	PS
Drive-Thru Retail/Restaurants	-	P*	-	-	-	-	-	-	-	PS	-	-	-	PS	-	-
Gas Station	-	P*	-	-	-	-	-	-	-	PS	PS	SUP	-	PS	-	PS
General Retail – 10,000 sf or less	-	P*	-	-	-	-	-	-	PS	P	P	P	-	P	P	P
General Retail – 10,001 – 50,000 sf	-	P*	-	-	-	-	-	-	SUP	P	P	P	-	P	-	P
General Retail – Greater than 50,000 sf	-	P*	-	-	-	-	-	-	-	PS	PS	PS	-	PS	-	PS
Restaurant	-	P*	-	-	-	-	-	-	P	P	P	P	-	P	P	P
Shopping Center – Neighborhood Center	-	P*	-	-	-	-	-	-	SUP	P	P	-	-	P	-	P
Shopping Center – Community Center	-	P*	-	-	-	-	-	-	-	P	P	-	-	P	-	-
Vehicle Sales	-	P*	-	-	-	-	-	-	-	PS	PS	PS	-	PS	PS	-
Heavy Equipment/RV Sales/Farm Equipment Sales /Mobile Home Sales	-	P*	-	-	-	-	-	-	-	-	PS	-	-	PS	PS	-

P Permitted

PS Permitted subject to Additional Standards in Chapter 3

P* Permitted uses for PUD Zones will be determined in accordance with 2.19

SUP Special Use Permit Required (See Chapter 3 and Chapter 15)

— Not Permitted

BASE DISTRICT	OSC	PUD	RA	RR	R2	R3	R4	R7	NC	CMX	CC	DMX	MH	CH	M&I	TND
Entertainment/Recreation																
Adult Establishment	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	PS	-
Amusements, Indoor	-	P*	-	-	-	-	-	-	-	PS	PS	PS	-	PS	-	-
Amusements, Outdoor	-	P*	PS	PS	-	-	-	-	-	PS	-	-	-	PS	-	-
Billiard/Pool Hall	-	P*	-	-	-	-	-	-	SUP	SUP	SUP	SUP	-	SUP	-	-
Cultural or Community Facility	PS	P*	PS	PS	PS	PS	PS	PS	P	P	P	SUP	P	P	P	P
Farmers Markets	-	P*														
Meeting Facilities	PS	PS	PS	PS	PS	PS	PS	PS	P	P	P	SUP	P	P	P	P
Recreation Facilities, Indoor	PS	PS	PS	PS	PS	PS	PS	PS	P	P	P	SUP	P	P	P	P
Recreation Facilities, Outdoor	PS	PS	PS	PS	PS	PS	PS	PS	P	P	P	SUP	P	P	P	P
Shooting Range, Indoor	-	P*	-	-	-	-	-	-	-	SUP	SUP	-	-	SUP	SUP	-
Sports Training/Fitness Complex	-	P*														
Sweepstakes Center	-	P*	-	-	-	-	-	-	-	-	-	-	-	SUP	-	-
Theater, Live Performance, Indoor		P*														
Theater, Live Performance, Outdoor		P*														
Theater, Movie	-	P*	-	-	-	-	-	-	-	P	P	P	-	P	-	-

Manufacturing/Wholesale/Storage																
Agriculture	P	P*	P	P	-	-	-	-	-	-	-	-	-	-	P	-
Laundry, dry cleaning plant	-	P*	-	-	-	-	-	-	-	-	-	-	-	P	P	-
Manufacturing, Light	-	P*	-	-	-	-	-	-	-	PS	-	SUP	-	PS	P	-
Manufacturing, Neighborhood	-	P*	-	-	-	-	-	-	PS	PS	PS	SUP	-	PS	P	PS
Manufacturing, Heavy	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	P	-
Media production	-	P*	-	-	-	-	-	-	-	P	P	P	-	P	P	-
Metal products fabrication, machine or welding shop	-	P*	-	-	-	-	-	-	-	P	-	SUP	-	P	P	-
Micro-Distillery/Micro-Brewery/Micro-Winery	-	P*	-	-	-	-	-	-	PS	PS	PS	PS	-	PS	PS	PS
Mini-Warehouses	-	P*	-	-	-	-	-	-	-	PS	-	-	-	PS	PS	-
Research and development	-	P*	-	-	-	-	-	-	-	SUP	SUP	SUP	-	PS	P	P
Storage - Outdoor as a primary use	-	P*	P	-	-	-	-	-	-	-	-	-	-	P	P	-
Storage - Warehouse, indoor storage	-	P*	-	-	-	-	-	-	-	PS	-	PS	-	-	P	-
Wholesale Distribution	-	P*	-	-	-	-	-	-	-	-	-	-	-	P	P	-

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SUP Special Use Permit Required (See Chapter 3 and Chapter 15)
- Not Permitted

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DISTRICT PROVISIONS

BASE DISTRICT	OSC	PUD	RA	RR	R2	R3	R4	R7	NC	CMX	CC	DMX	MH	CH	M&I	TND
Civic/Institutional																
Campground	PS	P*	PS	-	-	-	-	-	-	-	-	-	-	-	-	-
Cemetery	PS	P*	PS	-	PS	PS	-	-	-	PS	PS	-	PS	PS	PS	-
Colleges/Universities	-	P*	-	-	-	-	-	-	SUP	SUP	SUP	SUP	-	SUP	SUP	-
Hospital	-	P*	-	-	-	-	-	-	SUP	SUP	SUP	SUP	-	-	-	-
Public Safety Station	-	P*	SUP	SUP	SUP	SUP	SUP	SUP	P	P	P	P	-	P	P	P
Religious Institutions	-	P*	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	-	SUP	SUP	SUP	SUP
Schools – Elementary & Secondary	-	P*	P	P	P	P	P	P	P	P	P	-	-	-	-	P
Schools – Vocational/Technical	-	P*	-	-	-	-	-	-	P	P	P	P	-	P	P	P
Infrastructure																
Airport	-	P*	SUP	-	-	-	-	-	-	-	-	-	-	-	SUP	-
Transit Station - Passenger	-	P*	-	-	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS
Wireless Telecommunication Facility-Stealth	SUP	P*	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP
Wireless Telecommunication Facility-Tower	SUP	P*	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP
Utilities-Class 1	PS	P*	PS	PS	PS	PS	PS	PS	PS	PS	PS	-	PS	PS	PS	PS
Utilities-Class 2	PS	P*	PS	PS	PS	PS	PS	PS	PS	PS	PS	-	PS	PS	PS	PS
Utilities-Class 3	-	P*	PS	PS	-	-	-	-	-	-	-	-	-	PS	PS	-
Parking Lot (primary use)	-	P*	-	-	-	-	-	-	-	-	P	-	-	-	-	P
Parking Structure (primary use)	-	P*	-	-	-	-	-	-	-	PS	PS	PS	-	-	-	PS

