



Currituck County Moyock Mega-Site Master Plan Appendices

AUGUST 2017

Prepared by

Kimley»»Horn



Moyock Mega-Site Master Plan Appendices

Appendix A – Utility Corridor Overlay District (UCOD)

Appendix B – Transportation Corridor Overlay District (TCOD)

Appendix C - Employment Transect (Example)

Appendix D – UDO Review Assessment Matrix

Appendix E – Development Agreement Strategies



Moyock Mega-Site Master Plan – Appendices

Appendix A: Utility Corridor Overlay District



Utility Corridor Overlay District (UCOD)

Utility Corridor Overlay District

A key component to the success of the Moyock Mega-Site Master Plan (“Plan”) will be the involvement and interest of local government officials, the public, and franchise utility providers in helping to make this plan a reality. The need for the establishment of Utility Corridor Overlay Districts (UCODs)¹ as a part of the zoning ordinance will help bridge the gap as it relates to development standards and the designation necessary utility easements adjacent to the roadway network or otherwise anticipated corridors between those who control the road (e.g., NCDOT) and those who control land use. The UCOD is intended to provide the County with the ability to clearly and consistently identify utility easement boundaries and the expected location(s) of underground utilities in-line with the development standards associated with the Moyock Mega-Site Planned Development District.

This section is intended to provide a cursory outline of standards and general recommendations for the development of Utility Corridor Overlay Districts to be considered by Currituck County for inclusion in the Unified Development Ordinance (UDO) and specifically the Moyock Mega-Site Planned Development District. The Overlay District concept provides the County with a consistent approach for future development and managing location and designation of utility easements along primary as well as secondary Moyock Mega-Site transportation facilities that will help reduce utility conflicts, minimize accidental damage to both public and private utilities, enhance aesthetic quality of utility installation locations, as well as protect the general health, safety, and welfare of the public. The UCOD ordinance was developed to be adopted either in part or in its entirety and consists of discussions on:

Sections:

1. Purpose
2. Applicability
3. Boundaries and Integration with Roadway Typical Sections
4. Development Standards
5. Terms and Definitions

Objective and Purpose

The purpose of establishing Utility Corridor Overlay Districts is to mitigate conflicts between public and private franchise utility providers such that utility easement designations within the defined “corridors” results in an enhanced character of major gateways, greenways, and transportation corridors adjacent to and within the Moyock Mega-Site Planned Development District. The Moyock Mega-Site Utility Corridor Overlay District or designation of such corridors is a planning tool intended to clearly, consistently, and proactively designate and define utility easement locations and dimensions while establishing development standards and guidelines that not only meet the requirements of the Moyock Mega-Site Planned Development District but also promote the vision of the Moyock Mega-Site Master Plan. The specific objectives of the UCOD are as follows:

¹ The described Utility Corridor Overlay District (UCOD) is intended to provide an initial outline of the components that would provide guidance on necessary utility easement designations as a part of the Moyock Mega-Site Development District as they relate to the adjacent street network and/or “utility corridors” that cross or front development properties. As described, the UCOD is not all inclusive and will require further discussion and application consistent with the Moyock Mega-Site Planning District Master Code and/or the County’s UDO.



Appendix A: Utility Corridor Overlay District

- A. Reduce the potential for underground utility conflicts through the establishment of designated utility corridors that consider various utility design and location (e.g., depth, cover, proximity to roadways) considerations
- B. Minimize accidental damage to both public and private franchise utilities
- C. Protect and promote the desired character and natural environment of the Moyock Mega-Site as well as create attractive gateways, greenways, and transportation corridors into and within the community.
 - Utility corridor designation and associated attributes should complement designated transportation (e.g., roadway, multi-use trail, greenway) corridors
- D. Establish joint use Utility Corridors thereby minimizing the overall environmental impacts of utility facilities.
- E. Protect the general health, safety, and welfare of the public
- F. Establish, maintain, and preserve the reliable passage of energy and communication services to the residents, visitors, and workers of the Moyock Mega-Site Planned Development
- G. Designate the preferred location for future utility facilities/infrastructure.
- H. Coordinate with Currituck County and the North Carolina Department of Transportation (NCDOT) in all instances where policies and recommendations from NCDOT will be taken into consideration when administering the UCOD guidelines and standards.
- I. Coordination with Currituck County Public as well as Private/Franchise Utility providers in all instances regarding designated locations of undergrounding of utilities adjacent to roadways or a pre-designated “corridor” per the Moyock Mega-Site Planned Development District and/or UCOD guidelines and standards.

Boundaries

The designated boundaries (i.e., utility corridor easement width(s), dimensions, and locations) are intended to be defined per the proposed roadway typical sections referenced in the Moyock Mega-Site Planned Development Transportation Corridor Overlay District section. The boundaries or limits of the utility corridor easements (e.g., 20 feet from the back of curb or back of sidewalk on the “development” side of the roadway) serving development within and/or associated with the Moyock Mega-Site should be accounted for as a part of any roadway improvement as well as well adhering to setback requirements associated with development along the identified corridors. Key utility corridors may consist of but are not limited to NC-168, South Mills Road, Central Parkway, Public Collector A, etc.) and associated boundaries for the Utility Corridor Overlay Districts.

Applicability

The UCOD will apply to all development and redevelopment activities within the boundaries of the Moyock Mega-Site Planned Development District. Open Space-Parks and existing properties within adjacent Planned Area Developments, that were approved prior to the date of the proposed UCOD would be exempt from the requirements of the District. The County should consider the width of the UCOD and/or the associated easement adjacent to a roadway right-of-way (ROW) or across a property to be a minimum of twenty (20) feet.



Appendix A: Utility Corridor Overlay District

Development Standards

Based on the County's establishment of a Moyock Mega-Site Planning Development District ("District"), and/or the approval of the proposed designated Utility Corridor Overlay Districts, applicable development standards and guidelines for the UCODs should be considered. The following reflects a list of potential development standard categories for the UCODs:

1. Undergrounding of Utilities
 - Above ground Utility Exceptions
2. Designation (dimensions) of Utility Easements
3. Dedication of Necessary Utility Easements
4. Access to/from/across the UCOD
5. Documentation/verification of Underground Utility "Owner" Coordination prior to any Permit being issued that would involve excavation within proximity of the designated corridor
6. Utility (Underground) Types and Locations Documented on Engineering and Construction Drawings
7. Buffer Requirements
8. Landscaping Requirements
9. Signage
10. Development or Reference to applicable Emergency Response Plans

Review of Plans

Permit and review procedures shall follow the standards and approval criteria as established by Currituck County for the "District" and/or the designated UCODs. Compliance with the development standards and guidelines defined for the UCOD along with the County's desire to promote economic development opportunities are intended to accelerate or simplify the review and approval process, while also ensuring the safe, efficient, and reliable passage of energy and communication services to the residents, visitors, and workers located in the Moyock Mega-Site Development District.

Terms and Definitions.

For the purposes of the Utility Corridor Overlay District, certain terms or words will be used and should be interpreted as follows:

- (a) Adjacent. A lot or parcel of land that shares all or part of a common lot line or boundary with another lot or parcel of land or that is directly across a public street or right-of-way.
- (b) Antenna. A device used to transmit and/or receive radio or electromagnetic waves between land based or orbiting uses.
- (c) Assessed Value. The monetary price that a parcel of land, portion of land, improvement on land, or other commodity assigned by the Currituck County Property Appraiser's office for the purposes of taxation.
- (d) Board of Commissioners. The Board of Commissioners for Currituck County, North Carolina.
- (e) Buffer. An area of natural or planted vegetation adjoining or surrounding a use and unoccupied in its entirety by any building, structure, paving or portion of such use, for the purposes of screening and softening the effects of the use, no part of which buffer is used for recreation or parking.
- (f) Cross-Access. Vehicular access provided between the vehicular use areas of two or more development sites or parcels of land intended to allow travel between the sites without the use of a public or private street.



Appendix A: Utility Corridor Overlay District

- (g) Developer. The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable proprietary interests in such land.
- (h) Development. The initiation, construction, change, or enlargement of any use or structure, the disturbance of land through the removal of trees or ground cover, or the division of land into two or more parcels. "Development" shall include, but not be limited to, the following:
 - (1) Construction or enlargement of a building or structure;
 - (2) Change in the type of use of a building, structure, or land;
 - (3) Material increase in the intensity of use of land, such as an increase in the number of businesses, offices, manufacturing establishments, or dwelling units located in a building or structure or on the land;
 - (4) Commencement or expansion of resource extraction, agricultural, horticultural, or forestry activities on a parcel of land;
 - (5) Demolition of a structure or the removal of trees from a parcel of land;
 - (6) Deposition of refuse, solid or liquid waste, or fill on a parcel of land;
 - (7) Alteration, either physically or chemically, of the shore, bank, or channel of any stream, lake, or other body of water or alteration of any wetland;
 - (8) Any land disturbing activity that adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil, and
 - (9) For the purposes of Section 7.4, Flood Damage Prevention, any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
- (i) Development Agreement. An agreement entered into between the County and a landowner in accordance with Section 2.4.18, Development Agreement.
- (j) District. An area delineated on the Official Zoning Map which sets forth standards and guidelines for all development within the prescribed district.
- (k) District Overlay. A zoning district that encompasses one or more underlying zoning districts and that imposes additional requirements above that required by the underlying zoning district.
- (l) Easement. A grant by a landowner to another landowner or to the public, for the right to occupy or use designated land for specific purposes, such as access, drainage, conservation, the location of public improvements, or other specified purpose. An easement does not constitute fee simple ownership of the land.
- (m) Existing Development. Structures, buildings, site specific plan or other projects that are completely built or that at a minimum have established a vested right as of the effective date of this Ordinance based on at least one of the following being satisfactorily proven to the Planning and Community Development Department for the specific development in question:
 - (1) Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the development, or
 - (2) Having an outstanding valid building permit as authorized by North Carolina General Statutes Section 153A-344.1, or
 - (3) Having an approved site specific or phased development plan as authorized by North Carolina General Statutes Sections 153A-344.1.



Appendix A: Utility Corridor Overlay District

- (n) Expansion. An increase in the size of an existing structure or use, including physical size of the property, building, parking, and other improvements or structures.
- (o) Frontage. The width in linear feet occupied by each separate business or other use or the width in linear feet of a lot which fronts on a public street. Each building or lot front shall, for purposes of sign copy area allowed, be separately calculated.
- (p) Full Service Area. Portions of the county designated in the 2006 Land Use Plan as areas where the full range public infrastructure can and should be provided. Given the anticipated presence of public infrastructure, these areas are the most appropriate for increased growth and development, as anticipated by the Land Use Plan. The locations of Full Service Areas are shown in the 2006 Land Use Plan.
- (q) Greenway. A linear greenbelt linking various types of development by such facilities as bicycle paths, footpaths, and bridle paths. Greenways are usually kept in their natural state except for the pathway and area immediately adjacent to the pathway.
- (r) Limited Service Areas. Portions of the county designated in the 2006 Land Use Plan as areas where some public infrastructure can be accommodated (though the anticipated level of service provision is reduced from that found in a Full Service Area). Given the anticipated presence of public infrastructure, these areas are appropriate for more growth and development than would be anticipated for rural, agricultural, and conservation areas by the Land Use Plan. The locations of Limited Service Areas are shown in the 2006 Land Use Plan.
- (s) New Construction. For the purposes of Section 7.4, Flood Damage Prevention, structures for which the “start of construction” commenced on or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.
- (t) Overlay District. A zoning district that includes supplementary or replacement regulations to the requirements of the underlying, base zoning district.
- (u) Public Infrastructure. Aspects of the public realm owned and maintained by the county or the state that serve the public at large, including streets, highways, sidewalks, curb and gutter, potable water distribution systems, sanitary sewer systems, stormwater drainage retention and conveyance features, street lights, on-street parking spaces, and similar aspects located within a public right-of-way or public easement.
- (v) Public Road. Roads maintained by North Carolina Department of Transportation.
- (w) Right-of-Way. An area of land not on a lot (or part of a minimum lot area) that is dedicated for public or private use to accommodate a transportation system and necessary public or private utility infrastructure (including but not limited to roads, water lines, sewer lines, power lines, and gas lines.) In no case shall a right-of-way be construed to mean an easement. For a subdivision subject to county review, the area of land shall be owned fee-simple and of a sufficient width to meet the requirements of this Ordinance.
- (x) Restricted pipeline area. Means an area within a sensitive pipeline easement.
- (y) Sensitive pipeline. means a “transmission line” designed for the transmission of natural gas as defined by Title 49 Code of Federal Regulations, Section 192.3, with an inside diameter of eight inches or more.
- (z) Unified Development Ordinance. This Ordinance, (also known as the Currituck County Unified Development Ordinance) the officially adopted zoning ordinance of the County of Currituck, North Carolina.
- (aa) Utility, Major. Infrastructure services providing regional or community-wide service that normally entail the construction of new buildings or structures such as water towers, waste treatment plants, potable water treatment plants, solid waste facilities, and electrical substations.



