

BURLINGTON, NC
ZONING ORDINANCE

SECTION 32.2A: WESTERN LOOP CORRIDOR OVERLAY DISTRICT

(Amendment creating district adopted June 3, 2003)

- A. General Requirements: The following general requirements will apply to the overlay district:
1. For the purposes of this ordinance, an overlay district is a district that supplements the underlying zoning district established on the site. In addition to the requirements of the underlying zoning district(s), the requirements herein shall apply to all new construction, additions, alterations or expansions to existing buildings, parking lots or vehicular storage areas, unless explicitly exempted.
 2. All uses permitted in the underlying zoning districts are allowed as regulated by said districts.
 3. The specific development requirements of a particular overlay district shall apply uniformly to all property within said district.
- B. Western Loop Corridor Overlay District Established: The Western Loop Corridor Overlay District is hereby established as a corridor overlay district.
1. Boundaries of the Western Loop Corridor Overlay District: All parcels in their entirety shall be included in the overlay if any portion of the lot is located within 1,000 feet on either side of the centerline of the Western Loop. In addition, when a proposed site plan is submitted containing multiple lots and any portion of any lot located within the overall development is within the boundaries of the overlay district, the entire development will need to meet the requirements of this ordinance.
 2. Applicability:
 - a. Application: The Western Loop Corridor Overlay District regulations shall apply to all principal buildings on lots or open uses of land constructed, reconstructed or established after the effective date of this ordinance, June 3, 2003, except as exempted or otherwise provided in Subsections B.2.b. and B.2.c. below.

- b. Exemptions: The Western Loop Corridor Overlay District regulations shall not apply to:
 - (1) Single-family detached dwellings or two-family dwellings on their own lots.
 - (2) A change in use that does not result in an increase of more than one in the land use classification number.
 - (3) Those buildings and their accessory uses including parking or vehicular storage areas existing on the effective date of this ordinance, June 3, 2003, whose gross square footage of building, parking area or open use of land is not expanded in excess of 3,000 square feet of that which existed on the effective date of this ordinance, June 3, 2003.
 - (4) Those projects that have an approved Site Specific Development Plan in compliance with Section 32-A (Zoning Vested Rights).
 - c. Expansion of Existing Uses: For those buildings, parking areas or open uses of land that are expanded in excess of 3,000 square feet of their gross square footage after the effective date of this ordinance, June 3, 2003, the following requirements shall be met:
 - (1) Required planting yards shall be provided. In locations where the entire width of the required planting yard cannot be provided due to existing development, planting yards shall be provided to the extent possible with no reduction in the size or numbers of required plantings.
 - (2) Non-conforming signage shall comply with Section 1 of the Western Loop Corridor Overlay District sign requirements.
- C. Review Process: All development proposals within the Western Loop Corridor Overlay shall submit a plan to the Technical Review Committee (TRC) to check for compliance with this and any other applicable ordinances.
- 1. Development Plan – The applicant shall, at a minimum, submit plans containing data and information consistent with all other applicable provisions of this ordinance. In addition, the applicant shall submit specific information to show that the project meets the standards spelled out in the *Design Standards* portion of this ordinance.

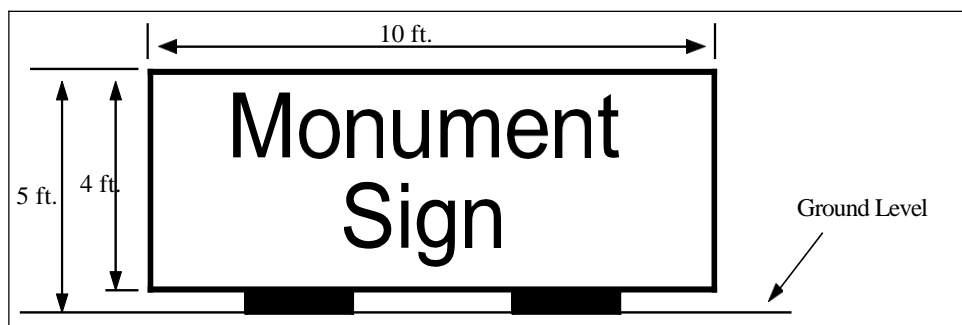
2. Waiver of Overlay Requirements – The applicant shall have the option of asking the TRC to waive certain aspects of this overlay if deemed necessary. The applicant must show the TRC that the waiver is the result of site specific condition and not the result of problems created by the property owner and/or developer.
 3. Land Use Classification – Several sections of this ordinance discuss a Land Use Classification (LUC). The LUC is a tool in which each type of use is given a number from one to five (one would equal a single-family home, while a five might equal a junk yard). These different LUC numbers are used to determine landscaping requirements between uses and if a project must comply with this overlay. The LUC Table can be found in Subsection E of this ordinance.
- D. Design Standards: Developments shall comply with all applicable requirements of this ordinance. In addition, the following design standards shall be followed: (In the event of inconsistencies, the standards contained in this section shall govern.)

