

Adopted February 21, 2022
Amended Through October 5, 2026

Town of Mooresville Unified Development Ordinance (UDO)

Table of Contents

CHAPTER 1: GENERAL PROVISIONS 1

1.1. Official Title 1

1.2. Authority 1

1.2.1. General Authority 1

1.2.2. References to North Carolina General Statutes 1

1.3. General Purpose and Intent 1

1.4. Applicability and Jurisdiction 3

1.4.1. General Applicability 3

1.4.2. Application to Government Units. 3

1.4.3. Exempt Development 3

1.4.4. Permit Choice 3

1.4.5. Bona Fide Farms in Extra-Territorial Jurisdiction (ETJ) 4

1.5. Conformance with Adopted Plans 4

1.5.1. Comprehensive Plan 4

1.5.2. Small Area Plans 4

1.5.3. Parks and Recreation Master Plan 5

1.5.4. Transportation Plans 5

1.6. Relationship with Other Laws, Covenants, or Agreements 6

1.6.1. Conflicts with Other Town Codes or Laws 6

1.6.2. Transportation Impact Analysis 6

1.6.3. Conflicts with Private Agreements 7

1.6.4. Conflicts with State or Federal Law 7

1.6.5. Existing Agreements or Vested Rights 7

1.7. Official Zoning District Map 7

1.7.1. Purpose 7

1.7.2. General 7

1.7.3. Designation of Zoning District Classification for Extraterritorial Boundary Changes or Annexation 8

1.7.4. Interpretation of Official Zoning District Map Boundaries 8

1.7.5. Changes to Official Zoning District Map 9

1.8. Vested Rights 10

1.8.1. Generally. 10

1.8.2. Statutory Vesting 10

1.8.3. Common Law Vesting 10

1.9. Transitional Provisions 11

1.9.1. Violations Continue 11
1.9.2. Nonconformities 11
1.9.3. Complete Applications 11
1.9.4. Approved Applications 12
1.9.5. Approved Special Use Permits. 12
1.9.6. Transitions to New Zoning Districts 12

CHAPTER 2: ADMINISTRATION 15

2.1. General Provisions 15

2.2. Summary Table of Review Procedures 15

2.3. Review and Decision-Making Bodies 17

2.3.1. Town Board of Commissioners 17
2.3.2. Planning Board 18
2.3.3. Board of Adjustment 19
2.3.4. Historic Preservation Commission 21
2.3.5. Planning Director 23

2.4. Common Review Procedures 25

2.4.1. Pre-Application Conference 25
2.4.2. Neighborhood Meeting 27
2.4.3. Application Submission and Completeness Review 28
2.4.4. Staff Review and Action 30
2.4.5. Scheduling of Public Hearings and Public Notification 31
2.4.6. Advisory Board Review and Recommendation 35
2.4.7. Decision-Making Body Hearing, Review, and Decision 36
2.4.8. Post-Decision Actions and Limitations 36
2.4.9. Other Application-Related Provisions 38

2.5. Application-Specific Procedures 41

2.5.1. UDO Text Amendment 41
2.5.2. Zoning Map Amendment 43
2.5.3. Planned Development District 46
2.5.4. Conditional Zoning District Classification 50
2.5.5. Special Use Permit 54
2.5.6. Comprehensive Plan Amendment/ Future Land Use Amendment/ Small Area Study 57
2.5.7. Concept Plan 59
2.5.8. Site Plan 62

2.5.9. Subdivision 65
2.5.10. Right-of-Way Abandonment 74
2.5.11. Zoning Permit 75
2.5.12. Sign Permit 77
2.5.13. Tree Removal Permit 79
2.5.14. Driveway Permit 80
2.5.15. Floodplain Development Permit 81
2.5.16. Certificate of Appropriateness 82
2.5.17. Variance 86
2.5.18. Variance – Floodplain 89
2.5.19. Variance – Watershed 93
2.5.20. Watershed Density Averaging Certificate 99
2.5.21. Administrative Adjustment 101
2.5.22. Appeal of Administrative Decisions 104
2.5.23. Modification of Architectural Standard 106
2.5.24. Interpretation 108
2.5.25. Vested Rights Determination 111
2.5.26. Performance Guarantee 112

CHAPTER 3: ZONING DISTRICTS 121

3.1. General Provisions 121
3.1.1. Zoning Districts Established 121
3.1.2. Relationship Between Categories of Zoning Districts 121
3.1.3. Compliance with District Standards Required 121

3.2. Residential Base Districts 121
3.2.1. Purpose and Intent 121
3.2.2. RC: Rural Conservation 122
3.2.3. RLS: Residential Limited Service 124
3.2.4. RLI: Residential Low-Intensity 126
3.2.5. RG: Residential General 128
3.2.6. HMV: Historic Mill Village 130
3.2.7. TN: Traditional Neighborhood 137

3.3. Mixed-Use and Nonresidential Base Districts 139
3.3.1. Purpose and Intent 139
3.3.2. TD: Traditional Downtown 140
3.3.3. DE: Downtown Extension 142
3.3.4. CM: Corridor Mixed-Use 144
3.3.5. CC: Community Commercial 148

3.3.6. HLI: Hybrid Light Industrial 152
3.3.7. IN: Industrial 155

3.4. Conditional Zoning Districts 157
3.4.1. Purpose and Intent 157
3.4.2. Conditional Districts 157
3.4.3. Designation 157
3.4.4. Allowable Uses 157
3.4.5. Applicable Standards 157

3.5. Planned Development District 159
3.5.1. Established Planned Development District 159
3.5.2. Planned Development District 159

3.6. Overlay Districts 165
3.6.1. General Provisions 165
3.6.2. WPO: Watershed Protection Overlay 166
3.6.3. HPO: Historic Preservation Overlay 174
3.6.4. BSRO: Brawley School Road Overlay 178

CHAPTER 4: USE REGULATIONS 181

4.1. General Provisions 181
4.1.1. Organization of This Chapter 181
4.1.2. Interpretation of Uses 181
4.1.3. Overlay District Use Regulations 182

4.2. Use Table 182
4.2.1. Use Table Organization and Abbreviations 182
4.2.2. Table of Principal, Accessory, and Temporary Uses 183

4.3. Use Standards 188
4.3.1. General 188
4.3.2. Agricultural Uses 189
4.3.3. Residential Uses 190
4.3.4. Institutional Uses 202
4.3.5. Commercial Uses 217
4.3.6. Industrial Uses 236
4.3.7. Accessory Uses and Structures 243
4.3.8. Temporary Uses and Structures 250

CHAPTER 5: DEVELOPMENT STANDARDS 255

5.1. Access and Connectivity Standards 255
5.1.1. Purpose 255

5.1.2. Applicability....255
5.1.3. Circulation Plan Required....256
5.1.4. Landowner or Developer Responsible for Improvements....256
5.1.5. Access and Connectivity Standards....256
5.1.6. Street, Sidewalk, and Greenway Standards....265
5.2. Off-Street Parking, Bicycle Parking, and Loading Standards....274
5.2.1. Purpose....274
5.2.2. Applicability....275
5.2.3. Parking and Loading Plan Required....275
5.2.4. General Parking and Loading Area Standards....276
5.2.5. Off-Street Parking Standards....287
5.2.6. Off-Street Parking Alternatives....290
5.2.7. Vehicle Stacking Standards....298
5.2.8. Bicycle Parking Standards....299
5.2.9. Off-Street Loading Standards....304
5.3. Landscape and Buffer Standards....306
5.3.1. Purpose....306
5.3.2. Applicability....306
5.3.3. General Requirements for Landscaping....307
5.3.4. Site Landscaping....313
5.3.5. Vehicular Use Area Landscaping....314
5.3.6. Perimeter Buffers....318
5.3.7. Street Trees....324
5.3.8. Screening....327
5.3.9. Alternative Landscaping Plan....328
5.3.10. Installation Time and Permitted Delays....331
5.3.11. Maintenance....332
5.4. Tree Protection Standards....335
5.4.1. Purpose....335
5.4.2. Applicability....335
5.4.3. Tree Removal Permit Required....337
5.4.4. Protected Trees Defined....337
5.4.5. Retention and Preservation of Protected Trees....337
5.4.6. Specimen Trees....340
5.4.7. Tree Protection Zone....342
5.4.8. Tree Protection During Construction....344
5.4.9. Tree Preservation Incentives....347
5.4.10. Deferral of Tree Replacement....347

5.5. Flood Damage Prevention 348
5.5.1. General Provisions 348
5.5.2. Flood Damage Prevention Standards 350
5.5.3. Administration 351
5.5.4. Provisions for Flood Hazard Reduction 360
5.5.5. Legal Status 374
5.6. Open-Space Set Aside Standards 386
5.6.1. Purpose and Intent 386
5.6.2. Applicability 386
5.6.3. Minimum Required Open Space Set-Asides 387
5.6.4. Open Space Set-Aside Areas and Features 388
5.6.5. General Design and Configuration 390
5.6.6. Timing of Improvements 394
5.6.7. Ownership and Maintenance 394
5.7. Fence and Wall Standards 395
5.7.1. Purpose 395
5.7.2. Applicability 396
5.7.3. Installation and Maintenance 396
5.7.4. Location on Lot 397
5.7.5. Maximum Height 397
5.7.6. Materials and Design 399
5.7.7. Security Exemption 401
5.8. Exterior Lighting Standards 402
5.8.1. Purpose 402
5.8.2. Applicability 403
5.8.3. Lighting Plan Required 404
5.8.4. General Standards 405
5.8.5. Standards for Specific Uses and Site Features 410
5.8.6. Streetlights 411
5.8.7. Illumination Measurement 412
5.8.8. Prohibited Lighting 412
5.8.9. Exemptions for Safety Reasons 413
5.9. Form and Design Standards 414
5.9.1. Purpose and Intent 414
5.9.2. Applicability 415
5.9.3. General Form and Design Standards 421
5.9.4. Multi-family Residential Form and Design Standards 423
5.9.5. Commercial and Mixed-Use Form and Design Standards 429

5.9.6. Industrial Form and Design Standards 440

5.10. Neighborhood Compatibility Standards 443

5.10.1. Purpose 443
5.10.2. Applicability 444
5.10.3. Site Design 445
5.10.4. Building Design 447
5.10.5. Exterior Lighting 450
5.10.6. Signage 450

5.11. Sign Standards 451

5.11.1. Purpose and Intent 451
5.11.2. Applicability 451
5.11.3. General Provisions 456
5.11.4. Allowed Signs 461
5.11.5. Attached Signs 462
5.11.6. Freestanding Signs 466
5.11.7. Temporary Signs 470

5.12. Attainable Housing Incentives 470

5.12.1. Purpose 470
5.12.2. Incentives for the Construction of Attainable Housing Units 471
5.12.3. Review 473
5.12.4. Additional Requirements 473

5.13. Transportation Infrastructure Sufficiency 434

5.13.1. Purpose 474
5.13.2. Exceptions 475
5.13.3. Determination of Sufficiency 475

5.14. Transportation Impact Analysis Standards 436

5.14.1. Purpose 476
5.14.2. Exemptions 478
5.14.3. Applicability 479
5.14.4. Procedures 480
5.14.5. Mitigation Measures 480

5.15. Driveway Permit 481

5.15.1. Purpose 481
5.15.2. Applicability 483
5.15.3. Design Standards 484
5.15.4. Drainage Requirements 491
5.15.5. Street and Utility Repairs 491

CHAPTER 6: SUBDIVISION STANDARDS 505
6.1. General Provisions 505
6.1.1. Purpose 505
6.1.2. Applicability 505
6.2. General Subdivision Standards 506
6.2.1. Lots 506
6.2.2. Monuments 508
6.2.3. Blocks 508
6.2.4. Easements 508
6.2.5. Functional Fire Protection. 510
6.3. Required Improvements 510
6.4. Conservation Subdivisions 512
6.4.1. Purpose 512
6.4.2. Applicability 512
6.4.3. Conservation Subdivision Procedure 513
6.4.4. Conservation and Development Plan 513
6.4.5. Conservation Subdivision Standards 515
CHAPTER 7: NONCONFORMITIES 521
7.1. General Provisions 521
7.1.1. Purpose and Scope 521
7.1.2. Authority to Continue 521
7.1.3. Determination of Nonconformity Status 521
7.1.4. Routine Repair and Maintenance 521
7.2. Nonconforming Uses 522
7.2.1. General 522
7.2.2. Discontinuance or Change of Use 522
7.2.3. Expansion or Enlargement 522
7.2.4. Reconstruction after Damage 522
7.2.5. Accessory Uses 523
7.3. Nonconforming Structures 523
7.3.1. General 523
7.3.2. Enlargement 523
7.3.3. Relocation 524
7.3.4. Nonconforming Manufactured Homes 524
7.3.5. Reconstruction after Damage 525
7.3.6. Removal of Accessory Structures if Principal Structure Removed 526

7.4. Nonconforming Lots of Record 526
7.4.1. General 526
7.4.2. Continuation of Conforming Structures 526
7.4.3. Development of Vacant Nonconforming Lots 527
7.4.4. Increase in Area or Width 527
7.5. Nonconforming Signs 527
7.5.1. General 527
7.5.2. Increase of Nonconformity Prohibited 528
7.5.3. Replacement or Relocation 529
7.5.4. Routine Repairs and Maintenance 529
7.5.5. Change of Occupancy 529
7.5.6. Repair after Damage or Destruction 530
7.5.7. Abandonment 530
7.6. Nonconforming Site Features 530
7.6.1. Landscaping 530
7.6.2. Off-Street Parking 531
CHAPTER 8: ENFORCEMENT AND REMEDIES 533
8.1. General Provisions 533
8.2. Compliance Required 533
8.3. Violations 533
8.3.1. Violations Generally 533
8.3.2. Specific Violations 533
8.4. Responsible Persons 535
8.5. Enforcement Generally 535
8.5.1. Responsibility for Enforcement 535
8.5.2. Complaints Regarding Violations 535
8.5.3. Inspections 535
8.5.4. Enforcement Procedure 535
8.6. Remedies and Penalties 539
8.6.1. General Provisions 539
8.6.2. Civil Penalties 539
8.6.3. Stop Work Order Issuance 541
8.6.4. Revocation of Approved Permit 542
8.6.5. Equitable Remedies 543
8.6.6. Execute Order of Abatement 543
8.6.7. Deny or Withhold Permits 543

8.6.8. Flood Damage Prevention Violations 543
8.6.9. Remedies for Disturbance or Destruction of Vegetation 545

CHAPTER 9: DEFINITIONS, RULES OF MEASUREMENT AND INTERPRETATION 549

9.1. Rules of Interpretation 549
9.1.1. Meanings and Intent 549
9.1.2. Headings, Illustrations, and Text 549
9.1.3. Tenses and Plurals 549
9.1.4. Conjunctions 549
9.1.5. Lists and Examples 550
9.1.6. Mandatory and Discretionary Terms 550
9.1.7. Computation of Time 550
9.1.8. Rounding 550
9.1.9. References to Other Regulations/Publications 551
9.1.10. Public Officials and Agencies 551
9.1.11. Technical and Nontechnical Terms 551
9.1.12. Term Not Defined 551

9.2. Rules of Measurement, Exceptions, and Variations 551
9.2.1. Rules of Measurement 551

9.3. Use Categories 561
9.3.1. Use Definitions 561

9.4. General Terms Defined 581
9.4.1. Definitions 581
A 581
B 583
C 585
D 586
E 588
F 589
G 592
H 592
I 593
J 594
K 594
L 594
M 596
N 598
O 599

P 600
Q 602
R 602
S 604
T 613
U 615
V 615
W 615
X 616
Y 616
Z 616

9.5. Erosion & Sedimentation Control Terms Defined 581
9.5.1. Definitions 581

CHAPTER 1: GENERAL PROVISIONS

1.1. OFFICIAL TITLE

This Ordinance shall be officially known as the "Unified Development Ordinance of the Town of Mooresville, North Carolina," and may be referred to as the "Mooresville Unified Development Ordinance," "UDO," "this UDO," or "this Ordinance."

1.2. AUTHORITY

1.2.1. General Authority

This UDO consolidates the Town's zoning, subdivision, land development, and environmental regulations as authorized by the North Carolina General Statutes and is adopted in accordance with:

1. The authority granted to the Town of Mooresville by the General Assembly of the State of North Carolina;
2. North Carolina General Statutes Chapter 160D;
3. The Town Charter;
4. All other relevant laws of the State of North Carolina; and
5. Any special legislation enacted for the Town.

1.2.2. References to North Carolina General Statutes

Whenever any provision of this UDO refers to or cites a section of the North Carolina General Statutes (N.C.G.S.) and that section is later amended or superseded, this UDO shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

1.3. GENERAL PURPOSE AND INTENT

The purpose of this UDO is to promote and protect the public health, safety, and general welfare of the citizens and landowners of Mooresville, and to implement the policies and objectives of the OneMooresville Comprehensive Plan (herein referred to as "Comprehensive Plan") and other adopted plans. More specifically, the intent of this UDO is to:

A. Foster convenient, compatible, and efficient relationships among land uses;

B. Lessen congestion in the streets;

C. Ensure the provision of adequate open space between uses for light, air, and fire safety;

D. Prevent the overcrowding of land and avoid undue concentration of population;

E. Preserve the character and quality of residential neighborhoods;

F. Provide for a diversity of housing opportunities;

G. Facilitate the adequate provision of transportation, water, sewerage, schools, parks, recreation, emergency services, and other public facilities;

H. Maintain and enhance the character of certain districts within the Town through an emphasis on design quality;

I. Maintain and protect a high quality of aesthetic standards for development;

J. Provide for the orderly growth and development of the Town in a manner that accommodates reasonable overall community growth, including population and employment growth, provides opportunities for development of a variety of uses, and supports the efficient use of land, water, roads, and other resources;

K. Promote compact, vibrant, mixed-use, and walkable development in the downtown and other appropriate locations;

L. Facilitate infill development, redevelopment of land, and adaptive reuse of land and buildings;

M. Conserve the value of buildings and land;

N. Conserve the natural resources and environmental quality of the Town and its environs;

O. Protect development and residents from flooding and other natural disasters;

P. Support appropriate development in employment areas;

Q. Support green building practices; and

R. Establish comprehensive, consistent, effective, efficient, and equitable standards and procedures for the review and approval of development that implement the adopted plans, respect the rights of landowners, and consider the interests of the Town's citizens.