P Permitted
PS Permitted subject to Additional Standards in Chapter 3
P* Permitted uses for PUD Zones will be determined in accordance with 2.19

SUP Special Use Permit Required (See Chapter 3 and Chapter 15)
- Not Permitted

2.4 Open Space Conservation (OSC)

- A. Purpose and Intent:** The Open Space Conservation District is intended to protect areas that are permanently conserved through government ownership or private easements as natural, environmentally, or recreationally significant lands. Such areas include parks, wetlands, and areas placed in conservation easement.
- B. Minimum Lot Size** (*individual single family dwellings not part of a common plan of development*): 1 Unit/20 acres
- C. Dimensional Standards for all other Uses:** See Chapter 5
- D. Permitted Development Types:** The following type of residential development is permitted within the OSC District.

I. Conservation Neighborhood

The conservation neighborhood offers property owners a way to maintain land in the OSC district as largely undeveloped. Conservation neighborhoods may be approved by the Administrator upon a finding that all requirements of this section have been met.

a. Development Requirements:

	Minimum Acreage	Maximum Density	Maximum Dwelling Units
Conservation Neighborhood	40 acres	1 unit/20 acres	6

- b.** Owners shall establish an irrevocable conservation easement held by a conservation organization (as authorized by US 150(h); 20559(a) and NC GS 124-34 et seq.) and shall provide the Town with a boundary description of the area under the conservation easement.
- c.** In a Conservation Neighborhood, land set aside for detached houses shall be specified in the easement and shall be the minimum size necessary to allow construction of the house.
- d. Access and Rights-of-Way:** No new public streets may be created. All buildings within the Conservation Neighborhood shall have permanent access by way of a public road frontage or a 20-foot wide access easement connecting to a public right-of-way. Where the tract abuts or includes a segment of a public street, thoroughfare, or greenway as shown on an adopted plan, the developer shall provide for these improvements by either deed or plat map. However, the developer shall not be required to construct any of these improvements.

- e. The tract shall preserve the rural appearance of the land from the view of public roads and abutting properties.
- f. Only structures and uses identified as acceptable by the conservation organization will be allowed on the property.
- g. **Required Improvements:** The Conservation Neighborhood shall be exempt from the requirements of Chapter 7, Open Space; Chapter 8, Tree Protection & Landscaping (except Section 8.5, Tree Protection); and Section 17.2, General Infrastructure Improvement Requirements.
- h. In a Conservation Neighborhood, there shall be no further subdivision of lots without the consent of all landowners and easement holders and approval of the Administrator.

2.5 Rural Agricultural (RA) (Old RA)

- A. **Purpose and Intent:** The Rural Agricultural district is coded to accommodate very low density residential development and agricultural uses, protect natural vistas, and landscape features that define Wendell's rural heritage. The intent of this district is two-fold. First, it is designed to maintain a rural boundary, preserving important agricultural and forested areas on the perimeter of Wendell and providing incentives to place land into conservation. Second, it is intended to reserve developable areas until utility infrastructure can be installed to allow for planned growth.
- B. **Minimum Lot Size – Option A** (*individual lots not part of a common plan of development with existing road frontage*): 1 acre
- C. **Minimum Lot Size – Option B** (*individual lots deeded to family members not part of a common plan of development interior to a lot shall require deeded access*): 2 acres (maximum of two family subdivision lots to family members which may or may not live in the same household)
- D. **Dimensional Standards for all other Uses:** See Chapter 5
- E. **Permitted Development Types:** Developments of five or fewer residential lots may be developed as a minor subdivision within the RA district. Further development is not permitted in the RA zoning district.

2.6 Rural Residential (RR)

- A. **Purpose and Intent:** The Rural Residential district is designed to accommodate very low density residential development. The intent of this district is to provide for residential lots within a common development of more than five lots while maintaining a rural feel through the use of larger lot sizes, open space and the rural road cross-section.

B. Permitted Development Types:

- a. Minimum lot size shall be 25,000 square feet.
- b. Open space shall be provided for within a Rural Residential subdivision. See Chapter 7.
- c. If the development includes a homeowners association, the association may own the development’s undeveloped land. Otherwise, the undeveloped land may be privately held, as long as a permanent conservation easement is placed on the land. Alternatively, it may be owned by a land conservancy, or other entities proposed by the Town.
- d. Streets within a Rural Residential subdivision shall use the rural road cross-section (See Chapter 9).
- e. While the rural road cross-section does not require installation of sidewalks, a minimum 8 foot wide multi-purpose path is required on one side of the street.

2.7 Residential Districts (RR, R2, R3, R4, R7)

Residential, Low Density (RR, R2) *(Old R20, Old R15)*
 Residential, Medium Density (R3) *(Old R12 and Old R10)*
 Residential, High Density (R4, R7) *(Old R7, None)*

A. Purpose and Intent: The Residential Districts are coded for the Town’s existing predominately-residential neighborhoods as well as to provide for new primarily-residential development in accordance with this pattern. These Districts are differentiated by the density of the overall development relative to the planning goals of the Town as set forth in the Town Plan.

B. Specific District Provisions:

I. Minimum Lot Sizes:

	Minimum Lot Size
RR	25,000 sq ft
R2	15,000 sq ft
R3	10,000 sq ft
R4	6,000 sq ft
R7	3,500 sq ft

2. **Permitted Building Type Ratio:** The maximum number of Townhouse buildings in a R7 development shall not exceed 30 percent of the total number of units.
3. **Lot and Building Dimensional Requirements:** For infill lots in already built upon areas of the Town, the minimum lot width and front setback shall be equal to the average dimensions within 300 feet or one block length (whichever is greater), except with approval of the Administrator. Otherwise, the dimensional requirements for new developments shall be as specified in Chapter 5.

