

## Section 3.05      CB Community Business District

Intent - *CB Districts* are established to provide a location for high volume and high intensity commercial uses. Activities in this *district* are often large space users which may include limited amounts of *outdoor sales* or *outdoor operations*. Developments within the *CB District* shall be coordinated to facilitate vehicular and pedestrian access from nearby residential *districts*.

### A. Permitted Uses.

#### 1. Primary Uses.

- a. Automotive Sales & Service: Automobile Parts Sales (new); *Quick Oil Change Facility*; Car Wash (automatic or self); Gasoline Service Station without repair; Motor Cycle/Scooter Sales. [Amended Ordinance #08-13; #10-11]
- b. Clothing Service: Costume Rental; Dressmaking; Dry Cleaning and Laundry Establishment; Millinery (Fabric) Shop; Self-service Laundry; Shoe Repair Shop; Tailor and Pressing Shop; Tuxedo Rental. [Amended Ordinance #10-11]
- c. Communication / Utilities: Public Utility Substation. [Amended Ordinance #10-11, 15-10]\*
- d. Educational Uses: School – Commercial, Trade or Business. [Amended Ordinance #10-11]
- e. Food Sales and Service: Bakery – Retail; *Bar*; Convenience Store; Dairy Bar – Retail; Delicatessen; Farmers Market; Grocery; Ice Cream Store – Retail; Meat Market; Restaurant – Drive In; Restaurant – Drive Through; Restaurant – Fast-food; Restaurant – Sit-down; *Tavern*; Yogurt Store – Retail. [Amended Ordinance #10-11]
- f. Miscellaneous: Agriculture Seed Sales; *Artificial Lake*; *Bed & Breakfast*; Bus Station; Clinic – medical, dental or optometrists; Electrical / Electronics Repair; Hospital; *Hotel*; Kennel (with indoor runs); *Motel* (not within a *Gateway Corridor*); Print Shop; Publishing; *Sign Painting*; Radio / Television Stations (without transmission towers); Rehabilitation Center; Sanitarium; *Tourist Home*; Veterinary Hospital. [Amended Ordinance #10-11]
- g. Office / Professional Services: Architect; Artist; Bank Machines (ATM's) – Walk-up; Bank Machines (ATM's) – Drive Through; Bank Machines (ATM's) – Free Standing; Bank / Savings & Loan / Credit Union; Construction Companies; Consultant; Contractors; Dentist; Design Services; Engineer; Home Remodeling Companies; Insurance Agent; Lawyer; Musician; Physician; Pharmacist; Photographic Studio;

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*Professional Offices*; Real Estate Office; Travel Agency. [Corrected typographical error: Supplement 314]\*, [Amended Ordinance #10-11, 11-08]

- h. Personal Service: Barber Shop; Beauty Shop; Health Spa or Fitness Center; Locksmith; Tanning Salon. [Amended Ordinance #10-11]
- i. Public Facilities: *Neighborhood Recycling Collection Point*; *Parking Garage*; Parking Lot – Commercial; *Religious Use*. [Amended Ordinance #10-11, #12-08]
- j. Recreation: Aerobics Studio; Arcade; Bait Sales; Banquet Hall; Billiard Room; Bowling Alley; Dance Studio; Miniature Golf – indoor; Private Recreation-indoor; Skating Rink (ice or roller) – indoor; Social Hall; Tennis / Racquet Club – indoor; Theater – indoor. [Amended Ordinance #10-11]
- k. Residential: *Dwelling Unit* – Upper Level; *Nursing Home*; *Rest Home*. [Amended Ordinances #09-08, #09-13, #10-11]
- l. Retail: Antique Shop; Apparel Shop; Appliance Store; Art Gallery; Arts and Craft Store; Bicycle Sales and Service; Camera Store; Card Shop; Clock Shop; Coin and Stamp Shop; Computer Store; Convenience Store; Department Store; Drug Store; Fabric Store; Floor Coverings; Flower Shop; Frame Shop; Furniture Store; Garden Supply; Gift Shop; Hardware Store; Hobby, Toy or Game Shop; Home Improvement Store; Jewelry Store; Liquor Store; Lumber Yard; Music Store; Newsdealer; Paint Store; Pet Store; Radio, TV, Music Sales and Service; Retail Showroom; Satellite Dish Sales and Service (indoor display); Shoe Store; Sporting Goods; Stationery and Book Store; Tobacco Store; Variety Store; Video Store; Wall Coverings. [Amended Ordinance #10-11]

2. *Special Exception Uses*.