1.4. APPLICABILITY AND JURISDICTION

1.4.1. General Applicability

The provisions of this UDO shall apply to the development and/or use of all land within the corporate limits and the extra-territorial jurisdiction (ETJ) of the Town, unless it is expressly exempted by a specific section or subsection of this UDO.

1.4.2. Application to Government Units

Except as stated in this chapter, the provisions of this UDO shall apply to:

1. Development of land owned by the Town or its agencies or departments;
2. Development by public colleges or universities;
3. State and county buildings in accordance with the standards in N.C.G.S. Sec. 160D-913; and
4. To the full extent permitted by law, development of land owned or held in tenancy by the government of the United States, its agencies, departments, or corporate services.

1.4.3. Exempt Development

The following development is exempt from the provisions of this UDO:

1. Federal, state, or local government transportation projects;
2. Local government linear utility projects, such as water or wastewater lines and associated elements, such as pump stations;
3. Signage and traffic control devices required by federal, state, or local law or erected by a government entity;
4. Property used for bona fide farm purposes in the Town's extraterritorial jurisdiction to the extent required by N.C.G.S. § 160D-903; and
5. Any other specific exemptions identified in the North Carolina General Statutes.

1.4.4. Permit Choice

In cases where this UDO is amended (i) between the time a development permit application is submitted and a decision on the application is made, or (ii) after a development permit decision has been challenged and found to be wrongfully denied or illegal, the applicant may choose each of the local land development regulations applicable to the project. The applicant may choose to proceed under the rules of the requirements of this UDO as it was in effect at the time the application was submitted, or under the requirements of this UDO as amended in accordance with N.C.G.S. §§ 160D-108 and 143-755. In cases where multiple permits are required to complete a development project, the

applicant may within 18 months of the initial application, choose the version of each of the local land development regulations applicable to the project. N.C.G.S. § 160D-108.

1.4.5. Bona Fide Farms in Extra-Territorial Jurisdiction (ETJ)

Property on which bona fide farms (as defined in N.C.G.S. § 160D-903) are currently operating within the Town's extra-territorial jurisdiction (ETJ) are exempt from the requirements of this UDO to the minimum extent required by N.C.G.S. §160D-903(c). Any such property that ceases to be used for bona fide farm purposes shall be subject to the requirements of this UDO.

1.5. CONFORMANCE WITH ADOPTED PLANS

This UDO is intended to ensure that all development within the Town's jurisdiction is in accordance with the goals, objectives, policies, strategies, and actions of plans adopted by the Town that address growth and development.

1.5.1. Comprehensive Plan

A. The Comprehensive Plan for the Town serves as the principal policy guide for the administration of this UDO. The Comprehensive Plan establishes the intended outcomes and policies guiding the development of the physical environment of the Town, its extra-territorial jurisdiction (ETJ), and any other geographic areas specifically addressed by the Comprehensive Plan.

B. All development and redevelopment within the Town and its ETJ should be in accordance with the applicable provisions of the Comprehensive Plan, as the Comprehensive Plan establishes the Town's policies to guide the development of land. Amendments to the text of this UDO or rezoning of land may be necessary to ensure land development and redevelopment is in accordance with applicable provisions of the Comprehensive Plan.

C. To the extent this UDO is not in accordance with the Comprehensive Plan, this UDO or the Comprehensive Plan should be amended so the Comprehensive Plan and this UDO remain generally in accordance with each other, as applicable. It is expected that the Comprehensive Plan is a long-range document and may contain elements not yet included in the UDO.

1.5.2. Small Area Plans

In addition to the Comprehensive Plan, all development approvals and permits should be in accordance with any applicable small area plans adopted by the Town Board of Commissioners.

1.5.3. Parks and Recreation Master Plan

Where the designation of public recreation facilities is shown on the Town of Mooresville Parks and Recreation Master Plan or a similarly adopted plan, all new development involving the subdivision of land (see Sec. 2.5.9, Subdivision) shall make every effort to conform to that plan. The reservation of designated open space areas shall be credited towards the open space set-aside requirements in Sec. 5.6, Open-Space Set Aside Standards.

1.5.4. Transportation Plans

A. The Town of Mooresville recognizes that the public right-of-way houses many transportation activities, including walking, bicycling, freight movement, automobile travel, and transit. Therefore, pursuant to North Carolina General Statutes §§136-66.10, 160A-307, and 160D-804, physical improvements, such as, additional travel lanes, intersection improvements, and/or bike-ped facilities are often required as part of the development process.

B. Where a proposed development application in the Town corporate limits includes any part of a street or thoroughfare, or includes frontage on a designated street or thoroughfare as indicated on the official Comprehensive Transportation Plan (CTP), Transportation Master Plan (TMP), or as part of some other transportation-related document adopted by the Town of Mooresville (e.g., the Pedestrian Plan, the Bicycle Plan, etc.), dedication of public right-of-way shall be required for non-exempt subdivisions and new driveway permits. Dedication of public right-of-way may also result from Special Use Permits, Conditional Zoning districts, or voluntary agreement.

C. The required dedication of public right-of-way for existing streets shall include half the future right-of-way as measured from the geometric center of the road (typically the center line pavement marking) into the proposed site. The dedication of required public right-of-way for new streets, re-alignments, intersection improvements, etc. will be reviewed on a case-by-case basis to ensure corridor improvements are adequate yet allow for reasonable site flexibility. Additionally, parking, signage, landscaping, and other minor elements may be permitted in the transitional area (measured at the time of application between the established right-of-way and the future right-of-way).

D. Greenways, sidepaths, and other multi-use trails (not exceeding 5% of the total site) shall be constructed and dedicated in fee simple ownership or through easement for public use. Construction of such facilities dedicated to the public shall meet ADA standards. Land dedication is permitted in lieu of construction for bridges connecting one development to an adjacent development. However, bridges internal to the development shall be constructed as part of the project. Payment in lieu of such facilities may be granted if a proposed section of greenway, sidepath, or other multi-use trail is more than a quarter of

a mile from a similar facility. Additionally, payment in lieu may be considered at the discretion of the Planning Director when site conditions render construction infeasible or when connectivity can be more effectively achieved at an alternative location without a loss of function. For the purposes of conditional zoning only, such payment in lieu shall be determined and documented as a condition of the zoning prior to approval by the Town of the zoning. If more than 5% of a site lies within a greenway, side path, or other public trail the developer may be encouraged to dedicate and/or construction the remaining facility or the Town may purchase the land. Additionally, residential or non-residential subdivisions with fewer than 10 lots and/or sites less than 5 acres are exempt from constructing such facilities; however, public dedication through fee simple ownership or easement (not exceeding 5%) is required.

E. The applicant dedicating the right-of-way shall be allowed to transfer or use density attributable to the dedicated right-of-way for development on the property from which the right-of-way is being dedicated or to contiguous land owned by the applicant. Prior to requiring land dedication for right-of-way, the Board of Adjustment or Planning Director, as applicable based on the application submittal, shall make a finding that the dedication shall not result in the deprivation of a reasonable use of the original tract and that the dedication is reasonably related to the traffic generated by the proposed subdivision or the use of the property.

1.6. RELATIONSHIP WITH OTHER LAWS, COVENANTS, OR AGREEMENTS

1.6.1. Conflicts with Other Town Codes or Laws

If the provisions of this UDO are inconsistent with one another or if the provisions of this UDO conflict with provisions found in other adopted codes or ordinances of the Town, the more restrictive provision shall govern unless the terms in the more restrictive provisions specify otherwise. The more restrictive provision is the one that imposes greater restrictions or burdens or has more stringent controls.

1.6.2. Transportation Impact Analysis

As permitted in N.C.G.S. §§ 160D-701 *et. seq.* and 160D-804, a Transportation Impact Analysis (TIA) will be required for any development expected to generate traffic volumes that will impact the capacity or safety of the transportation system, as described in this UDO.

The TIA will be approved only upon determination that the recommendations from the report will maintain the integrity of the transportation system. If mitigation is part of an approved TIA, all approved improvements for the entire site or applicable phase shall be fully implemented or secured with a Performance Guarantee, in conformance with the standards identified in Chapter 2, prior to issuance of a Zoning Permit or Plat, as applicable.

A Transportation Impact Analysis (TIA) will be required for any development expected to generate traffic volumes that will impact the capacity or safety of the transportation system as outlined in Section 5.14 Transportation Impact Analysis Standards. Guidelines for the content and methodologies included in a TIA report are contained within the Town of Mooresville TIA Procedures Manual, incorporated herein by reference. A copy of this document is available from the Town of Mooresville upon request.

1.6.3. Conflicts with Private Agreements

The Town shall not be responsible for monitoring or enforcing private covenants and restrictions.

1.6.4. Conflicts with State or Federal Law

If the provisions of this UDO are inconsistent with the law or regulations of the state or federal government, the more restrictive provision shall control, to the extent permitted by law. The more restrictive provision is the one that imposes greater restrictions or burdens or has more stringent controls.

1.6.5. Existing Agreements or Vested Rights

Nothing in this UDO is intended to repeal, supersede, annul, impair, or interfere with any existing private agreements or vested rights previously adopted or issued in accordance with all applicable laws, provided such agreements or rights are lawfully established and remain in effect.

1.7. OFFICIAL ZONING DISTRICT MAP

1.7.1. Purpose

The Official Zoning District Map designates the location and boundaries of the various base zoning districts, overlay zoning districts, municipal corporate boundaries, and extra-territorial boundaries established in this UDO.

1.7.2. General

The Official Zoning District Map, including all its notations, is incorporated into this UDO by reference and is on file in the Planning Department for public inspection during normal business hours. The Town may maintain the Official Zoning District Map as an electronic map layer in the Town's Geographic Information System (GIS) database, or in hardcopy form. The Official Zoning District Map shall be the final authority as to the status of the current zoning district classification of land in the Town and shall only be amended in accordance with this UDO.

1.7.3. Designation of Zoning District Classification for Extraterritorial Boundary Changes or Annexation

A. BOARD OF COMMISSIONERS DETERMINATION

The Town Board of Commissioners shall determine the zoning district designation of lands added to the Town's jurisdiction through extraterritorial boundary changes or annexation at the time such lands are added, based on the following factors:

1. The land's designation in the Comprehensive Plan;
2. The land's current land use;
3. The existence of a previously approved site or subdivision plan, or other approval establishing a vested right;
4. The character and use of adjacent lands;
5. Current County or Town zoning designations;
6. Landowner requests; and
7. Other factors considered relevant at the time of the annexation or boundary change.

B. LANDOWNER REQUEST

Any landowner within an area to be added to the Town's jurisdiction through extra-territorial boundary changes or annexation shall submit a petition requesting a specific zoning district designation. If such petition is received prior to the time the land is added to the Town's jurisdiction, then the public hearing for the application of a specific zoning district as outlined in this UDO may be held concurrently with any public hearing required for the annexation.

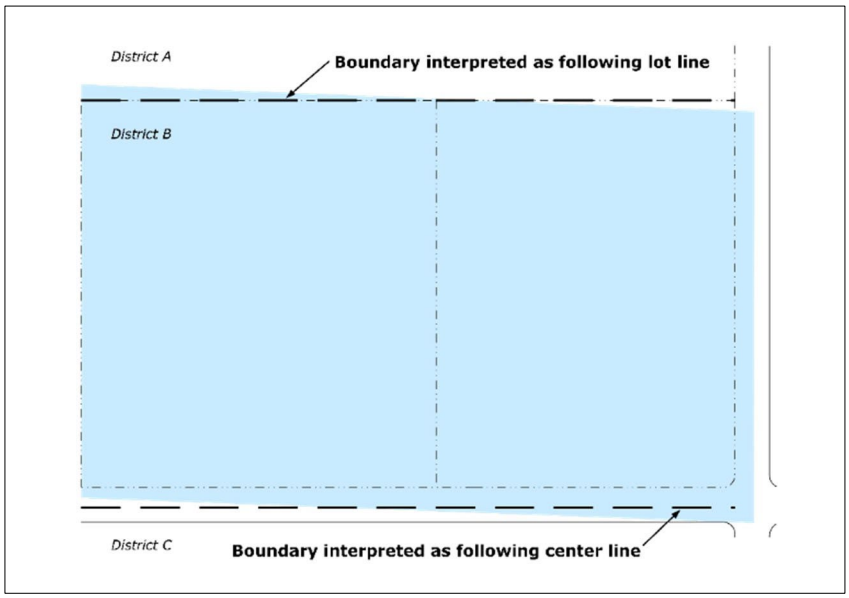
1.7.4. Interpretation of Official Zoning District Map Boundaries

A. STANDARDS FOR BOUNDARY INTERPRETATION

The Planning Director shall be responsible for interpretations of the Official Zoning District Map in accordance with the standards in Sec. 2.5.24, Interpretation, and the following standards:

1. Boundaries delineated by the centerline of streets or alleys shall follow such centerlines (see Figure 1-1).

Figure 1-1: District Boundary Interpretation



2. Boundaries delineated by lot lines shall follow such lot lines (see Figure 1-1).
3. Boundaries delineated by railroad lines shall be midway between the main tracks or the centerline of a single track.
4. Boundaries shown parallel to or as extensions of features indicated in this section shall be interpreted as such.
5. Distances not specifically indicated on the Official Zoning District Map shall be determined by the scale of the map.
6. Where the actual location of existing physical or natural features varies from those shown on the Official Zoning District Map, or in other circumstances not covered by this subsection, the Planning Director shall have the authority to interpret the district boundaries.

B. APPEALS OF BOUNDARY INTERPRETATION

Appeals of the Planning Director's decision are reviewed by the Board of Adjustment.

1.7.5. Changes to Official Zoning District Map

A. AN AMENDMENT

Changes made in zoning district boundaries on the Official Zoning District Map shall be considered an amendment to this UDO and are made in accordance with the appropriate process and standards in Chapter 2.

B. PLANNING DIRECTOR ACTION UPON AMENDMENT

The Planning Director shall enter changes on the Official Zoning District Map within a reasonable period of time after the amendment is approved by the Board of Commissioners. Where the ordinance enacting a zoning district boundary change contains wording explaining or clarifying the location of the new boundary, the Planning Director may enter notations reflecting the ordinance wording on the Official Zoning District Map.

1.8. VESTED RIGHTS

1.8.1. Generally

A vested right entitles a landowner to develop land in accordance with previously approved development approval or permit, even when the requirements of this UDO are modified after the approval. This section references rules for vested rights under the N.C.G.S. and rules for vested rights established by the North Carolina courts.

1.8.2. Statutory Vesting

In accordance with N.C.G.S. §160D-108.1 and notwithstanding any other provision of this UDO, a landowner may apply for a vested rights determination in accordance with the procedures set forth in Chapter 2. A determination of vested rights shall entitle the landowner to develop land in accordance with an approved site-specific vesting plan.

A. SITE-SPECFIC VESTING PLAN

A site-specific vesting plan shall be valid for two years. The Town may, in its sound discretion and after following the process specified in Chapter 2 for the particular form of a site-specific vesting plan, provide for the rights to be vested for a period exceeding two years but not exceeding five years where warranted in light of all relevant circumstances, including, but not limited to, the size and phasing of development, the level of investment, the need for development, economic cycles, and market conditions or other considerations.

B. MULTI-PHASED DEVELOPMENT

Multi-phased development projects that include 25 or more acres, shall be vested for seven years, pursuant to N.C.G.S. §160D-108.

1.8.3. Common Law Vesting

A. GENERAL

A common law vested right applies to a change in this UDO that has an adverse effect on a development that has established vesting under this

section. A common law vested right is established only when each of the following four tests is met:

1. The owner has made, prior to the amendment of the UDO, substantial expenditures towards the project; and
2. The expenditures were made in good faith; and
3. The expenditures were made in reliance on valid governmental approval; and
4. The owner would be harmed without the vested right.

B. PHASED DEVELOPMENT

When a phased development is involved, the common law vesting will be assessed for each phase to determine if construction had started prior to the ordinance change or the phases can meet the four criteria referenced above. The remaining phases not under construction or that have not been found to meet the criteria for common law vesting may apply for statutory vesting.

1.9. TRANSITIONAL PROVISIONS

1.9.1. Violations Continue

Any violation of the previous zoning ordinance or other regulations replaced by this UDO shall continue to be a violation under this UDO, and subject to the penalties set forth in Chapter 8: Enforcement and Remedies, and any other applicable ordinances, laws, or statutes, unless the development complies with the express terms of this UDO.

1.9.2. Nonconformities

If any use, structure, lot of record, sign, or site feature was legally established on the date of its development, but does not fully comply with the standards of this UDO, it shall be considered nonconforming and subject to the provisions of Chapter 7: Nonconformities. If a use, structure, lot of record, sign, or site feature that was legally nonconforming under the previous regulations becomes conforming under this UDO, it shall no longer be deemed nonconforming and shall not be subject to the non-conforming provisions.