2.8 Neighborhood Center (NC) *(Old O&I and CN)*

- A. **Purpose and Intent:** The Neighborhood Center District is coded to provide for areas for residential and mixed-use development in close proximity to existing and planned neighborhood centers. The intent is to create higher density residential areas that compliment commercial districts with physical proximity and pedestrian connectivity. Different housing types and lot styles are encouraged. Development in this district should encourage pedestrian use through connections to adjacent neighborhoods and the construction of mixed-use buildings.
- B. **Specific District Provisions:**
 1. **Areas Available for Retail:** Areas available for retail uses are limited to the first story of buildings radiating from corner locations where one of the fronting streets is a thoroughfare (as designated by the Collector Street Plan).
 2. **Lot and Building Dimensional Requirements:** For infill lots in already built upon areas of the Town, the minimum lot width and front setback shall be equal to the average dimensions within 300 feet or one block length (whichever is greater), except with approval of the TRC. Otherwise, the dimensional requirements for new development shall be as specified in Chapter 5.

2.9 Corridor Mixed-Use (CMX) *(Old CS and CH)*

- A. **Purpose and Intent:** The Corridor Mixed-Use District is coded to provide pedestrian-scaled higher density residential and neighborhood-serving commercial activities along existing mixed use corridors. Developments in this district should encourage pedestrian use through connections to adjacent neighborhoods and the construction of mixed-use buildings. Depending on the presence of on-street parking, buildings may be set close to the street and may be larger in form.
- B. **Specific District Provisions:**
 1. **Lot and Building Dimensional Requirements:** For infill lots in already built upon areas of the Town, the minimum lot width and front setback shall be equal to the average dimensions within 300 feet or one block length (whichever is greater), except with approval of the TRC. Otherwise, the dimensional requirements for new developments shall be as specified in Chapter 5.

2.10 Community Center (CC)

- A. Purpose and Intent:** A Community Center is a mixed-use activity center with employment and commercial uses that attract people from beyond the immediate neighborhoods and from surrounding communities. A Community Center combines a variety of housing types, including higher density single- and multi-family housing, as well as commercial and civic uses in a compact, walkable setting. Community Centers feature a highly interconnected street network and setbacks appropriate to create a public realm built on a human scale.
- B. Specific District Provisions:**
- 1. Lot and Building Dimensional Requirements:** See Chapter 5

2.11 Downtown Mixed-Use (DMX) (*Old CD, DROD and DDOD*)

- A. Purpose and Intent:** The Downtown Mixed-Use District is coded to encourage the redevelopment and expansion of the traditional Downtown area. Individual buildings are encouraged to be mixed vertically with street level commercial and upper level residential or commercial uses. Higher densities of residential development are encouraged.
- B. Specific District Provisions:**
- 1. Parking Requirements:** New structures in the DMX District will either provide off-street parking under the requirements of Chapter 10 or provide a fee in lieu of payment.
 - 2. Open Space Requirements:** As specified in Chapter 7.
 - 3. Lot and Building Dimensional Requirements:** As specified in Chapter 5.

2.12 Manufactured Home District (MH) (*Old MH*)

- A. Purpose and Intent:** Manufactured housing is a recognized form of affordable housing. The MH district is coded to allow for the development of neighborhoods which utilize manufactured housing as its principal building construction. The intent is to treat manufactured housing with the same design considerations applied to homes built to the standards set forth in the North Carolina Building Code and those codified in this Ordinance.

B. Manufactured Home Neighborhood

1. **General Description:** The Manufactured Home Neighborhood is a subdivision of land that permits double-wide manufactured houses that are aligned on the lots in a manner similar to site-built homes with their front doors facing the streets.
2. Individual homes shall be placed upon separately platted lots.
3. Design of manufactured homes should be in compliance with the architectural standards in Section 5.9, Building Type: House.
4. Neighborhoods with 30 or more lots shall have at least two entrances.
5. **Lot and Dimensional Specifications:**

	All Structures
Minimum Development Size	3 acres
Maximum Development Size	40 acres
Maximum Development Density <i>(Units/Acre)</i>	7
External Development Setback	50 ft
Internal Setbacks <i>(Minimum)</i>	Front – 10 feet Side – 3 feet Rear – 25 feet

C. Manufactured Home Parks

1. Manufactured Home Parks, which may be established in certain districts as prescribed in the district use matrices of this chapter, are subject to the requirements of that district and the standards set forth below.
2. **Special Use Permit Required:** No Manufactured Home Park within the jurisdiction of the town shall be established or expanded until a special use permit has been issued by the Board of Commissioners.

3. Lot and Dimensional Specifications:

	All Structures
Minimum Development Size	3 acres
Maximum Development Size	10 acres
Minimum number of Manufactured Home Spaces	2
Maximum Development Density (Units/Acre)	6
Exterior Development Setback	50 ft
Minimum Area for Manufactured Home Space	7,500 sq ft*
Distance between Units	20 ft
Internal Setbacks (Minimum)	See 3b

** If individual sewage disposal systems (septic tanks) are used, each manufactured home space shall contain at least 20,000 square feet of ground area, subject to approval by Wake County Environmental Services. If subsoil conditions dictate, Wake County Environmental Services may require larger lots.*

- a. All manufactured homes shall be located on individual manufactured home spaces.
 - b. Each manufactured home shall be located at least 20 feet from any other manufactured home, at least 15 feet from any building within the Manufactured Home Park, at least 15 feet from any property line, and at least 15 feet from the edge of the right-of-way of any street.
- 4. Identification Signs:** Manufactured Home park identification signs shall be limited to one ground sign per park entrance. No sign shall exceed 36 square feet in area. Only indirect, non-flashing lighting shall be used for illumination.
- 5. Administrative Office:** Within a Manufactured Home park, one manufactured home may be used as an administrative office.
- 6. Convenience Establishments:** Convenience establishments of a commercial nature, such as food stores, coin-operated laundries, and beauty parlors, may be permitted in Manufactured Home Parks subject to the following restrictions:
- a. Such establishments shall be subordinate to the residential use and character of the park;
 - b. Such establishments shall present no visible evidence of their commercial character outside the park;

- c. Such establishments shall be designed to serve the trade and service needs of the park residents only, and
- d. Sewage disposal facilities outside the service area of the town's sewer system are subject to Wake County Environmental Services approval.