- a. Automotive Sales & Service: *Automotive Repair – Minor*; Gasoline Service Station with minor repair (not to exceed two (2) accessory indoor service bays). [Amended Ordinance #08-13; #10-11]
- b. Governmental Use: Fire Station; Governmental Offices; Municipal/State Road Maintenance Facility; Police Station; Post Office – with or without parking of delivery vehicles. [Amended Ordinance #04-13; #10-11]
- c. Communications / Utilities: *Telecommunications Tower*; Electricity Relay Station; Non-municipal Pumping Stations; Water Towers. [Amended Ordinance #05-01, 15-10]\*
- d. Miscellaneous: Kennels (with outdoor runs); *Motel* (within a *Gateway Corridor*); Radio / Television Stations (with transmission towers). [Amended Ordinance #10-11]

- e. Public Facilities: Athletic Field – Public; Community Center; Public Park; Public Recreation Development; Recreation Center; *Recycling Facility*. [Amended Ordinance #10-11, 12-08]\*
  - f. Recreation: Arcade; Miniature Golf – outdoor; Skating Rink (ice or roller) – outdoor; Tennis / Racquet Club – outdoor; Theater – outdoor. [Amended Ordinance #10-11]
  - g. Residential: *Multifamily Townhouse* – with Mixed Use Development; *Single Family Dwelling* – with Mixed Use Development. [Amended Ordinance #09-08; #10-11]
  - h. Retail: Satellite Dish Sales and Service (outdoor display). [Amended Ordinance #10-11]
  - i. Educational Uses: Child Care Centers; Private School. [Added Ordinance #05-11; 10-11]
3. Accessory Uses – See Section 3.07, A. – Accessory Uses, Buildings and Structures.
4. Temporary Uses – See Section 3.07, B. – Temporary Uses, Buildings and Structures

**B. Development Standards.** [Amended Supplement #7 corrected formatting]

1. Minimum *Lot Width* and *Frontage* - each *single use site, subdivision, or integrated center* shall have a minimum *frontage* on a *public street* of 100 feet.

Each *lot* or *out lot* shall have sufficient *frontage* and *access* as set forth in Section 7.06, B., 1. Lot Arrangement of this UDO. [Amended Ordinance #13-09]

2. *Minimum Yards* and *Building Setbacks*

- a. Front - a minimum *front yard* and minimum *building setback* measured from the greater of the *proposed right-of-way* or *existing right-of-way* shall be provided as follows:

<i>Freeway</i> - NC-540 / US 1: [Amended Ordinance #14-07]*	100'
<i>Freeway</i> - NC 55 Bypass:	50'
<i>Thoroughfare</i> :	50'
<i>Collector Street</i> :	50'
<i>Local Street / Cul-de-Sac Street</i> :	50'

Provided, however, any 50' minimum *front yard* and minimum *building setback* listed above for a *thoroughfare, collector street, local street* or *cul-de-sac street* may be reduced to 30' by utilizing the following design features: [Amended Ordinance #09-18, #13-09]

- (1) All architectural regulations as stated in Section 3.08 are provided without alternate compliance for the *façade* adjacent to the *front yard*; [Added Ordinance #09-18]
- (2) all *parking areas* are located without a waiver of *parking area* location as stated in 7.04, E., 3. Maximum Number of *Off-Street Parking Spaces*; and [Added Ordinance #09-18]
- (3) no *parking areas* or *interior access drives* are located between the *front lot line* and front line of the *primary building*. [Amended Ordinance #09-18]