1.9.3. Complete Applications

A. COMPLETE APPLICATION SUBMITTED BEFORE THE EFFECTIVE DATE OF THIS UDO

Any development application submitted and accepted as complete before the effective date of this UDO, but still pending final action as of that date,

shall be reviewed and decided in accordance with the regulations in effect when the application was accepted.

B. PROCESSED IN GOOD FAITH

Completed applications shall be processed in good faith and shall comply with any time frames for review, approval, and completion as established in the regulations in effect at the time of application acceptance. If the application fails to comply with the required time frames, it shall expire, and future development shall be subject to the requirements of this UDO.

C. MAY OPT TO HAVE APPLICATION PROCESSED UNDER THIS ORDINANCE

An applicant with a pending application accepted before the effective date of this UDO may opt to have the proposed development reviewed and decided under the standards of this UDO by withdrawing the pending application and submitting a new application in accordance with the standards of this UDO. The application submittal fees will be waived for this new application.

D. APPLICATION APPROVED UNDER THIS SECTION THAT DOES NOT COMPLY WITH THIS ORDINANCE IS NONCONFORMITY

To the extent an application approved under this section proposes development that does not comply with this UDO, the development, although permitted, shall be nonconforming and subject to the provisions of Chapter 7: Nonconformities.

1.9.4. Approved Applications

Any development approvals granted prior to the effective date of this UDO shall remain valid until their expiration date. Projects with valid approvals or permits may be carried out in accordance with the development standards in effect at the time of approval, provided the permit or development approval is valid and has not lapsed. Any re-application for an expired approval shall meet the standards of this UDO.

1.9.5. Approved Special Use Permits

Lands subject to a Special Use Permit (formerly called Conditional Use Permits), whether associated with a conditional use zoning classification or otherwise, that was approved prior to the effective date of this UDO shall continue to be subject to the Special Use Permit even if the conditional use zoning district classification is amended to a new general use base zoning district or conditional zoning district as part of the adoption of this UDO.

1.9.6. Transitions to New Zoning Districts

Table 1-1: Transition to New Zoning Districts, shows the zoning districts established in Chapter 3: Zoning Districts, of this UDO next to comparable

zoning districts established in the prior zoning ordinance. If there is no comparable zoning district, either in Chapter 3 or in the prior zoning ordinance, that is indicated in Table 1-1. If the zoning district established in the prior zoning ordinance is deleted, that is indicated.

TABLE 1-1: TRANSITION TO NEW ZONING DISTRICTS

Former Zoning District	New Zoning District
Residential Base Districts	
No comparable district	Rural Conservation (RC)
Single-Family Residential-2 (R-2)	Residential Limited Service (RLS)
Single-Family Residential-3 (R-3)	Residential Low-Intensity (RLI)
Single-Family Residential-5 (R-5)	Residential General (RG)
No comparable base district (Mill Village Neighborhood Conservation Overlay District)	Historic Mill Village (HMV)
Residential Mixed-Use (RMX)	Traditional Neighborhood (TN)
Residential Mixed-Use – Manufactured Home (RMX-MH)	
Mixed-Use and Nonresidential Base Districts	
Neighborhood Mixed-Use (NMX)	*Deleted*
Village Center (VC)	Corridor Mixed Use (CM)
Corridor Mixed Use (CM)	
Town Center (TC)	Traditional Downtown (TD)
No comparable district	Downtown Extension (DE)
Highway Business (HB)	Community Commercial (CC)
Hybrid Industrial (HI)	Hybrid Light Industrial (HLI)
General Industrial (GI)	
Exclusive Industrial (EI)	Industrial (IN)
Conditional Districts	
Conditional zoning districts approved under the prior zoning ordinance shall continue in effect. Any of the Residential or Mixed-use and Nonresidential districts established by this UDO may be approved as a conditional zoning district in accordance with 2.5.4, Conditional Zoning District Classification.	
Planned Development Districts	
Planned Campus (PC-C)	Planned Development (PD)
Overlay Districts	
Watershed Protection Overlay (WPO)	Watershed Protection Overlay (WPO)
Neighborhood Conservation Overlay (NCO)	*Deleted*
Mixed Use Overlay (MXO)	*Deleted*
Office Overlay (OIO)	*Deleted*
Corridor Overlay (COO)	*Deleted*
Historic Preservation Overlay (HPO)	Historic Preservation Overlay (HPO)
Transit Station Overlay (TSO)	*Deleted*

TABLE 1-1: TRANSITION TO NEW ZONING DISTRICTS

Former Zoning District	New Zoning District
Alcove Road Corridor Overlay (ALCOVE)	*Deleted*
Cornelius Road Corridor Overlay (CORNELIUS)	*Deleted*
East West Connector Overlay (EAST/WEST CONNECTOR)	*Deleted*
Brawley School Road Overlay (BSRO)	Brawley School Road Overlay (BSRO)

CHAPTER 2: ADMINISTRATION

2.1. GENERAL PROVISIONS

This chapter sets forth the review and approval procedures for zoning and development applications:

A. Section 2.2, Summary Table of Review Procedures, summarizes the development review responsibilities of each review body and official for each type of application.

B. Section 2.3, Review and Decision-Making Bodies, identifies the powers and duties of each review body and official under this UDO.

C. Section 2.4, Common Review Procedures, establishes a standard set of procedures for the submission and review of development applications.

D. Section 2.5, Application-Specific Procedures, includes the specific procedure and review standards for each type of development application.

2.2. SUMMARY TABLE OF REVIEW PROCEDURES

Table 2-1: Summary Table of Development Review Procedures, identifies the various development approvals and permits authorized by this UDO and indicates the role of Town boards and staff in making recommendations or decisions on applications for each type of development approval or permit. It also identifies those applications that require a public hearing, which shall be noticed in accordance with this UDO.

TABLE 2-1: SUMMARY TABLE OF DEVELOPMENT REVIEW PROCEDURES

R: Review and Advise D: Final Decision A: Appeal

< >: Public Hearing

Type of Review/ Application	Review or Decision-Making Body				
	Planning Director	Historic Preservation Commission	Planning Board	Town Board of Commissioners	Board of Adjustment
Discretionary Review					
UDO Text Amendment	R	R	<R>	<D>	
Zoning Map Amendment	R	R	<R>	<D>	
Planned Development District	R	R	<R>	<D>	

TABLE 2-1: SUMMARY TABLE OF DEVELOPMENT REVIEW PROCEDURES

R: Review and Advise D: Final Decision A: Appeal
< >: Public Hearing

Type of Review/ Application	Review or Decision-Making Body				
	Planning Director	Historic Preservation Commission	Planning Board	Town Board of Commissioners	Board of Adjustment
Conditional Zoning District Classification	R	R	<R>	<D>	
Special Use Permit	R	R			<D>
Comprehensive Plan Amendment/Future Land Use Amendment/Small Area Study	R		<R>	<D>	
Site Development					
Concept Plan	R*/D	R	R*	D*	
Site Plan	D				<A>
Subdivision					
Preliminary Plat	D				<A>
Final Plat	D				<A>
Minor Subdivision	D				<A>
Recombination Plat	D				<A>
Permits					
Right-of-Way Abandonment	R			<D>	
Zoning Permit	D				<A>
Sign Permit	D				<A>
Tree Removal Permit	D				<A>
Floodplain Development Permit	D				<A>
Driveway Permit	D				<A>
Certificate of Appropriateness	R/D**	<D>			<A>
Relief					
Variance	R	R			<D>
Variance – Floodplain	R				<D>
Variance – Watershed	R				<D>
Watershed Density Averaging Certificate	R				<D>
Administrative Adjustment	D				<A>

TABLE 2-1: SUMMARY TABLE OF DEVELOPMENT REVIEW PROCEDURES

R: Review and Advise D: Final Decision A: Appeal

< >: Public Hearing

Type of Review/ Application	Review or Decision-Making Body				
	Planning Director	Historic Preservation Commission	Planning Board	Town Board of Commissioners	Board of Adjustment
Appeal of Administrative Decisions					<D>
Modification of Architectural Standard	D				<A>
Other Procedures					
Interpretation	D				<A>
Vested Rights Determination	D				<A>
Performance Guarantees	D				

* Concept Plan associated with a conditional zoning request is approved by the Town Board of Commissioners as part of the conditional zoning approval

** Minor Certificates of Appropriateness are approved by the Planning Director

2.3. REVIEW AND DECISION-MAKING BODIES

2.3.1. Town Board of Commissioners

A. POWERS AND DUTIES

To exercise the authority granted by state law, the Town Board of Commissioners shall have the following powers and duties under this UDO:

a. To review and make decisions for applications listed in Table 2-1;

b. To approve a schedule of fees governing applications for permits and other development approvals reviewed under this UDO;

c. To appoint members to serve on the Planning Board, Board of Adjustments, and Historic Preservation Commission, as provided in the UDO; and

d. To take any other action not delegated to the Planning Board, Board of Adjustment, the Planning Director, or other decision-making body as the Town Board of Commissioners may deem desirable and necessary to implement the provisions of this UDO.

2.3.2. Planning Board

The Planning Board is hereby established in accordance with N.C.G.S. 160D-301.

A. POWERS AND DUTIES

The Planning Board shall have the following powers and duties under this UDO:

a. To review and make recommendations to the Town Board of Commissioners for applications listed in Table 2-1; and

b. To carry out any other powers and duties delegated to it by the Town Board of Commissioners, including the ability to establish special committees for planning-related studies, consistent with state law.

B. MEMBERSHIP, APPOINTMENT, AND TERMS OF OFFICE

1. The Planning Board shall consist of nine members, with proportional representation for extraterritorial areas.

2. The Town Board of Commissioners shall appoint the members of the Planning Board, except for members representing extraterritorial areas, who shall be appointed by the Iredell County Board of Commissioners in accordance with state law.

3. Each member shall serve a term of three years, and the terms of members shall be staggered. Vacancies occurring for reasons other than expiration of terms shall be filled for the period of the unexpired term.

4. Members may be compensated for their time and travel as deemed appropriate by the Town Board of Commissioners.

5. A member who attends fewer than 75 percent of the regular and special meetings held during any one-year period may be removed by the Town Board of Commissioners. The Chair of the Planning Board shall notify the Town Board of Commissioners if a member attends fewer than 75 percent of the meetings.

6. The Planning Board members serve at the pleasure of the Town Board of Commissioners.

C. RULES OF PROCEDURE

The Planning Board shall establish rules of procedure governing its procedures and operations, which shall follow the rules of procedure outlined in Suggested Procedural Rules for Local Appointed Boards, published by the School of Government at the University of North Carolina at Chapel Hill, as amended by the Planning Board. The adopted rules of procedure shall be available for public inspection in the Planning and Community Development Department and on the Town's website.

D. OFFICERS

The Planning Board shall select one of its members as Chair and one as Vice Chair.

E. MEETINGS

1. The Planning Board shall hold at least one regular meeting each month unless the Chair determines there are no agenda items for consideration. The Planning Director shall provide notice of all regular and special Planning Board meetings in accordance with state law. All meetings shall be open to the public.
2. The Planning Board shall keep a public record of its minutes, recommendations, transactions, findings, and determinations.

F. STAFF SUPPORT

The Planning Department shall serve as the professional staff liaison to the Planning Board and provide administrative support.

G. QUORUM AND DECISIONS

1. A majority of the actual membership of the Planning Board, excluding vacant seats, shall constitute a quorum. A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining whether or not a quorum is present.
2. An affirmative vote of the majority of the actual membership of the Planning Board, excluding vacant seats and those excused from voting due to a conflict of interest, is required for all decisions of the Planning Board.

2.3.3. Board of Adjustment

The Board of Adjustment is hereby established in accordance with N.C.G.S.160D-302.

A. POWERS AND DUTIES

The Board of Adjustment shall have the following powers and duties under this UDO:

a. To review and make decisions for applications listed in Table 2-1;
b. To hear appeals from decisions for applications listed in Table 2-1;
c. To hear appeals from other administrative decisions;
d. To serve as the Watershed Review Board; and
e. To carry out any other powers and duties delegated to it by the Town Board of Commissioners.

B. MEMBERSHIP, APPOINTMENT, AND TERMS OF OFFICE

1. The Board of Adjustment shall consist of five members and two alternate members, with proportional representation for extraterritorial areas.
2. The Town Board of Commissioners shall appoint the members of the Board of Adjustment, except for members representing extraterritorial areas who shall be appointed by the Iredell County Board of Commissioners in accordance with state law.
3. Each member shall serve a term of three years, and the terms of members shall be staggered. Vacancies occurring for reasons other than expiration of terms shall be filled for the period of the unexpired term.
4. Members may be compensated for their time and travel as deemed appropriate by the Town Board of Commissioners.
5. A member who attends fewer than 75 percent of the regular and special meetings held during any one-year period may be removed by the Town Board of Commissioners. The Chair of the Board of Adjustment shall notify the Town Board of Commissioners if a member attends fewer than 75 percent of the meetings.
6. The Board of Adjustment members serve at the pleasure of the Town Board of Commissioners.

C. RULES OF PROCEDURE

The Board of Adjustment shall establish rules of procedure governing its procedures and operations, which shall follow the rules of procedure outlined in Suggested Procedural Rules for Local Appointed Boards, published by the School of Government at the University of North Carolina at Chapel Hill, as amended by the Board of Adjustment. The adopted rules of procedure shall be available for public inspection in the Planning Department and on the Town's website.

D. OFFICERS

The Board of Adjustment shall select one of its members as Chair and one as Vice Chair.

E. MEETINGS

1. The Board of Adjustment shall hold at least one regular meeting each month unless the Chair determines there are no agenda items for consideration. The Planning Department shall provide notice of all regular and special Board of Adjustment meetings in accordance with state law. All meetings shall be open to the public.
2. The Board of Adjustment shall keep a public record of its minutes, recommendations, transactions, findings, and determinations.

F. STAFF SUPPORT

The Planning Department shall serve as the professional staff liaison to the Board of Adjustment and provide it with administrative support.

G. QUORUM AND DECISIONS

1. Four members of the Board of Adjustment shall constitute a quorum. Alternate members serving in place of absent or disqualified regular members shall count towards the quorum.
2. Requests for Variances require approval by a four-fifths (4/5) majority of the members of the Board of Adjustment. An affirmative vote of a simple majority of the members of the Board of Adjustment, is required for all other decisions. For purposes of this section, vacant positions on the Board of Adjustment and members who are disqualified from voting under N.C.G.S. §160D-109(d) shall not be considered members of the Board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

2.3.4. Historic Preservation Commission

The Historic Preservation Commission is hereby established in accordance with N.C.G.S. 160D-303.

A. POWERS AND DUTIES

The Historic Preservation Commission shall have the following powers and duties under this UDO:

a. To review and make decisions for applications listed in Table 2-1;

b. To review and make recommendations for applications listed in Table 2-1 for properties located in the Historic Preservation Overlay District;

c. To provide technical advice to property owners concerning restoration and the preservation of architectural features on historic structures;

d. To create and maintain the Historic Preservation Commission Design Standards;

e. To carry out any other powers and duties as identified in this UDO for the preservation, review, assessment, and designation of properties or structures located in the Historic Preservation Overlay District and other historically significant or potentially significant properties or structures in the Town; and

f. To carry out any other powers and duties delegated to it by the Town Board of Commissioners.

B. MEMBERSHIP, APPOINTMENT, AND TERMS OF OFFICE

1. The Historic Preservation Commission shall consist of eight regular members and one ex-officio member from the Town Board of Commissioners. A proportional representation of the regular members shall be made up of Extraterritorial Jurisdiction representatives pursuant to N.C.G.S., if any historic districts or landmarks are located in the Town's Extraterritorial Jurisdiction.
2. All members shall reside within the planning and zoning jurisdiction of the Town. A majority of the members of the Commission shall have demonstrated special interest, experience, or education in history, architecture, archaeology, or related fields.
3. Each member shall serve a term of four years, and the terms of members shall be staggered. Vacancies occurring for reasons other than expiration of terms shall be filled for the period of the unexpired term.
4. A member who attends less than 75 percent of the regular and special meetings held during any one-year period may be removed by the Town Board of Commissioners. The Chair of the Historic Preservation Commission shall notify the Town Board of Commissioners if a member attends less than 75 percent of the meetings.
5. The Historic Preservation Commission members serve at the pleasure of the Town Board of Commissioners.

C. RULES OF PROCEDURE

The Commission shall establish rules of procedure governing its procedures and operations, which shall follow the rules of procedure outlined in Suggested Procedural Rules for Local Appointed Boards, published by the School of Government at the University of North Carolina at Chapel Hill, as amended by the Historic Preservation Commission. The adopted rules of procedure shall be available for public inspection in the Planning Department and on the Town's website.

D. OFFICERS

The Commission shall select one of its members as Chair and one as Vice Chair.

E. MEETINGS

1. The Historic Preservation Commission shall hold at least one regular meeting each month unless the Chair determines there are no agenda items for consideration. The Historic Preservation Commission shall provide notice of all regular and special Planning Board meetings in accordance with state law. All meetings shall be open to the public.

2. The Historic Preservation Commission shall keep a public record of its minutes, recommendations, transactions, findings, and determinations.

F. STAFF SUPPORT

The Planning Department shall serve as the professional staff liaison to the Historic Preservation Commission and provide it with administrative support.

G. QUORUM AND DECISIONS

1. A majority of the actual membership of the Historic Preservation Commission present, excluding vacant seats, shall constitute a quorum.
2. An affirmative vote of a simple majority of the actual membership of the Historic Preservation Commission, excluding vacant seats and members disqualified from voting under N.C.G.S. §160D-109(d), is required for all decisions of the Commission.