7. Streets and Paving:

Refer to Chapter 9 - Circulation and Connectivity

8. Open Space:

Refer to Chapter 7 - Open Space

9. Water and Sewer Connections

Each manufactured home space shall be provided with and connected to a source of water and a system of sewage disposal approved by Wake County Environmental Services.

10. Lighting

Refer to Chapter 11 - Lighting

11. Garbage/Recycling

All garbage and refuse in every Manufactured Home Park shall be stored in a suitable watertight and insect-tight receptacle. Wake County Environmental Services shall approve the method of garbage, refuse and recycling disposal, if not served by municipal garbage collection.

12. Inspections

Wake County Environmental Services or the Zoning Administrator are hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this chapter. It shall be the duty of the owners or occupants of Manufactured Home parks to give these agencies free access to such premises at reasonable times for the purpose of inspection and to maintain the park, its facilities, and equipment in good repair and in a clean and sanitary condition.

13. Relocation and Sales of Manufactured Homes within Parks

- a. It shall be unlawful for manufactured home dealers/manufacturers to sell manufactured homes within a Manufactured Home Park.

- b. Relocation of manufactured homes whether it be from an existing lot to another or from an outside location to within the park shall be required to meet all of the following:
 - i. The assessed or appraised value of the manufactured home being relocated to within the park shall be greater than the manufactured home being moved, removed, or replaced from the park.
 - ii. The square footage of the manufactured home being relocated to within the park shall be as great, or greater than, the manufactured home being moved, removed, or replaced from the park.

2.13 Highway Commercial (CH) (Old CH)

A. Purpose and Intent: The intensity of commercial development in the Highway Commercial district is established by the traffic of the fronting thoroughfare. The intent of these regulations is to facilitate convenient access, minimize traffic congestion, and reduce the visual impact of excessive signage and parking lots.

B. Specific District Provisions

I. Lot and Building Dimensional Requirements: See Chapter 5

2.14 Manufacturing & Industrial (M&I) (Old M&I)

A. Purpose and Intent: The Manufacturing and Industrial District is coded to permit the development and operation of light or heavy industrial or flex-space buildings and uses that are typically too large in scale to fit within a neighborhood environment and that should be buffered from surrounding neighborhood uses. In the interest of economic development, this District is reserved for non-residential uses only to preserve adequate opportunities for future relocation and expansion of employment-based uses.

B. Specific District Provisions:

1. Internal Streets: An interconnecting network of internal streets shall be designed to accommodate the various uses found within the District. Where possible, all access to sites shall be from these internal streets.

2. Building Design Standards: All portions of buildings within 100 feet of the street shall be designed in a manner that is pedestrian in scale and massing unless a technological requirement demands a different design. Required building design elements include the following, unless waived by the Administrator based on determination that the requirements would adversely impact the intended use of the building:

- a. **Building Materials:** All building walls visible from a public street shall be brick or decorative concrete masonry unit, or other materials similar in appearance and durability.
 - b. **Building Facades:** All buildings shall avoid long, blank walls by integrating design variety along the façade through wall offsets, change in material patterning, awnings, windows, or doors or other techniques used to avoid wall monotony.
3. **Parking:** Parking lots may be placed adjacent to internal streets only, but shall be screened in accordance with the standards of Chapter 8 - Tree Protection & Landscaping. Parking lots shall not be adjacent to external streets unless existing conditions do not provide a practical alternative.
4. **Lot and Building Dimensional Requirements:**

	All Structures
Exterior District/Development Setback <i>(Minimum)</i>	100 ft
Undisturbed District/Development Buffer <i>(Minimum)</i>	30 ft
Internal Setbacks <i>(Minimum)</i>	0 ft to 30 ft

2.15 Traditional Neighborhood Development (TND) (Old NT & PUD)

A. Purpose and Intent: The intent of this District is to allow for the development of fully integrated, mixed-use pedestrian-oriented neighborhoods that minimize traffic congestions, suburban sprawl, infrastructure costs, and environmental degradation. Traditional Neighborhoods adhere to the following principles:

- All neighborhoods have identifiable centers and edges
- All lots are within walking distance to retail (a distance not greater than ¼ mile) and recreation opportunities (a distance not greater than ½ mile)
- Uses and housing types are mixed and in close proximity to one another
- Street networks are interconnected and blocks are small
- Civic buildings are given prominent sites throughout the neighborhood

B. Specific District Provisions:

I. Development Size (Minimum-Maximum): 40 acres - 200 acres *(Notes: Projects in excess of 200 acres may be developed as multiple Traditional Neighborhoods, each individually subject*

to all such provision, or they may be developed as Planned Unit Developments as provided for under Section 2.19.

- 2. Neighborhood Design:** The entire land area of the TND shall be divided into blocks, streets, lots and open space areas.
- 3. Land Use Relationships:** Similar land use categories shall generally front across streets. Dissimilar categories shall abut at rear lot lines. Corner lots which front on streets of dissimilar use shall be set back the same as the adjacent use with the lesser setback.
- 4. Terminating Vistas:** The long axis of streets exceeding 500 feet in length shall have appropriate termination with either a public monument, specifically designed building façade, or a gateway to the ensuing space.
- 5. Open Space:** Open Space shall be provided in accordance with the requirements of Chapter 7.
- 6. Dimensional Standards and Building Types:** The Dimensional Standards and Building Types shall be established in accordance with the neighborhood design, but within 200 feet of all adjacent property boundaries (not across streets) the lot widths and depths and building types shall be generally consistent with the adjacent zoning district(s) of a lower development intensity/density.
- 7. Use Standards:** The proposed uses shall be consistent with the requirement of Section C below and the permitted uses listed in the Use Matrices in Section 2.3.