Appendix A: Utility Corridor Overlay District

- (bb) Utility, Minor. Infrastructure services that need to be located in or near the neighborhood or use type where the service is provided. Examples of Minor Utilities include water and sewage pump stations, storm water retention and detention facilities, telephone exchanges, and surface transportation stops such as bus stops and park-and-ride facilities.
- (cc) Zoning District. A geographic area of land designated on the Official Zoning Map and subject to uniform land use regulations related to uses, density, or other similar attributes.
- (dd) Zoning Ordinance. See “Unified Development Ordinance”.
- (ee) Sensitive pipeline. Means a “transmission line” designed for the transmission of natural gas as defined by Title 49 Code of Federal Regulations, Section 192.3, with an inside diameter of eight inches or more.



Appendix B:
Transportation Corridor Overlay District



Transportation Corridor Overlay District (TCOD)

Transportation Corridor Overlay District

A key component to the success of the Moyock Mega-Site Master Plan (“the Plan”) will be the involvement and interest of local government officials and the public in general in making this plan a reality. The need for the establishment of a Transportation Corridor Overlay District (TCOD) zoning ordinance will help bridge the gap as it relates to access management and development standards between those who control the road and those who control land use. The TCOD will provide the ability to incorporate access management recommendations as well as deal with development issues typically outside the domain of transportation agencies.

This section is intended to provide a cursory outline of standards and general recommendations for the development of a Transportation Corridor Overlay District¹ to be considered by Currituck County for inclusion in the Unified Development Ordinance (UDO) and specifically the Moyock Mega-Site Planned Development District. The Overlay District concept provides the County with a consistent approach for future development and managing access along NC Route 168, South Mills Road, and other Moyock Mega-Site associated transportation facilities that will enhance safety, function, economic development, aesthetic quality, and corridor capacities.

The TCOD ordinance was developed to be adopted either in part or in its entirety and includes discussions on:

Sections:

1. Objective and Purpose
2. Boundaries
3. Applicability
4. Types of Uses
5. Prohibited Uses
6. Development Standards
7. Review of Plans
8. Example Access Management Guidelines for NC 168 TCOD
9. Terms and Definitions

Objective and Purpose

The purpose of establishing Transportation Corridor Overlay Districts is to promote an appropriate mixture and density of activity that enhances the character of the major gateways and transportation corridors adjacent to and within the Moyock Mega-Site Planned Development District. The intent of the Moyock Mega-Site Transportation Corridor Overlay Districts is to regulate land uses and establish development standards and guidelines that not only meet the requirements of the Moyock Mega-Site Planned Development District but also promote the vision of the Moyock Mega-Site Master Plan for these corridors as well as enhance multi-modal transportation safety and site accessibility. The specific objectives of the TCOD are as follows:

¹ The described Transportation Corridor Overlay District (TCOD) is intended to provide an initial outline of the components that would provide the guidelines and logical connections between Moyock Mega-Site Development District land uses and the adjacent transportation network. As described the TCOD is not all inclusive and will require further discussion and application consistent with the Master Plan and the County’s UDO.



Appendix B: Transportation Corridor Overlay District

- A. Promote safe and efficient multi-modal transportation operations
- B. Protect and promote the desired character and natural environment of the Moyock Mega-Site Planned Development District as well as create attractive transportation corridors and gateways into and within the community
- C. Enhance the attractiveness of the area to both visitors, residents, and workers alike
- D. Allow for a mix of uses to create an environment that promotes economic development while also engaging people at the pedestrian scale;
- E. Achieve a pattern of development that is conducive to walking and bicycling while also considering overarching mobility, accessibility, and economic growth, and
- F. Coordinate with the North Carolina Department of Transportation (NCDOT) in all instances where policies and recommendations from NCDOT will be taken into consideration when administering the TCOD guidelines and standards.

Boundaries

The designated corridors (e.g., NC Route 168 and South Mills Road) and associated boundaries for the Transportation Corridor Overlay Districts are shown on the TCOD Map (See **Figure X** and **Figure Y**).

Applicability

The TCOD ordinance will apply to all land use and development activity within the boundaries of the Overlay District corridors. Open Space-Parks and existing properties within adjacent Planned Area Developments, that were approved prior to the date of the proposed Overlay District would be exempt from the requirements of the District. The County should consider the overlay district boundaries extending into the first 150 feet of applicable parcels that front NC Route 168 and South Mills Road.

Types of Uses

The Transportation Corridor Overlay Districts are designed to establish and preserve areas that will provide safe and efficient access to adjacent properties as well as create high visibility for economic development land uses along the corridor.

The following land uses are examples of the types of land uses/development Currituck County should promote or encourage along/within the subject TCODs:

NC Route 168: Retail/commercial, medical office, business offices, professional offices, research and development.

South Mills Road: Mixed land uses that could consist of light industrial and manufacturing, professional offices, business offices, research and development, medium to high density residential (i.e., townhomes/condominiums and multi-family/apartments).

Central Parkway: Office-oriented, with professional offices, corporate offices, business offices, institutional (e.g., schools), public open space (e.g., parks, greenway/trails), public land (e.g., Waste Water Treatment Plant), as well as research and development.

All development, including any limited industrial uses (such as “high-tech” manufacturing or research and development uses, are subject to all compatibility criteria addressing issues of noise, dust, light, odors and fumes, environment, and appearance.

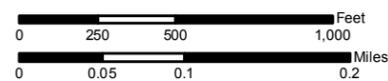
In the case of these latter uses the County will need to consider compatibility with adjacent use as it relates to addressing potential issues of noise, dust, light, odors and fumes, environment, and appearance.



**Transportation Corridor Overlay District
Currituck County, NC**

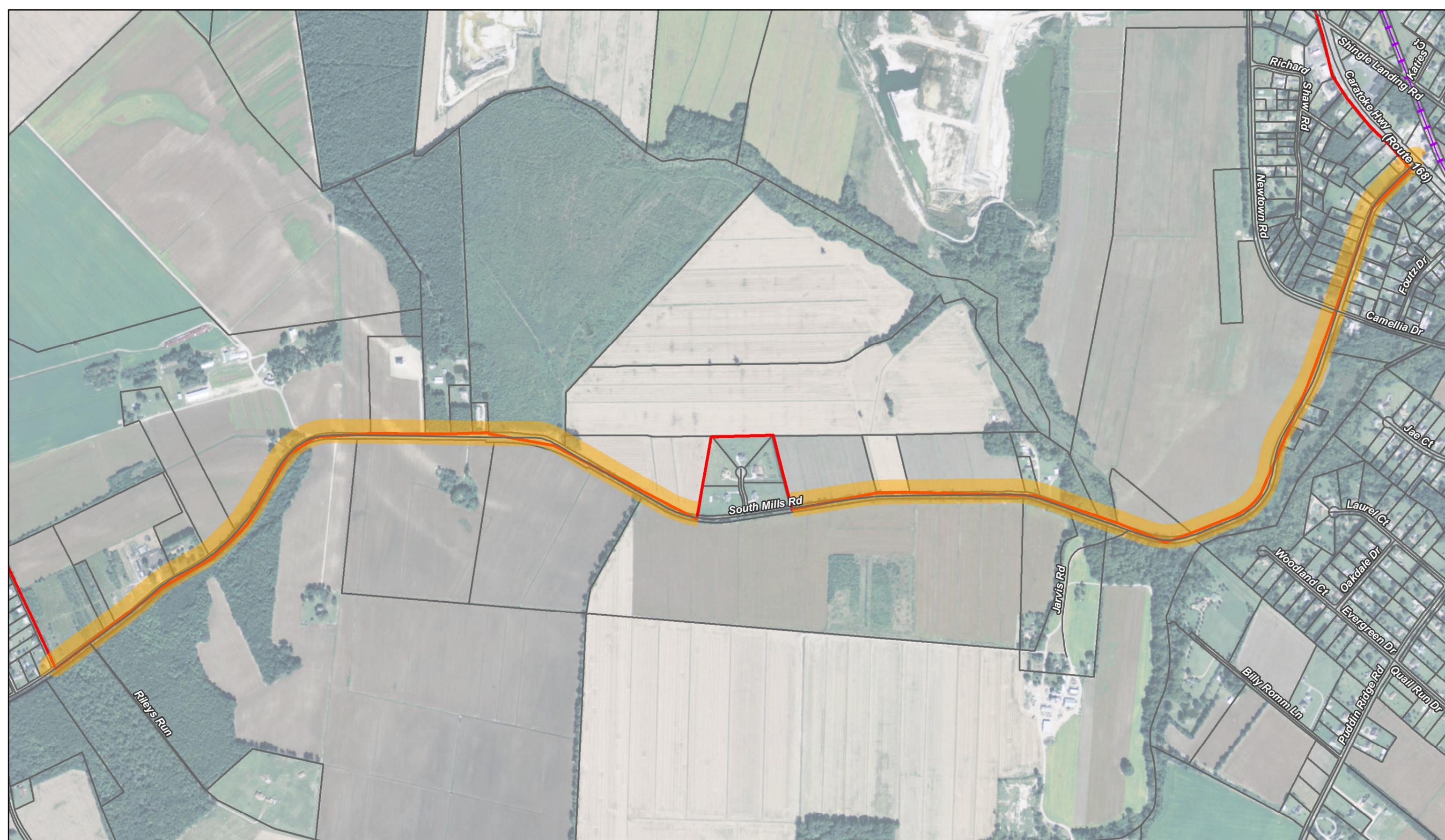
**Figure 1
NC-168**

-  Road
-  Railroad
-  Virginia/North Carolina State Line
-  NC Route 168
-  Project Area
-  Parcel Boundary

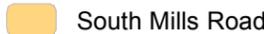


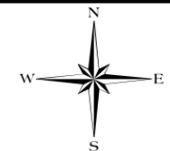
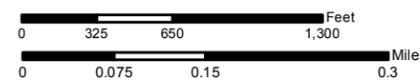
Kimley»Horn

Data: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Currituck County



Transportation Corridor Overlay District
Currituck County, NC
Figure 2
South Mills Road

-  Road
-  Railroad
-  South Mills Road
-  Project Area
-  Parcel Boundary



Data: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Currituck County



Appendix B: Transportation Corridor Overlay District

Prohibited Uses

In addition to safe and efficient accessibility to properties located along the designated Transportation Corridor Overlay Districts, other key factors include the need to enhance visibility for economic development land uses, as well as the aesthetic character, natural integration and promotion of development standards established for the Moyock Mega-Site and the corridor.

With an emphasis on economic development, aesthetic character, and anticipated land use type densities, Currituck County should consider and identify land uses it distinctly wants to avoid or prohibit from being allowed to develop within or with direct frontage to the identified roadway corridors.

Examples of land uses types the County may want to prohibit from developing within the TCOD (i.e., specifically the NC 168 TCOD) are as follows²:

1. General Industrial Uses, unless those portions of the property with the TCOD are used for indoor business operations and uses, customer or employee parking, landscaping, and other improvements and uses determined to be consistent with intent of the Overlay District guidelines.
2. Light Industrial Uses
3. Vehicle Fleet Based Services
4. Storage and Warehouse Uses
5. Salvage and Wrecking
6. Low Density Single Family Residential
7. Manufactured Home Parks

There may be other specific land uses the County has in mind based on historic development patterns it wishes to change, or as a result of the findings and recommendations from the County's updated Land Use Plan currently under development.

Development Standards

Based on County's acceptance of proposed revisions to the Unified Development Ordinance (UDO), the establishment of a Moyock Mega-Site Development District, and/or the approval of the proposed designated Transportation Corridor Overlay Districts, applicable development standards and guidelines for the TCODs should be established. The following reflects a list of potential development standard categories for the TCODs:

1. Buffer Requirements
2. Landscaping Requirements
3. Access to/from TCOD Road
4. Loading and Service Area Location
5. Parking Location
6. Parking Lot Lighting
7. Signage
8. Outdoor Storage
9. Shopping Centers

² Through conversations with staff and understanding the vision of the Moyock Small Area Plan (SAP) and the current Moyock Mega-Site Master Plan, there is rightful concern regarding the subject land uses being allowed to develop along a major thoroughfare/corridor of the County. Further, alternative areas for these types of uses are available at other locations within the County.