- b. Minimum *Side Yard* and *Setback* - shall be provided from the *lot line* as follows:

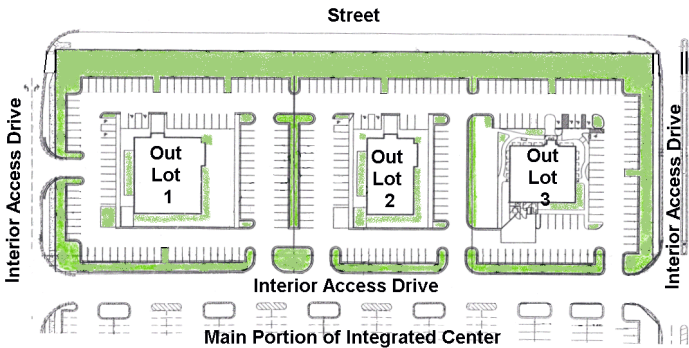
- (1) Minimum *Side Yard* - ten (10) feet
- (2) Minimum *Side Bufferyard* – twenty-five (25) feet

- c. Minimum *Rear Yard* and *Setback* - shall be provided from the *lot line* as follows:

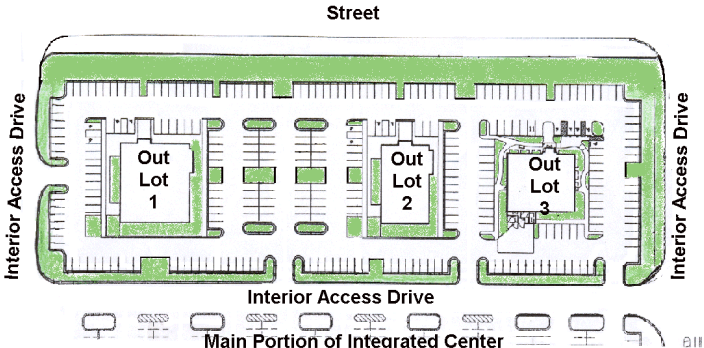
- (1) Minimum *Rear Yard* - ten (10) feet
  - (2) Minimum *Rear Bufferyard* – twenty-five (25) feet
- d. *Minimum Yards for Out Lots* - *Out lots* or *multi-tenant buildings* within an *integrated center* shall provide a *minimum yard* of five (5) feet along all *lot lines* in common with other *out lots* and a *minimum yard* of ten (10) feet along all *lot lines* in common with the main portion of the *integrated center*. If any portion of an *out lot* abuts the perimeter of the *integrated center*, that portion of the *out lot* shall be required to comply with the applicable *minimum front, side* or *rear yard* requirements set forth above. The main portion of the *integrated center* shall not be required to provide a *minimum yard* along the *lot line* in common with an *out lot*. If an *out lot* is for an *individual tenant space* within a *multi-tenant building*, there shall be a *minimum side yard* of zero (0) feet. [Amended Ordinance #13-09]\*

Provided, however, the *minimum yards* for *out lots* along all *lot lines* in common with other *out lots* may be used for *parking areas, loading areas, interior drives* or *interior access drives* provided that:

- (1) the area of each such *minimum yard* that would have been devoted to landscaping and the amount of landscape material that would have been required to be installed in each such *minimum yard*, if not complying with the special provisions of this sub-Section, are provided elsewhere on each of the affected *out lots* as either additional *foundation landscaping area* or additional *interior parking area* landscaping; and,
- (2) documentary assurances are provided on the *final plat* or by other legally binding instrument which binds the adjoining *lots* to be developed in compliance with the special provisions of this sub-Section allowing such *minimum yards* to be used for *parking areas, loading areas, interior drives* or *interior access drives* subject to the provision of such additional *foundation landscaping area* or additional *interior parking area* landscaping.