C. Land Allocation by Use:

(Note: The figures in the table below are to be calculated as the net development area, excluding street-rights-of-way)

	Minimum	Maximum
Single-Family Uses	15%	75%
Two-Family and Multi-Family Uses	10%	40%
Lodging/Office/Retail Uses	2%	40%
Civic Uses	2%	none
Open Space	Per Chapter 7	

D. Permitted Locations and Densities:

	Maximum Density By Right (units/acre)	Maximum Density as a Conditional District (units/acre)
R3	2.48	4.5
R4	3.77	7.5
R7	6.67	10.5
NC	22.5	Not Restricted
CC	Not Restricted	Not Restricted
CMX	Not Restricted	Not Restricted
DMX	Not Restricted	Not Restricted

2.16 Manufactured Housing Overlay (MHO) (Old MHOD)

A. Purpose and Intent: The purpose of this district is to provide an opportunity to designate areas within the R4 and R7 Residential districts that are suitable for the location of manufactured housing.

B. Specific District Provisions:

- a. Land uses other than manufacturing housing shall be allowed within any manufactured housing overlay district as provided for by the standard district regulations.
- b. Manufactured housing located within any Manufactured Housing Overlay District must meet both the requirements of the larger district and other requirements related specifically to manufactured housing. Where these requirements may conflict, the more restrictive or detailed provisions shall prevail.
- c. Manufactured housing shall meet the requirements of a Manufactured Housing Neighborhood which are located in Section 2.12.

2.17 Gateway Overlay (GO) (Old SHOD)

A. Purpose and Intent:

The purpose of these regulations is to protect the natural scenic beauty along the thoroughfares leading to and from Wendell, which are in Wendell's jurisdiction while allowing the orderly development of land along its highways. It is the intent of these regulations that development in the Gateway Overlay shall be in harmony with, and shall preserve, to the extent possible, the natural beauty and wooded character of the district. Ensuring the attractiveness of uses will in turn contribute and enhance trade, tourism, capital investment, and general welfare.

B. Applicability

1. Location: The Gateway Overlay shall be appropriately located on either side of an existing or proposed interstate, US Highway 64 Business (Wendell Boulevard), Wendell Falls Parkway, Richardson Road, Poole Road, Marshburn Road, and other major/minor thoroughfares as determined by the Wendell Board of Commissioners, within the town's zoning jurisdiction.

2. Boundary: The district shall be measured 300 feet in either direction from the road right-of-way, and shall follow identifiable geographic boundary lines whenever possible and may include adjacent lands where development may affect natural scenic beauty by travelers on the thoroughfare. District boundaries may be located closer to the special highway where:

- a. Intervening topography or other permanent natural features preclude adjacent development from being visible from the thoroughfare.
- b. The adjacent underlying zoning is residential and there is existing or approved residential development.

3. Non-Conforming Uses: Development existing at the date of approval of this ordinance shall not be required to comply with the regulations contained herein, except those subject to the Non-Conforming Use provisions of Chapter 13.

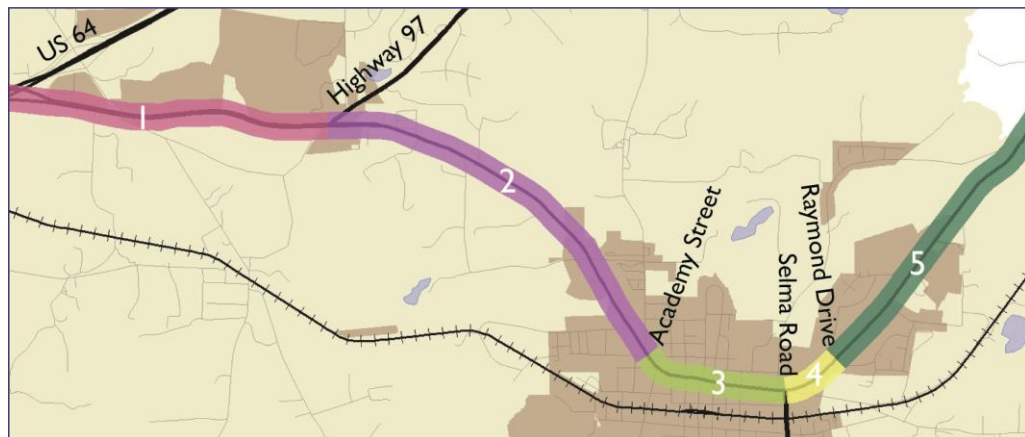
C. Permitted Uses: The district does not replace or restrict the range of uses permitted in the underlying zoning districts. The overlay district includes additional development requirements that shall be met by any development within the district. The provisions of the Gateway Overlay shall be applicable to all underlying districts as shown on the zoning map.

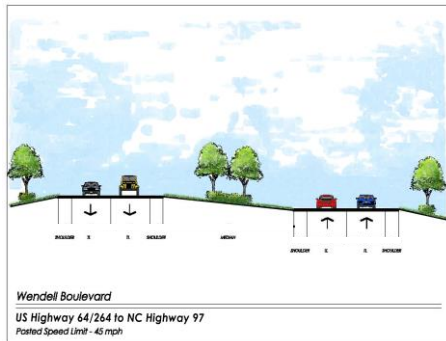
D. Development Standards

The development of land or structures within the Gateway Overlay shall comply with the development regulations applicable to the underlying zoning district, except that the following regulations shall apply wherever they are more restrictive than those underlying zoning district. The standards in this section shall apply to the entire GO zone unless specific standards for various land use and transportation context zones have been established by an adopted plan.

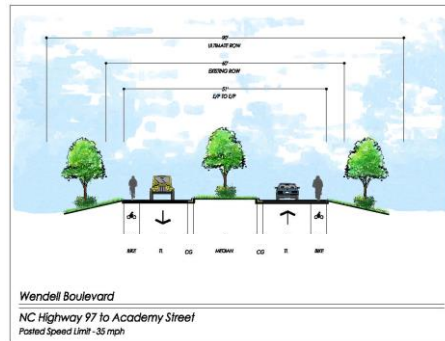
I. Context Zones: Wendell Boulevard

The Town Board-adopted *Town Plan of Wendell* includes typical cross-sections for five different sections of the Wendell Boulevard corridor. These cross sections represent five different zones where the existing and proposed transportation infrastructure and the land use and form of development provide unique contexts for development.. Plans for improvements to Wendell Boulevard will be reviewed and approved by NCDOT.

