

§5-2 DEVELOPMENT PERFORMANCE STANDARDS

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[See Commentary]

§5-2-1 TITLE

This Ordinance shall be known and may be cited as the “Development Performance Standards Ordinance of _____ County [City of _____].”

§5-2-2 PURPOSE

The intent of this Ordinance is to establish performance standards for development that will ensure the compatibility of development with surrounding land uses, especially single-family dwellings.

§5-2-3 DEFINITIONS

Abutting: Having property lines in common, or having property separated by only an alley. Separation by a street right-of-way is not considered abutting.

Buffer: That portion of a given lot along a side or rear property line, not covered by buildings, pavement, parking, access and service areas, consisting of natural vegetation that forms a screen between incompatible land uses for the purpose of visibly separating uses through distance and to shield and block noise, light, glare, or visual or other nuisances. The width of a buffer is measured from the common property line and extending the developed portion of the common property line. A buffer consists of trees, shrubs, berming, and other natural vegetation which remains undisturbed but which may be replanted where sparsely vegetated, or which must be replanted where disturbed by approved access and utility crossings.

Building, principal: A building in which is conducted the principal use of the lot on which said building is situated.

Building setback line: A line establishing the minimum allowable distance between the main or front wall of a principal building and the street right-of-way line or another building wall and a side or rear property line when measured perpendicularly thereto. Covered porches, whether enclosed or not, shall be considered as a part of the building and shall not project into any required yards. For purposes of this Ordinance, a building setback line and minimum required yard would be considered the same, with regard to principal buildings and uses.

Compatibility: The characteristics of different land uses or activities that permit them to be located near each other in harmony and without conflict.

Density: A measure of residential land use intensity that is expressed as the number of dwelling units per gross acre of land.

Development coverage ratio: That area of a given lot covered by principal buildings and uses, accessory buildings and uses, and parking lots and driveways, divided by the total area of the lot on which said buildings, uses, parking lots, and driveways are located.

Dwelling: A building, other than a mobile home, manufactured home, or house trailer, designed, arranged or used for permanent living and/or sleeping quarters.

Dwelling, single-family: A building designed or arranged to be occupied by one family or household only.

Dwelling unit: A building, or portion thereof, designed, arranged and used for living quarters for one or more persons living as a single housekeeping unit with cooking facilities (i.e., a dwelling), but not including units in hotels or other structures designed for transient residence.

Family: An individual; or two or more persons related by blood, marriage, or guardianship, limited to the occupant, his or her spouse, and their parents and children; or a group of not more than five persons, excluding servants, who need not be related by blood, marriage, or guardianship, living together in a dwelling unit as a family or household.

Fence: An enclosure or barrier, composed of wood, masonry, stone, wire, iron, or other materials or combination of materials used as a boundary, means of protection, privacy screening, or confinement, including brick or concrete walls but not including hedges, shrubs, trees, or other natural growth.

Fence, solid: A fence, including entrance and exit gates, where access openings appear, but through which no visual images can be seen.

Governing body: The Board of Commissioners of _____ County [Mayor and City Council of the City of _____].

Height of Building: The vertical distance measured from the grade to the highest point of the coping of a flat roof; to the deck lines of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip or gambrel roof. Grade is defined as the average elevation of the ground on all sides of a building.

Impervious surface: A man-made structure or surface, which prevents the infiltration of storm water into the ground below the structure or surface, including buildings, roads, driveways, parking lots, decks, sidewalks, walkways, swimming pools, patios and any other area covered with concrete or pavement.

Lot: A parcel of land occupied or capable of being occupied by a use, building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same, where the boundaries are delineated by deed or plat lawfully filed in the office of the Clerk of Superior Court.

Manufactured home: A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, when erected on site, is 320 or more square feet in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; or a structure that otherwise comes within the definition of a "manufactured home" under the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401-5445).

Open space ratio: The proportion of a given lot, excluding land occupied by principal buildings and uses, accessory structures and uses, and parking or other impervious surfaces, which remains in an undeveloped state and is specifically designated as open space.

Yard: A space on the same lot with a principal building, open unoccupied and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.

Yard, front: An open, unoccupied space on the same lot with a principal building, extending the full width of the lot, and situated between the street right-of-way and the front line of the building projected to the side lines of the lot.

Yard, side: An open, unoccupied space on the same lot with the principal building, situated between the building and the side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

Yard, rear: An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot.

§5-2-4 APPLICABILITY

This Ordinance shall apply to all unincorporated areas of _____ County [lands within the city limits of _____].

§5-2-5 BUILDING HEIGHT

[See Commentary]

§5-2-5.1 Generally. No building or structure shall hereafter be erected or altered so as to exceed the height limits established by this Ordinance for different types of buildings and structures. The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy, flagpoles, or public utility facilities.