1. Signs

- a. Freestanding Signs (see Figure 1):

- (1) Number - One freestanding sign shall be permitted per lot.
- (2) Area - The area encompassed by the freestanding signs shall not exceed 40 square feet.
- (3) Height - No freestanding sign shall exceed five feet in height.

Figure 1



- b. Building Signs:
 - (1) The maximum total area of all allowable building signs shall be equal to no more than ten percent of the area of the wall of which such sign is a part or to which each such sign is attached.
- c. Total Sign Area and Number of Signs:
 - (1) The maximum aggregate of all allowable signs on each lot, including freestanding, building or any other signs, shall be equal to 100 square feet. When a zoning lot contains more than one principal use, the entire lot shall be allowed 200 square feet of signage. The owner is responsible for allocating sign space on the lot.
- d. Signs shall be located such that there is at every street intersection a clear view of sight distance between the heights of three feet and ten feet, and all signs shall be located outside of the right-of-way of any public street.
- e. No animated sign or moving or flashing signs shall be permitted.
- f. No portable signs shall be permitted.
- g. No temporary signs shall be permitted.
- h. No projecting or suspended signs shall be permitted.
- i. No inflatable signs or tethered balloons shall be permitted.
- j. No beacons shall be permitted.
- k. No roof signs shall be permitted.
- l. No off-premises advertising signs (billboards) shall be permitted.
- m. Flags used as promotional devices of any type, including but not limited to the promotion of goods, services, business establishments, events, etc., shall be prohibited. National, state and corporate flags may be flown.

n. Computations:

- (1) Computation of Area of Individual Signs – The area of the sign face (that is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle or combination thereof that will encompass the extreme limits of the writing, representation, emblem or other display together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing or decorative fence or wall when such fence or wall otherwise meets the Zoning Ordinance regulations and is clearly incidental to the display itself.
- (2) Computations of Area of Multi-Faced Signs – The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.
- (3) Computation of Height – The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding or excavating. In cases where the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or grade of the land at the principal entrance to the principal structure on the lot, whichever is lower.
- (4) Computation of Maximum Total Permitted Sign Area for a Lot – The permitted sum of the area of all individual signs on a lot may not be more than 100 square feet in total, except on lots with more than one principal use where the maximum permitted sum of all signage can be 200 square feet.

2. Exterior Lighting Standards

a. Standards

The following standards are required of all exterior lighting except the outdoor recreational uses specifically exempted below. Many uses have the option of providing a lower light post with a non-cutoff type of luminaire or a higher pole, up to 40 feet, with a luminaire that totally cuts off light spillover at a cutoff angle smaller than 90 degrees.

The maximum height lightpost permitted is dependent upon the amount of cutoff provided. This is designed as a protection against excessive glare and light spilling over to neighboring properties. The exceptions that are permitted provide adequate protection for highway corridors and neighboring residential property.

Exterior lighting shall meet one of the following standards:

- (1) When lighting source or luminaire has no cutoff:

Standard	Maximum Permitted Maintained Illumination⁷	Maximum Permitted Mounting Height of Illumination⁸
Commercial Districts	0.20 footcandles	16 feet
Industrial Districts	0.30 footcandles	20 feet

⁷ Measured at the property line and any public right-of-way line.

⁸ Measured from the ground to the light source.