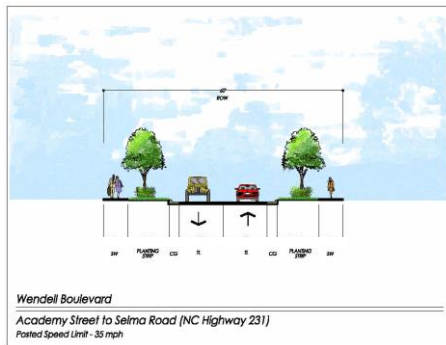




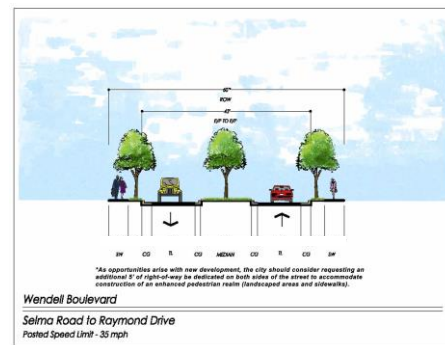
1. US Hwy 64/264 to NC Hwy 97



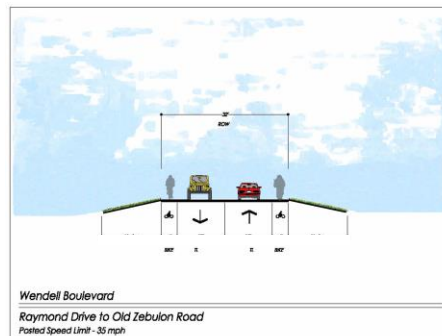
2. NC Hwy 97 to Academy St



3. Academy St to Selma Rd



4. Selma Rd to Raymond Dr



5. Raymond Dr to Old Zebulon Rd

2. Dimensional Standards:

	Context Zones 1 & 5	Context Zones 2	Context Zones 3 & 4
Front Setback (<i>Minimum</i>)	25 ft	10 ft	10 ft
Front Setback (<i>Maximum</i>)	None	100 ft	75 ft
Streetyard Buffer (<i>Minimum width</i>)	40 ft min* (20 ft min.**)	n/a	n/a
Internal Building Setbacks (<i>Minimum</i>)	0 ft or 4 ft	0 ft or 4 ft	0 ft or 4 ft
Maximum Building Height	As determined by underlying district		

* Where the underlying zoning is a residential district and the principal use, either existing or proposed, is residential, the minimum width of the bufferyard shall be 40 feet, measured from the edge of the thoroughfare's ultimate right-of-way.

** For all non-residential uses, the minimum width of the bufferyard shall be 20 feet, measured from the edge of the thoroughfare's ultimate right-of-way.

3. Streetscape Standards:

Notwithstanding the Wendell Boulevard cross-sections shown in section 2.17D1 of the UDO and within the Wendell Comprehensive Plan, all new development shall provide the following across all street frontages:

(amended 2-9-15)

	Context Zones 1 & 5	Context Zones 2, 3, 4
Pedestrian Facilities	6 ft sidewalk or 8 ft multi-use path	6 ft sidewalk; Both sides
Landscaping	Streetyard buffer	Street trees in planting strip and Planting Yard
Drainage	Curb & gutter	Curb & gutter

- a. Planting strip:** 8-foot landscape strip between the curb and sidewalk (for replacement of existing sidewalk or for new construction only, otherwise for repair and infill the existing dimension varies. A NCDOT encroachment is required.)
- b. Curb and Gutter:** Curb and gutter shall be required unless otherwise specified in an adopted street section or streetscape plan. The Wendell Boulevard cross-sections shall be amended (and the right-of-way proportionally increased) to accommodate curb and gutter.
- c. Sidewalk:** 6-foot wide minimum or as shown in adopted street sections for context zones. The Wendell Boulevard cross-sections shall be amended (and the

right-of-way proportionally increased) to accommodate the pedestrian facilities identified for each context zone in Section 2.17D3.

- d. **Street Yard:** 10-foot (minimum) landscape strip behind the right-of-way (within the front setback). The street yard along Wendell Boulevard will be a minimum of 20-feet in width. Any development subject to a maximum building setback of less than 20 feet along those context zones which require a street yard shall have their maximum setback increased to accommodate the required street yard width.
- e. **Street Trees:** Where street trees are required, canopy trees shall be planted 35 feet on-center in the planting strip between the sidewalk and curb. (Where aerial utility lines prohibit the installation of canopy trees, small maturing trees may be substituted with permission of the Town of Wendell). All trees planted within the right-of-way shall require approval by NCDOT.
- f. **Utility Service Lines:** New service lines are to be placed underground.

4. Parking Areas

Parking areas shall meet the following standards and the standards of Chapter 10, Parking.

a. Parking Area Setbacks:

- i. **Secondary Street:** 10 feet
- ii. **Gateway street:** 8 feet (except 20 feet from residentially-zoned properties)

b. Location:

- i. Up to 40 percent of the required parking or 20 spaces, whichever is greater, may be located in the front yard on Gateway streets where the developer will install a continuous concrete, brick, or imprinted concrete paved 5 foot walk from the street sidewalk to the entrance of the building closest to the street. Parking in the front yard is prohibited where a continuous walkway from the street sidewalk to the entrance of the building is not provided. The paved walk may be located on planter islands but must connect across all crossing asphalt parking areas and be built to traffic type standards across drives. Paved walks must have grades that transition smoothly and continuously across drive areas with asphalt paving brought up to level with paved walks. For each of the following additional conditions which are met, the developer may increase the amount of parking allowed in the front yard by 10 percent (of the total 100% of parking allowed on site) to a maximum of 60 percent. The remainder of the parking may be located in the side and rear only.
 - a) Street yard plantings are installed at a rate of 3 canopy trees or 6 understory trees and 12 shrubs per 100 linear feet.