2.3.5. Planning Director

A. GENERAL

The Planning Director, Planning and Community Development Director, or any similarly other titled staff member designated by the Town Manager as the UDO/Zoning Administrator is responsible for administering and enforcing the provisions of this UDO and shall be referred to herein as the "Planning Director."

The Planning Director may delegate the duties and powers granted to, and imposed upon, him/her and may determine the scope of authority of such designees under this UDO. As used in this UDO, Planning Director shall include staff authorized by the Planning Director to perform any function assigned to the Planning Director by this UDO or under North Carolina law.

B. POWERS AND DUTIES

The Planning Director shall have the following powers and duties under this UDO:

a. To review and make decisions for applications listed in Table 2-1;

b. To review and/or make recommendations and prepare a staff report for applications listed in Table 2-1;

c. To act as the Floodplain Administrator, including the following powers and duties:

i. Review all floodplain development applications and proposed development within Special Flood Hazard Areas to ensure that the requirements of this UDO have been satisfied, including all necessary local, state, and federal permits have been received, including

Section 404 of the Federal Water Pollution Control Act Amendments of 1927, 33 U.S.C. 1334;

ii. Notify adjacent communities and the North Carolina Department of Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);

iii. Ensure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained;

iv. Permanently maintain all records that pertain to floodplain administration and make records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended;

v. Maintain a current map repository to include, but not limited to, historical and effective FIS Report, historical and effective FIRM and other official flood maps and studies adopted in accordance with this UDO, including any revisions thereto including Letters of Map Change, issued by FEMA; and

vi. Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs);

d. To compile and maintain a Land Development Standards manual that includes standard details and specifications for land development in the Town;

e. To compile and maintain applications, scoping agreement, draft memorandum of understanding, mitigation agreement language, and/or other necessary applicable documentation in order to implement the Town Board of Commissioners' approved Transportation Impact Analysis Policy;

f. To maintain the Official Zoning District Map and related materials;

g. To maintain the Comprehensive Plan, Future Land Use Map, small area studies, and related materials;

h. To provide expertise and technical assistance to the Town's other decision-making bodies, upon request;

i. To contract for services and any specialized assistance, as needed, in administering this UDO;

j. To maintain a record of all permits and approvals on file, including nonresidential development within the WPO district, and make copies available upon request;

k. To establish a Technical Review Committee, comprised of professional staff from applicable Town departments as deemed appropriate by the Town Manager, to provide advisory support to the Planning Director in decisions and recommendations for development applications;

l. To submit a copy of the minutes and decisions regarding any Watershed Variance approvals to the NC Division of Water Resources upon request;

m. To perform any other duties delegated by the Town Board of Commissioners, Planning Board, Board of Adjustment, or Historic Preservation Commission;

n. To exercise any other authority, power, and/or duties granted by state law; and

o. To enforce all aspects of this UDO.

2.4. COMMON REVIEW PROCEDURES

This section sets forth the standard procedures that are generally required for development applications reviewed under this UDO. Not all procedures in this section are required for every type of development application. The application-specific procedures in this chapter, which follow this section, identify, which standard procedures are required for each specific type of development application, as well as any additions or modifications to the required standard procedures that apply. Provisions in this section under the heading "Other Application-Related Provisions," apply generally and are not specifically referenced in the application-specific procedures.

2.4.1. Pre-Application Conference

A. PURPOSE

The purpose of a pre-application conference is to provide an opportunity for the applicant to determine the submission requirements and the procedures and standards applicable to an anticipated application. A pre-application conference is also intended to provide an opportunity for Town staff to become familiar with and offer the applicant preliminary comments about the scope, features, and impacts of the proposed development as it relates to the standards in this UDO.

B. APPLICABILITY

A pre-application conference is required before submission of the following applications:

a. UDO Text Amendment;

b. Zoning Map Amendment;

c. Planned Development District;

d. Conditional Zoning District Classification;

e. Comprehensive Plan Amendment/Future Land Use Map Amendment/Small Area Study;

f. Special Use Permit;

g. Variance;

h. Variance- Floodplain;

i. Variance- Watershed;

j. Right-of-way Abandonment;

k. Watershed Density Averaging Certificate;

l. Concept Plan;

m. Major Certificate of Appropriateness;

n. Major site Plan; and

o. Subdivision Preliminary Plat.

C. PROCEDURE

1. Pre-Application Scheduling and Form

a. Applicants shall utilize the application submittal process and format as established by the Planning Director. Applications shall be submitted to the Planning Director. The pre-application form shall include a description of the proposed development and any other information requested in the form.

b. If the application will involve the establishment of a planned development district, conditional zoning district, Special Use Permit, Variance, major Site Plan, subdivision preliminary plat, or any application type that requires a Concept Plan, the applicant shall submit a sketch at the time of pre-application meeting scheduling that depicts a very general depiction of site development and provides information about the site development in accordance with the requirements as established by the Planning Director and this UDO.

2. Conference Proceedings

At the pre-application conference, the Planning Director will discuss the proposed application type and proposed site development with the applicant. This discussion will include any needed clarification from the applicant regarding the proposed application and identify any concerns, problems, or other factors the applicant should consider regarding the

proposed application. The discussion will also include information about the process and steps necessary for development approval.

D. EFFECT OF CONFERENCE

The pre-application conference is intended to facilitate the development application process. Discussions held in accordance with this section are not binding on the Town, but are intended to provide guidance to applicants. Processing times for review of development applications do not begin until an application is submitted and determined to be complete in accordance with this chapter.

2.4.2. Neighborhood Meeting

A. PURPOSE

The purpose of the neighborhood meeting is to provide an opportunity for landowners and neighboring residents to learn about nearby proposed development and share their comments and concerns after an application is submitted for a proposed development. The neighborhood meeting also allows for a forum for the applicant and neighbors to resolve conflicts and outstanding issues, where possible, in an informal setting, prior to the presentation of the application in a public hearing.

B. APPLICABILITY

1. A neighborhood meeting shall be held as part of the application review process for the following application types unless the Planning Director determines that the application will not have a significant impact on surrounding land uses or public facilities, based on the nature and size of the proposed development:
    a. Planned development district; and
    b. Conditional zoning district classification.
2. A neighborhood meeting may be held at the option of the applicant as part of any other application process.

C. PROCEDURE

1. Meeting Location and Time

a. Neighborhood meetings shall be held at least twenty-one days prior to the Planning Board meeting for which the application has been scheduled to be heard.

b. The neighborhood meeting shall be held at a site in close proximity to the land subject to the application that is convenient and accessible to the neighbors. The meeting shall be scheduled to start no earlier

than 5 PM and shall be held on a weekday. Meetings may be held virtually with Planning Director approval.

2. Notification

a. **Mailed Notice**
The applicant shall mail notice of the meeting a minimum of 10 days in advance of the meeting, to:

i. The Planning Director;

ii. The owner of land subject to the application (if different from the applicant); and

iii. Any persons to whom mailed notice of a public hearing is required by this chapter.

b. **Content of Notice**
The notice shall state the time and place of the meeting, the purpose of the meeting, include a basic map identifying the land associated with the proposed development, summarize the general nature of the plan for development, identify the type of development approval or permit sought, and provide a phone number or email address for people to report any disabilities or interpretive services needed.

3. Conduct of the Meeting
The meeting shall be open to the public. At the meeting, the applicant shall explain the development proposal, identify generally the anticipated development review processes, respond to questions and concerns that attendees raise about the proposed development, and discuss ways to resolve conflicts or concerns. A Planning Department staff member shall attend to answer questions about the UDO requirements and the general development review process.

D. WRITTEN SUMMARY OF MEETING

After the conclusion of the meeting, the applicant shall prepare a written summary of the meeting that includes a list of meeting attendees, a summary of attendee comments and issues discussed related to the development proposal, and any other information the applicant deems appropriate. The meeting summary shall be included with the application materials and shall become part of the application.

2.4.3. Application Submission and Completeness Review

A. GENERAL

All applications shall be submitted to the Planning Director in accordance with the requirements of this section.

B. AUTHORITY TO FILE APPLICATION

1. Applications shall be submitted by the landowner or any other person or entity having a recognized property interest in the land upon which the development is proposed, or the authorized agent of such person or entity. The Town Board of Commissioners, Planning Board, or Planning Director may initiate and file applications for any application type identified in this UDO, in accordance with state law.

C. APPLICATION CONTENTS AND FORM

1. The Planning Director shall establish the requirements for application contents and forms and make them available to the public. The Planning Director may amend and update these requirements as he/she deems necessary.
2. If the applicant is not the sole owner of the land or is a contract purchaser of the land with authorization to seek Town approval for a specific application type, a notarized letter signed by the owner(s) consenting to the submission of the application shall be submitted with the application.

D. FEES

Fees required for each type of application shall be established by the Town Board of Commissioners. No application shall be considered complete until all required fees are paid in full.

E. SCHEDULE AND REVIEW

The schedule for application submission and review, including time frames for review, shall be established for each application type by the Planning Director. Established review times are estimates and are not intended as a guarantee for review of an application within a specific period of time.

F. DETERMINATION OF APPLICATION COMPLETENESS

1. Completeness Review

Until an application is determined to be complete in accordance with the requirements identified in this chapter, the application has not been submitted. The Planning Director shall determine whether an application is complete or incomplete after its submittal. A complete application is one that:

i. Contains all application content requirements established tor the particular type of application, as stated in this UDO and by the Planning Director.

ii. Is in the form required for submittal of the particular type of application;

iii. Includes information in sufficient detail to evaluate the application to determine whether it complies with the appropriate substantive standards of this UDO; and

iv. Is accompanied by the application fees established for the particular type of application in accordance with this section.

2. Incomplete Application

a. If it is determined that the application is incomplete, the Planning Director shall send written notice to the applicant of the submittal deficiencies and advise that review of the application shall not proceed until a complete application is submitted. The applicant may correct the deficiencies and resubmit the application for completeness determination.

b. If the applicant fails to provide the necessary items to complete the application within 15 days after being notified of deficiencies, and the applicant has not requested and received an extension from the Planning Director for good cause shown, the application shall be considered withdrawn.

3. Complete Application

If the application is determined to be complete, the Planning Director shall accept the application as submitted in accordance with the procedures and standards of this UDO in effect at the time of the submittal and provide the applicant with written notice of application submittal completeness and acceptance, after which time the application shall be reviewed in accordance with this UDO.

2.4.4. Staff Review and Action

A. STAFF REVIEW AND OPPORTUNITY TO REVISE APPLICATION

1. After determining an application is complete, the Planning Director shall distribute the application to appropriate Town staff and review agencies for review and comment.

2. The Planning Director shall review the application, relevant support material, and any comments or recommendations from Town staff and any other review agencies to which the application was referred. If deficiencies in complying with the applicable review standards of this UDO are identified, the Planning Director shall notify the applicant of the deficiencies and provide the applicant a reasonable opportunity to discuss the deficiencies and revise the application to address them.

B. APPLICATION SUBJECT TO STAFF RECOMMENDATION AND REPORT

1. If an application is indicated in Table 2-1: Summary Table of Development Review Procedures, as "Review and Advise" by the Planning Director, the Planning Director shall, following completion of staff review, prepare a staff report that addresses the application's compliance with applicable review standards. The staff report shall state whether the application complies with all appropriate standards of the UDO and all other applicable policy documents. The Planning Director shall recommend action on the application, including any recommended modifications or conditions of approval to mitigate any potential adverse effects of the proposed development.
2. After completion, the staff report shall be transmitted electronically or mailed to the applicant and made available to the public no less than five calendar days before the first scheduled meeting or public hearing on the application.

C. APPLICATION SUBJECT TO DECISION BY PLANNING DIRECTOR

1. If an application is subject to a final decision by the Planning Director (see Table 2-1: Summary Table of Development Review Procedures), the Planning Director shall make a decision on the application based on the review standards identified in this chapter for the specific type of application.
2. If conditions of approval are authorized by this chapter for a particular type of application, the Planning Director may impose reasonable and appropriate conditions or restrictions on the approval to ensure compliance with the standards of this UDO, provided:
   a. The restrictions and conditions imposed shall be related in both type and amount to the anticipated impact of the proposed development on the public and surrounding development; and
   b. The conditions imposed shall be expressly set forth in the development approval or permit.

2.4.5. Scheduling of Public Hearings and Public Notification

A. PUBLIC HEARING REQUIREMENTS

1. Table 2-1: Summary Table of Development Review Procedures, identifies those applications that require a public hearing.

2. When an application is subject to a public hearing, the Planning Director shall ensure that the public hearing on the application is scheduled for either:

a. A regularly scheduled meeting; or

b. A meeting specially called for that purpose by the decision-making body reviewing the application.

3. The public hearing on the application shall be scheduled to provide sufficient time for preparation of a staff report as required by this chapter, and for the provision of notice as required by this section and by state law.

B. PUBLIC NOTICE REQUIREMENT

Notice of public hearing on an application shall be as required by state law and in accordance with Table 2-2: Summary of Public Notification Requirements. Applications not identified in Table 2-2 do not require public notification.

TABLE 2-2: SUMMARY OF PUBLIC NOTIFICATION REQUIREMENTS

Procedure	Published	Mailed	Posted
UDO Text Amendment	Required		
Zoning Map Amendment*	Required	Required	Required
Planned Development District	Required	Required	Required
Conditional Zoning District Classification	Required	Required	Required
Special Use Permit	Required	Required	Required
Certificate of Appropriateness	Required	Required	Required
Watershed Density Averaging Certificate	Required	Required	Required
Variance	Required	Required	Required
Variance – Floodplain	Required	Required	Required
Variance – Watershed	Required	Required	Required
Appeal of Administrative Decisions*	Required	Required	Required
* Depending on application specifics, mailing and posting may not be required			

1. Content of Notice

Each mailed and published notice shall:

i. Identify the date, time, and place of the public hearing;

ii. Describe the land involved by street address or by legal description and nearest cross street (if applicable);

iii. Describe the nature, scope, and purpose of the proposed action;

iv. Indicate that interested parties may appear at the public hearing and speak on the matter;

v. Indicate where additional information on the matter may be obtained; and

vi. Comply with any other notice content requirements established by state law.

2. Published Notice

a. When the provisions of this UDO require publishing a notice, the Planning Director shall have notice published of the public hearing once a week for two successive calendar weeks in a newspaper having general circulation in the Town.

b. The notice shall be published the first time not less than ten days nor more than 25 days before the date fixed for the hearing. In computing such period, the day of published notice shall not be included but the day of the hearing shall be included.

3. Mailed Notice

a. When the provisions of this UDO require that mailed notice be provided, the Planning Director shall prepare a notice of the public hearing and deliver the notice via first class mail to the following persons:

i. The applicant and property owner(s);

ii. Listed owners of contiguous lands; and

iii. Organizations and persons that have registered to receive notices of public hearings in accordance with this chapter.

b. Mailed notice shall be postmarked no less than ten days but no more than 25 days prior to the date of the public hearing. The last address listed on the county tax records shall be used to mail notice to owners of contiguous lands.

c. The Planning Director shall prepare an affidavit with affirmation that notice meeting the content requirements of this section was mailed. The affidavit shall be conclusive that notice has been given in accordance with the terms of this section.

d. In the case of an application for a watershed Variance, each local government having jurisdiction in the watershed and any entity using the water supply for consumption shall receive a description of the Variance being requested via first class mail sent at least ten days prior to the public hearing.

e. Mailed notice for the extension of the Town's Extraterritorial Jurisdiction (ETJ) shall be made 30 days prior to the public hearing during which time a decision is made to extend the ETJ or not.

f. Mailed notice shall not be required when an application to amend the Official Zoning District Map includes more than 50 lots or tracts, owned by at least 50 different landowners, if the Town:

i. Publishes an advertisement that shows the boundaries of the affected area, includes the other required content, is at least one-half the size of a newspaper page, and is published in accordance with this chapter; and

ii. Notifies landowners residing outside the newspaper's circulation, via first class mail and in accordance with this chapter.

4. Posted Notice

a. When the provisions of the UDO require that notice be posted, the Planning Director shall post the notice on the subject property or properties no less than ten days but no more than 25 days prior to the date of the public hearing. Posted notice shall be located adjacent to each public street right-of-way bordering the subject property or properties and provide reasonable notice to interested persons. In computing such period, the day of posting shall not be counted, but the day of the hearing shall be counted. Posted notice shall remain in place until after the meeting for which notice is published has been held.

b. If no part of the subject property is visible from the public right-of-way, the notice shall be posted along the nearest street in the public right-of-way in such a manner as to ensure consistency with the intent of this section, and the sign shall indicate the address or location subject to an application.

c. In addition to posted notice on the subject properties or properties, notice of the first public hearing shall also be posted in a conspicuous location within Town Hall ten days before the public hearing.

d. The Planning Director shall prepare an affidavit with affirmation that notice meeting the content requirements of this section was posted. The affidavit shall be conclusive that notice has been given in accordance with the terms of this section.

5. Constructive Notice

a. Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice may include, but are not limited to:

i. Errors in a legal description; or

ii. Typographical or grammatical errors that do not impede communication of the notice to affected parties.

b. Failure of a party to receive written notice shall not invalidate subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a

public hearing and the location of the subject property or properties shall be strictly adhered to or shall otherwise require re-advertising.

c. Property postings that fall down or are removed, damaged, or otherwise lost after posting shall not invalidate subsequent action. The Planning Director shall reinstall any property posting upon learning of its damage or absence.

d. If questions arise at the hearing regarding the adequacy of notice, the decision-making body shall direct the Planning Director to make a formal finding as to whether there was substantial compliance with the notice requirements of this UDO, and such findings shall be made available to the decision-making body prior to final action on the request.