Appendix B: Transportation Corridor Overlay District

10. Dedication of Necessary Rights of Way and/or Transportation Facility/Traffic Equipment Easements

Review of Plans

Permit and review procedures shall follow the standards and approval criteria as established by Currituck County for the Moyock Mega-Site Development District and/or the designated TCODs. As discussed with County previously, the establishment of the Moyock Mega-Site Development District and specifically in this case the TCOD, will create the opportunity to better define and/or potentially streamline the entitlement and/or site plan review process.

Compliance with the development standards and guidelines defined for the TCOD along with the County's desire to promote compatible land uses and economic development opportunities within the corridor will provide an opportunity to accelerate or simplify the review and approval process.

Example Access Management Guidelines for NC 168 TCOD

The specific recommendations for applying access management techniques and standards to NC Route 168 are shown in **Table 1-1**. These recommendations are intended to reflect and/or coincide with North Carolina Department of Transportation (NCDOT): median crossover guidelines, Policy on Street and Driveway Access to North Carolina Highways, and prescribed access management strategies.

Table 1-1: NC 168 Transportation Corridor Overlay District

Criteria	Recommended Guidelines	Additional Notes
Left-Turn Lanes	Construct at all-movement median crossovers	Minimum 200 feet of storage Minimum 200 foot taper
Two-Way Left-Turn Lanes	Provide 12 feet minimal, 14 feet desirable	Applies only to frontage/service roads adjacent to corridor
Right-Turn Lanes	Require at all commercial entrances and side street if warranted	Follow NCDOT standards for installation of right turn lanes
Shoulders	Widen/construct 12 feet wide min. outside and 4 feet min. median/inside shoulders	Inside and outside shoulder widths will/can be reduced if/when NC 168 typical section is improved to include a raised/landscaped median with curb and gutter.
Driveway Spacing	<ul style="list-style-type: none"> ▪ Partial Access to any type of access = 500 feet min. between driveways 	
Corner Clearance	<u>NC 168</u> <ul style="list-style-type: none"> ▪ 400 feet – upstream of crossing street ▪ 250 feet – downstream of crossing street 	Vehicle storage needs may increase the 400-foot upstream requirement
	<u>Crossing Street</u> <ul style="list-style-type: none"> ▪ 50 feet – upstream of NC 168 ▪ 100 feet – downstream of NC 168 	Use of restrictive median may reduce the 250-foot upstream requirement to 100 feet



Appendix B: Transportation Corridor Overlay District

Median Crossover Spacing (Divided Highway without Full Access Control (Posted speeds of <u>greater than 45 mph</u>)	All-Movement = 2,640 feet (0.5 miles) Directional = 1,320 feet (0.25 miles) U-Turn = 1,320 feet (0.25 miles)	Procedure needed for variances/modifications
Median Crossover Spacing (Divided Highway without Full Access Control (Posted speeds of <u>45 mph or less</u>)	All-Movement = 1,320 feet (0.25 miles) Directional = 1,050 feet U-Turn = 1,050 Feet	Procedure needed for variances/modifications
Median Width	Provide 40 feet minimum at major generators and crossing streets by: <ul style="list-style-type: none"> ▪ Roadway widening ▪ Flare widening 	Convert medians to directional access only or close median opening if median widening not feasible
	Widen crossovers and lengthen left turn lanes at locations with heavy vehicle considerations (i.e., farm equipment, buses, tractor trailers)	Convert medians to directional access only or close median opening if median widening not feasible
Driveway Spacing - (Posted speeds of <u>greater than 45 mph</u>)	Partial Access to any type of adjacent access = 500 feet min. between driveways	
Driveway Spacing - (Posted speeds of <u>45 mph or less</u>)	Partial Access to any type of adjacent access = 325 feet min. between driveways	
Side-Street Connections	Require new development to provide secondary access to side-streets where feasible.	NCDOT to assist in constructing new local road links
Signal Spacing - (Posted speeds of <u>greater than 45 mph</u>)	2,640 feet, minimum spacing	
Signal Spacing - (Posted speeds of <u>45 mph or less</u>)	1,320 feet, minimum spacing	
Clear Zone	Establish 30-foot recovery area beyond traveled way, where practical	

Terms and Definitions

For the purposes of the Transportation Corridor Overlay District, certain terms or words will be used and should be interpreted as follows:

- (a) Access. A ways or means of approach to provide vehicular or pedestrian entrance or exit to a property from a public roadway.
- (b) Access Easement. A legally-binding written agreement between two (2) or more property owners who share joint-access to the Corridor, Parking Lots, and/or Front or Rear Service Drives.



Appendix B: Transportation Corridor Overlay District

- (c) Access Management. The process of providing and managing Access to land development while simultaneously preserving traffic flow on the surrounding Street system. Through the use of Front and Rear Service Drives, Parking Lot Connections, and Shared Driveways in conjunction with Driveway Spacing standards, Access Management is intended to maintain a safe and efficient flow of vehicular traffic while retaining Reasonable Access to the property.
- (d) Access Point.
 - (1) The connection of a Driveway at the Right-of-Way line to a public Street, Front or Rear Service Drive.
 - (2) A Driveway, Parking Lot Connection, Shared Driveway, Front or Rear Service Drive.
- (e) Acceleration/Deceleration Lane. A speed-changing lane that enables a Vehicle to enter or leave the traffic lane at a speed equal to or slightly less than the speed of traffic in the through lane.
- (f) Adjacent Driveway. Driveway(s) located next to each other and on the same side of NC 168, South Mills Road, or Central Parkway.
- (g) Alternative Means of Access. A Front or Rear Service Drive, Parking Lot Connection, or a Shared Driveway.
- (h) Arterial. See definition of “Functional Classification”.
- (i) Building Setback. Measured perpendicular from the centerline of adjacent TCOD roadway (e.g., NC 168 or South Mills Road) to the nearest point at which a Building or Structure or improvement is permitted to be placed per the standards outlined in the Moyock Mega-Site Development District ordinance.
- (j) Channelized Driveway. A Driveway having a physical design that prevents left-turns into or out of a site. Channelized Driveways can be configured to accommodate right-in/right-out movements only or designed to accommodate left-turn movements into a site but restrict left-turn movements from exiting a site.
- (k) Corner Clearance. The distance an entrance on a minor side street needs to be separated from the minor side street’s intersection with a major roadway. It is measured perpendicular to the major roadway, from the nearest edge of an entrance (or face of curb) on the minor side street to the nearest edge pavement (or face of curb) of the major roadway intersection. The minimum dimension between the center of the entrance and the center of the closest entrance.
- (l) Corridor. In all instances where the term, “the corridor” is referenced in this Ordinance, it shall refer to state highway M-104 and/or Cleveland Street.
- (m) Driveway. Any entrance or exit used by Vehicles for the purposes of accessing land or buildings from an abutting roadway.
- (n) Driveway Spacing. The distance between Driveways as measured from the centerline of one Driveway to the centerline of the second Driveway.
- (o) Full Control of Access. Connections to a facility provided only via ramps at interchanges. No private driveway connections are allowed.
- (p) Functional Classification. A system used to group public Streets into classes according to their purpose and function. Streets are classified by the following categories:
 - (1) Interstate. Major highways providing no direct property Access; Interstates are designed primarily for through traffic.



Appendix B: Transportation Corridor Overlay District

- (2) Major Arterial. Arterials are Streets of regional importance intended to serve moderate to high volumes of traffic traveling relatively long distances. A Major Arterial is intended primarily to serve through traffic where Access is carefully controlled.
 - (3) Minor Arterial. A Street similar in function to Major Arterials, but operates under lower traffic volumes, over shorter distances, and provides a higher degree of property Access than Major Arterials. The NC 168 Corridor adjacent to the Mega-Site is classified as a Minor Arterial.
 - (4) Major Collector. A Street that provides for traffic movement between Arterials and Local Streets and carries moderate traffic volumes over moderate distances. Collectors may also provide direct Access to abutting properties.
 - (5) Minor Collector. A Street similar in function to a Major Collector but which carries lower traffic volumes over shorter distances and provides a higher degree of property Access than a Major Collector.
 - (6) Local Street. A Street intended to provide Access to abutting properties, which tends to accommodate lower traffic volumes and serves to provide mobility within that neighborhood.
- (q) Ground Sign. A freestanding sign which is placed directly on the ground surface without the use of uprights, poles, or other means to elevate the sign face above the surrounding ground.
 - (r) Ingress. The entrance of vehicular traffic to abutting properties from a Street.
 - (s) Intersection. The location where two (2) or more Streets or Private Roads cross at grade without a bridge.
 - (t) Level of Service. A qualitative measure describing operational conditions within a traffic stream; generally described in terms of such factors as speed and travel time, delay, freedom to maneuver, traffic interruptions, comfort and convenience, and safety.
 - (u) Limited Control of Access. Connections to a facility provided only via ramps at interchanges (major crossings) and at-grade intersections (minor crossings and service roads). No private driveway connections are allowed.
 - (v) No Control of Access. Connections to a facility provided via ramps at interchanges, at-grade intersections, and private driveways.
 - (w) Overlay District. An overlay district is an additional zoning requirement that is placed on a specific geographic area but does not change the underlying zoning.
 - (x) Parking Lot Connection. A vehicular connection between two (2) or more contiguous Parking Lots.
 - (y) Partial Control of Access. Connections to a facility provided via ramps at interchanges, at-grade intersections, and private driveways. Private driveway connections shall be defined as a maximum of one connection per parcel. One connection is defined as one ingress and one egress point. These may be combined to form a two-way driveway (most common) or separated to allow for better traffic flow through the parcel. The use of shared or consolidated connections is highly encouraged.
 - (z) Peak Hour. A one (1) hour period of time representing the highest hourly volume of traffic flow during the morning (AM Peak Hour), during the afternoon or evening (PM Peak Hour); or representing the hour of highest volume of traffic entering or exiting a site (Peak Hour of generator).



Appendix B: Transportation Corridor Overlay District

- (aa) Pedestrian. A person traveling on foot under their own locomotion.
- (bb) Pedestrian Connection. A right-of-way intended for pedestrian movement/activity, including but not limited to, sidewalks, internal walkways, external and internal arcades, and plazas.
- (cc) Reasonable Access. The minimum number of Access Points, direct or indirect, necessary to provide safe Access to and from a public Street consistent with the purpose and intent of the Overlay District, with any other applicable plans of the Local Unit. Reasonable Access does not necessarily mean direct Access.
- (dd) Rear Service Drive. A Local Street or Private Road typically located behind the principle Buildings; utilized for the purpose of providing Access to abutting properties, and controlling Access to the Corridor.
- (ee) Right-of-Way. A general term denoting land, property or interest therein, usually in a strip, acquired for or devoted to transportation purposes.
- (ff) Shared Driveway. A Driveway serving two (2) or more contiguous properties and providing Access to the public Street system.
- (gg) Sight Distance. The distance of unobstructed view for the driver of a vehicle, as measured along the normal path of a roadway to a specified height above the roadway.
- (hh) Sight Triangle Area. A triangular-shaped area located at the Intersection of two Streets, or at the mouth of a Driveway.
- (ii) Street, Arterial Class. A street that is parallel to and adjacent to a major arterial street and that is designed to provide access to abutting properties as means of protecting the arterial street's traffic carrying capacity.
- (jj) Street, Collector. A street whose principle function is to carry traffic between local streets and arterial streets but that may also provide direct access to abutting properties. It generally serves or is designed to serve, directly or indirectly, more than 100 dwelling units and 800 trips per day.
- (kk) Street, Local. A street whose primary function is to provide access to abutting properties. It generally serves or is designed to serve less than 100 dwelling units and less than 800 trips per day.
- (ll) Street, Major Arterial. A street whose principal function is to carry large volumes of traffic at higher speeds from one part of the county to another. Specifically, the following streets shall be considered arterials: US 158, NC 168, NC 34, NC 136, NC 615 and NC 12 (Ocean Trail).
- (mm) Street, Public. A public right-of-way for vehicular travel which has been designed, constructed and dedicated to and accepted by the North Carolina Department of Transportation (DOT) for public use or which has been otherwise obtained by DOT for such use or which is proposed to be constructed and then dedicated to and accepted by DOT as a public right-of-way for vehicular traffic for public use pursuant to this ordinance.
- (nn) Taper. A triangular pavement surface that transitions the roadway pavement to accommodate an Acceleration/Deceleration Lane.
- (oo) Throat Length. The length of a Driveway measured from the edge of the paved shoulder of the Corridor to the first on-site location at which a driver can make a right or left turn (or from the near edge of the Parking Lot). On Streets with curb and gutter, the throat length shall be measured from the face of the curb.