§5-2-5.2 Maximum Height Limitations. The following maximum heights are established for types of land uses.

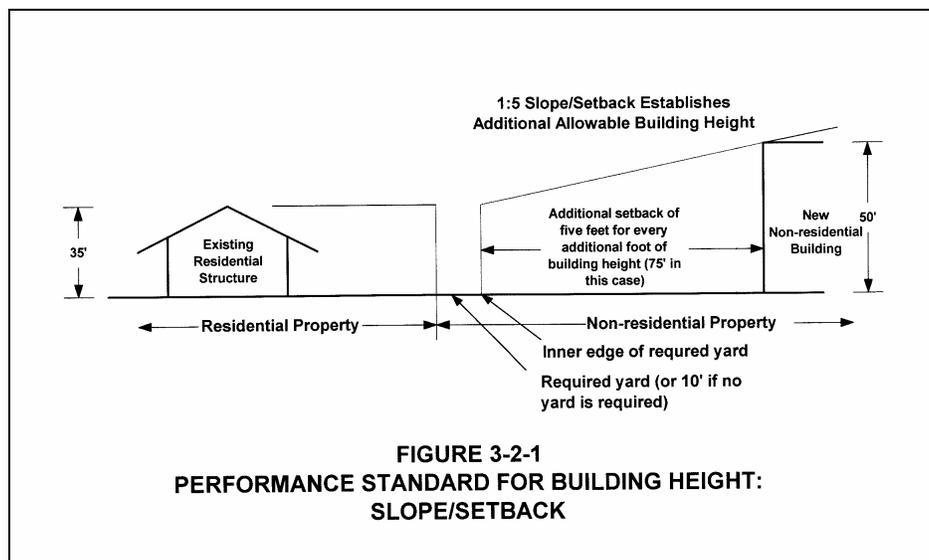
Height Limits by Type of Use

LAND USE	MAXIMUM HEIGHT (FEET)	LAND USE	MAXIMUM HEIGHT (FEET)
Single-family dwellings, detached, including manufactured homes	35	Industrial and manufacturing uses	100
Offices and institutions	40	Transmission towers	100
Business and commercial uses	50		

§5-2-5.3 Variances to Maximum Height Limitations. The Governing Body may authorize a building or structure to exceed the maximum height limitations for good cause shown, upon application by the owner of the property involved, after a public hearing, in accordance with Section 1-10 of this Code.

§5-2-5.4 Height Performance Standard. This code subsection provides for additional setback protection from visual impacts of taller buildings. The heights of buildings on properties abutting a single-family dwelling, including a manufactured home, shall be limited according to the provisions of this section. When a non-residential building or structure is proposed to be erected on property that abuts property containing one or more single-family dwellings or manufactured homes, the height of said non-residential building or structure abutting one or more single-family dwellings or manufactured homes shall meet the requirements of this subsection.

The height of a non-residential building or structure on property abutting a single-family dwelling shall not exceed 35 feet; provided, however, that said non-residential building or structure may be increased in height beyond the 35-foot maximum by one foot for every five feet the non-residential building is setback from the minimum required side or rear building setback, or 10 feet from the side or rear property line if no required side or rear yard is established, up to a maximum required setback of 100 feet (see Figure). The following table provides maximum heights at five-foot increments of building height based on this performance standard:



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Model Land Use Management Code**

Height of Building Abutting a Single-family Dwelling or Manufactured Home (Feet)	Additional Building Setback From Required Side or Rear Yard (Or Measured Ten Feet From Property Line If No Required Side or Rear Yard Is Established)
40	25
45	50
50	75
55	100

[See Commentary]

§5-2-6 YARDS

No building shall hereafter be erected in a manner to have narrower or smaller side yards or rear yards than specified for the use in this Resolution [Ordinance]. No part of a required side yard or rear yard shall be included as a part of the yard required for another building. The application of buffer requirements, as established by this Resolution [Ordinance], supersedes these minimum required yards. (See Table).

Minimum Required Side and Rear Yards

USE	MINIMUM REQUIRED SIDE YARD (FEET)	MINIMUM REQUIRED REAR YARD (FEET)	MINIMUM REQUIRED YARD WHEN ABUTTING PROPERTY CONTAINING A SINGLE FAMILY DWELLING OR MANUFACTURED HOME	
			SIDE	REAR
Dwelling, single-family detached, including manufactured home	10	20	10	20
Active agricultural operation involving chickens or hogs	25	50	100	150
Guest houses, detached carports, and other accessory residential uses	5	10	5	10
Church, temple, synagogue, or place of worship	10	20	25	40
School; day care center; other institution	10	20	25	40
Duplex	10	20	15	30
Multiple-family residence	10	20	20	35
Institutional residential living facility (nursing, personal care, etc.)	10	20	20	35
Office, conference center, special event facility, etc.	10	20	25	40
Retail commercial or	None	10 except	35	50