6. Registration to Receive Notice by Electronic Means

Any person, neighborhood organization, or other organization in the Town may register with the Planning Department to receive electronic notice of all public hearing notices. A fee may be required, and each recipient may be required to re-register each year.

2.4.6. Advisory Board Review and Recommendation

If an application is subject to a recommendation by an advisory board, either the Historic Planning Commission or the Planning Board (see Table 2-1: Summary Table of Development Review Procedures), the specified advisory board shall review and act on the application in accordance with the following requirements:

1. The advisory board shall hold any required public hearing in accordance with state law and the advisory board's rules of procedure and shall consider the application, relevant support materials, the staff report, and any public comments. The advisory board shall then recommend a decision based on the review standards identified in this chapter for the specific type of application.

2. The advisory board's recommendation shall state the basis or rationale for the recommended decision.

3. The advisory board shall take action within any time period specified in this chapter for the type of application.

4. If conditions of approval are permitted by this chapter for the particular type of application, the advisory board may recommend conditions of approval. Conditions of approval shall relate in both type and extent to the anticipated impacts of the proposed development.

2.4.7. Decision-Making Body Hearing, Review, and Decision

A. If an application is subject to a final decision by the Historic Preservation Commission, the Board of Adjustment, or the Town Board of Commissioners, the decision-making body shall review and make a decision on the application in accordance with the following procedures:

1. The decision-making body shall hold any required public hearing in accordance with state law and the body's rules of procedure and shall consider the application, relevant support materials/evidence, the staff report, any advisory board recommendation, and any public comments/testimony. The body shall then make a decision based on the review standards identified in this chapter for the specific type of application.
2. The decision-making body shall clearly state the basis or rationale for its decision on the application.

B. If conditions of approval are authorized by this chapter for a particular type of application, the decision-making body may impose reasonable and appropriate conditions or restrictions on the approval to ensure compliance with the general goals or particular standards of this UDO or to prevent or minimize adverse effects from the proposed development on surrounding property(ies), provided:

1. The restrictions and conditions imposed shall be related in both type and amount to the anticipated impact of the proposed development on the public and surrounding development; and
2. The conditions imposed shall be expressly set forth in the development approval or permit.

2.4.8. Post-Decision Actions and Limitations

A. NOTIFICATION TO APPLICANT

Within a reasonable period of time after a decision on an application, the Planning Director or the decision-making board, as the case may be, shall provide the applicant with written notification of the decision. Within a reasonable period of time after the decision, a copy of the decision shall also be made available to the public for inspection in the Planning Department during normal business hours.

B. APPEAL

Any decision not appealed to the Board of Adjustment as identified on Table 2-1 may be appealed to the appropriate court as provided by state law. An appeal from a Board of Adjustment decision also may be appealed to the appropriate court as provided by state law.

C. EXPIRATION

Approval of a development application shall expire or lapse as provided by this UDO for the various types of development applications. If no provision for expiration is given by this UDO for a particular type of application, and if no expiration period is imposed as part of an approval by the decision-making body, an approval shall expire if development is not substantially commenced or a subsequent permit is not obtained within one year.

D. AMENDMENT, EXTENSION, OR MODIFICATION OF DEVELOPMENT APPROVAL OR PERMIT

Except as otherwise provided in the application-specific procedures in this chapter, an amendment, extension, or modification of a development approval or permit may be made only in accordance with the procedures and standards for its original approval.

E. WAITING PERIOD FOR RECONSIDERATION OF DENIED APPLICATION

1. General

Whenever any application for a development approval or permit requiring a public hearing is denied, the same request shall not be considered for a period of one year after the date of denial ("waiting period"), unless a waiver of such waiting period is subsequently approved by the decision-making body in accordance with the requirements of this section. Only one request for such a waiver may be submitted by the applicant during the waiting period. If a request for a new hearing is granted through a waiting period waiver in accordance with this section, a new one-year waiting period shall begin on the date of the second hearing.

2. Request for Waiting Period Waiver

a. A request for a waiting period waiver may be initiated by the owner or the owner's authorized agent by submitting a request for a waiting period waiver to the Planning Director.

b. The decision on a request for a waiting period waiver shall be made by the decision-making body that made the decision to deny the application regarding which the waiver is being sought.

c. At the meeting for which the request for waiting period waiver is scheduled, the decision-making body shall consider the request, other relevant support materials, statements made by the applicant or the applicant's representative, and the public, and approve or deny the request based on the standards in this chapter. If approved, the applicant may immediately reapply for the same project; however, the project must restart the process outlined in Chapter 2 for that application type.

3. Waiting Period Waiver Standards

A waiting period waiver may be approved by the decision-making body if substantial evidence is presented that demonstrates:

i. New or additional information is available that was not available at the time of the review of the denied application that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed; or

ii. The final decision on the application was based on a material mistake of fact.

2.4.9. Other Application-Related Provisions

The provisions in this section apply generally and are not referenced in the application-specific procedures in this chapter.

A. DEFERRAL OF APPLICATION

1. Request Prior to Publication of Notice

An applicant may request for an application to be deferred by submitting a written request to the Planning Director prior to the publication of notice for the public hearing being scheduled for printing. The date of the public hearing at which the application will be heard shall be set at the time the deferral is granted.

2. Request After Publication of Notice

If a request for deferral is submitted to the Planning Director after the publication of notice is scheduled for printing, the request for deferral shall be placed on the public hearing agenda and acted upon by the decision-making body. There are no guarantees that the decision-making body will agree to defer a public hearing. The decision-making body will consider the deferral during the scheduled public hearing time. If an application is continued to a future meeting, the application may be subject to additional application fees to defray the costs of processing the application and notification expenses.

B. CHANGES TO APPLICATION AFTER NOTICE OF PUBLIC HEARING

After publication of notice has occurred, changes to an application (including changes to an application at the public hearing) not made solely to satisfy staff or review body recommendations or conditions shall be governed by this section.

1. Clerical Errors

Minor additions, deletions, or corrections that the Planning Director determines are clerical in nature and do not constitute substantive changes may be made without referring the amended application back to restart the review process.

2. Major Changes

Any substantive changes to a zoning or development application related to uses, densities, intensities, street layout, access, open space configuration, building form, or other major element shall require referral of the application back to the Planning Director for review and preparation of a revised staff report and to any other review bodies required for the type of application. An application requiring such additional review may be subject to additional application fees to defray the costs of the additional review and processing.

3. Conditions of Approval

Proposed changes in conditions of approval or to a less intensive zoning district, as appropriate, may be considered by the decision-making body without referral back to the Planning Director or other review bodies.

C. WITHDRAWAL OF APPLICATION

1. Submission of Request

Any request for withdrawal of an application subject to a public hearing shall be submitted in writing to the Planning Director or shall be made through a verbal request at a public hearing. A withdrawn application cannot be revived.

2. Prior to Notice of Public Hearing

The Planning Director shall approve a request for withdrawal of an application if it has been submitted prior to public notification of the application in accordance with this chapter.

3. Subsequent to Notice of Public Hearing

a. If the request for withdrawal of an application is submitted subsequent to public notification in accordance with this chapter, the request for withdrawal shall be placed on the public hearing agenda and acted upon by the decision-making body.

b. Whenever an application subject to a requirement for a public hearing before the Town Board of Commissioners is withdrawn after public notification, but prior to a decision by the Town Board of Commissioners, no similar application may be submitted for the same property for a period of 90 days following the withdrawal.

c. For concurrent Annexation and Zoning Map Amendment, Conditional Zoning Classification, or Planned Development District applications, if the annexation is heard first and denied, the accompanying application cannot be valid because the annexation is denied and will not be heard by the Town Board of Commissioners. Fees will not be returned for any unheard applications and the applications will be

deemed withdrawn. Required waiting periods shall not take effect for the accompanying unheard applications.

4. Fees

Fees shall not be refunded for withdrawn applications.

5. Waiting Period

No more than two withdrawals of the same type of development application for the same property may be filed within any single 12-month period, and no similar type of application may be filed for the same property within one year following the second withdrawal.

D. WITHDRAWAL OF APPLICATION THROUGH INACTION

1. If an application has remained dormant for a period of six months, the Planning Director may determine it is no longer valid and deem the application withdrawn.
2. At least ten days prior to expiring a dormant application, the applicant shall be contacted by the Planning Director to inform him/her of the pending withdrawal.
3. Fees shall not be refunded for withdrawn applications.
4. If the applicant makes sufficient progress on the application after notification, as deemed by the Planning Director, the application will remain valid and active.
5. Following such deemed application withdrawal, the application cannot be revived. Instead, a new application may be filed on the same development. Waiting periods shall apply to all withdrawn applications regardless of who initiates the withdrawal (i.e. applicant action is treated the same as Planning Director action).

E. EXAMINATION AND COPYING OF APPLICATION AND RELATED DOCUMENTS

At any time upon reasonable request and during normal business hours, any person may examine an application, a finalized staff report, and materials submitted in support of or in opposition to an application in the Planning Department. Copies of such materials shall be made available at a reasonable cost and/or in a digital format.

F. CONCURRENT ANNEXATION AND ZONING/DEVELOPMENT PLAN REVIEW

Applicants may request concurrent reviews of Annexation requests and Zoning Map Amendment, Planned Development District, Conditional Zoning District Classification, Special Use Permit, and/or Concept Plan review. If a property is not within the Mooresville ETJ or within the Town's corporate limits, any such approval shall be contingent upon the property's annexation into the Town's corporate limits and shall be effective upon the date of annexation.

2.5. APPLICATION-SPECIFIC PROCEDURES

2.5.1. UDO Text Amendment

A. PURPOSE

The purpose of this section is to provide a uniform means for amending the text of this UDO.

B. APPLICABILITY

The procedure in this section shall apply to all applications to amend the text of this UDO.

C. PROCEDURE

This section references common review procedures in this chapter that are required to amend the text of this UDO and any modifications or additions to the procedures that apply (see Figure 2-1: UDO Text Amendment Procedure).

Figure 2-1: UDO Text Amendment Procedure



1. Pre-Application Conference

A pre-application conference shall be held with the Planning Director.

2. Application Submission

The common review procedures apply.

3. Staff Review and Action

The Planning Director shall review and make a recommendation on the application.

4. Scheduling of Public Hearings and Public Notice

The Planning Director shall schedule public hearings and provide public notice.

5. Advisory Board Review and Recommendation

a. If an application for an UDO Text Amendment involves standards for the Historic Preservation Overlay district, the application shall first be reviewed by the Historic Preservation Commission. The Commission shall review the application and make a recommendation based on any potential impacts to historically significant elements.

b. The Planning Board shall review the application and any public comments and make a recommendation based on the review standards found in Decision Standards below. The recommendation shall be in writing and made within 30 days after the Planning Board's first meeting on an application, unless the applicant and Planning Board mutually agree on a longer review period.

6. Decision-Making Body Hearing, Review, and Decision

a. The Town Board of Commissioners shall review the application and any public comments at a legislative hearing. The Town Board of Commissioners shall also be provided any written statements submitted by a resident or property owner to the Town Clerk at least two business days prior to the proposed vote on the application. The Town Board of Commissioners shall then make a decision based on the decision standards below.

b. The decision of the Town Board of Commissioners shall be one of the following:

i. Adopt the text amendment as proposed;

ii. Adopt the text amendment with revisions;

iii. Reject the text amendment; or

iv. Remand the application to the Planning Board or Planning Director for further consideration.

7. Post-Decision Actions or Limitations

Amendments to the text of this UDO do not lapse or expire and are effectively immediately, unless otherwise specified in the approval.

D. DECISION STANDARDS

1. Text Amendment Standards

The advisability of amending the text of the UDO is a matter committed to the legislative discretion of the Town Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny the proposed amendment to the UDO, the Town Board of Commissioners may consider and weigh the following factors:

i. Whether and the extent to which the proposed amendment is consistent with the Comprehensive Plan and relevant adopted small area plans;

ii. Whether the proposed amendment is in conflict with any provision of this UDO, and any related Town regulations;

iii. Whether and the extent to which there are changed conditions that may warrant an amendment;

iv. Whether and the extent to which the proposed amendment is consistent with the purpose and intent of the zoning districts or other standards in this UDO, or will improve compatibility among uses and will help ensure efficient development within the Town; and

v. Any other factors deemed relevant as part of the Town Board of Commissioner's discussion in consideration of the amendment or as required by law.

E. STATEMENT OF REASONABLENESS AND PLAN CONSISTENCY

1. As part of the action approving, denying, or amending a UDO Text Amendment, the Town Board of Commissioners shall approve a brief statement describing whether the action is consistent or inconsistent with the Comprehensive Plan and analyzing the reasonableness of the application, in accordance with N.C.G.S. §160D-605.

2. The statement of consistency and reasonableness may be approved as a part of the action approving, denying, or amending a UDO Text Amendment request.

2.5.2. Zoning Map Amendment

A. PURPOSE

The purpose of this section is to provide a uniform means for amending the Official Zoning District Map through a Zoning Map Amendment.

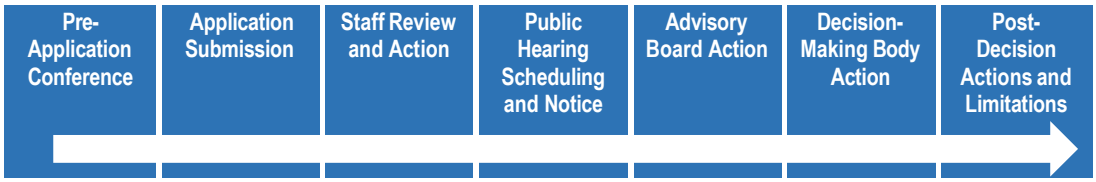
B. APPLICABILITY

The procedure in this section shall apply to all applications to amend the Official Zoning District Map, other than applications for a planned development district or conditional zoning classification.

C. PROCEDURE

This section references common review procedures in this chapter that are required for a Zoning Map Amendment and any modifications or additions to the procedures that apply (see Figure 2-2: Zoning Map Amendment Procedure).

Figure 2-2: Zoning Map Amendment Procedure



1. **Pre-Application Conference**
   A pre-application conference is required.

2. **Application Submission**
   The common review procedures apply, except an application that seeks to down-zone a property may not be filed by an applicant other than the Town Board of Commissioners, the Planning Board, or staff unless the application includes written consent of all property owners whose property is the subject of the application.

3. **Staff Review and Action**
   The Planning Director shall review and make a recommendation on the application.

4. **Scheduling of Public Hearings and Public Notice**
   The Planning Director shall schedule public hearings and provide public notice.

5. **Advisory Board Review and Recommendation**

   a. If an application for a Zoning Map Amendment involves land or structures in the Historic Preservation Overlay district, the application shall first be reviewed by the Historic Preservation Commission. The Commission shall review the application and make a recommendation based on any potential impacts to historically significant elements.

   b. The Planning Board shall review the application and any public comments and make a recommendation based on the review standards found in Decision Standards below. The recommendation shall be in writing and made within 30 days after the Planning Board's first meeting on an application, unless the applicant and Planning Board mutually agree on a longer review period.

6. **Decision-Making Body Hearing, Review, and Decision**

   a. The Town Board of Commissioners shall review the application and any public comments at a legislative hearing. The Town Board of Commissioners shall also be provided any written statements submitted by a resident or property owner to the Town Clerk at least two business days prior to the proposed vote on the application. The Town Board of Commissioners shall then make a decision based on the decision standards below.

   b. The decision of the Town Board of Commissioners shall be one of the following:

   i. Approve the application as proposed;

   ii. Approve the application with a reduction in size of the area requested;

iii. Approve the application with an amendment to a more restricted base zoning district;

iv. Deny the application; or

v. Remand the application to the Planning Board or Planning Director for further consideration.

c. The decision of the Town Board of Commissioners shall include a statement of reasonableness and plan consistency, as applicable, in accordance with the standards below.

7. Post-Decision Actions or Limitations

Zoning Map Amendment approvals do not expire.

D. DECISION STANDARDS

1. Zoning Map Amendment Standards

Zoning Map Amendments are legislative decisions made by the Town Board of Commissioners. In determining whether to adopt or deny the proposed Zoning Map Amendment, the Town Board of Commissioners shall consider and weigh the following factors, in addition to other factors deemed relevant as part of the Town Board of Commissioner's discussion in consideration of the amendment or as required by law:

i. Whether and the extent to which the proposed amendment is consistent with the Comprehensive Plan and any relevant adopted small area plans;

ii. Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property(ies);

iii. Whether and the extent to which the proposed amendment will result in the expansion of an existing zoning district or provides for a more logical transition between existing zoning districts that may be incompatible;

iv. Whether and the extent to which the proposed amendment would result in or help support a logical and orderly development pattern for the community; and

v. Whether and the extent to which the proposed amendment would encourage development in areas that can be reasonably served by public infrastructure.

E. STATEMENT OF REASONABLENESS AND PLAN CONSISTENCY

1. As part of the action approving, denying, or amending a Zoning Map Amendment, the Town Board of Commissioners shall approve a statement describing whether the action is consistent or inconsistent with the

Comprehensive Plan and analyses the reasonableness of the application, in accordance with N.C.G.S. 160D-605. If the Town Board of Commissioners decides the adoption of the Zoning Map Amendment is inconsistent with the Comprehensive Plan, the Future Land Use Map shall be deemed amended in accordance with the Zoning Map Amendment.

2. The statement of consistency and reasonableness may be approved as a part of the action approving, denying, or amending a Zoning Map Amendment request.