Appendix B: Transportation Corridor Overlay District

- (pp) Traffic Impact Assessment or Study. Analysis of the potential traffic impacts generated by a proposed development/project.
- (1) Traffic Impact Assessment. Is required by Currituck County per the Moyock Mega-Site Development District for any proposed development that is expected to generate between 100 and 250 peak hour directional trips.
 - (2) Traffic Impact Study. Is required by Currituck County per the Moyock Mega-Site Development District for any proposed development that is expected to generate over 250 peak hour directional trips.

Since NCDOT owns and maintains all Currituck County roadways, traffic impact assessments and traffic impact studies shall be prepared in a format suitable for submission and review by NCDOT staff.



Appendix C:
Employment Transect Example



Employment Transect

Lehigh Acres – Employment Center Transect

Note: The information contained on this page is not intended to be adopted or included as part of Section 32. This information is intended to provide a generalized overview of the Employment Center Transect, its application and intent. Information contained on page 2 and subsequent pages, upon approval, would be adopted as part of the County’s Code.

Communities that do not effectively grow and or embrace economic development strategies are at risk of declining populations and a diminishing tax base. These communities are also at risk of not being able to adequately address their aging, deteriorating infrastructure further compounding a general decline in the community. Diversification of the economic base is critical to Lehigh Acres’ future including the identification and provision of land use and development strategies aimed at providing economic development activities within areas supported by infrastructure. The Transect is intended to support and encourage a diversification of jobs creating business and industry within Lehigh Acres. The intent of this Employment Transect (“Transect”) is to provide a framework for balanced future growth and targeted economic development including those jobs producing and oriented operations. This Transect will be added to the list of transects provided in Sec. 32-202. Realizing that growth and development have the ability to either support or hamper the community’s desired progress, the Transect was developed as a tool to properly guide future development and identify solutions to challenges. The Transect is intended to utilize and build on a broad range of community comments, issues and opportunities in developing community recommended strategies.

The Transect:

Building on the Lehigh Acres public meetings and workshops, and the adoption of Goal 32 of LeePlan, the Lehigh Acres Planning Community provides incentives for the development of specialized, mixed use nodes with increased standards for development. The purpose of this Transect and the Code is to provide the regulatory framework to achieve this vision for Lehigh Acres. The intent of the Employment Center Transect is to provide the flexibility for a mix of uses while establishing a consistent set of development standards. The Transect is intended provide an optional development pattern and approach by providing a planning and regulatory framework to support and enhance growth and development as it occurs.

The following are generally appropriate form elements in this zone. This Transect is designed to be user-friendly and provide a step by step process consistent with the County’s Compact Community standards for applying the development standards to properties and proposed development. This Transect provides an urban form that can accommodate a very diverse range of uses, including light industrial, business (non-retail commercial), office and supporting, albeit limited, multi-family residential, in order to provide an incentive for employment generating uses and to encourage revitalization and investment. Large scale, typically suburban oriented commercial developments including but not limited to Big-Box retail are not proposed or included as part of the Transect.





Appendix C: Employment Transect Example

In order to understand how the Transect applies to a respective property, the following steps identify how to proceed through the Transect to determine the applicable requirements and development standards.

Sec. 32-202. Transect zones described.

- (a) An urban-to-rural transect can be used to describe the varying intensities and characteristics of neighborhoods. For use in this chapter, the urban-to-rural transect is divided into the following transect zones:
- (1) Core. The Core transect zone is the most intensely occupied zone comprised of taller attached buildings that create a continuous street façade.
 - (2) Center. The Center transect zone is intensely occupied, with mostly attached buildings creating a "Main Street" character within walking distance of primarily residential neighborhoods.
 - (3) General. The General transect zone is primarily residential but includes a broader mix of uses and a wide variety of lot types. Buildings may be attached or detached and are typically closer to the street.
 - (4) Edge. The Edge transect zone provides sites for detached homes and accessory apartments that are similar in scale to older suburban neighborhoods.
 - (5) Civic. The Civic transect zone identifies land that is reserved for civic and community uses at key locations within neighborhoods.
 - (6) Employment Center. The Employment Center Transect zone provides for the focus on non-residential operations including employment and jobs generating uses typically associated with light industrial, office and non-retail commercial uses; big-box retail and similar retail uses are not provided for within this Transect. Buildings within this Transect may be developed or redeveloped as part of an individual lot or as part of a business or office park. Supporting residential may be provided under limited situations and shall not be the primary use within the Transect. This district also allows for the provision of a variety of workplaces, in terms of scale and type.

The Transect and accompanying Plan is comprised of the following sections:

- Administration/General Provisions
- Regulating Plan
- General Standards
- District Development Standards

Administration/General Provisions

- a. General. The provisions of this code shall apply to the use and development of all land within Lehigh Acres and the Employment Center Transect. No development shall be undertaken without prior authorization pursuant to this Code.
- b. Minimum Requirements. The requirements of this Code shall be considered as the minimum requirements for the promotion of the public health, safety and general welfare. This code is not intended to interfere with or abrogate or annul any easements, covenants or other agreements between parties. Where this Code imposes a greater restriction upon property than that imposed by other resolutions, rules, regulations, easements, covenants or agreements, the provisions of this Code shall govern.



Appendix C: Employment Transect Example

- c. **New Development.** Upon the effective date of this Code or any subsequent amendment, application to development under this code for any new building or other structure or any tract of land shall be used, constructed or developed in accordance with all applicable provisions contained herein.
- d. **Existing Development.** Any existing use, lot, building or other structure legally established prior to the effective date of this code that does not comply with any of its provisions shall be subject to the regulations upon application to redevelop under this Code.
- e. **Previously Issued Permits and Exceptions.** Any variance, exception or permit authorized before the effective date of this Code may be continued, changed, extended, enlarged or structurally altered as provided in this Code.

Regulating Plan

Note: a Regulating Plan is not provided with this transect and/or does not amend any legally approved and adopted Regulating Plans to reflect a proposed location(s). Applicant's desiring to utilize the Employment Center Transect shall identify the property(ies) proposed for development and redevelopment, and amend the Regulating Plan consistent with Section 32 of the County Code.

A Regulating Plan provides standards for the development of each property or lot and illustrates how each relates to the adjacent properties and street-space. Building sites and areas are coded per Section 32-244 below.

General Standards

The requirements of Section 32-203 Assignment of transect zones shall apply to the identification and designation of the Employment Transect.

District Development Standards

Sec. 32-221. Street types allowable in each transect zone.

- (a) **Streets in compact communities.** Streets in compact communities promote walkability and pedestrian comfort. Vehicular mobility is a secondary function on these streets. This division authorizes specific types of streets, alleys, and lanes for compact communities. These streets also provide on-street parking; the alleys and lanes provide access to off-street parking and service areas.
- (b) **Street type assignment.** When seeking approval of development regulated by this chapter, street types must be assigned by the applicant in accordance with the standards in this division. When seeking approval using planned development rezoning (see article V), proposed street types must also be shown on the regulating plan.
- (c) **Street types in transect zones.** Table 32-221 identifies which specific street types are allowed within corresponding transect zones, as indicated by the letter "X."

These streets must comply with the street cross-sections in section 32-226, as adjusted in accordance with the streetscape standards in section 32-227. These standards will supersede any conflicting standards in this Code for development regulated by this chapter.



Appendix C: Employment Transect Example

Table 1: Street Types and Parking

Reference: Sec. 32-221

Street Type	(movement type)	Transect Zones					
		Core	Center	General	Edge	Civic	<u>Employment</u>
Boulevard	(speed/slow)	X	X	X			<u>X</u>
Avenue	(slow)	X	X	X		X	<u>X</u>
Street A	(free)	X	X	X		X	<u>X</u>
Street B	(slow)			X	X	X	
Street C	(slow)	X	X	X		X	<u>X</u>
Street D	(free)	X	X	X	X	X	<u>X</u>
Street E	(slow)	X	X	X		X	<u>X</u>
Street F	(slow)			X	X	X	
Drive	(slow)			X	X	X	
Road	(free)				X	X	
Rear Alley	(slow)	X	X	X			<u>X</u>
Rear Lane	(yield)			X	X		

Sec. 32-222 (no change)

Sec. 32-223 (no change)

Sec. 32-224 (no change)

Sec. 32-225 Design of Blocks

The street pattern breaks compact communities into blocks. Alleys and lanes are contained within most blocks to provide access to service areas and to route utilities lines. Except as otherwise provided, block perimeters may not exceed 1,600 linear feet as measured along the inner edges of each surrounding street right-of-way. Blocks may be broken by a Civic Space Lot provided that lot is at least 50 feet wide and will provide perpetual pedestrian access between the blocks and to lots that front the Civic Space Lot. Smaller blocks are encouraged to promote walkability.

- (1) Block perimeters may exceed 1,600 linear feet, up to a maximum of 2,000 linear feet, if one or more of the following conditions apply:
 - a. The block is assigned to the Core or Employment transect zone;
 - b. The long side of a rectangular block faces an arterial street, or is located adjacent to the Caloosahatchee River or any other natural water body; or
 - c. The block contains valuable wetlands or other indigenous native vegetation that should not be crossed by a street.
- (2) Single block faces wider than 500 feet must include a publicly dedicated sidewalk, passage, or trail at least eight feet in width that connects to another street.

Sec. 32-226 (no change)

Sec. 32-227 Streetscape standards

The standards in table 32-227 apply to all street types as they pass through the indicated transect zone. Streets in Civic transect zones should be consistent continuations of streets in adjoining transect zones.



Appendix C: Employment Transect Example

Table 2: District Permitted Use Matrix

Streetscape Standards (Reference Sec. 32-227)

	Transect Zones				
Streetscape Standards	<i>Core</i>	<i>Center</i>	<i>General</i>	<i>Edge</i>	<u><i>Employment</i></u>
Street edge:					
<i>Type</i>	raised curb	raised curb	raised curb	raised curb or open swale	<u>raised curb</u>
<i>Corner radius¹</i>	10' to 15'	10' to 15'	10' to 20'	10' to 25'	<u>10' to 25'</u>
<i>Corner radius²</i>	5' max.	5' max.	5' max.	5' max.	<u>5' max.</u>
Street trees:					
<i>Type</i>	tree wells	tree wells	tree wells or planting strip	planting strip	<u>tree wells or planting strip</u>
<i>Width</i>	4' to 8' wells	4' to 8' wells	4' min. wells; 6' to 12' strips	8' min. strips	<u>4' min. wells; 6' to 12' strips</u>
<i>Tree spacing</i>	regular or clustered	regular or clustered	regular	regular	<u>regular or clustered</u>
<i>Tree diversity</i>	single species per block	single species per block	single species per block	alternating species allowed	<u>alternating species allowed</u>
Sidewalk:					
<i>Type</i>	sidewalks required	sidewalks required	sidewalks required	sidewalks required	<u>sidewalks required</u>
<i>Width</i>	12' min.; 16' min. w/wells	12' min.; 16' min. w/wells	6' min.; 10' min. w/wells	5' min.	<u>12' min.; 16' min. w/wells</u>
Rear alley/lane:	alley is required	alley is required	alley or lane is required	lane is desirable	<u>alley is required</u>

¹ These radius standards apply to:

- swales (measured to edge of pavement);
- raised curbs if both on-street parallel parking and curb bulbs (curb extension) are provided (measured to vertical face of curb); and
- raised curbs if on-street parallel parking is not provided (measured to vertical face of curb).

The standards for curbs bulbs may be adjusted by the Development Review Director based on a technical analysis using AutoTurn or turning templates.

² This radius standard applies to raised curbs if on-street parallel parking is provided without curb extensions (measured to vertical face of curb).



Appendix C: Employment Transect Example

Sec. 32-228. Off-street parking

Minimum required off-street parking. Off-street parking will be provided in accordance with sections 34-2011 et seq. The single-use development parking standard (see section 34-2020) will be multiplied by the factors in table 32-228 to produce the minimum off-street parking requirements for this chapter. Off-street parking may be provided on the lot it serves or on a lot that is within 1,320 feet of the primary entrance of the building it serves. Off-street parking may not be the principal use of a lot except in a parking structure on a Lined Building Lot.