- b) Parking lot landscaping is installed at the rate of one canopy tree and four shrubs per eight parking spaces.
 - c) Street yard plantings are installed on a berm, rather than at grade. Berms shall be installed at a height of 3 feet above the grade of the adjacent roadway, unless otherwise determined by the administrator.
 - d) The building floor elevation and the parking area elevation closest to the adjacent roadway are six feet or more below the grade of the adjacent roadway. (Amended 11-12-13)
- ii. Parking areas on secondary streets within the GO may be located in the front, side or rear.
 - iii. No off-street parking area shall be located within any front setback.
 - iv. Parking lots in the side yard shall not occupy more than 35 percent of the width of the lot or 64 feet to accommodate two bays and a drive aisle, whichever is greater, along the primary street. (Context Zones 2, 3, 4 only). (Amended 09-08-14)
 - v. No surface parking or circulation driveway is permitted within any required or established setback, except that driveways providing access to the parking area may be installed across these areas. It is the intent that these driveway entrances be as nearly perpendicular to the street right-of-way as possible.
- c. **Circulation Drives:** A circulation drive may be permitted around the front of the building but may not encroach into the front setback or any required landscape area. If provided, this drive shall be designed to be the minimal width required (not to exceed 20 feet unrestricted access or minimum width required under state fire code). (Amended 9-26-11)



Circulation drives, if provided, should be minimized.

5. **Lighting:** Lighting in the Gateway Overlay shall meet the following standards and the standards of Chapter 11, Lighting.

The purpose of this Section is to provide direction in controlling light spillage and glare so as not to adversely affect motorists, pedestrians, and land uses of adjacent properties. Lighting intensities should be controlled to assure that excessive light spillage and glare are not directed at adjacent properties, neighboring areas, and motorists.

- a. All exterior lights, except street lights, shall be constructed or located so that the light source is not directly visible from the fronting thoroughfare.

- b. Pole-based light fixtures (not attached to buildings) shall be affixed to a decorative pole, which may be of metal, fiberglass, or concrete. No wooden poles shall be allowed.
- c. The maximum height of a light source (light bulb) not attached to a building or canopy shall be 20 feet.
- d. No light fixture shall be located within 20 feet of a residentially-zoned property.
- e. Light fixtures shall be served by underground wiring.

6. Signage

- a. Signage in the Gateway Overlay shall comply with the requirements for the underlying district as specified in Chapter 12, Signs.
- b. Pole signs shall be prohibited. Monument signs, attached signs or other signage allowed in the underlying district shall be the permitted signage types.
- c. Billboards and other off-premise signs shall be prohibited.

2.18 Conditional Districts (CD)

A. Purpose and Intent: Conditional Districts provides for orderly and flexible development under the general policies of this Ordinance without the constraints of some of the prescribed standards guiding by-right development. Because Conditional District developments are constructed in a comprehensive manner, they establish their own building, street, block, and lot pattern which may be unique from other surrounding blocks or neighborhoods. This Conditional District may be used in any district but is not intended to relieve hardships that would otherwise be handled using a variance procedure.

B. Applicability:

- Rural Agriculture (RA)
- Rural Residential (RR)
- Residential (R2, R3, R4, R7)
- Neighborhood Center (NC)
- Corridor Mixed Use (CMX)
- Community Center (CC)
- Downtown Mixed Use (DMX)
- Manufactured Home Park (MH)
- Highway Commercial (CH)
- Manufacturing & Industrial (M&I)
- Traditional Neighborhood Development (TND)

C. Modifications to General Provisions:

Within a Conditional District (CD), all permitted uses of the corresponding Base District must be met. However, petitioners requesting a zoning amendment to the Conditional District may place additional requirements and standards onto themselves and their property or ask that certain standards identified in the specific zoning category or provisions in Chapters 2-12 be decreased.

It shall be the Board of Commissioner’s final decision to grant approval or denial of the zoning amendment in light of the revised development standards presented to the Town Board. If no specific request is made by the petitioner to the change in the development standards or if the petition is silent on the point, it shall be understood that the underlying zoning district guidelines and standards shall apply.

In addition the modification of specific district provisions, the following General Provisions as detailed in Chapters 2-12 may be varied if specifically requested by the petitioner as part of a Conditional District application

CH	Title	Exception to modifications:
2	District Provisions	Uses permitted may not be added unless the use proposed is not currently defined or contemplated by the Code. The manner of approval (i.e. permitted by right, special use permit required, etc.) may be modified as part of the Conditional District request.
3	Additional Use Standards	
4	General Provisions	
5	Building Types & Design Standards	
7	Open Space	May substitute required open space for payment-in-lieu. Amount required may not be reduced.
8	Tree Protection and Landscaping	No further modifications permitted. Alternate Methods of Compliance provided for.
9	Streets and Circulation	Variations permitted in Chapter 9. No further modifications permitted.
10	Parking	
11	Lighting	
12	Signs	

(amended 7-11-16)

2.19 Planned Unit Developments (PUD)

A. Purpose and Intent: The intent of this district is to allow for larger developments with integrated plans that may include all or some of the following types of uses: single family residential, multifamily residential, commercial, recreational, civic and industrial.

B. Location: A PUD District designation may be established on any land located in the Town or its ETJ provided that the PUD complies with all applicable standards of this Section.

C. Specific District Provisions:

1. Development Size: 200+ acres. Developments comprised of fewer than 200 acres may apply for a Conditional District (CD) or a Traditional Neighborhood Design (TND) designation.

2. Master Plan: A master plan for the PUD shall be submitted to the Town and approved along with the PUD in accordance with the Special Use procedures established by Section 15.15 of the UDO.