Example of Out Lot Development with Required Landscaping Between Out Lots



Example of Out Lot Development Using Option to Relocate Landscaping From Between Out Lots to Parking Areas and Foundation Areas

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3. Use of *Minimum Yards* and *Bufferyards*

Use of *Minimum Yards* and *Bufferyards* - all *minimum yards* and *bufferyards* shall be landscaped in compliance with the requirements for perimeter *yard* landscaping as set forth in Section 7.01 – Landscape Regulations of this UDO and shall remain free from *structures* except where expressly permitted below:

- a. Minimum *Front Yards* - may include: *driveways*; or, *signs* as regulated by Section 7.03 – Sign Regulations of this UDO, and shall otherwise be maintained as *open space* free from *buildings* or *structures*;
- b. Minimum *Front Bufferyards* - may include: *driveways*; or, *signs* as regulated by Section 7.03 – Sign Regulations of this UDO, and shall otherwise be maintained as *open space* free from *buildings* or *structures*;
- c. Minimum *Side and Rear Yards* - minimum *side* and *rear yards* may include: *interior access driveways*; *walkways*; or, pedestrian ways, connecting to adjoining *lots* or developments provided that the remainder of said *yards* shall be maintained as *open space* free from *buildings* or *structures*;
- d. Minimum *Side and Rear Bufferyards* - shall be maintained as *open space* free from *buildings* or *structures*.

4. *Maximum Building Height* – fifty-five (55) feet; provided, however, that: [Amended Supplement #07-03]

- a. no portion of any *building* located between thirty (30) feet and fifty (50) feet from a *front lot line* shall be in excess of forty-five (45) feet; and,
- b. the *setback* for that portion of any *building* or *structure* which is in excess of forty-five (45) feet shall be increased by one (1) foot for each one (1) foot of the height of the *building* or *structure* above forty-five (45) feet until the maximum height of the *building* or *structure* is allowed.

5. *Parking and Loading* - See Section 7.04 – Off-Street Parking Regulations and Section 7.05 – Off-Street Loading Regulations.

6. *Signs* - See Section 7.03 – Sign Regulations.

7. *Outdoor Operations* - All uses and operations (except *off-street parking*, *off-street loading* and delivery, walk-up customer service windows, drive-through customer service windows, outdoor recreation uses, and outdoor public facilities) shall be conducted completely within enclosed *buildings*, except where expressly permitted below: [Amended Ordinance #12-08]\*

- a. Outdoor seating for restaurants:
- (1) shall not be located between a *building line* and a *bufferyard*;
  - (2) shall not be located in any required *yard* or any *street right-of-way*;
  - (3) shall be located adjacent to the business' tenant bay or storefront façade;
  - (4) shall be included in the calculation of required *foundation landscaping area* and any applicable *building foundation landscaping area* and associated *plant unit value* shall be extended or relocated around the perimeter of the outdoor seating area;
  - (5) shall not exceed twenty-five (25%) percent of the *gross floor area* of the restaurant; [Amended Ordinance #19-03]\*
  - (6) shall not block the entrance to the business or *building*; and,
  - (7) shall be located so as to not interfere or conflict with sidewalks, pedestrian ways, required *parking areas*, required *loading areas*, *driveways*, *interior access drives*, *interior access driveways*, perimeter landscape *yards* or foundation landscaping.
- b. Vending machines:
- (1) shall abut the exterior wall of the *building*; [Amended Ordinance # 14-07]
  - (2) shall not be located in a required *yard* or required *bufferyard*; and [Amended Ordinance # 14-07]
  - (3) no individual machine shall exceed twenty-four (24) cubic square feet. [Added Ordinance # 14-07]
- c. Outdoor Display or Sales of Merchandise: [Amended Ordinance # 08-12]
- (1) shall be *accessory* to the *primary use*;
  - (2) shall not exceed the lesser of: five (5%) percent of the gross floor area; or 10,000 square feet, for each non related and separately operated use; provided, however this may be increased to the lesser of: ten (10%) percent of the gross floor area; or 20,000 square feet, for each non related and separately operated use; if those areas are designated as *outdoor display*, or sales/rentals on an approved site specific *development plan*. [Amended Ordinance # 15-10]
  - (3) shall not be located in a *required yard* or *required bufferyard*;