Off-Street Parking (*Reference 32-228*)

- (a) Minimum required off-street parking. Off-street parking will be provided in accordance with sections 34-2011 et seq. The single-use development parking standard (see section 34-2020) will be multiplied by the factors in table 32-228 to produce the minimum off-street parking requirements for this chapter. Off-street parking may be provided on the lot it serves or on a lot that is within 1,320 feet of the primary entrance of the building it serves. Off-street parking may not be the principal use of a lot except in a parking structure on a Lined Building Lot.

Table 3: Minimum Off-Street Parking Requirements

	Transect Zones					
	<i>Core</i>	<i>Center</i>	<i>General</i>	<i>Edge</i>	<i>Civic</i>	<u><i>Employment</i></u>
Residential uses (34-2020(a))	0.4	0.5	0.6	0.8	n/a	<u>0.4</u>
Non-residential uses (34-2020(b))	0.5	0.55	0.6	n/a	n/a	<u>0.5</u>

Alternative Parking Standard within the Employment Center Transect. Applicants for Development or Redevelopment within the Employment Center Transect may request an Alternative Parking Standard to the standards provided above in **Table 3 – Minimum Off-Street Parking Requirements**. Transect alternative parking standards are reflected below in **Table 4**.



Appendix C: Employment Transect Example

Table 4: Transect Alternative Parking Standard

<u>USE</u>	<u>ALTERNATIVE PARKING STANDARD</u>	
	<u>Minimum</u>	<u>Maximum</u>
<u>Industrial</u>		
<u>Warehousing/wholesale</u>	<u>1.0 / 2,000 gsf</u>	<u>1.0 / 1,000 gsf</u>
<u>All other Industrial Uses</u>	<u>1.0 / 2,500 gsf</u>	<u>1.0 / 1, 500 gsf</u>
<u>Office</u>		
<u>Medical</u>	<u>1.0 / 350 gsf</u>	<u>1.0 / 250 gsf</u>
<u>Professional</u>	<u>1.0 / 400 gsf</u>	<u>1.0 / 250 gsf</u>
<u>Commercial</u>		
<u>General Commercial</u>	<u>1.0 / 400 gsf</u>	<u>1.0 / 250 gsf</u>

- (b) Shared Parking. Developers should arrange off-street and on-street parking near areas of high parking demand in a manner that encourages visitors to park once and walk between destinations.
- a. For mixed-use developments, the following sharing factor may be applied. The parking requirement is divided by the sharing factor to calculate the modified parking requirement. The applicant may also submit an alternative parking demand analysis based upon professional accepted methodology requesting a modified parking requirement for a mixed-use project. For mixed-use developments with three or more uses (i.e., Industrial, Office, Commercial), a sharing factor of 1.4 may be applied; for mixed use developments with two uses, a sharing factor of 1.2 may be applied.

Example: Utilizing the parking Mixed-use project with 25,000 sf of office and 50,000 sf of light industrial would require 83 spaces for the office and 50 spaces for the light industrial (133 total spaces). Applying the sharing factor of 1.2 would reduce the parking requirement to 110 spaces.
- (c) Location of off-street parking. To the maximum extent practicable, off-street parking spaces must be located within buildings or behind buildings so that buildings can screen parking areas from sidewalks and streets. Parking may not be located in the street setback in front of a building. Parking lots in side yards may be permitted provided the buildings they serve can meet the lot width and frontage percentage requirements of table 32-243 and provided these parking lots are set back a minimum of 20 feet from lot lines adjoining streets (other than alleys and lanes) and are shielded from view with low walls.



Appendix C: Employment Transect Example

(d) Access to off-street parking.

- a. In the Core and Employment Center transect zone, parking may be provided in parking structures embedded in buildings that may comprise an entire block, with parking accessed directly from a street. Other parking in the Core transect zone, and all parking in the Center, General and Employment Center transect zones, must have its primary source of access from rear alleys or lanes.

In the Edge transect zone, rear lanes are the most desirable source of access to off-street parking (see special requirements in section 32-243(o) where vehicular ingress is from the street). Parking along alleys or lanes may be 90-degree, angle, or parallel.

- b. Alleys may be incorporated into parking lots as if they were standard parking access aisles. Access to all properties adjacent to the alley must be maintained.
- c. Cross-access is required between adjoining rear parking lots on any combination of these lot types: Pedestal Building Lots, Lined Building Lots, ~~and~~ Mixed- Use Building Lots and Flex Lot.
- d. Due to the nature of the Employment Center Transect, the following additional parking standards shall apply:

(a) Employee parking and vehicle storage, as may be permitted, shall be located to the side and/or rear yard and located behind the front facade; no parking is permitted along the street side except where noted otherwise.

(b) Customer parking may be provided on-street ,side of the building or upon review and approval by Lee County, street side subject to the limitations identified in Table 32-243 b, note #10. Customer parking located along the street side shall provide a street wall.

(e) Parking structures. Parking structures are permitted only on Pedestal Building, Lined Building, Mixed-Use Building, Apartment Building, ~~and~~Courtyard Building Lots and Flex Lots.

- a. The liner building requirements in division 3 apply to all parking structures and to any story of a principal structure used to park vehicles.
- b. Parking structures may contain up to five levels of parking above grade. Parking structures may contain other uses above and below the parking levels, provided the entire building does not exceed the height allowed by Table 32-243

(f) Change in Use. If a change in use requires an increase of 50% or less than the parking required for the previous use, only the new required parking (or net difference in parking) must conform to the provisions of this code. If the change in use requires an increase in required parking greater than 50% of the previously required parking, all parking must be brought into compliance with the provisions of this code, including, but not limited to, location, size, materials, and access based upon the appropriate development standards

(g) Minimum Loading Requirements. Within the Employment Center Transect, loading areas and spaces shall be accessed through alleys. Each loading space shall be clearly defined and designed so as not to conflict or interfere with other traffic using the site. Loading vehicles shall not stand within public street or alley rights-of-way.

- a. Trucks, tractors or tractor-trailers having a capacity of more than a one-and one-half-ton load, front- and rear-end loaders, or any commercial, industrial, agricultural or transportation vehicles or equipment shall not be parked or stored within the front yard of the any property within the Employment Center Transect including for purposes of short-term unloading, or loading or delivery services.



Appendix C: Employment Transect Example

- b. Loading/Unloading area requirements. Except for industrial uses, off-street loading/unloading berths shall be at least twelve (12) feet wide and at least twenty-five (25) feet long, exclusive of access or maneuvering space. Off-street loading/unloading berths for industrial uses shall be at least twelve (12) feet wide and at least fifty-five (55) feet long, exclusive of access or maneuvering space.

Sec. 32-241. Lot types allowable in each transect zone.

- (a) Lots in compact communities. This division authorizes specific types of lots that are suitable for compact communities.
- (b) Lot type assignment. When seeking approval of development regulated by this chapter, lot types must be assigned by the applicant in accordance with the standards in this division. When seeking approval using planned development rezoning (see article V), proposed lot types must also be shown on the proposed regulating plan.
- (c) Lot types in transect zones. Table 32-241 identifies which specific lot types are allowed within corresponding transect zones, as indicated by the letter "X." All lots and buildings placed on them must comply with all standards in this division. These standards, when used in development regulated by this chapter, will supersede any conflicting standards in this Code.

Table 5: Lot Types Allowable in Each Transect Zone

Lot Type	Transect Zones					
	Core	Center	General	Edge	Civic	Employment
Pedestal Building Lot (PB)	X	X				<u>X</u>
Lined Building Lot (LB)	X	X				<u>X</u>
Mixed-Use Building Lot (MU)	X	X	X			<u>X</u>
Apartment Building Lot (AB)	X	X	X			<u>X</u>
Courtyard Building Lot (CO)	X	X	X			-
Live-Work Building Lot (LW)		X	X			<u>X</u>
Rowhouse Lot (RH)		X	X			-
Apartment House Lot (AH)			X			-
Duplex Lot (DU)			X	X		-
Cottage House Lot (CH)			X	X		-
Sideyard House Lot (SH)			X	X		-
House Lot (H)			X	X		-
Civic Building Lot (CB)	X	X	X	X	X	<u>X</u>
Civic Space Lot (CS)	X	X	X	X	X	<u>X</u>
Stormwater Lot (SL)					X	<u>X</u>
Flex Lot (FL)	-	-	-	-	-	<u>X</u>



Appendix C: Employment Transect Example

- (d) Lot types described. The 16 lot types are described here. Except as noted, parking spaces are provided on-street, to the rear of the lot, or as otherwise provided in division 2.
- (1) PEDESTAL BUILDING LOT: A lot located and designed to accommodate the tallest permissible building whose primary façade must be stepped back to reduce its apparent bulk when viewed from the sidewalk.
 - (2) LINED BUILDING LOT: A lot located and designed to accommodate a large-footprint building such as a parking garage, cinema, supermarket, etc., which is surrounded by a liner building that conceals large expanses of blank walls and faces the street with ample windows and doors opening onto the sidewalk.
 - (3) MIXED-USE BUILDING LOT: A lot located and designed to accommodate a multi-story building with multiple dwellings in upper stories and various commercial uses in any stories.
 - (4) APARTMENT BUILDING LOT: A lot located and designed to accommodate multiple dwellings above or beside each other in a building that occupies most of its lot width and is placed close to the sidewalk.
 - (5) COURTYARD BUILDING LOT: A lot located and designed to accommodate multiple dwellings arranged around and fronting on a central garden or courtyard that may be partially or wholly open to the street.
 - (6) LIVE-WORK BUILDING LOT. A lot located and designed to accommodate an attached or detached building with residential uses and/or commercial uses within individually occupied live-work units, all of which may occupy any story of the building.
 - (7) ROWHOUSE LOT: A lot located and designed to accommodate a building with common walls on both side lot lines and a private garden to the rear.
 - (8) APARTMENT HOUSE LOT: A lot located and designed to accommodate a detached building that resembles a large house but which contains multiple dwellings above and beside each other.
 - (9) DUPLEX LOT: A lot located and designed to accommodate a detached building with small side yards and a large front yard and containing two dwellings.
 - (10) COTTAGE HOUSE LOT: A lot located and designed to accommodate a small detached building with small side and front yards.
 - (11) SIDEYARD HOUSE LOT: A lot located and designed to accommodate a detached building that abuts one side lot line, with the primary yard to the other side.
 - (12) HOUSE LOT: A lot located and designed to accommodate a detached building with small side yards and a large front yard; on-site parking may be provided to the side as provided in section 32-243
 - (13) CIVIC BUILDING LOT: A lot located and designed to accommodate a building containing public or civic uses such as community services, day care, education, government, places of worship, or social services (see division 4).
 - (14) CIVIC SPACE LOT: A lot located and designed to accommodate a civic space, which depending on its transect zone may be a green, square, plaza, neighborhood park, playground, community garden, farm plot, or natural area worthy of preservation.
 - (15) STORMWATER LOT: A lot whose primary purpose is to accommodate stormwater detention areas.



Appendix C: Employment Transect Example

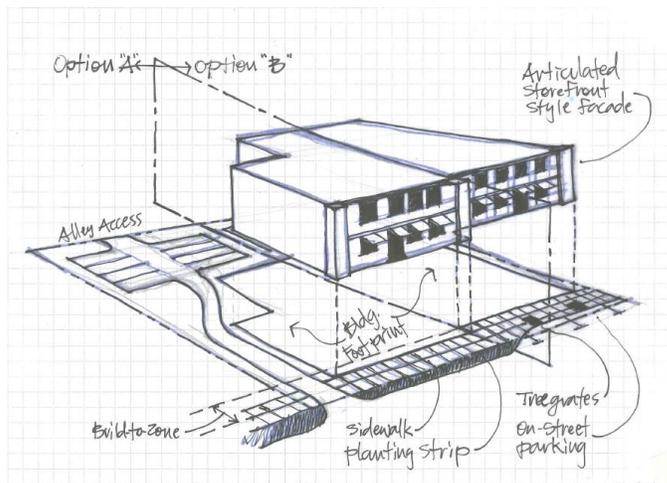
(16) FLEX LOT. This building type is a medium to large sized structure, 2–4 stories tall along all street sides, and built on a large lot that may incorporate structured parking; buildings fronting on alleys may be 1 story tall; however, must meet the standards provided in Sec 32-242. It can be used to provide a vertical mix of uses with ground-floor industrial, service, or non-retail commercial uses and upper-floor service or residential uses; or may be a single-use building, typically industrial, service or residential, where ground floor retail and/or residential is not appropriate.