2.5.3. Planned Development District

A. PURPOSE

The purpose of this section is to provide a uniform means for approval of a planned development district. Planned developments are developments that are planned and developed under unified control and in accordance with more flexible standards and procedures in order to create higher quality development than could be achieved through conventional zoning district regulations.

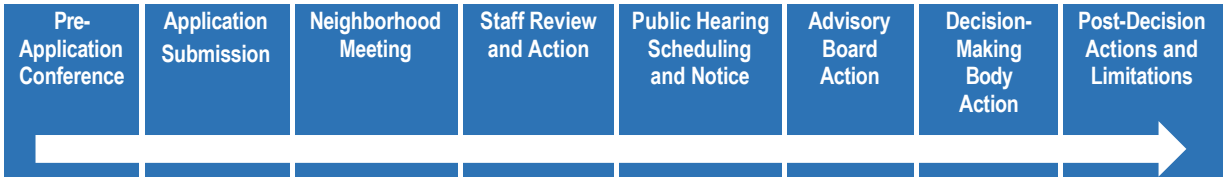
B. APPLICABILITY

The procedure in this section shall apply to all applications to amend the Official Zoning District Map to classify lands to a planned development district.

C. PROCEDURE

This section references common review procedures in this chapter that are required to classify lands to a planned development district and specifies any modifications and additions to those procedures that apply (see Figure 2-3: Planned Development District Procedure).

Figure 2-3: Planned Development District Procedure



1. Pre-Application Conference

A pre-application conference is required.

2. Neighborhood Meeting

A neighborhood meeting is required.

3. Application Submission

The common review procedures apply. The application shall include the following, in addition to other required application materials established by the Planning Director:

i. A Planned Development (PD) Plan that depicts the general configuration and relationship of the principal elements of the proposed development, including uses, general building types, density/intensity, changes to development standards in the UDO, resource protection, multimodal circulation, open space, public facilities, and phasing. The PD Plan is general in nature and contains the level of detail as established by the Planning Director.

ii. A Planned Development (PD) Agreement that specifies terms and conditions for the development including development parameters and conditions of approval, provides for environmental mitigation, outlines how public facilities will be provided to serve the planned development, identifies community benefits and amenities, development timing, plan expiration, and any extension provisions.

4. Staff Review and Action

The Planning Director shall review and make a recommendation on the application, as well as work with the applicant on the Development Agreement.

5. Scheduling of Public Hearings and Public Notice

The Planning Director shall schedule public hearings and provide public notice.

6. Advisory Board Review and Recommendation

a. If an application involves land or structures in the Historic Preservation Overlay district, the application shall first be reviewed by the Historic Preservation Commission. The Commission shall review the application and make a recommendation based on any potential impacts to historically significant elements.

b. The Planning Board shall review the application and any comments submitted by staff and make a recommendation based on the decision standards below. The recommendation shall be in writing and made within 30 days after the Planning Board's first meeting on an application, unless the applicant and Planning Board mutually agree on a longer review period. The Planning Board shall include a written statement evaluating the reasonableness and plan consistency of the application in accordance with the standards below.

7. Decision-Making Body Hearing, Review, and Decision

a. The Town Board of Commissioners shall review the application at a legislative hearing. The Town Board of Commissioners shall receive any written statements submitted by a resident or property owner in the Town to the Clerk of the Town Board of Commissioners or Planning Director at least two business days prior to the proposed vote on the application. The Town Board of Commissioners shall then make a decision based on the decision standards below.

b. The decision of the Town Board of Commissioners shall be one of the following:

i. Approve the application as proposed;

ii. Approve the application with amendments or conditions;

iii. Deny of the application; or

iv. Remand the application to the Planning Board or Planning Director for further consideration.

c. The decision of the Town Board of Commissioners shall include a statement of reasonableness and plan consistency in accordance with the decision standards below.

8. Post-Decision Actions or Limitations

a. **Effect of Approval**

Property rezoned to a planned development district shall be subject to the approved PD Plan and the approved PD Agreement. The PD Plan and PD Agreement are binding on the land as an amendment to the text of this UDO and the Official Zoning District Map. The applicant may apply for and obtain subsequent development permits and approvals necessary to implement the PD Plan in accordance with the appropriate procedures and standards set forth in this UDO.

b. **Subsequent Applications**

Subsequent development approvals and permits within the approved planned development district shall comply with the approved PD Plan and the PD Agreement. Any modifications to the PD Agreement can be adopted only in accordance with the procedures and standards established for its original approval. Minor modifications to the PD Plan are limited to:

(1) A change in interior transportation system layout to accommodate other allowable deviation, which does not significantly affect the approved PD plan, and does not alter the connection point to the public transportation network;

(2) Increases to open space or amenity areas; or

(3) A modification specifically listed in the approved PD agreement as a minor modification that does not materially affecting the basic concept of the planned development district or the basic parameters set by the PD agreement.

c. **Expiration of Approval**
Planned development district approval expiration dates shall be included in the development agreement adopted as part of the planned development district. While flexible, it is anticipated that planned development districts shall be valid for no more than ten years, excluding extensions. Any extensions and required notifications shall be included in the development agreement.

D. DECISION STANDARDS

The advisability of classifying property to a planned development district is a matter committed to the legislative discretion of the Town Board of Commissioners. In determining whether to approve the proposed planned development district, the Town Board of Commissioners may consider:

a. The review standards that apply to Zoning Map Amendments

b. The standards for the proposed type of planned development district in Chapter 3: Zoning Districts

c. Community benefits being offered as part of the planned development district, including, but not limited to affordable housing, public parks, public art, improvements to the transportation system, property to facilitate construction of civic buildings, utility infrastructure improvements, and increases to the existing tree canopy. Funding for these activities may be used in lieu of providing onsite, pursuant to state law.

E. STATEMENT OF REASONABLENESS AND PLAN CONSISTENCY

1. As part of the action approving, denying, or amending a Planned Development District, the Town Board of Commissioners shall approve a brief statement describing whether the action is consistent or inconsistent with the Comprehensive Plan and analyzing the reasonableness of the application, in accordance with N.C.G.S. 160D-605. If the Town Board of Commissioners decides the adoption of the Planned Development District is inconsistent with the Comprehensive Plan, the Future Land Use Map shall be deemed amended in accordance with the Planned Development District approval.

2. The statement of consistency and reasonableness may be approved as a part of the action approving, denying, or amending a PD District request.

2.5.4. Conditional Zoning District Classification

A. PURPOSE

The purpose of this section is to provide a uniform means for amending the Official Zoning District Map to classify lands to a conditional zoning district. Applicants are encouraged to apply for a Conditional Zoning District Classification to ensure that development allowed by the district will conform to the Town's adopted plans or to appropriately address the impacts expected to be generated by site development.

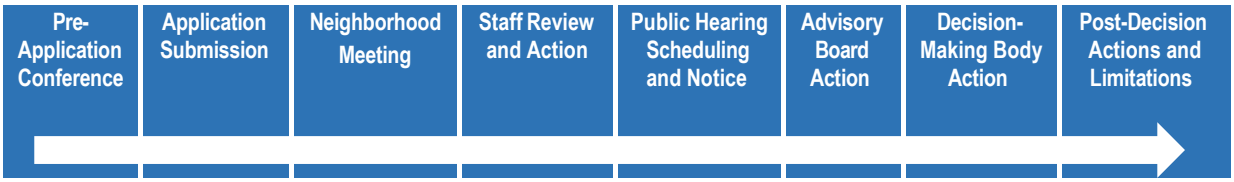
B. APPLICABILITY

The procedure in this section shall apply to all applications to amend the Official Zoning District Map to classify lands to a conditional zoning district.

C. PROCEDURE

This section references common review procedures in this chapter that are required to classify lands to a conditional zoning district and specifies any modifications and additions to those procedures that apply (see Figure 2-4: Conditional Zoning District Classification Procedure).

Figure 2-4: Conditional Zoning District Classification Procedure



1. Pre-Application Conference

A pre-application conference is required.

2. Neighborhood Meeting

A neighborhood meeting is required.

3. Application Submission

The common procedures apply. The application shall include the following:

a. A Concept Plan that has been approved in accordance with the Concept Plan procedure in this chapter, unless the Planning Director determines that a Concept Plan is not required because the proposed conditional zoning district would not make a substantial physical change to the site; and

b. A completed Transportation Impact Analysis (TIA) in accordance with the TIA procedure in this UDO, if applicable; and

c. A list of Voluntary Conditions that relate to the Conditional Rezoning. The Concept Plan included in the application shall be considered as an applicant-sponsored condition of approval. In addition, the application shall include any necessary supporting information and text that contain property use(s) and other voluntary enhancements that will govern the development and use of the property, which may also become applicant-sponsored conditions of approval.

4. Staff Review and Action

The Planning Director shall review and make a recommendation on the application. If a Concept Plan is submitted for concurrent review, the Planning Director shall review and make a decision on the Concept Plan in accordance with the Concept Plan procedure in this chapter prior to making a recommendation on the application.

5. Scheduling of Public Hearings and Public Notice

The Planning Director shall schedule public hearings and provide public notice. Following public notice, the applicant may not propose changes to the Concept Plan or proposed conditions that add new uses, increases density, are more intensive, or potentially are more impactful on adjacent properties than those contained in the application prior to the public notice.

6. Advisory Board Review and Recommendation

a. If an application involves land or structures in the Historic Preservation Overlay district, the application shall first be reviewed by the Historic Preservation Commission. The Commission shall review the application and make a recommendation based on any potential impacts to historically significant elements.

b. The Planning Board shall review the application and any comments submitted by staff and make a recommendation based on the decision standards below. The recommendation shall be in writing and made within 30 days after the Planning Board's first meeting on an application, unless the applicant and Planning Board mutually agree on a longer review period. The Planning Board shall include a written statement evaluating the reasonableness and plan consistency of the application in accordance with the standards below.

7. Decision-Making Body Hearing, Review, and Decision

a. The Town Board of Commissioners shall review the application at a legislative hearing. The Town Board of Commissioners shall also be provided any written statements submitted by a resident or property owner to the Town Clerk at least two business days prior to the proposed vote on the application. The Town Board of Commissioners shall then make a decision based on the decision standards below.

The decision of the Town Board of Commissioners shall be one of the following:

i. Approve the application with proposed conditions of approval;

ii. Approved the application with additional or alternative conditions of approval;

iii. Deny the application; or

iv. Remand the application to the Planning Board or Planning Director for further consideration.

b. Conditions of approval:

i. Shall be limited to those that address the conformance of the development and use of the site to the UDO and to the Comprehensive Plan or other adopted Town plans, and those that address the impacts reasonably expected to be generated by the development or use of the site;

ii. Shall be mutually agreed to in writing by the petitioner and the Town; and

iii. Shall comply with the limitations applicable to conditional zoning districts in Chapter 3: Zoning Districts.

c. The decision of the Town Board of Commissioners shall include a statement of reasonableness and plan consistency in accordance with the standards below.

8. Post-Decision Actions or Limitations

a. **Effect of Approval**

Lands classified to a conditional zoning district shall also be subject to the approved Concept Plan and approved conditions. The approved Concept Plan and conditions shall constitute the standards for the approved conditional zoning district and are binding on the land as an amendment to this UDO and the Official Zoning District Map. A conditional zoning district shall bear the same designation as the parallel general use (base) zoning district but shall also include the suffix "C."

b. **Minor Modifications**

The applicant may request, and the Planning Director may approve, a minor modification to a Concept Plan or approved conditions to a conditional zoning district. A minor modification includes any change which the Planning Director determines has no material effect on the character of the approved development or its approved conditions. Changes that materially affect the basic configuration or intent of the Concept Plan or approved conditions are not considered minor modifications and shall be amendments that may only be considered in accordance with the procedures and standards established for the original approval of the conditional zoning district classification. Minor modifications are limited to:

(1) Driveway relocations;

(2) Building footprint revisions that do not increase the area of any building by more than twenty percent. At no time shall density, intensity, or uses of the overall Conditional Zoning be increased by a minor modification;

(3) Increases to open space, amenity space, landscaping, and other elements that benefit the community;

(4) Interior transportation network changes that do not impact a collector or higher level street and do not alter the connection point to the public transportation network;

(5) Modifications to parking as provided for in this UDO;

(6) Architectural modifications of building materials up to ten percent of a façade; and

(7) Other minor alterations that do not materially affect the basic configuration or intent of the Concept Plan or approved conditions, as determined by the Planning Director.

c. **Expiration of Approval**

Approval of a conditional zoning district classification does not expire or lapse. However, if no application for a building permit for any part or section of the associated Concept Plan is submitted within two years after approval of the conditional zoning district, irrespective of any intervening transfer of ownership, the Planning Director may initiate an Official Zoning District Map amendment to any other base zoning district classification determined to be appropriate. The applicant may request and the Planning Director may approve one extension of the two-year period of up to six months upon a showing of good cause, if the request is submitted at least 30 days before the end of the two-year period.

D. DECISION STANDARDS

The advisability of amending the Official Zoning District Map to a conditional zoning district is a matter committed to the legislative discretion of the Town Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny the proposed amendment to the Official Zoning District Map, the Town Board of Commissioners may consider the review standards that apply to Official Zoning District Map amendments and applicable transportation improvements as provided for in the Comprehensive Transportation Plan and/or Transportation Master Plan.

E. STATEMENT OF REASONABLENESS AND PLAN CONSISTENCY

1. As part of the action approving, denying, or amending a Conditional Zoning District request, the Town Board of Commissioners shall approve a brief statement describing whether the action is consistent or inconsistent with the Comprehensive Plan and analyzing the reasonableness of the application, in accordance with N.C.G.S. §160D-605. If the Town Board of Commissioners decides the adoption of the Conditional Zoning District is inconsistent with the Comprehensive Plan, the Future Land Use Map shall be deemed amended in accordance with the amendment.
2. The statement of consistency and reasonableness may be approved as a part of the action approving, denying, or amending a Conditional Zoning District request.

2.5.5. Special Use Permit

A. PURPOSE

The purpose of this section is to establish a procedure for the review of a proposed special use before it is established. Special uses are uses that are generally compatible with the other uses permitted in a base zoning district, but require individual review of their location, design, configuration, density, and intensity of use. Special uses also usually require the imposition of conditions to ensure the appropriateness of the use at a particular location.

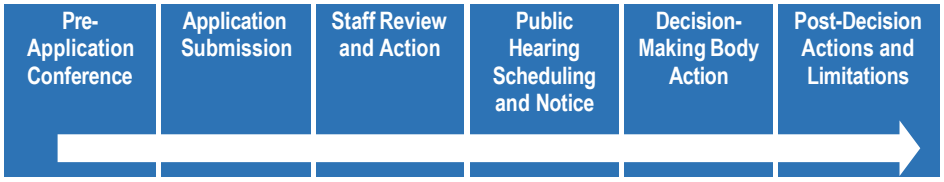
B. APPLICABILITY

Approval of a Special Use Permit in accordance with the procedure in this section is required prior to the establishment of a special use identified as such in the use table in Chapter 4: Use Regulations, or in another provision of this UDO.

C. PROCEDURE

This section references common review procedures in this chapter that are required for the submission and review of a Special Use Permit application and specifies any modifications and additions to those procedures that apply (see Figure 2-5: Special Use Permit Procedure).

Figure 2-5: Special Use Permit Procedure



1. **Pre-Application Conference**
   A pre-application conference is required.

2. **Application Submission**
   The common review procedures apply. The application shall include a Concept Plan that has been approved in accordance with the Concept Plan procedure in this chapter, unless the Planning Director determines that a Concept Plan is not required because the proposed Special Use Permit would not make a substantial physical change to the site.

3. **Staff Review and Action**
   The Planning Director shall review and may make a recommendation on the application at the hearing.

4. **Scheduling of Public Hearings and Public Notice**
   The Planning Director shall schedule public hearings and provide public notice.

5. **Advisory Board Review and Recommendation**
   If an application involves land or structures in the Historic Preservation Overlay district, the application shall first be reviewed by the Historic Preservation Commission. The Commission shall review the application and make a recommendation based on any potential impacts to historically significant elements.

6. **Decision-Making Body Hearing, Review, and Decision**
   The Board of Adjustment shall conduct a quasi-judicial hearing on the application and shall then make a decision on the application based on the decision standards below. The decision of the Board of Adjustment shall be one of the following:

   i. Approve the application;

   ii. Approve the application subject to conditions of approval; or

   iii. Deny the application.

7. **Post-Decision Actions or Limitations**

   a. **Extent of Approval**
      Issuance of a Special Use Permit shall authorize only the particular special use that is approved in the permit. All subsequent development and use of the land must be in accordance with the

approved Special Use Permit and conditions (if applicable). Nothing in this section shall prevent the establishment of a different use of land in accordance with the requirements in this UDO.

b. **Signed Decision Filing**

Decisions shall be documented in writing and signed by the Chair. The decision shall be filed in the Planning and Community Development Department and mailed out to all parties.

c. **Requirement to Record**

The Planning Director shall record the Special Use Permit in the office of the Iredell County Register of Deeds within 30 days of its issuance.

d. **Expiration of Approval**

i. The Board of Adjustment may specify a time by which the permit approval will void if development activity has not begun or been completed, or both. Unless the Board of Adjustment specifies otherwise, a Special Use Permit shall expire one year from the date of its issuance if:

(1) The development authorized by the permit has not commenced, and no substantial construction, alteration, demolition, excavation, or other similar work required by the permit is completed; or

(2) Less than ten percent of the total amount of development approved as part of the permit is completed, when construction, alteration, demolition, excavation, or other similar work is required.

ii. The Special Use Permit shall expire if the approved use is commenced, but discontinued and not resumed for a period of one year.

iii. If a Special Use Permit is appealed to court, these expiration provisions shall not apply until the court has made a final disposition of the appeal.

iv. Upon written application submitted at least 30 days prior to the expiration of the permit period by the applicant, and upon a showing of good cause, the Planning Director may grant one extension not to exceed six months.

e. **Amendments to Approved Permit**

Minor modifications to the plan that was included for an approved Special Use Permits that will not materially increase the negative impact of the proposed use on surrounding lands (e.g., noise, traffic congestion, or light spillover) may be approved by the Planning Director, as long as there are no modifications to the Special Use

Permit or any mitigations to adjacent properties detailed on the plan. Minor modifications can only be made to align the plan with a submitted Concept Plan or Site Plan. Any other amendment, extension, or modification of the approval shall be made only in accordance with the procedures and standards for its original approval.