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- (4) shall not extend out more than twenty (20) feet from the front facade;
  - (5) shall not extend out more than fifty (50) feet from any side or rear facade;
  - (6) shall not exceed eight (8) feet in height along the front facade; and
  - (7) shall be located so as to not interfere or conflict with sidewalks, pedestrian ways by maintaining five (5) feet of sidewalk clear for pedestrian flow; shall be located so as not interfere or conflict with any minimum required main *parking areas, loading areas, driveways, interior access drives, interior access driveways, perimeter landscape yards or foundation landscaping.*
- d. *Outdoor Storage* – Storage of materials not for sale but associated with the *primary use*. [Added Ordinance #08-12]
- (1) shall be *accessory* to the *primary use*;
  - (2) shall only be located along the rear facade of the *building* or those area(s) designated as *outdoor storage* on an approved site specific *development plan*;
  - (3) shall not exceed the lesser of: ten (10) percent of the *gross floor area*; for each non-related and separately operated *use*;
  - (4) shall not be located in a *required yard* or *required bufferyard*;
  - (5) shall be enclosed within a chain link, lattice, *ornamental fence*, solid walled, or similar type fenced area, including entry/exit gates made of materials compatible with the fence, if a solid wall is constructed, the primary masonry *building material* of the *primary building* shall be used; [Amended Ordinance #19-03]\*
  - (6) The height above *grade* of said fence shall be at least six (6) feet and shall not exceed the lesser of twenty (20) feet or the height of the roofline; and
  - (7) Materials or products stored within the fenced storage area shall not exceed the height of the fence.
- e. Gasoline Pumps - provided that no outdoor operations other than the dispensing or installation of gasoline, oil, antifreeze and other similar products and the performance of minor services for customers as related to said dispensing or installation are conducted on the site.



- f. Walk-up or drive through customer service windows or Automated Teller Machines (ATM's), provided that such facilities shall be located so as to not interfere or conflict with sidewalks, pedestrian ways, *parking areas*, *loading areas*, *driveways*, *interior access drives*, *interior access driveways*, perimeter landscape *yards* or foundation plantings.
  
  - g. Outdoor *playgrounds* provided that such outdoor *playground*:  
[Added Ordinance #19-03]\*
    - (1) is an *accessory use* to a *permitted use*; and
  
    - (2) shall be included in the calculation of required *foundation landscaping area* and any applicable *building foundation landscaping area* and associated *plant unit value* shall be extended or relocated around the perimeter of the outdoor *playground area*.
8. Landscape Requirements - See Section 7.01 – Landscape Regulations.

**C. Mixed Use Option** [Added Ordinance #09-08]\*

Intent – The Mixed Use Option is established, consistent with the Vision Holly Springs *Comprehensive Plan*, to promote and guide integrated diverse but compatible *uses* into a development that is defined by unique and innovative design and pedestrian friendly features. This option is intended to be an alternative to the suburban mind-set that development be unconnected and uncoordinated, increasing reliance on individual vehicles and traffic congestion.

1. *Permitted Uses.*

All *uses* set forth in Section 3.05, A. – Permitted Uses shall be considered *permitted uses* in a Mixed Use Option *project*. The *uses* are arranged in categories to provide an appropriate mix of *uses*. *Uses* are placed in categories based on similar impacts and to ensure diversity of *uses*.

The Mixed Use Option *project* shall include both commercial and residential *uses* as specified below. Each *project* must contain a minimum of twenty (20) percent of residential *uses* and twenty (20) percent of commercial *uses*. Such *uses* may be contained within the *project* or within a *building*.