(e) Lot types along streets. Lot types should be selected so that buildings of compatible scale and arrangement will face each other across streets. Strongly contrasting lot types may be placed back-to-back, allowing alleys or lanes to serve as transitions. The "Drive" street type is designed for situations with buildings on one side and land that will remain undeveloped on the other.

Sec. 32-242. Placement of buildings on lots.

Lot types and proper building placement for each lot type are illustrated in figures 32-242(a)—(g) (h). Some of the property development regulations from table 32-243 are shown on these figures; refer to table 32-243 for complete details. Character examples are provided for each lot type for illustrative purposes only; the dimensions in table 32-243 control for regulatory purposes.

Flex Lot (FL)



Buildings, or more appropriately, certain floors within buildings, are encouraged to be designed and built to be easily converted between industrial, office and/or non-retail commercial uses. The flexibility provides opportunity for building owners to adjust the uses within the buildings based upon market and needs of the community without the necessity of replacing buildings or creating unnecessary vacancies because of the inability to maintain occupancy. One story buildings shall be required to be designed to provide the appearance of a two story minimum facade through architectural treatments including but not limited to windows, dormers, gables, or similar.

Sec. 32-243. Property development regulations

- (a) **Dimensions for each lot type.** Table 32-243 provides property development regulations that apply to each designated lot type. These requirements supersede contradictory requirements in this Code including the property development regulations for individual zoning districts in chapter 34
- (b) **Primary entrances.** The primary entrance of every building must directly face a street or a civic space, except on Courtyard Building Lots where primary entrances may face a central garden or courtyard or on Sideyard House Lots where primary entrances may face a side yard.



Appendix C: Employment Transect Example

- (c) **Frontage percentages.** Frontage percentage is the percentage of the width of a lot that is required to be occupied by the building's primary façade. Table 32-243 provides minimum and maximum frontage percentages for each lot type.
- (1) Up to 50 percent of the width of the primary façade may be counted as meeting the frontage percentage requirement even though it may be set back up to ten feet further from the street than the primary façade's principal plane. See example in figure 32-243(a).
 - (2) The location of the primary façade's principal plane is not changed by façade extensions such as bay windows, awnings, porches, balconies, stoops, colonnades, or arcades, or by upper stories that are closer to or further from the street.
 - (3) The width of a porte cochere may be counted as part of the primary façade.
- (d) **Forecourts.** For Pedestal Building, Lined Building, Mixed-Use Building, ~~and~~ Courtyard Building Lots and Flex Lots only, a portion of the building's primary façade may be set back up to 20 feet further from the street than the primary façade's principal plane if this space is constructed as a forecourt or pedestrian entryway that is open to the sidewalk. This recessed portion may be up to 40 percent of the total width of the primary façade and may not be used by vehicles. See example in figure 32-243(b). On Courtyard Building Lots, this forecourt may extend beyond 20 feet into the central garden or courtyard.



Table 32-243: Property Development Regulations

		Lot Type	Lot Area (min/max in sf)	Lot Width (min/max)	Frontage Percentage (min/max)	Lot Coverage by all bldgs (max)	Setbacks							Height ⁴ (min/max in stories; max in feet)					Accessory Apartments ⁵ (max bldg footprint in sf)		
							Street (min/max)					Side Yard	Rear Yard ^{1,2}	Water Body ³	Core	Center ⁹	General	Civic		Edge	Employment
							Core	Center	General	Edge	Employment	(min)	(min)	(min)							
		Pedestal Building Lot	no min/ no max	no min/ 500	90%/ 100%	100%	0/ 10	0/ 10	not permitted	not permitted	<u>0/10</u> -	0	0	25	2/8 ⁶ 85'	2/5 ⁶ 85'	not permitted	not permitted	not permitted	<u>up to 4</u> -	not permitted
		Lined Building Lot	no min/ no max	no min/ 500	90%/ 100%	100%	0/ 10	0/ 10	not permitted	not permitted	<u>0/10</u> -	0	0	25	2/6; 65'	2/4; 65'	not permitted	not permitted	not permitted	<u>up to 4</u> -	not permitted
		Mixed-Use Building Lot	no min/ no max	no min/ 300	90%/ 100%	100%	0/ 10	0/ 10	0/ 10	not permitted	<u>0/10</u> -	0	3	25	2/5; 65'	2/4; 65'	2/3; 45'	not permitted	not permitted	<u>up to 4</u> -	not permitted
		Apartment Building Lot	10,000/ no max	100/ 200	80%/ 100%	100%	0/ 10	0/ 10	5/ 10	not permitted	- <u>0/10</u>	0	10	25	2/4; 55'	2/4; 55'	2/3; 45'	not permitted	not permitted	<u>2/4; 55'</u>	not permitted
		Courtyard Building Lot ⁷	20,000/ no max	150/ 300	50%/ 90%	70%	0/ 10	0/ 10	5/ 10	not permitted	<u>0/10</u> -	5	10	25	2/3½; 55'	2/3½; 55'	2/2½; 45'	not permitted	not permitted	<u>2/3½; 55'</u>	not permitted
		Live-Work Building Lot	1,800/ 7,200	16/ 60	60%/ 100%	80%	not permitted	0/ 12	5/ 12	not permitted	<u>5/ 12</u>	0	20	25	not permitted	2/3; 45'	2/2½; 45'	not permitted	not permitted	<u>2/3; 45'</u>	625
		Rowhouse Lot	1,800/ 3,840	16/ 32	90%/ 100%	80%	not permitted	0/ 12	5/ 12	not permitted	<u>not permitted</u> -	0	20	25	not permitted	2/3; 45'	2/2½; 45'	not permitted	not permitted	<u>not permitted</u>	625
		Apartment House Lot	4,800/ 18,000	48/ 120	70%/ 90%	80%	not permitted	not permitted	10/ 25	not permitted	<u>not permitted</u> -	5	15	25	not permitted	not permitted	1/3; 45'	not permitted	not permitted	<u>not permitted</u>	not permitted
		Duplex Lot	5,000/ 10,800	35/ 90	60%/ 90%	80%	not permitted	not permitted	10/ 20	15/ no max	<u>not permitted</u> -	5	15	25	not permitted	not permitted	1/3; 45'	not permitted	1/2½; 45'	<u>not permitted</u> -	not permitted
		Cottage House Lot	2,400/ 4,800	24/ 40	70%/ 90%	60%	not permitted	not permitted	5/ 20	10/ no max	<u>not permitted</u> -	3	15	25	not permitted	not permitted	1/2; 35'	not permitted	1/2; 35'	<u>not permitted</u> -	not permitted
		Sideyard House Lot	3,000/ 7,200	30/ 60	60%/ 90%	50%	not permitted	not permitted	5/ 10	10/ 15	<u>not permitted</u> -	0	15	25	not permitted	not permitted	1/3; 45'	not permitted	1/2½; 45'	<u>not permitted</u> -	800
		House Lot	4,000/ 8,400	40/ 70	60%/ 80%	50%	not permitted	not permitted	10/ 20	15/ no max	<u>not permitted</u> -	5	15	25	not permitted	not permitted	1/3; 45'	not permitted	1/2½; 45'	<u>not permitted</u> -	800
		Civic Building Lot	no min/ no max	no min/ no max	no min/ no max	no min/ no max	no min/ no max	no min/ no max	no min/ no max	no min/ no max	<u>no min/ no max</u>	0	0	15	1/4; 65'	1/4; 65'	1/4; 55'	1/4; 65'	1/4; 55'	<u>no min/ no max</u>	1250



Appendix C: Employment Transect Example

						Civic Space Lot	no min/ no max	no min/ no max	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	no min/ no max	not permitted			
						Stormwater Lot	no min/ no max	no min/ no max	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	no min/ no max	not permitted			
-	-	-	-	-		Flex Lot	no min/ no max	no min/ 500	80%/ 100%	100%	n/a	n/a	n/a	n/a	0/40 ¹⁰	0	0	25	n/a	n/a	n/a	n/a	n/a	up to 4	800			
Core	Center	General	Edge	Civic	Employment	<p>¹Minimum rear yards apply to lots with alleys or lanes and to lots with neither alleys nor lanes; rear yards do not apply to through lots or to double-frontage lots.</p> <p>²Minimum rear yards in this column apply to principal buildings and structures. When alleys or lanes are provided, garages and accessory dwelling units must be built with one wall placed 3' from the property line which is adjacent to the alley or lane.</p> <p>³Gulf of Mexico – 50'; all other water bodies – as shown.</p> <p>⁴Buildings must comply with both maximum heights, as measured in stories and feet. For heights measured in feet, see section 34-2171 et seq. for details and exceptions. Mezzanines that exceed the percentage of floor area for a mezzanine defined in the Florida Building Code are counted as a story for the purpose of measuring height. Space within a roofline that is entirely non-habitable is not counted as a story.</p> <p>⁵See requirements for accessory apartments in sections 4-243 and 34-1777.</p> <p>⁶On pedestal buildings, one or more step-backs of at least 14 feet must occur above the second floor level. Said step-backs shall consist of at least 70% of a pedestal building's primary facade being built at least 14 feet further from all streets than the story below. In addition to these heights, buildings on Pedestal Building Lots and Liner Building Lots are allowed up to four (4) additional stories provided the square footage of each additional story is less than 70% of the largest lower story..</p> <p>⁷On Courtyard Building Lots, the longer dimension of the central garden or courtyard must be at least 30 feet long if oriented east-west or 40 feet if oriented north-south. If the longer dimension is less than 35 feet; architectural projections such as porches and balconies may only extend into the courtyard from one side. Maximum lot coverage is measured immediately above the courtyard level.</p> <p>⁸One sideyard must be 10' min; the opposite side yard may be 0' if the adjacent lot is a Sideyard House Lot or if the adjacent lot provides a maintenance easement, otherwise the side yard must be 3' min.</p> <p>⁹Maximum height exception: For properties located in the Center Transect and having direct frontage on the Caloosahatchee River, the maximum height on any allowable building lot is 12 stories and 120 feet.</p> <p>¹⁰Maximum street side setback may only be applied to no more than 20% of the building frontage, not to exceed 100 feet in length. see also parking restrictions.</p>																						

- (e) No Change
- (f) No Change
- (g) Shading of sidewalks. Each building on a Mixed-Use or Live-Work Building Lot, and each building on a Pedestal Building, ~~or~~ Lined Building or Flex Lot with non-residential uses on the ground story, is required to have awnings, balconies, colonnades, or arcades facing all streets. When providing a required awning, balcony, colonnade, or arcade, or one that extends over a street right-of-way, the following design requirements apply:
 - (1) – (4) No Change
- (h) No Change
- (i) Liner Buildings. The character of some uses of land, such as theaters, industrial buildings including but not limited to warehouse, office/warehouse, and limited distribution and parking structures, may preclude their buildings from complying with the door and window requirements for primary façades. These buildings may be constructed only on Pedestal Building, Lined Building, Mixed-Use Building, Apartment Building, and Courtyard Building Lots and Flex Lots in a manner that will separate them from adjacent streets (but not alleys) by liner buildings:
 - (1) Liner buildings must be at least two stories in height and no less than 20 feet in depth; for one-story industrial buildings, the liner building shall be located along the street side(s) of the building and be at least one story in height ;
 - 1. Industrial buildings with two or more street side frontages may request approval to provide a liner building on only one side of the building providing additional design and development features including pedestrian areas, change in color and/or materials or similar is provided.
 - (2) Liner buildings may be detached from or attached to the buildings they conceal;
 - (3) Liner buildings may be used for any purpose allowed on the lot except parking; and
 - (4) Liner buildings must comply with the primary façade transparency requirements in section 32-243(h).
- (j) Wide buildings. Table 32-243 allows Pedestal Building, Flex Lots and Lined Building Lots to be up to 500 feet wide and Mixed-Use Building Lots to be up to 300 feet wide. When one of these lot types is placed directly across a street from significantly narrower lots, the principal façade of buildings on these lots must be varied with a change of architectural expression that reflects the widths of the narrower lots.
 - (1) These changes in expression may be a vertical element running from sidewalk to roof, a change in style, color, texture, or window type, or a break in façade plane or roof line.
 - (2) These changes may be subtle or significant, but must soften the visual effect of very wide buildings directly across the street from narrower buildings.
- (k) No Change
- (l) No Change
- (m) No Change
- (n) No Change
- (o) No Change (Note: we may want to further discuss applications for the Employment Center transect)

Definitions shall be consistent with those included in Sec. 32-105 Definitions.