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commercial recreation facility enclosed; restaurant; service		abutting alleys		
Retail commercial or commercial recreation facility, unenclosed; contractor's establishment; open air business use	None	None	35	50
Industrial or manufacturing establishment, factory or plant; warehouse or wholesale establishment	35	50	50	60
Explosives storage; petroleum bulk storage sites; solid waste facilities (landfills, incinerators, etc.); extraction industries	50	50	100	150

[See Commentary]

§5-2-7 LANDSCAPE STRIPS AND BUFFERS

[See Commentary]

§5-2-7.1 Required Landscape Strips. No lot shall hereafter be developed with less than the minimum required landscape strip for the specific use as shown in the Table below, when abutting a public or private street.

§5-2-7.2 Waiver of Landscape Strip Requirements. The front landscape strips required by this section may be waived for lots which abut one or more developed properties on the same side of the street and which contain a structure that is setback less than 10 feet from the right-of-way.

§5-2-7.3 Required Buffers. No lot shall hereafter be developed with less than the minimum required buffer along a side or rear property line when abutting property containing a single-family dwelling or manufactured home, for the specific use as shown in the Table below.

Required Landscape Strips and Buffers

USE	MINIMUM REQUIRED FRONT LANDSCAPE STRIP (FEET)	MINIMUM REQUIRED BUFFER WHEN ABUTTING PROPERTY CONTAINING A SINGLE FAMILY DWELLING OR MANUFACTURED HOME	
		SIDE (FEET)	REAR (FEET)
Dwelling, single-family detached, including manufactured home	None	None	None
Active agricultural operation involving chickens or hogs	None	75	100
Guest houses, detached carports, and other accessory residential uses	None	None	None

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Church, temple, synagogue, or place of worship	10	15	30
School; day care center; other institution	10	15	30
Duplex	None	None	None
Multiple-family residence	10	10	25
Institutional residential living facility (nursing, personal care, etc.)	10	10	25
Office, conference center, special event facility, etc.	10	15	30
Retail commercial or commercial recreation facility enclosed; restaurant; service	10	25	40
Retail commercial or commercial recreation facility, unenclosed; contractor's establishment; open air business use	20	25	40
Industrial or manufacturing establishment, factory or plant; warehouse or wholesale establishment	30	40	50
Explosives storage; petroleum bulk storage sites; solid waste facilities (landfills, incinerators, etc.); extraction industries	30	75	100

§5-2-7.4 Buffer Specifications. Any buffer required by this section shall be natural vegetation, undisturbed except for approved access and utility crossings, and replanted where sparsely vegetated, with evergreen trees and/or shrubs to form an opaque screen. The length of any required buffers shall not extend closer than 15 feet to any public right-of-way in order to preserve vision clearance.

§5-2-7.5 Reduction of Buffer. A required buffer may be reduced by as much as 30 percent through the site plan review process if screening is provided by installing a minimum six-foot high solid wooden fence or masonry wall within the required buffer.

§5-2-8 LAND USE INTENSITY RATIOS

No lot shall hereafter be developed to exceed the maximum development ratio specified in the Table below for the given type of development to which land is used. No lot shall be developed with less than the minimum open space ratio specified in the Table below for the given type of development to which land is used.

[See Commentary]

Land Use Intensity Ratios

USE	WHEN NOT ABUTTING PROPERTY CONTAINING A SINGLE-FAMILY DWELLING OR MANUFACTURED HOME		WHEN ABUTTING PROPERTY CONTAINING A SINGLE-FAMILY DWELLING OR MANUFACTURED HOME	
	Minimum Open Space Ratio	Maximum Development Coverage Ratio	Minimum Open Space Ratio	Maximum Development Coverage Ratio
Dwelling, single-family detached, including manufactured home	None	0.20	None	0.20
Active agricultural operation involving chickens or hogs	None	None	None	None
Church, temple, synagogue, or place of worship	0.30	0.60	0.50	0.40
School; day care center; other institution	0.30	0.60	0.50	0.40
Duplex	None	0.35	None	0.25
Multiple-family residence	0.30	0.60	0.50	0.40
Institutional residential living facility (nursing, personal care, etc.)	0.30	0.60	0.50	0.40
Office, conference center, special event facility, etc.	0.30	0.60	0.50	0.40
Retail commercial or commercial recreation facility enclosed; restaurant; service	0.20	0.70	0.40	0.50
Retail commercial or commercial recreation facility, unenclosed; contractor's establishment; open air business use	0.20	0.70	0.40	0.50
Industrial or manufacturing establishment, factory or plant; warehouse or wholesale establishment	0.15	0.75	0.35	0.55
Explosives storage; petroleum bulk storage sites; solid waste facilities (landfills, incinerators, etc.); extraction industries	0.30	0.60	0.50	0.40