- a. Commercial – Retail, Office/Professional Services, Miscellaneous, Clothing Service, Food Sales and Service, Personal Services, Recreation Uses.
- b. Residential – *single family* and/or *multifamily dwellings*.



Additional *uses* not listed in the categories above may be provided in accordance with Section 3.05, A. – Permitted Uses but shall not count towards the minimum twenty (20) percent requirement.



2. *Mixture of Uses.*

- a. The *project* shall contain the required minimum amount of commercial and residential *uses* within six (6) years of the first *certificate of occupancy* issued.
- b. For Mixed Use Option *projects* developed in phases, (as defined in the *project's* approved *Master Plan*), each phase shall be able to function as a stand alone development and the *project* shall contain the required common space/*open space* at all times during the phases of construction.

- c. The *Town Council* may grant a one (1) year extension for a total of five (5) years if the property owner can provide evidence that a mix will be provided by the end of the additional year. The evidence may include, but is not limited to, tenant contracts, leases or other legal construction agreements with specific deadlines.
3. Development Standards.
- a. *Minimum Lot Width and Frontage* - None
  - b. *Maximum Project Gross Density* –fifteen (15) *dwelling units* per acre, provided, however: [Added Ordinance #12-05]\*
    - (1) Any *project* located within a designated high density Community Growth Area or Regional Center as specified in the *Comprehensive Plan* shall have a *project gross density* of:
      - (a) Minimum- fifteen (15) *dwelling units* per acre.
      - (b) Maximum- unlimited.
  - c. *Building Orientation*:
    - (1) A minimum of seventy-five (75) percent of the *building* front should utilize a zero (0) foot *setback*.
    - (2) *Primary building* facades should be parallel to the sidewalk (*right-of-way*), except where it is desired to maintain a highly desirable vista.
    - (3) Where portions of a *building* are located away from the sidewalk (*right-of-way*), such areas should be treated as courtyards (developed hardscapes utilizing decorative pavement materials) as necessary to promote pedestrian activity and patron interaction.
  - d. *Building Setbacks and Separation*:
    - (1) All *setbacks* shall follow Section 3.05, B., 2. – *Minimum Yards and Building Setbacks* except as follows and elsewhere in this section:
      - (a) *Buildings* located on the periphery of the Mixed Use Option *project* directly adjacent to a residential *district* shall be located a minimum of twenty (20) feet from the *project* boundary. [Amended Ordinance #12-05]\*

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- (b) *Buildings* located on the periphery of the Mixed Use Option *project* directly adjacent to *streets*, as well as commercial *district* property shall be located a minimum of ten (10) feet from the *project* boundary. [Added Ordinance #12-05]\*
  - (c) No *building* shall encroach upon the *right-of-way* of a proposed thoroughfare as designated on the *Comprehensive Transportation Plan*. [Amended Ordinance #12-05]\*
  - (d) There shall be no interior *setbacks* and separation requirements. All internal non-residential *buildings* are encouraged to be located within ten (10) feet of *street rights-of-way* to enhance the walkability of the development. *Buildings* located large distances from roads and pedestrian trails are strongly discouraged. However, all *structures* shall meet state *building* code requirements and all other requirements to protect the health, safety and welfare of occupants.
- e. *Maximum Building Height* - seventy-five (75) feet. [Amended Ordinance #12-05]\*
- f. *Off-Street Parking Areas* – Whenever feasible, *off-street parking* shall comply with the following criteria:
- (1) Development Standards:
    - (a) *Off-Street Parking areas* shall be located where residents and businesses have easy and convenient access. The *project* shall consider dedicating a certain portion of *off-street parking* for each *use* and must submit a parking study based on the proposed breakdown. The parking study shall be based on similar projects, with similar *use* percentage breakdowns when possible, in the surrounding area. The *off-street parking area* should not be located in such a manner that it dominates the *street frontage*.
    - (b) *Off-street parking* should be oriented behind or to the side of a *building* when possible and shall not exceed a maximum depth of sixty (60) feet (i.e. two-way aisle with parking on both sides) not counting required landscaping.
    - (c) *Off-street parking* requirements shall be governed by the provisions set forth in Section 7.04 – Off-Street Parking Regulations except as modified by this section.