3. Allowed Uses:

- a. Uses permitted within the PUD zoning districts are identified in Section 2.3C of the UDO.
- b. Uses permitted within the PUD will be set forth within the PUD Plan document which shall be approved as part of the Special Use Permit application process.
- c. Uses proposed in the PUD Plan can be entirely residential, entirely non-residential, or a mix of residential and non-residential. The PUD Plan document shall include a table specifying a minimum percentage of land area or square footage for each major use category identified.
- d. Any use included within the use table for a PUD Plan document which is subject to supplemental use standards under the UDO (as specified by Chapter 3) shall be subject to said supplemental use standards unless otherwise stated within the approved PUD Plan document.
- e. The PUD Plan document shall specify the maximum dwelling units per acre and/or the maximum number of permitted dwelling units for the district.
- f. PUD Plan documents shall generally support the creation of a diverse housing mix. Applications which include residential development shall state specific minimum percentages of different housing types and lot widths for single family dwellings. Where multi-family and attached residential uses are proposed, maximum percentages of these uses in relation to the total number of permitted dwellings shall be included in the PUD Plan document.

- g. The PUD Plan document shall establish dimensional standards for different use categories.
 - h. The standards proposed in the PUD Plan document encourages cluster and compact development that is interrelated and linked by pedestrian ways, bikeways, and other transportation systems. At a minimum, the PUD Plan document must show greenway improvements as required by the Town's most current Open Space Plan.
 - i. The standards for development in the PUD Plan document results in land use patterns that promote and expand opportunities for walkability, connectivity, public transportation, and an efficient compact network of streets.
 - j. The standards proposed in the PUD Plan document shall be compatible with the character of surrounding land uses and maintains and enhances the value of surrounding properties.
 - k. With regard to adjacent uses of differing character, appropriate consideration should be given to transitions between the uses.
4. **Allowed Size, Density, Square Footage of Non-Residential Uses:** The allowed overall acreage of the PUD, overall density of the PUD and the square footage of allowed non-residential uses shall be as established in the PUD Plan document or, if applicable, may be established within an approved and recorded development agreement between the Town of Wendell and the applicant.
5. **Development Standards:** In return for greater flexibility in design requirements, PUD Districts are expected to deliver exceptional quality community designs that preserve critical environmental resources, provide high quality community amenities, incorporate creative design in the layout of buildings, ensure compatibility with surrounding land uses and neighborhood character, incorporate high quality architectural features, and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure. The PUD District shall not be used as a means of circumventing the Town's adopted development regulations for routine developments.

Dimensional standards, streetscape standards, design standards, parking design, and all other development standards may be established by the PUD Plan document. To the extent a development standards is not addressed within the PUD Plan document or a recorded Development Agreement, then otherwise applicable development standards within the UDO shall apply; provided; however, that Town planning staff may grant minor deviations from UDO development standards if it is satisfied that doing so will be consistent with the overall intent and approach of the PUD master plan and not inconsistent with the general objectives of the UDO. The Planning administrator shall determine what qualifies as a minor deviation.

6. **Design Standards:** Minimum architectural design standards (i.e., wall materials/roof configuration/shingles) for commercial buildings within the PUD shall be established by the PUD document. Minimum design standards for residential structures proposed by the applicant may be included in the PUD document.
7. **Off-Street parking and Loading:** The PUD Plan document shall demonstrate compliance with the parking standards of the UDO, except that variations from these standards may be permitted where it is determined to be suitable for the PUD Plan, and generally consistent with the intent and purpose of the off-street parking and loading standards of the UDO.
8. **Landscaping:** The PUD Plan document shall demonstrate compliance with the standards of Chapter 8 of the UDO (Tree Protection and Landscaping), except that variations from these standards may be permitted where it is demonstrated that the proposed landscaping and buffers ensure compatibility with land uses on surrounding properties, create attractive streetscapes and parking areas, and are consistent with the character of the area.
9. **Building Design:** The PUD Plan document shall specify applicable building design standards which shall be mindful of the pedestrian experience, enhance transparency, and highlight primary building entrances.
10. **Signs:** Signage in the PUD Plan document shall demonstrate compliance with Chapter 12 of the UDO, except that variations from these standards may be permitted where it is demonstrated the proposed variations are generally consistent with the PUD Development and the general intent and purpose of the UDO’s sign regulations.
11. **Public Facilities:**
 - a. The PUD Plan document shall demonstrate a safe and adequate on-site transportation circulation system. The on-site transportation circulation system shall be integrated with the off-site transportation circulation system of the Town. The PUD Plan document shall be generally consistent with the most current Town of Wendell Transportation Plan and the Town of Wendell Standards and Specifications document and how required right-of-way widths and road sections. A Traffic Impact Analysis (TIA) shall be required per section 9.10 of the UDO.
 - b. The PUD Plan document shall demonstrate the adequate provision of public utilities necessary to serve the proposed uses included in the development.
 - c. The PUD Plan document shall demonstrate the availability of both passive and active open space sufficient to serve the estimated population of the development and shall meet the criteria of Section 7.3 of the UDO (General Provisions and Standards) except as modified in the PUD Plan document.

- 12. General Compliance with the UDO:** The provisions of the UDO shall serve as the prevailing standards which apply within the PUD zoning district, except as otherwise noted within the approved PUD Plan document. All standards and conditions included within the approved PUD Plan document shall supersede any conflicting standards of the UDO. Under circumstances where the PUD Plan document does not directly address a standard or provision and a UDO provision does, the planning administrator may grant minor deviations (as determined by the administrator) from UDO development standards if he or she is satisfied that doing so will be consistent with the overall intent and approach of the PUD master plan and not inconsistent with the general objectives of the UDO.
- 13. Substantial Changes to the PUD:** Any substantial change to a PUD zoning district or its associated PUD Plan document shall be reviewed and approved in the same manner as the original submittal.
- 14. Rescission:** Notwithstanding the rescission regulations outlined in Section 15.15.G.1 and Section 15.15.G.2 of the UDO (Rescission of Special Use Permits), the applicant shall secure a valid building or construction permit(s) within a 12 month period from date of approval of the PUD Zoning District, unless otherwise stated within the approved PUD Plan document. If a valid building or construction permit is not in place at the end of the 12 month period, the Administrator shall notify the applicant of such finding. Within 60 calendar days of notification, the Administrator shall make a recommendation concerning the rescission of the PUD zoning district to the Board of Commissioners. The Board of Commissioners may then rescind the PUD zoning district, or extend the life of the district for a specified period of time. Upon rescission of a PUD zoning district, the area where the PUD zoning district shall revert back to the zoning district in place at the time of approval.

(Section 2.19 amended 11-09-15)