Transect zone means a distinct category of physical form and character ranging in intensity from the most urban to the least urban. This chapter designates ~~five~~ six transect zones: Core, Center, General, Edge, ~~and Civic and Employment Center~~. See article II, division 1.

TRANSECT ZONE, CENTER. The Center transect zone is intensely occupied, with mostly attached buildings creating a "Main Street" character within walking distance of primarily residential neighborhoods.

TRANSECT ZONE, CIVIC. The Civic transect zone identifies land that is reserved for civic and community uses at key locations within neighborhoods.

TRANSECT ZONE, CORE. The Core transect zone is the most intensely occupied zone comprised of taller attached buildings that create a continuous street façade.

TRANSECT ZONE, EDGE. The Edge transect zone provides sites for detached homes and accessory apartments that are similar in scale to older suburban neighborhoods.

TRANSECT ZONE, GENERAL. The General transect zone is primarily residential but includes a broader mix of uses and a wide variety of lot types. Buildings may be attached or detached and are typically closer to the street.

TRANSECT ZONE, EMPLOYMENT CENTER. The Employment Center Transect zone is provides for the focus on non-residential, employment and jobs generating uses. Buildings within this transect may be developed or redeveloped as part of an individual lot or as part of a business or office park. Supporting residential may be provided under limited situations and shall not be the primary use within the Transect.

In addition to uses permitted per LDC Table Sec. 32-244 for Compact Communities, the following uses per Table 32-xxxx are permitted when utilizing Compact Communities per LDC Chapter 32 within the Employment Center Transect. Live-Work units are also a special exception in the Employment Center Transect. The Employment Center Transect is intended to allow for a more broad range of uses that could include industrial, office, non-retail commercial and limited residential uses.



Appendix D:
UDO Review Assessment Matrix



Summary UDO Review Matrix

Currituck County – Unified Development Ordinance (UDO)
Moyock Mega-Site
Identified (Possible) Conde Conflicts and (preliminary) Recommendations

Article/Section	Conflicting Art/ Sec (if applicable)	Standard	Comment	Recommendation
GENERAL				
Moyock SAP		Density proposed/identified per Mega Site Master Plan (MMP) conflicts with SAP max densities	SAP permits max density between 1.5-3.0 (in Full Service); Limited and Rural permit up to 1.5 and 1.0, respectively; MMP identifies 8 (MDR) and 15 (MF), LDR areas are consistent with 2 du/ac.	1. Update/Amend the SAP to reflect the increased density standards, including areas of full vs. limited/rural 2. Consider allowing Transfer of Development Rights from environmental / other areas
			Limited and Rural would also require amendment from the current SAP for consistency	
		Community Transects are too low for the type of development "envisioned" with MMP	Standards and images are inconsistent with density limitations. Also, "Moderate/High Density" typically not up to 3.0 du/ac (may be as defined by LUP but would consider alternative definition)	Moderate/High Density and Low/Moderate typically provide different understanding; may create new term specific to the MMP and define it accordingly. For example, "Village Center" is envisioned to includeat densities ranging between X and X.
		SAP transition language	Requires low intensity office or medium density residential adjacent to high intensity commercial	Idea is okay; however, recommend provision for increased integration of uses or where adjacent (and necessary - different owners, size and scale, etc.), allow but increase buffers (greenbelt, landscape, etc...); also allow for wetland/environmental features to serve as buffers



Appendix D: Summary Unified Development Ordinance (UDO) Review Matrix

Article/Section	Conflicting Art/ Sec (if applicable)	Standard	Comment	Recommendation
		SAP and UDO density (allowable/max)	SAP in full service permits up to 3.0; SFM in full service permits up to 2.0.	Confirm in new SAP and/or UDO densities (if true) are consistent. UDO/Zoning Map implement SAP and FLUM
		Funding Question: How pay for required infrastructure?	IF County installs infrastructure, can County assign equivalent dwelling unit or similar standard (per vehicle trip?) dollar amount to recover costs?	
CHAPTER 3	Comments provided below may be specific to a Zoning District and not generally applicable in the MMP; however, items are noted for consideration if a new Zoning District is proposed or if Standard Zoning Districts are retained in MMP			
General		Create Moyock Specific Land Use and Zoning Districts; define per the new Master Plan	New LUP/Zoning can identify up to certain levels of overall entitlements as well as site specific/individual properties and have provision for "basket of rights" or similar allowing County to assign additional TDRs if developing within MMP, meeting certain/additional standards	
		Language in Chapter/standards can be limiting - Zero Lot Line Development.	Initial statement allows for "waiver" of lot size, etc.; however, if single development under common ownership - lots shall comply with all applicable standards	Would eliminate restriction if "under common ownership"; no incentive to pursue ZLL and limits flexibility
			What if in PD? ZLL C.(1) (a) and (b) still apply?	
3.2.2. C	5.9.3 B	ZLL and Setbacks	Conflicting language if under same ownership vs if outparcels within the development	May be confusing and difficult to apply if not clear
3.3.3 F and 3.4.2 F	Confirm against 6.4.4 D (1) and (2) density standards	Open Space / Service Areas and density limitations vary (not consistent)	Clarify/confirm consistency in standards between Chapters	see Comment
General		Setbacks, including rear, are very suburban (25')	Setback to Ag is okay, but consider alternatives if within the MMP, interior to development or similar	see Comment



Appendix D: Summary Unified Development Ordinance (UDO) Review Matrix

	Article/Section	Conflicting Art/ Sec (if applicable)	Standard	Comment	Recommendation
	3.4.6		MXR has good intent statement; however, application may not coincide with intent	Density = 2.0 (SF), 3.0 (Other Res - assume this includes MF); densities are too low for true mixed use	Consider increasing density and/or allow for TDR (possible double count of res and non-residential acreage if under common ownership)
				Lot Area at 20,000 is too high for SF especially if in Mixed Use development	Consider allowing significantly less lot size (especially if in single development/single ownership)
				Max building height = 35'	too low for Mixed Use area; does not encourage true mix of uses or more compact development. Consider height bonuses with limitations (i.e., location, interior of development, vertical mix of uses, etc.)
	3.5.2 E	5.9.3 B	0.40 in GB; 0.65 if shopping center	If not clearly defined, could create confusion if a SC is proposed in GB Zoning	If intent is not to allow SC's in GB, then add limitation or restriction (clearly note)
	3.5.2 E		Min Lot Area	40,000 square feet is large for commercial businesses that are typically less than 5,000 sqft	Consider adjusting down the min lot size to increase use and not require "suburban" feel
	3.5.4		Community Center	Good but limited in their application (along Caratoke Highway and FSAs)	IF CC is possible model (or VC), then consider the following: = increased density above 4 = increased building height (especially if mixed use or = Use Characteristics - question: is that the correct "mix" of residential and commercial? Does office and/or other non-residential uses count towards commercial percent? = Dimensional standards are okay
	3.5.7		Village Center	Similar comments to CC	
	3.5.8 F		Light Industrial	Min Lot Area (60,000 sq.ft)	Understand the intent but why not make it based on percent lot coverage and setbacks instead?



Appendix D: Summary Unified Development Ordinance (UDO) Review Matrix

	Article/Section	Conflicting Art/ Sec (if applicable)	Standard	Comment	Recommendation
	3.6.		Conditional Districts	3.6.5 is good and can be carried over to MMP area	Allows Board of Commissioners Master Plan look and approval, and staff level (subsequent) approval (with variations or percent of variations before requiring BOC review and approval)
	3.7.2		Planned Development	3.7.2 A is good (same as previous comment) and provides more information to BOC and Staff; assists with future implementation of MMP and Vision	County could initiate this as Economic Development Tool (County master plans area allowing for administrative approvals/subsequent) and expedited reviews
				B. Density is consistent with underlying County Plans	MMP would need to be amended to support density/intensity per the Market Study and Master Plan Build Out
				H. Conversion Factor	Good that this is included; however, you may want to require "standard" or formula for conversion including min/max levels of development (i.e., Land Use Trade-Off Matrix - one SF = ____ sq.ft. of retail; max level of residential development; etc)
	3.7.4		Planned Development - Mixed	Good Intent/Purpose but lacking clear vision and expectations	May want to consider generalized "buffet" list of uses and development standards specific to MMP. Could be good baseline for MMP based on final adopted plan and roadway/infrastructure carrying capacity
	Table 4.1.1		Summary Use Table	Depending on approach - new zoning district vs. application of existing (with amendments - i.e., MXR vs. PD), clearly identify the uses desired per the market study and master plan	college/university, government maintenance, hospital, medical treatment facility, etc.. The MP is a good approach for this area
	5.1.3		Parking Plan Required	Question - required for all development?	Consider establishing with MMP and or PD Master Plan; could include exceptions as necessary for unidentified uses, larger mixed use developments, etc.



	Article/Section	Conflicting Art/ Sec (if applicable)	Standard	Comment	Recommendation
	5.1.3		Parking Plan Required	Question - required for all development?	Consider establishing with MMP and or PD Master Plan; could include exceptions as necessary for unidentified uses, larger mixed use developments, etc.
			Max Number of Spaces	Standard for 125-175 percent of maximum	Mentioned in 5.1.6 et.seq., however, not clear in this section. Consider a cross-reference or provide standard in that section. If implementing through MMP, provide clear parking application standards together (and minimize "page flipping" where possible
			Parking Standards		Would encourage review of standards based on APA, ITE, ULI, etc., parking analysis and standards. Also simplify table to broader categories (eliminates interpretations later on) and provide min/max in table (i.e., 80-110 percent by right), up to 125 percent = xxxx, etc. - do in table for clarity
	General		Confirm language in and between standards regarding responsible review/approval agency, etc.	Standards seem to flip between Planning Director and others (not significant but some) and supporting standards (APA vs. others - some inconsistencies)	
	5.1.4		(7) (a) (i) "no more than...."	This is okay but if in a larger campus-style or TND layout, may want the ability to require connections to more than two adjacent parcels)	
			(7) (b) (i) Waivers		List okay but may want to include the provision of utilities (some utilities may preclude the ability to provide as well as topo, etc.)



Appendix D: Summary Unified Development Ordinance (UDO) Review Matrix

	Article/Section	Conflicting Art/ Sec (if applicable)	Standard	Comment	Recommendation
			(9) Exterior Lighting	"when required"; are there instances where this would not be	CPTED encourages parking lot lighting, etc., for increased safety. Can implement dark-sky or shut-offs if increased lighting/light pollution is a concern
	5.1.6		B (2)	Pedestrian Access	As written, this is more "policy" and less standard; no specifics or requirements are provided
			B (4)	Maximum Shared Parking	Standard is good to have but may want to establish "brackets" or similar vs. 50 and 60 percent. And is there standard for size of parking garage (i.e., number of spaces)?
	5.2.3		Landscape Plan	No mention of "preserved" trees/materials in A. (1)	For clarification and encourage preservation, may want to include (note) in the intent statement - it is noted in (D) however
			E - Planting Islands	Why is this not in 5.2.5 with VUA standards?	Should consolidate for consistency
	5.2.5		VUA	What standard/percentage is calculated?	
	5.10.3	5.1.3	A. (1) (a) Total amount of off-street...	5.1.3 and 5.1.6 permit up to 125/175 percent	Clarify standard and/or provisions for increased parking (reduction is noted only)
	5.12.4		5.12.3 and .4	Should ask County Attorney to review required/exempt signs based on Supreme Court decision (Gilbert case)	See Comment
	5.12.6		A. Freestanding Signs - typo: Max area notes 128 square feet for frontage of 160 square feet or less (should be distance/width only)		Clarify language is lot width
	5.13 Sustainable Development Practices		Allows for increased density, building height or other development standard	Limited to MXR, business and mixed use districts, planned unit development	Establish (allow) similar mechanism in MMP area(s) to further encourage development in this area vs. other areas of County (i.e., help guide development to MMP through incentives)



	Article/Section	Conflicting Art/ Sec (if applicable)	Standard	Comment	Recommendation
Other Items:					
If there is a concern with certain uses and incompatibilities, could require a "greenbelt" with certain standards (widths, landscape provisions, etc.) with a TDR component (i.e., transfer the development rights out of the greenbelt into the development area)					
Regarding density bonuses and environmental considerations - could consider "point system" for varying environmental habitats (more points for high quality areas preserved)					
Note: the TDR system may help alleviate concerns with one/limited number of properties providing the ROW or stormwater area					
Consider "sub-blocks" of development with various levels of expected/envisioned development. For Example: identify in the LUP the area south of the E-W Connector and Street C - identify min/max levels of development and sub-area specific standards including density and intensity.					
Provide alternative design standards for intense, mixed use areas with build to lines (or ranges) and parking lot placements; can also look at "averaging" the building setbacks to create design alternatives (i.e., 50 percent of the building to be located in tier 1/2 or within a setback range)					
Consider providing density/intensity bonuses for desired amenities, connectivity components, environmental preservation/connectivity, etc.					
In Mixed Use areas, require at a minimum horizontal integration of uses (i.e., 3 or more); not recommend (require) vertical in this area unless desired by the County					
Consider providing standard(s) that adjacent buildings shall be compatible in regards to spacing, setbacks, proportions, materials, and scale if developed under single ownership. Consider adding standard(s) for compatibility to existing adjacent uses, where applicable.					
Outparcels shall be designed and integrated with the main project. Consider providing standard to integrate uses/buildings together (sidewalks, streetscape, building design/features, roadways, ...).					
Consider exemption language that would apply at some point in the future. For example: Expansions. All expansions of buildings, parking areas, or open uses of land, except the first 1,000 square feet of expansions to buildings, parking areas, or open uses of land existing at the time of adoption of this Article.					
Consider including a portion (percentage) of the buffer as open space if it meets certain standards (clarification of what counts and does not count)					
Provide standard/language regarding the placement of sign(s) cannot be counted towards required buffers.					
Street sections prepared for MMP should be provided at least as an alternative to the existing (standard) roadway standards in MMP and/or PD Master Plan					
Consider allowing wall signage to provided in one or more signs providing the total sq.ft. is not exceeded. Also consider, window signs (business/business information only) can be a maximum size and/or based on a percentage of the allowable wall-mounted signage.					