- (d) To allow for infill development and higher densities, structured parking shall be encouraged to meet *off-street parking* requirements. [Added Ordinance #12-05]\*
  
- (2) Design Guidelines:
  - (a) Shared Parking - Where parking demands for the various *uses* within the *project* peak during different times of the day, parking should be shared. *Off-street parking* should be developed as a combined *off-street parking area* under the provisions outlined in Section 7.04 – Off-Street Parking Regulations.
    - (i) *On-street parking* located along the *project frontage* may be counted towards the minimum number of required *off-street parking spaces* for the commercial component within the *project*. The number of *off-street parking spaces* may be reduced if a combined *off-street parking area* is approved based on the shared parking and parking study requirements set forth above.
    - (ii) However, in no case shall the combined required *off-street parking* for the mixed use *project* provide less than the minimum required *off-street parking* for the residential *use*.
    - (iii) The *Director* shall determine the required *off-street parking* for *uses* not mentioned in this section or elsewhere in the UDO, based on the requirements for similar *uses*.
    - (iv) *Staff* may authorize the use of combined *off-street parking areas* for *uses* or activities located within mixed use *projects* if it finds that the mixed use *project* is in accordance with Section 7.04, E., 4. – Reduction for Combined Off-Street Parking Areas.
    - (v) Alternate Parking Plan approval shall be subject to the following conditions and limitations:
      - a) No more than fifty (50) percent of the *off-street parking* required for a *building* or *use* may be supplied by *off-street parking areas* required for any other *building* or *use*.

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- b) The applicant shall submit sufficient data to indicate that there is no substantial conflict in the principal operating hours of the *uses* proposing to make use of the combined *off-street parking areas*.
- c) The property owners involved in the joint use of *off-street parking areas* shall submit a legal agreement approved by the town attorney as to form and content guaranteeing that said required *off-street parking* shall be maintained so long as the *use* requiring *off-street parking* is in existence or unless the required *off-street parking* is provided elsewhere in accordance with the provisions of this Section. Such instrument, when approved as conforming to the provisions of this section, shall be recorded by the property owner with the Wake County Register of Deeds and a copy thereof filed with the Department of Planning & Zoning.

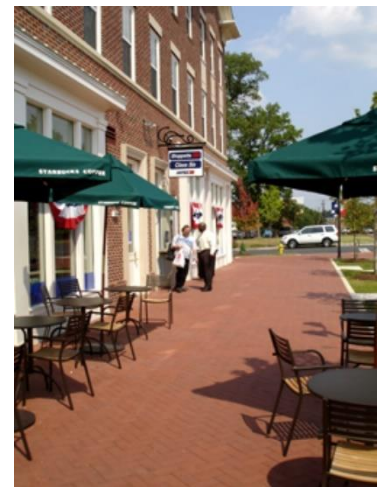
- g. *Open Space* and Public Spaces - The purpose of *open space* is to provide areas for passive and active social interaction. Areas which are accessible to the passing public are considered public spaces and are just as important to a development as those accessible only to the residents of the *project*.

*Open space* areas should be surrounded by attractively designed *building* and landscape elements as well as *uses* that effectively shape and energize the *open spaces* as necessary to create a focal point of activity. Each Mixed Use Option *project* must contain *open space*, to be comprised of an amount of one (1) percent, of the total *project* acreage/square feet.



- (1) As a whole, *open space* should satisfy the following criteria:
  - (a) Provide areas for social interaction with other people; or for passive and active *uses* as appropriate.