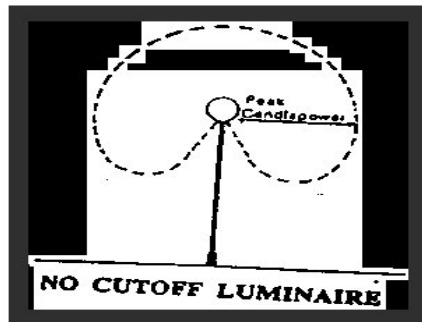
⁹ Footcandles (*F*) are to be calculated by dividing the lumens (*L*) by the distance to the property line squared ($4\pi D^2$) (i.e. $F = L / 4\pi D^2$)

where: *L* = intensity of the source (lumens)

D = distance between the source and the illuminated surface

(Amendment adopted June 17, 2014)

An illustration of this type of luminaire is provided below:



- (2) When a luminaire has total cutoff at 90 degrees:

The maximum illumination and the maximum permitted luminaire height shall be:

Standard	Maximum Permitted Maintained Illumination⁷	Maximum Permitted Mounting Height of Illumination⁸
Commercial and Industrial Districts	2.00 footcandles 3.00 footcandles	30 ft. 40 ft.

⁷ Measured at the property line and any public right-of-way line.

⁸ Measured from the ground to the light source.

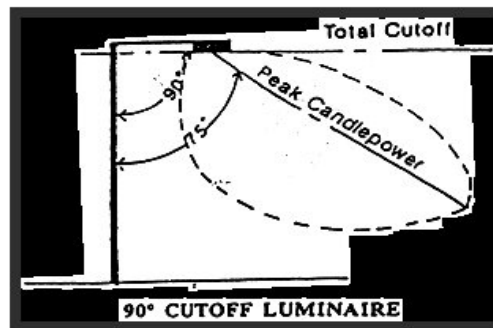
⁹ Footcandles (F) are to be calculated by dividing the lumens (L) by the distance to the property line squared ($4\pi D^2$) (i.e. $F = L / 4\pi D^2$)

where: L = intensity of the source (lumens)

D = distance between the source and the illuminated surface

(Amendment adopted May 19, 2014)

An illustration of this type of luminaire is provided below:



- b. Exemption for specified outdoor recreational uses:
- (1) These standards shall not apply to properties subject to state or federal safe lighting standards.
 - (2) Because of their unique requirements for nighttime visibility and their limited hours of operation, ballfields and tennis courts are exempt from the exterior lighting standards provided above. These outdoor recreational uses must meet all other requirements of this overlay.
 - (3) The outdoor recreational uses specified above shall not exceed a maximum permitted post height of 80 feet.

c. Additional Regulations

Notwithstanding any other provision of this section to the contrary:

- (1) This section does not apply to public street lighting.
- (2) No flickering or flashing lights shall be permitted.
- (3) Adequate lighting must be provided for the public safety in parking and similar areas.

d. Exterior Lighting Plan

At the time any exterior lighting is installed or substantially modified, and whenever a zoning certificate is sought, an exterior lighting plan shall be submitted to the Planning Department in order to determine whether the requirements of this section have been met.

3. Access Management and Parking Areas

a. Standards

- (1) Access points along the Western Loop to developments (such as curb cuts or driveways) shall be minimized. No direct access shall be permitted along the Western Loop when access may be obtained along a side or an adjacent street. The following chart lists the number of access points allowed based on road frontage and type of lot:

Interior Lot (lot with only one side having road frontage)

0 - 350 feet	1 driveway
351 - 1,000 feet	2 driveways
More than 1,001 feet	3 driveways*

Corner Lot or Lot with Multiple Road Frontages

Access may be provided along any road except the Western Loop onto which it fronts at the following rate:

0 - 350 feet	1 driveway
351 - 1,000 feet	2 driveways
More than 1,001 feet	3 driveways*

If the lot has more than 750 feet of road frontage along the Western Loop and a Traffic Impact Analysis is performed by a qualified engineer at the property owner's expense that justifies having an access point along the Western Loop, one access point may be approved by the City Council.