Appendix E:
Development Agreement Strategies



Development Agreement Strategies

Understanding

Due to the scale of the Moyock Mega-Site and the number of property owners associated with the Moyock Mega-Site Master Plan and in an effort to maintain the integrity and vision of the plan, Currituck County wanted to identify potential strategies that could be used to establish development agreements between Currituck County and Moyock Mega-Site property owners. Kimley-Horn's task is to provide an outline of applicable development agreement requirements per North Carolina General Statutes as well as identify and recommend potential strategies the County may or should pursue to establish development agreements with Mega-Site property owners.

It is also noted that the Consultant will not provide legal advice regarding the proposed development agreement(s) or development agreement strategies. In preliminary conversations with the County, regarding the proposed development agreement strategies it is anticipated that initial meetings will involve select County staff, the Currituck County Attorney, and Kimley-Horn staff. Due to the complexity of the subject matter it is expected that the County will determine if formal development agreements can be established internally by the County Attorney or if outside third party legal counsel will be necessary to assist with preparing and establishing development agreements between the County and Mega-Site property owners.

Purpose and Applicability

The intent of wanting to establish a development agreement between Currituck County and Moyock Mega-Site private property owners is to legally document the ability of the County to enter into a general development agreement in accordance with applicable North Carolina law in an effort to encourage a stronger commitment to maintaining the integrity and vision of the Moyock Mega-Site Master Plan, comprehensive and capital facilities planning, ensure the provision of adequate public facilities for development, encourage the efficient use of resources, and reduce the economic cost of development.

North Carolina Code

North Carolina General Statutes § 153A-349.6 What development agreement must provide; what it may provide; major modification requires public notice and hearing.

- A. A development agreement shall at a minimum include all of the following:
 1. A legal description of the property subject to the agreement and the names of its legal and equitable property owners.
 2. The duration of the agreement. However, the parties are not precluded from entering into subsequent development agreements that may extend the original duration period.
 3. The development uses permitted on the property, including population densities and building types, intensities, placement on the site, and design.
 4. A description of public facilities that will service the development, including who provides the facilities, the date any new public facilities, if needed, will be constructed, and a schedule to assure public facilities are available concurrent with the impacts of the development.
 5. A description, where appropriate, of any reservation or dedication of land for public purposes and any provisions to protect environmentally sensitive property.



Appendix E: Development Agreement Strategies

6. A description of all local development permits approved or needed to be approved for the development of the property together with a statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction does not relieve the developer of the necessity of complying with the law governing their permitting requirements, conditions, terms, or restrictions.
7. A description of any conditions, terms, restrictions, or other requirements determined to be necessary by the local government for the public health, safety, or welfare of its citizens.
8. A description, where appropriate, of any provisions for the preservation and restoration of historic structures.
9. A development agreement may provide that the entire development or any phase of it be commenced or completed within a specified period of time. The development agreement must provide a development schedule, including commencement dates and interim completion dates at no greater than five-year intervals; provided, however, the failure to meet a commencement or completion date shall not, in and of itself, constitute a material breach of the development agreement pursuant to G.S. 153A-349.8 but must be judged based upon the totality of the circumstances. The development agreement may include other defined performance standards to be met by the developer. The developer may request a modification in the dates as set forth in the agreement. Consideration of a proposed major modification of the agreement shall follow the same procedures as required for initial approval of a development agreement.
10. If more than one local government is made party to an agreement, the agreement must specify which local government is responsible for the overall administration of the development agreement.
11. The development agreement also may cover any other matter not inconsistent with this Part. (2005-426, s. 9(b).)

Framework

A. Basic Provisions

1. Use optional. The development agreement statute is enabling rather than a mandate.
2. Adoption process. Each individual development agreement must be adopted as an ordinance by the governing board with the same standard notice and hearing required for zoning test amendments.
3. Minimum acreage. A project must have a minimum land area of twenty-five (25) developable acres to be considered for a development agreement. Wetlands, mandatory buffers, unbuildable slopes, and other portions of the property precluded from the development at the time of application are not to be considered in establishing this minimum acreage.
4. Maximum term. The maximum term of an agreement is twenty (20) years.

B. Mandatory Contents of Agreements

1. Property Description. The agreement must include a legal description of the property covered by the agreement and the names of its legal and equitable owners.
2. Duration. It must explicitly specify the duration of the agreement.
3. Development Plan. It must describe the proposed development of the property in some detail.



Appendix E: Development Agreement Strategies

4. Public Facility Plan. The statute defines the “public facilities” to be described to include “major capital improvements” for (among others) transportation, water, sewer, solid waste, schools, parks and recreation, drainage, and health systems.
5. Dedications. If there is to be any dedication or reservation of land for public purposes, they must be set out in the agreement. Street and utility rights of way, park and open space dedications, greenways, and school sites need to be addressed as applicable. Similarly, any provisions to protect environmentally sensitive lands are required to be included. This would include buffers, stormwater provisions, and the like.
6. Permits Required. The agreement must also include a list of all local regulatory approvals required.
7. Conditions - The agreement must explicitly include any conditions, terms, or restrictions on the development.
8. Development Schedule - The agreement must include a development schedule, including commencement and interim completion dates at five-year (or more frequent) intervals.
9. Coordination.

C. Limitations on Agreements

1. Fees and Conditions. The agreement cannot impose any tax or fee not otherwise authorized by law.
2. Use Only Existing Laws. The development agreement must be consistent with the local laws in effect at the time of agreement approval.
3. Periodic Reviews. The local government must undertake a periodic review of the project (at least once a year) to verify compliance with the agreement.

D. Post Agreement Provisions

1. Recordation. The agreement must be recorded with the register of deeds in the county in which the property is located within fourteen days of approval. The agreement is binding on subsequent purchasers of the land.
2. Amendment. The statute makes provision for amendment, extension, and cancellation of the agreement.
3. Subsequent regulatory amendments. The ordinances in effect at the time of the agreement generally are to remain in effect for the life of the agreement, with specified exceptions.
4. Breach. In the event a local government review indicates the developer is in material breach of the agreement, the local government must within a reasonable time provide notice of the breach (describing and documenting its nature with reasonable particularity) and provide the developer a reasonable time to cure the breach. If the breach is not cured, the local government may unilaterally terminate or modify the agreement.

Development Agreement Strategies for Currituck County

- A. Continue to inform/meet with the Community and Moyock Mega-Site land owners on project status.
 1. Maintain/build support among the impacted land owners
 2. Establish communication lines with potential developers
 - i. Currituck County Economic Development website
 - ii. Inside Business Articles
 - iii. Artillery Marketing Group



Appendix E: Development Agreement Strategies

- B. County should seek to establish development agreements with property owners/properties that align with likely phases/timing of development.
 - 1. Revisit likely project phasing and where development/implementation of the Mega-Site Master Plan is likely to occur first.
 - 2. Continue to work with property owners/developers in establishing development agreements with key larger property owner(s) or controlling interest parties in front of anticipated phases of development.
 - 3. Intent is to have development agreement approved up front to further facilitate the efficiency of a streamlined entitlement process.
- C. County should seek to establish development agreements with property owners/properties that are shown in the Moyock Mega-Site Master Plan that have common land use types yet also meet the minimum acreage requirements (i.e., ≥ 25 developable acres).
- D. Where the opportunity presents itself seek out larger common land owners or see if there is a larger development group (i.e., that can secure the property and establish a single controlling interest in the property).
- E. Minimize number of property owners associated with particular development agreements to the extent possible. Further emphasizes the importance of working with larger land/property owners first (i.e., begins to strengthen the support of/commitment to the long-term goals and vision of the Plan). as well as collective coordination with property owners that make up
- F. Meet with the land owners in a larger comprehensive setting and if they are willing to meet one-on-one, discuss/educate the property owners regarding the intent of the development agreement between them and Currituck County.
- G. Now that the Moyock Mega-Site Master Plan has gone through the Public process and has been adopted by the County there are specific land uses, densities, infrastructure costs, and general responsibilities that will need to be defined in the development agreements. This may include but are not limited to the following:
 - 1. Land area
 - 2. Type and scale of infrastructure improvements
- H. With the need for infrastructure improvements (roadways, utilities, storm water) the County should investigate the opportunity to secure bonds to ensure/facilitate the construction of necessary infrastructure improvements to support the associated development.
- I. Investigate potential tax incentives to attract land uses/businesses to the Mega-Site that support the vision and intent of the Master Plan.
- J. The County should seek to identify alternative funding sources to assist with offsetting upfront infrastructure construction costs.
- K. For the purpose of development agreements the County should also look to establish agreeable cost sharing ratios or expectations for infrastructure improvements over the life of the project as well as define the scale and timing of construction of the improvements so all parties are aware of when the infrastructure will be in place to support next phase(s) of development.
- L. Develop/establish infrastructure/public facility Master Plans for the following: transportation, water, sewer, solid waste, schools, parks and recreation, storm water/drainage.



Appendix E: Development Agreement Strategies

Terms and Definitions

For the purposes of assisting Currituck County with strategies, techniques, and the identification of typical requirements associated with establishing development agreements, key terms or words are often used and should be interpreted as follows:

- (a) Comprehensive plan. The comprehensive plan, land-use plan, small area plans, neighborhood plans, transportation plan, capital improvement plan, official map, and any other plans regarding land use and development that have been officially adopted by the governing board.
- (b) Developer. A person, including a governmental agency or redevelopment authority, who intends to undertake any development and who has a legal or equitable interest in the property to be developed.
- (c) Development. The planning for or carrying out of a building activity, the making of a material change in the use or appearance of any structure or property, or the dividing of land into two or more parcels. "Development", as designated in a law or development permit, includes the planning for and all other activity customarily associated with it unless otherwise specified. When appropriate to the context, "development" refers to the planning for or the act of developing or to the result of development. Reference to a specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development. Reference to particular operations is not intended to limit the generality of this item.
- (d) Development permit. A building permit, zoning permit, subdivision approval, special or conditional use permit, variance, or any other official action of local government having the effect of permitting the development of property.
- (e) Governing body. The city council of a municipality.
- (f) Land development regulations. Ordinances and regulations enacted by the appropriate governing body for the regulation of any aspect of development and includes zoning, subdivision, or any other land development ordinances.
- (g) Laws. All ordinances, resolutions, regulations, comprehensive plans, land development regulations, policies, and rules adopted by a local government affecting the development of property, and includes laws governing permitted uses of the property, density, design, and improvements.
- (h) Local government. Any municipality that exercises regulatory authority over and grants development permits for land development or which provides public facilities.
- (i) Local planning board. Any planning board established pursuant to G.S. 160A-361.
- (j) Person. An individual, corporation, business or land trust, estate, trust, partnership, association, two or more persons having a joint or common interest, State agency, or any legal entity.
- (k) Property. All real property subject to land-use regulation by a local government and includes any improvements or structures customarily regarded as a part of real property.
- (l) Public facilities. Major capital improvements, including, but not limited to, transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational, and health systems and facilities.