- (b) Public spaces shall be accessible to residents.
  - (c) Provide a strong image and sense of place.
  - (d) Be a part of the pedestrian linkage throughout the *project* and adjacent land *uses*.
  - (e) Provide an overall theme and visual connection between spaces and *uses* within the *project*.
  - (f) Be designed or located to ensure that it is useable year-round.
  - (g) Provide areas which have awnings, wind breaks, sun shade and/or landscaping that would provide shelter from the elements.
  - (h) Create a pleasant pedestrian village-like atmosphere.
- (2) *Open space* may include, but is not limited to, outdoor areas such as *plazas*, outdoor dining areas, rooftop gardens, and landscaped areas designed for active use.
  - (3) *Open space* should be located or designed in such a manner that noise or activity does not unduly impact the residents of the mixed use *project* or nearby residential *projects*.
  - (4) Encouraged to be located adjacent to the retail component of the *project* that can be converted for joint use with outdoor dining and pedestrian access. However, when used in conjunction with an outdoor dining area, the area shall be designed in such a manner that pedestrian access is not being impeded or hindered. The minimum dimension for clear pedestrian access should be at least six (6) feet.
  - (5) Where possible, larger public spaces should be located near the main pedestrian access to the *project*.
- h. Commercial Design Guidelines - When positioning commercial *uses*, issues such as access and entrances, address, identity and visibility, security, marketability, and connections to other *uses* should be taken into



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account. Retail space should be designed with adequate access from all internal *uses*. Proximity to existing commercial *uses* located on adjacent parcels is essential because it allows for the continuation of commercial corridors. Whenever possible, the commercial areas should include *street* front retail that promotes an active pedestrian area to draw the attention of the passing public. To accommodate the conditions of the ever-changing economic trends, the commercial areas should be designed to allow easy conversion from one commercial *use* to another.

(1) The commercial area of the Mixed Use Option *project* shall include the following elements:

- (a) Storefront windows that provide transparency to the *building* at the pedestrian level.
- (b) Visual interest which can draw the attention of the passing public.
- (c) Whenever feasible, orientation towards the *street* and major pedestrian or plaza areas.
- (d) Locate retail commercial *uses* relying heavily on passing foot traffic such as retail *uses* at ground level, with less active *uses* (i.e., office *uses*) located above ground level.



(2) In all cases, unless stated elsewhere in this section, commercial *projects* shall be subject to the architectural and site design requirement set forth in Section 3.08 – Architectural and Site Design Requirements.

- h. Residential Design Guidelines - Residential *uses* may be located in a separate *building* or in mixed configurations with commercial *uses* in the same *structure*. Factors such as privacy, security, amenities, and views are very important. To provide adequate privacy and security, residential entrances can be placed in the quieter areas away from the main commercial portions. Access to *open space* areas, either public or private is important.





- (1) Residential *uses* may be located in a separate *building* or in mixed configuration with commercial in the same *structure*, single family detached lots and/or *multifamily townhouses* may be located in an integrated area of the Mixed Use Option *project*. When in a mixed configuration, residential *uses* should be located on the upper stories; or, on ground floors when the *structure* does not use storefront space. In no case shall residential *uses* be located on the ground floor of a *building* located on commercial *street frontage*.
- (2) In all cases, multifamily *buildings* (i.e. *apartments, condominiums*) shall be subject to the architectural and site design requirement set forth in Section 2.07, D. – Architectural and Site Design Review of this UDO.
- (3) In all cases, *single family dwellings* and/or *multifamily townhouses* shall be subject to the design features set forth in Section 2.09, C., 2., d.- Design Features of this UDO.
- (4) Design Features shall be required for each *dwelling unit* over fifteen (15) *dwelling units* per acre for any *multifamily project* which includes a *gross density* of greater than fifteen (15) *dwelling units* per acre as specified in Section 2.07, C., 2. – R-MF-15 Multifamily Residential District- Design Features of this UDO.  
[Added Ordinance #12-05]

**Section 3.05**  
**CB Community Business District**

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**D. Architectural and Site Design Review.** [Amended Ordinance #09-08]\*

All development located within the CB *district* shall be subject to the architectural and site design requirements set forth in Section 3.08 – Architectural and Site Design Requirement of this UDO.