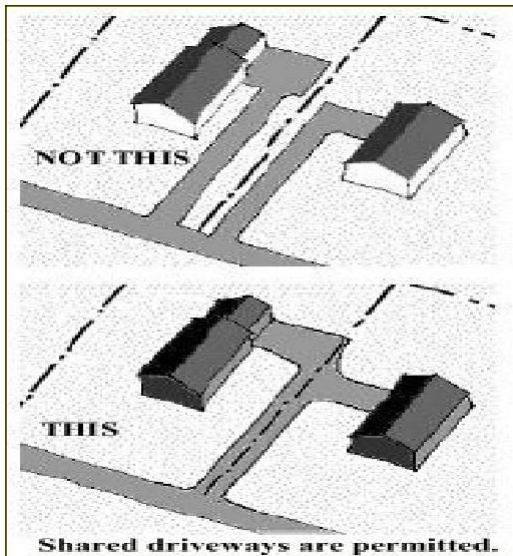
* Two driveways are the maximum number of driveways allowed per street frontage for any parcel, tract or development, including access to any and all properties designated as outparcels or to be leased or sold for future development. The Planning Director may recommend to the City Council for its approval three driveways provided the parcel has at least 1,001 feet of frontage and a Traffic Impact Analysis is performed by a qualified engineer at the property owner's expense justifying an additional driveway.

- (2) All driveway approaches for both mid-block and corner lots within this overlay district shall have both minimum corner and side clearances as below:

	Along Western Loop	Along Side Street
Corner Clearance, Ft.	250	150
Side Clearance, Ft.	30	10

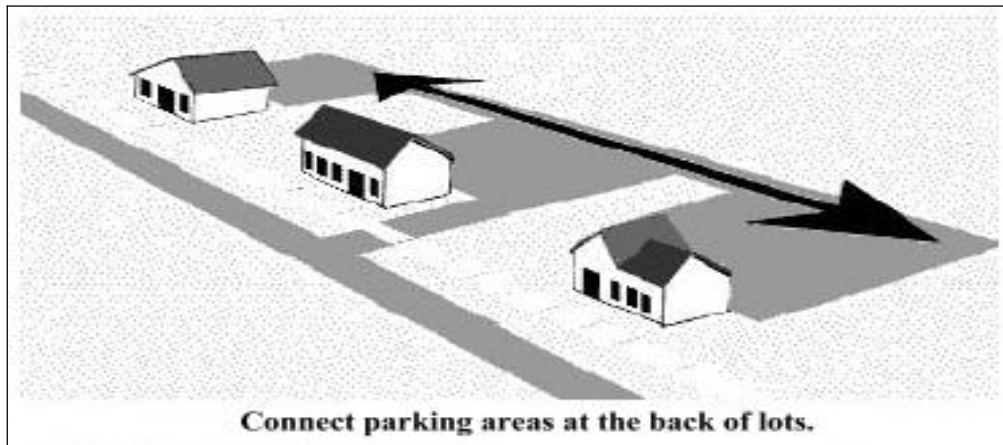
- (3) No access point shall be allowed within 10 feet of the side property line of any property or development except where a mutual access agreement exists between adjoining owners.
- (4) All parcels containing more than one driveway must maintain a minimum of 100 feet of separation between them.
- (5) Shared driveways are permitted and recommended (see Figure 2).

Figure 2



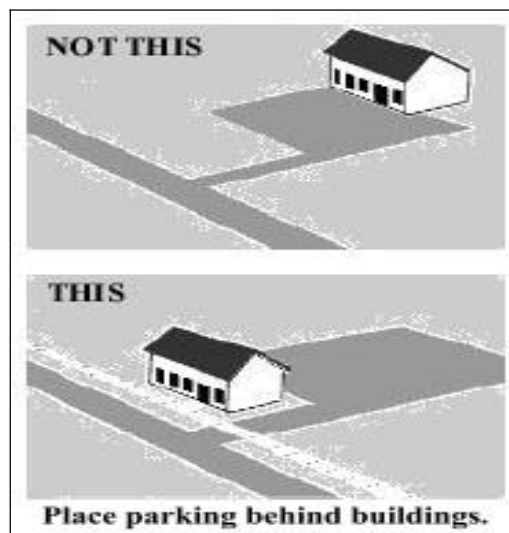
- (6) Vehicular and pedestrian access between adjoining lots is mandatory. Location and specifications for the interior lot access points shall be determined during technical review (see Figure 3). If at the time of construction the adjacent lot or lots are not being developed, the developer must provide stubouts to the adjacent lots. These stubouts will be located in accordance with the TRC's recommendation and provide for future access.

Figure 3



- (7) The maximum coverage of front yard setback by a parking lot and/or driveway shall be 20 percent.