D. DECISION STANDARDS

The Board of Adjustment shall approve a Special Use Permit application only on making the determination that the proposed special use:

a. Will not materially endanger the public health or safety;

b. Will comply with all relevant Town laws and ordinances, state and federal laws, and regulations, and any conditions imposed by the Town Board and agreed to by the applicant;

c. Will not substantially injure the value of adjoining property or is a public necessity; and

d. Will be in harmony with the area in which it is located and be in general conformity with the Comprehensive Plan.

2.5.6. Comprehensive Plan Amendment/ Future Land Use Amendment/ Small Area Study

A. PURPOSE

The purpose of this section is to provide a procedure for amending the Comprehensive Plan, the Future Land Use Map, or small area studies, and for adopting new small area studies.

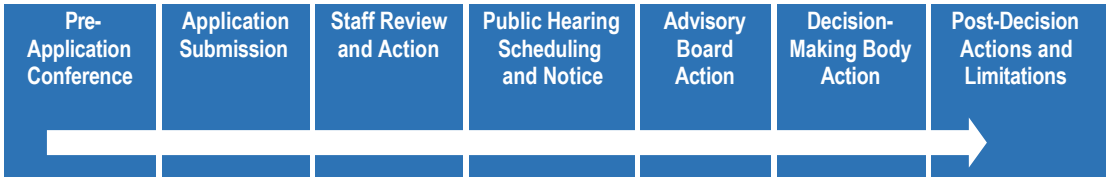
B. APPLICABILITY

This procedure in this section shall apply to all amendments to the Comprehensive Plan, the Future Land Use Map, and small area studies and to the adoption of any new small area studies, except amendments to the Future Land Use Map that are made through the consistency statement adopted with an amendment to the Official Zoning District Map.

C. PROCEDURE

This section references common review procedures in this chapter that are required for the submission and review of an application to amend the Comprehensive Plan, the Future Land Use Map, or small area studies, or to adopt new small area studies, and specifies any modifications and additions to those procedures that apply (see Figure 2-6: Comprehensive Plan/Future Land Use Map/Small Area Study Procedure).

Figure 2-6: Comprehensive Plan/Future Land Use Map/Small Area Study Procedure



1. **Pre-Application Conference**
   A pre-application conference is required.

2. **Application Submission**
   The common review procedures apply, except for the following:

   i. An application to amend the Comprehensive Plan, Future Land Use Map, or a small area study may be filed by the Town, an owner of land in the Town's planning jurisdiction, or by a person with a financial or other interest in land located within the Town's planning jurisdiction who can demonstrate that an amendment is appropriate due to changed conditions in an area, a change in policies or objective for development in the Town, or because an error or omission exists on the current Comprehensive Plan, Future Land Use Map, or small area study that is sought to be amended.

   ii. An application to create a new small area study may be filed by the Town Board of Commissioners, the Planning Board, or the Planning Director.

3. **Staff Review and Action**
   The Planning Director shall review and make a recommendation on the application.

4. **Scheduling of Public Hearings and Public Notice**
   The Planning Director shall schedule public hearings and provide public notice.

5. **Advisory Board Review and Recommendation**
   The Planning Board shall review the application and any comments submitted by staff and make a recommendation based on the decision standards below. The recommendation shall be in writing and made within 30 days after the Planning Board's first meeting on an application, unless the applicant and Planning Board mutually agree on a longer review period.

6. **Decision-Making Body Hearing, Review, and Decision**
   The Town Board of Commissioners shall review the application at a legislative hearing. The Town Board of Commissioners shall also be provided any written statements submitted by a resident or property owner

to the Town Clerk at least two business days prior to the proposed vote on the application. The Town Board of Commissioners shall then make a decision based on the decision standards below. The decision of the Town Board of Commissioners shall be one of the following:

i. Approve the application;

ii. Deny the application; or

iii. Remand the application to the Planning Board or Planning Director for further consideration.

7. Post-Decision Action or Limitations

Amendments to the Comprehensive Plan, Future Land Use Map, and small area studies, and adoptions of small area studies, do not expire or lapse.

D. DECISION STANDARDS

The advisability of amending the Comprehensive Plan, Future Land Use Map, or a small area study, or adopting a new small area study, are matters committed to the legislative discretion of the Town Board of Commissioners.

2.5.7. Concept Plan

A. PURPOSE AND INTENT

1. The purpose for this section is to establish a procedure for review of a Concept Plan by the Planning Director prior to the preparation of a Site Plan or a preliminary plat, or as a preliminary step in the review of an application for a Conditional Zoning District classification.

2. The intent of this Concept Plan procedure is to allow for review of the general design and configuration of a development proposal, and any applicant-sponsored conditions, for general compliance with the requirements of this UDO before either 1) the preparation of highly technical and detailed engineered drawings required for a Site Plan or a preliminary plat, or 2) review by an advisory board or a decision-making body of an application for a Conditional Zoning District classification.

B. APPLICABILITY

Approval of a Concept Plan in accordance with this section is required:

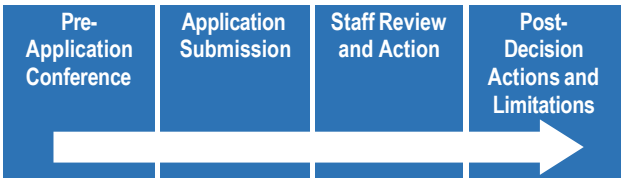
a. Prior to or concurrent with the review of an application for a Conditional Zoning District classification, unless the Planning Director determines otherwise in accordance with the procedure for the particular type of application in this chapter; and

b. Prior to the submittal of an application for a major Site Plan or a subdivision preliminary plat.

C. PROCEDURE

This section references common review procedures in this chapter that are required for the submission and review of a Concept Plan and specifies any modifications and additions to those procedures that apply (see Figure 2-7: Concept Plan Procedure).

Figure 2-7: Concept Plan Procedure



1. Pre-Application Conference

A pre-application conference is required.

2. Application Submission

The common review procedures apply. The Concept Plan shall include the level of detail specified by the Planning Director for the specific type of application which the Concept Plan is accompanying. Concept Plans shall also include project phasing which shall be logical; allow for orderly development; and ensure open space, TIA mitigation measures, and other site improvements are built prior to or in conjunction with development. If the Concept Plan relates to land that requires a Certificate of Appropriateness before any development takes place, the application shall not be deemed fully approved until the applicant has secured a Certificate of Appropriateness from the Historic Preservation Commission.

3. Staff Review and Action

The Planning Director shall review the application, considering any applicant-sponsored conditions of approval in an application submitted for concurrent review, and shall provide written review comments on the Concept Plan to the applicant. The applicant may then make modifications consistent with the written review comments and resubmit the Concept Plan to the Planning Director, who shall then make a decision on the application based on the decision standards below. The decision of the Planning Director shall be one of the following:

i. Approve the application;

ii. Deny the application; or

iii. Approve the application with conditions that would allow the project to move forward in the review process, while ensuring UDO requirements are fully met at the Site Plan level.

4. Transportation Impact Analysis

If required, a TIA shall be completed in accordance with the procedure in this UDO before Concept Plan approval for projects that will include a Conditional Zoning District Classification or prior to Site Plan approval for projects that are not seeking Conditional Zoning District Classification.

5. Post-Decision Action and Limitations

a. **Subsequent Major Site Plan or Preliminary Plat Review**
If the Planning Director approves a Concept Plan associated with an application for a major Site Plan or a preliminary plat, the applicant may proceed with the submission of a major Site Plan or preliminary plat application, as applicable, and shall include a copy of the approved Concept Plan with the application materials.

b. **Associated Conditional Zoning, Variance, or Special Use Permit Review**
If the Planning Director makes a preliminary approval of a Concept Plan associated with an application for a Conditional Zoning District classification, Variance, or Special Use Permit, the Planning Director shall forward the Concept Plan and the staff report with the application to the Planning Board, and/or Board of Adjustment. The Concept Plan may then be revised as part of the Planning Board, Board of Adjustment, or Town Board of Commissioners review, in accordance with the procedure in this chapter for the particular type of application. The Concept Plan is officially approved with approval of the Conditional Zoning District classification, Variance, or Special Use Permit. For cases associated with both a Variance and Conditional Zoning Approval, both Board of Adjustment and Planning Board approval are required before the Concept Plan is considered officially approved.

c. **Effect of Approval**
Approval of a stand-alone Concept Plan does not vest any rights with the property. Approval of a Concept Plan in conjunction with a Conditional Zoning District Classification or Special Use Permit approval shall be vested in accordance with the Conditional Zoning District Classification or Special Use Permit vesting, respectively.

d. **Expiration of Approval**
Approval of a Concept Plan shall be valid for one year. Approval of a new Concept Plan for a site on which an approved and valid Concept Plan already exists shall render the original Plan null and void, unless it is a modification to a previously approved Conditional District or Special Use Permit. Upon a showing of good cause, the Planning Director may grant one extension not to exceed one year for an approved Concept Plan.

e. **Amendments to Approval**
Except as provided in this section during consideration of a Conditional Zoning District classification or Special Use Permit application, a Concept Plan may be amended, extended, or modified only in accordance with the procedures and standards for its original approval.

D. DECISION STANDARDS

The Planning Director shall approve a Concept Plan application upon determining the following:

a. The Concept Plan includes all required elements and complies with all minimum requirements for a Concept Plan established by the Planning Director; and

b. The Concept Plan complies with all relevant standards of this UDO.

2.5.8. Site Plan

A. PURPOSE

The purpose of this section is to establish a uniform procedure for review and approval of a Site Plan that depicts site and building-related details and design elements to ensure that proposed development complies with this UDO and other Town ordinances and regulations.

B. APPLICABILITY

1. **General**
Approval of a Site Plan in accordance with this section is required prior to the issuance of a building permit or final plat, where applicable, for all development, except the following:

i. Internal or external construction that does not increase gross floor area, building height, the density or intensity of use, or off-street parking requirements;

ii. Changes in use where there is no associated increase in gross floor area or height of a structure and no change in landscaping, off-street parking requirements, lot coverage, or other external site characteristics;

iii. A single-family detached or duplex dwelling on an individual lot when not part of a larger development, unless it is a single lot that is part of a previously approved development (for example, a home being built on a lot in a residential subdivision that was previously approved); and

iv. Accessory structures on a lot with a single-family residential use.

2. Major Site Plan

Major Site Plan approval is required for any of the following development:

i. Development of 25 or more residential dwelling units;

ii. Development of 25,000 square feet or more of nonresidential floor area;

iii. Development of a mixed-use project with more than 25 residential dwelling units and/or more than 25,000 square feet of floor area; and

iv. Developments determined by the Planning Director to have a potentially significant impact on the need for public facilities or on environmentally sensitive lands.

3. Minor Site Plan

Minor Site Plan approval is required for all development requiring Site Plan approval under this section that does not require Major Site Plan approval.

4. Transportation Infrastructure Sufficiency

Adequate transportation infrastructure consistent with Section 5.13 Transportation Infrastructure Sufficiency must be demonstrated to support the proposed development prior to approval of the Site Plan.

5. Transportation Impact Analysis

If required, a TIA shall be completed in accordance with the procedure in this UDO before Concept Plan approval for projects that will include a Conditional Zoning District Classification or prior to Site Plan approval for projects that are not seeking Conditional Zoning District Classification.

C. PROCEDURE

This section references common review procedures in this chapter that are required for the submission and review of a Site Plan and specifies any modifications and additions to those procedures that apply (see Figure 2-8: Major or Minor Site Plan Procedure.

Figure 2-8: Major or Minor Site Plan Procedure



1. Pre-Application Conference

A pre-application conference is required for a major Site Plan but is not required for a minor Site Plan.

2. Application Submission

The common review procedures apply. For an application for a major Site Plan, the submission shall include a Concept Plan that has been approved in accordance with the Concept Plan procedure in this chapter. If the proposed minor or major Site Plan relates to land that requires a Certificate of Appropriateness before any development takes place, the application shall not be fully approved until the applicant has secured a Certificate of Appropriateness from the Historic Preservation Commission. If the proposed Site Plan includes the subdivision of property, a preliminary and/or final plat shall also be required in accordance with this UDO.

3. Staff Review and Action

The Planning Director shall review and make a decision on the application based on the decision standards below. The Planning Director's decision shall be one of the following:

i. Approve the application;

ii. Approve the application subject to relevant conditions of approval; or

iii. Deny the application.

4. Post-Decision Actions and Limitations

a. **Infrastructure Installation**
All items shown on the approved plan shall be completed or secured by a performance guarantee prior to a certificate of occupancy being issued or final plat approval, as applicable.

b. **Vesting**
Site Plan approval vests property rights for two years.

c. **Expiration of Approval**
A Site Plan shall expire if a building permit for at least one building in the development is not issued within two years of the date of issuance of the Site Plan, irrespective of any intervening transfer of ownership.

d. **Amendment of Approval**
A Site Plan may be amended, extended, or modified only in accordance with the procedures and standards established for its original approval. A change to any approved Site Plan following issuance of any Zoning Permit for the site may void the Zoning Permit and require additional review fees.

D. DECISION STANDARDS

The Planning Director shall approve a Site Plan application only after determining that the Site Plan adequately depicts the precise design, location, and profile of all facilities proposed for development (including, but not limited to streets, street markings, street signs, sidewalks, potable water lines, sanitary

sewer lines, public utility meter locations, storm drains, fire suppression systems, and locations of conduit crossings for private utilities), exterior lighting calculations (if applicable), access points, landscaping, parking, and all other technical considerations, and that the application demonstrates all of the following standards are met:

a. The use is allowed in the zoning district in accordance with Chapter 4: Use Regulations;

b. The development and uses in the Site Plan comply with any use-specific standards in Chapter 4: Use Regulations;

c. The development is consistent with the associated Concept Plan and mutually agreed upon conditions (if applicable);

d. The development includes applicable right-of-way dedication and/or improvements as provided for in the Comprehensive Transportation Plan and/or Transportation Master Plan;

e. The development proposed in the Site Plan and its layout and design comply with all applicable standards in this UDO;

f. The buildings include the required elements identified in section 5.9, Form and Design Standards;

g. The development complies with the Town's Fire Code;

h. The development complies with the Town's Transportation Impact Analysis Procedures Manual and specific Transportation Impact Analysis Mitigation Measures (if applicable);

i. The development is consistent with the standards identified in the Town's Traffic Calming Policy;

j. The development is consistent with the standards identified in the Town's Land Development Standards Manual; and

k. The development complies with all other applicable Town, County, or State requirements.

l. The development and the projected transportation impacts will not adversely impact the adopted level of service standards as outlined in Section 5.13 Transportation Infrastructure Sufficiency.

2.5.9. Subdivision

A. PURPOSE

The purpose of this section is to establish procedures for subdivisions, in accordance with the purposes and standards in Chapter 6: Subdivision Standards, and to ensure compliance with the standards identified in N.C.G.S. §47-30.

B. APPLICABILITY

1. General

Except as otherwise provided in this section, approval of a major or minor subdivision in accordance with this section is required prior to a plat being filed or recorded with the Iredell County Register of Deeds, the transfer of title or sale of any lots, the issuance of a Zoning Permit, or the issuance of a building permit, for any of the following:

i. The division of land into two or more lots, building sites, or other divisions for the purpose of immediate or future sale, lease, or building development;

ii. All divisions of land involving a new street, right-of-way, or access easement or a change in an existing street, right-of-way, or access easement;

iii. Re-subdivision involving the further division or relocation of lot lines on an established tract or previously approved subdivision; and

iv. The combination or consolidation of lots of record (recombination).

2. Major Subdivision

The major subdivision procedure involves approval of a Site Plan, preliminary subdivision plat, and a final plat. A major subdivision approval is required for subdivision of land that meets any of the following conditions:

i. A conservation subdivision (see Chapter 6: Subdivision Standards);

ii. New streets, greenways, or public lands are proposed;

iii. Changes to existing public rights-of-way widths or transportation elements are proposed. This provision does not include frontage upgrades, as defined in this UDO, that do not exceed 250 feet in total length if those are the only changes to the existing public right-of-way;

iv. New public utilities are required to serve the proposed lots; or

v. More than ten lots are proposed.

3. Minor Subdivision

The minor subdivision procedure involves approval of a final plat, and is required for a proposed subdivision that meets all of the following conditions:

i. No new streets, alleys, rights-of-way, easements, or other public ways are created;

ii. No changes are made to the existing rights-of-way of any streets, alleys, or other public ways;

iii. No new utilities are required to serve the subdivided land;

iv. The division of land complies with the standards of Chapter 6: Subdivision Standards; and

v. The lots have direct access onto a public street.

4. Recombination Plat

The recombination plat procedure is required for the re-subdivision or recombination of existing lots located in an approved and recorded plat that does not qualify for an exemption from the requirements of this section.