Figure 4



- (8) Normal landscaping requirements as stated in Subsection D(7) of this overlay will still apply to parking areas. In addition, landscaped areas shall be surrounded by a concrete curb or other material, such as landscape timbers, in order to protect the landscaped area and to define its borders.
- (9) Any use or development that requires 100 or more off-street parking spaces or that generates more than 60 trips during the peak hours of 7 until 9 a.m., 11 a.m. until 1 p.m. and 4 until 6 p.m. through a single driveway may be required to provide a deceleration lane. Data shall be based on the Institute of Transportation Engineers' manual titled Trip Generation and based upon the highest land use permitted by the zoning classification.
- (10) Any parcel of record on the effective date of this section that has prohibited all vehicular access based on the provisions herein shall be allowed one access point at a location approved by the TRC.

4. Utility Wiring

a. Standards

- (1) Wiring for utilities such as telephone, electrical, cable television, etc., or related functions shall be placed under ground.

5. Building Orientation

a. Standards

- (1) The following minimum front setbacks (as measured from the property line) from the Western Loop shall be established for all development within the overlay district:

Non-Residential Development

Minimum front setback – 15 feet

Residential Development

Minimum front setback – 25 feet

- (2) The primary building entrance shall be oriented towards a public street. The primary entrance shall be designed for the pedestrian and be distinguishable from the rest of the building. Such entrances shall provide a sense of entry and add variety to the streetscape. Secondary entrances may be oriented toward side or rear parking lots. Service entrances for shipping and receiving shall be oriented away from the public street.
- (3) Buildings should be located on the site so that services (such as trash collection, dumpsters, outbuildings) are not visible from the street.

6. Screening

a. Standards

- (1) Dumpsters or trash-handling areas shall always be screened from adjacent properties and public view with a minimum six-foot high solid wooden fence or solid (and finished) masonry wall with a solid closeable gate. No chain link fencing may be used to comply with any part of this section. Dumpsters shall not be allowed in any required setback or yard space.
- (2) Dumpster or mechanical equipment may not be placed in any yard that has access to a public street.
- (3) Mechanical equipment shall be screened from the public street by walls, fencing and/or landscaping. Mechanical equipment on rooftops shall be screened from the view of the public street. No chain link fencing may be used to comply with any part of this section.
- (4) A developer may choose to substantially screen from public view a parking area by utilizing an earthen berm, masonry wall or other suitable means of screening as determined by the Technical Review Committee.

7. Landscaping

(Moved to Section 32.11A by amendment effective November 1, 2004)

8. Design Elements

a. Standards

- (1) Type of Construction – Non-residential manufactured, mobile, modular and metal units shall be prohibited, except for temporary use during construction or for storage of materials during construction. The use of vinyl and metal siding or unpainted cinder-block walls shall be prohibited, but the use of decorative, split-faced masonry products is permissible.
- (2) Roof pitches – Roof pitches less than 3/12 will require a parapet wall.
- (3) Decorative elements, such as statues, fountains and works of art are encouraged and may encroach into the setback area.
- (4) Applicants are required to submit color renderings, color elevation drawings or color photographs with the site plan or to place a note on the site plan indicating that compliance with Subsection D.(8) shall be achieved and approved by the TRC prior to issuance of a building permit.

- b. Convenience Stores with Fuel Pumps and Gasoline Service Stations: Convenience store and gasoline service station buildings shall comply with the following standards:

- (1) Buildings shall have hip or gable roofs. Flat roofs are prohibited.
 - (2) Building soffit lighting shall include diffusers that minimize glare to adjoining roadways and properties. Lighting levels measured at the ground surface, a distance of 20 feet from the edge of the soffit, shall not exceed 20 footcandles.
 - (3) Canopy lighting shall include diffusers that minimize glare to adjoining roadways and properties. Lighting levels measured at the ground surface, beneath the edge of the perimeter of the canopy, shall not exceed 20 footcandles.
 - (4) The maximum area of signage affixed to each side of a canopy shall not exceed 20 square feet or 25 percent of the canopy fascia, whichever is less.
 - (5) Canopy columns shall be finished with either brick or masonry that is consistent with the principal building material.
- c. Landscape materials or other decorative devices shall be used near driveway entrances in lieu of steel bollards. However, bollards may be used to protect fuel pump islands.
 - d. Fuel pumps will be located to the rear and/or side yard of the principal building, as viewed from the Western Loop.

E. Land Use Classification Table

(Moved to Section 32.11A:1.j. by amendment adopted March 16, 2004)