5. Exempt Plats

The following are exempt from the requirements of this section; however, exempt plats shall still be signed by the Planning Director prior to being recorded at the Register of Deed's office:

i. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased, the resultant lots are equal to or exceed the subdivision standards in this UDO, and the Planning Director determines that the combination or recombination makes no significant changes to or encroachment upon public streets;

ii. The division of land into parcels greater than ten acres where no street right-of-way dedication is involved;

iii. The public acquisition by purchase of strips of land for the widening or opening of streets, placement of utilities, establishment of park land, or for public transportation system corridors;

iv. The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved, and where the resultant lots are equal to or exceed the subdivision standards in this UDO;

v. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under N.C.G.S. Chapter 29; and

vi. The partition of land by Court decree.

C. OVERVIEW OF SUBDIVISION PROCEDURES

1. Major Subdivision

A major subdivision requires approval of three applications– Site Plan, preliminary plat, and final plat.

a. **Site Plan**

A Site Plan approval shall be required prior to preliminary plat submittal to ensure all land development activities are appropriately identified and located on the land to be subdivided.

b. **Preliminary Plat**

A preliminary plat establishes the general layout and design for the subdivision. Upon the approval of a preliminary plat, an applicant may install infrastructure and elements shown on the preliminary plat or apply for a performance guarantee.

c. **Final Plat**

Following installation and approval of elements shown on the final plat or after providing a performance guarantee, applicants may submit an application for a final plat. The applicant shall receive approval of a final plat prior to the sale or transfer of individual lots or issuance of building permits for structures on lots.

2. Minor Subdivision

A minor subdivision requires approval of a minor subdivision application, which includes a minor subdivision plat.

3. Recombination Plat

An application for the resubdivision or recombination of existing lots located in an approved and recorded plot shall be reviewed using the recombination plat procedure.

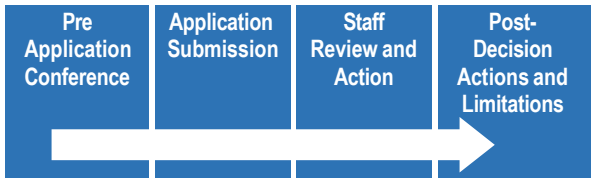
4. Exempt Plat

An application for an exempt plat shall be reviewed using the exempt plat standards.

D. PRELIMINARY PLAT PROCEDURE

This section references common review procedures in this chapter that are required for the submission and review of an application for a preliminary plat for a major subdivision and specifies any modifications and additions to those procedures that apply (see Figure 2-9: Preliminary Plat Procedure).

Figure 2-9: Preliminary Plat Procedure



1. Pre-Application Conference

A pre-application conference is required.

2. Application Submission

The common review procedures apply. The application shall include a Concept Plan that has been approved in accordance with the Concept Plan procedure in this chapter, unless the Planning Director determines

that a Concept Plan is not required because the proposed preliminary plat does not make a substantial physical change to the site.

3. Staff Review and Action

a. The Planning Director shall review the application. If the application includes part or all of a school site included in a plan approved by the Town Board of Commissioners and the Board of Education of either the Mooresville Graded School District or the Iredell-Statesville School System, the Planning Director shall notify the appropriate Board of Education of the application. If the Board of Education states that it wishes to reserve the site, the subdivision shall not be approved without reservation of the school site, and following approval of a final plat, the Board of Education shall have 18 months beginning on the date of final approval of the final plat to negotiate to acquire the land or initiate condemnation proceedings in accordance with state law. If the Board of Education states that it does not wish to reserve the site, no site shall be reserved.

b. Following the Planning Director's review of the application, the Planning Director shall make a decision on the application based on the decision standards below that apply to a preliminary plat. The Planning Director's decision shall be one of the following:

i. Approve the application;

ii. Approve the application subject to conditions of approval; or

iii. Deny the application.

4. Post-Decision Actions and Limitations

a. **Effect of Approval**

i. Approval of a preliminary plat shall constitute approval of the development with the general lot shapes and alignments of streets identified in the phases depicted on the preliminary plat. Phases shall align with any phasing depicted on an approved Concept Plan and/or Site Plan.

ii. Approval of a preliminary plat does not constitute approval of a final plat.

iii. Approval of a preliminary plat shall run with the land.

b. **Installation of Site Improvements**
Approval of a preliminary plat authorizes the applicant to:

(1) Install required public improvements identified on the preliminary plat;

(2) Apply for the posting of a performance guarantee, in accordance with this UDO, for improvements that are not installed or completed; and

(3) Apply for inspection of required improvements by the Planning Director.

c. **Expiration of Approval**
Preliminary plat approval vests property rights for two years.

d. **Amendment of Approval**
A preliminary plat may be amended or modified only in accordance with the procedures and standards established for its original approval.

E. FINAL PLAT PROCEDURE

This section references common review procedures in this chapter that are required for the submission and review of an application for a final plat for a major subdivision and specifies any modifications and additions to those procedures that apply (see Figure 2-10: Final Plat Procedure).

Figure 2-10: Final Plat Procedure



1. Application Submission

a. **The common procedures apply.**
Prior to application submittal, all required elements identified on the preliminary plat and/or Site Plan shall have been installed and approved by the Planning Director, or completion of required elements shall have been secured by a performance guarantee that has been approved in accordance with this UDO.

2. Staff Review and Action

The Planning Director shall review and make a decision on the application based on the decision standards below that apply to a final plat. The Planning Director's decision shall be one of the following:

i. Approve the application; or

ii. Deny the application.

3. Post-Decision Actions and Limitations

a. **Requirement to Record**

The subdivider shall file the approved final plat with the Iredell County Register of Deeds for recording.

b. **Amendments**

i. Land that has been platted may be replatted or resubdivided only in accordance with the procedures and standards established for its original approval or as set forth in this UDO. Any plat or any part of any plat may be vacated by the owner at any time before the sale of any lot in the subdivision by gaining approval of and filing a plat inconsistent with the originally approved plat or, if no lots have been sold, by filing a plat showing the tract without the lots. When lots have been sold, the plat may only be vacated or amended if all owners of the lots in that plat agree and sign the revised plat.

ii. The filing and recording of an amended plat shall serve to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described in such plat.

F. MINOR SUBDIVISION PROCEDURE

This section references common review procedures in this chapter that are required for the submission and review of an application for a minor subdivision and specifies any modifications and additions to those procedures that apply (see Figure 2-11: Minor Subdivision Procedure).

Figure 2-11: Minor Subdivision Procedure



1. Application Submission

The common review procedures apply.

2. Staff Review and Action

The Planning Director shall review and make a decision on the application based on the decision standards below that apply to a minor subdivision The Planning Director's decision shall be one of the following:

i. Approve the application; or

ii. Deny the application.

3. Post-Decision Actions and Limitations

a. **Requirement to Record**
The subdivider shall file the approved minor subdivision plat with the Iredell County Register of Deeds for recording.

b. **Amendments**
A minor subdivision may be amended, extended, or modified only in accordance with the procedures and standards established for its original approval.

G. RECOMBINATION PLAT

This section references common review procedures in this chapter that are required for the submission and review of an application for a recombination plat and specifies any modifications and additions to those procedures that apply (see Figure 2-12: Recombination Plat Procedure).

Figure 2-12: Recombination Plat Procedure



1. Application Submission

The common review procedures apply.

2. Staff Review and Action

The Planning Director shall review and make a decision on the application based on the decision standards below that apply to a recombination plat. The Planning Director's decision shall be one of the following:

i. Approve the application; or

ii. Deny the application.

3. Post-Decision Actions and Limitations

The subdivider shall file the approved recombination plat with the Iredell County Register of Deeds for recording.

H. DECISION STANDARDS

1. Preliminary Plat

The Planning Director shall approve a preliminary plat only on determining the preliminary plat is consistent with the associated Concept Plan and/or Site Plan (including project phasing) and mutually agreed conditions (if applicable) and complies with the standards of Chapter 6: Subdivision

Standards, all other relevant provisions of this UDO, and all relevant Town ordinances and regulations.

2. Final Plat

The Planning Director shall approve a final plat only on determining the proposed final plat:

i. Is for property on which all required elements identified on the approved Site Plan shall have been installed and approved by the Planning Director, or completion of required elements shall have been secured by a performance guarantee that has been approved in accordance with this UDO.

ii. Complies with the standards of Chapter 6: Subdivision Standards;

iii. Conforms with the approved Site Plan;

iv. Conforms with the approved phasing plan;

v. Conforms with the approved preliminary plat;

vi. Complies with all other relevant provisions of this UDO;

vii. Is consistent with all other relevant Town ordinances and regulations;

viii. Indicates the installation of required public improvements;

ix. Indicates any public land or public roadway dedications; and

x. Includes all required certificates as indicated by the Planning Director, each of which shall be signed by the appropriate authorities.

3. Minor Subdivision

The Planning Director shall approve a minor subdivision only on determining the minor subdivision complies with the standards of Chapter 6: Subdivision Standards, all other relevant provisions of this UDO, and all other relevant Town ordinances and regulations.

4. Recombination Plat

The Planning Director shall approve a recombination plat only on determining that following approval of the proposed recombination plat:

i. All lots, including existing lots in the subdivision, will comply with the standards and requirements of this UDO;

ii. Drainage, easements, and rights-of-way will not be changed; and

iii. The recombined lots will maintain the character of the surrounding area in terms of lot size, configuration, and general lot shape.

2.5.10. Right-of-Way Abandonment

A. PURPOSE

The purpose of this section is to establish a procedure for abandoning public right-of-way or permanently closing existing public roads.

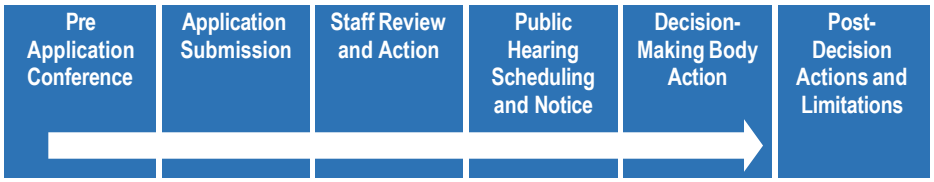
B. APPLICABILITY

Except as exempted by this section, no existing rights-of-way or streets in the Town of Mooresville shall be closed or abandoned unless a request is approved following the provisions of this section.

C. PROCEDURE

This section references common review procedures in this chapter that are required for the submission and review of a Right-of-Way Abandonment permit application and specifies any modifications and additions to those procedures that apply (see Figure 2-13: Right-of-Way Abandonment Permit Procedure).

Figure 2-13: Right-of-Way Abandonment Permit Procedure



1. Pre-Application Conference

A pre-application conference is required.

2. Application Submission

The common review procedures apply. In addition to the regular public hearing notifications, any property owner that has property that uses or touches the right-of-way or road proposed for abandonment shall be notified via mailed letter by the Planning Director. Specific requirements and process shall follow N.C.G.S. 160A-299 for permanently closing/ abandoning streets, alleys, and/or rights-of-way.

3. Staff Review and Action

The Planning Director shall review and make a recommendation on the application.

4. Alternative Abandonment Process

In addition to the process outlined in this section, N.C.G.S. 136-96 identifies an alternate process for streets and/or rights-of-way which have not been used within 15 years of dedication to be deemed abandoned. This process is done via filing with the Register of Deed's office by a private property owner and does not require action by the Town of Mooresville.

5. Scheduling of Public Hearings and Public Notice

The Planning Director shall schedule public hearings and provide public notice.

6. Decision-Making Body Hearing, Review, and Decision

a. The Town Board of Commissioners shall review the application and any public comments at a legislative hearing. The Town Board of Commissioners shall also be provided any written statements submitted by a resident or property owner to the Town Clerk at least two business days prior to the proposed vote on the application. The Town Board of Commissioners shall then make a decision based on the decision standards below.

b. The decision of the Town Board of Commissioners shall be one of the following:

i. Approve the application as proposed;

ii. Deny of the application; or

iii. Remand the application to the Planning Director for further consideration.

7. Post-Decision Actions or Limitations

Right-of-Way Abandonment approvals do not expire. The Planning Director shall file the approved Right-of-Way Abandonment with the Iredell County Register of Deeds for recording.

D. DECISION STANDARDS

The abandonment of a public right-of-way or street is a matter committed to the legislative discretion of the Town Board of Commissioners and is not controlled by any one factor. In determining whether to approve or deny the request, the Town Board should consider, among other things, the present and future usefulness of the existing right-of-way or street.

2.5.11. Zoning Permit

A. PURPOSE

The purpose of this section is to establish a procedure for Zoning Permits, in order to ensure that proposed development complies with the standards of this UDO.

B. APPLICABILITY

1. Except as exempted by this section, no development shall take place on land subject to the Town's jurisdiction unless the Planning Director has issued a Zoning Permit for the development. In particular, issuance of a

Zoning Permit in accordance with this section is required prior to any of the following:

a. The issuance of any building, electrical, mechanical, structural, plumbing, piping, demolition, or other permit;

b. The clearing, grubbing, grading, excavation, or filling of any lot;

c. The erection, movement, extension, enlargement, or structural alteration of a building or other structure, other than a sign (which requires a Sign Permit);

d. A change of use of land or a building; or

e. The commencement of a temporary use, unless exempted by this UDO.

2. A Zoning Permit is not required for any of the following activities:

a. Street construction or maintenance;

b. Accessory structure on a single-family residential property or in a public or private park/open space that is less than 144 square feet or does not exceed 12 feet in width or length; or

c. Construction of individual mailboxes (not including cluster mailboxes for more than ten dwelling units), newspaper boxes, walls less than 60 inches in height, fences, flag poles, driveways, playground equipment, doghouses, and any other similar customary, ancillary structures, and site features having minimal visual impact, as determined by the Planning Director.

C. PROCEDURE

This section references common review procedures in this chapter that are required for the submission and review of a Zoning Permit application and specifies any modifications and additions to those procedures that apply (see Figure 2-14: Zoning Permit Procedure).

Figure 2-14: Zoning Permit Procedure



1. Application Submission

a. The common review procedures apply.

b. If a Zoning Permit is for property located in the Historic Preservation Overlay district, the application shall include additional information

demonstrating that the proposed work aligns with an approved Certificate of Appropriateness.

2. Staff Review and Action

The Planning Director shall review and make a decision on the application based on the decision standards below. The Planning Director's decision shall be one of the following:

i. Approve the application;

ii. Approve the application subject to conditions of approval; or

iii. Deny the application.

3. Post-Decision Actions and Limitations

a. If a maximum time frame for development has been established as a condition of approval for a prior application relating to the same development, the Zoning Permit shall expire in accordance with the time frame established in the condition of approval.

b. A Zoning Permit shall expire if a building permit is not issued within six months of the date of issuance or, if a building permit is not required, if the activity authorized by the Zoning Permit has not commenced within six months of the date of issuance.

D. DECISION STANDARDS

The Planning Director shall approve a Zoning Permit application only on determining the application complies with all relevant standards of this UDO, as well as any other applicable Town requirements and applicable conditions of approval.

2.5.12. Sign Permit

A. PURPOSE

The purpose of this section is to establish a uniform mechanism to ensure that signs in the Town comply with this UDO.

B. APPLICABILITY

Approval of a Sign Permit in accordance with this section is required before any sign is erected, replaced, relocated, or otherwise altered, except for the following signs identified in the sign standards in Chapter 5: Development Standards:

a. Signs that are exempt from the sign standards; and

b. Signs that are exempt from the requirement to obtain a Sign Permit.

C. PROCEDURE

This section references common review procedures in this chapter that are required for the submission and review of a Sign Permit application and specifies any modifications and additions to those procedures that apply (see Figure 2-15: Sign Permit Procedure).

Figure 2-15: Sign Permit Procedure



1. Application Submission

a. The common review procedures apply.

b. The application shall include a sign plan or common sign plan, if required by the sign development standards in Chapter 5: Development Standards.

c. If a sign is to be installed in the Historic Preservation Overlay district, the application shall include additional information demonstrating that it meets all architectural requirements, as outlined in the Administrative Manual.

2. Staff Review and Action

The Planning Director shall review and make a decision on the application based on the decision standards below. The Planning Director's decision shall be one of the following:

i. Approve the application; or

ii. Deny the application.

3. Post-Decision Action and Limitations

Any change in signage other than regular maintenance as defined in the sign development standards in Chapter 5: Development Standards shall require that a new Sign Permit be obtained in accordance with the procedures and standards established for its original approval.

D. DECISION STANDARDS

The Planning Director shall approve a Sign Permit application only on determining the proposed signage complies with the standards of this UDO and any applicable development approvals and permits.

2.5.13. Tree Removal Permit

A. PURPOSE

The purpose of this section is to provide a procedure for ensuring that existing trees are protected in accordance with the tree protection standards in Chapter 5: Development Standards.

B. APPLICABILITY

A Tree Removal Permit is required prior to removal of a tree protected by the tree protection standards in Chapter 5: Development Standards.

C. PROCEDURE

This section references common review procedures in this chapter that are required for the submission and review of a Tree Removal Permit application and specifies any modifications and additions to those procedures that apply (see Figure 2-16: Tree Removal Permit Procedure).

Figure 2-16: Tree Removal Permit Procedure



1. Application Submission

The common review procedures apply.

2. Staff Review and Action

The Planning Director shall review and make a decision on the application based on the decision standards below. The Planning Director's decision shall be one of the following:

i. Approve the application;

ii. Approve the application subject to conditions of approval; or

iii. Deny the application.

3. Post-Decision Actions and Limitations

An approved Tree Removal Permit shall expire if removal of the trees has not commenced within 180 days of the date that the permit is approved.

D. DECISION STANDARDS

The Planning Director shall approve a Tree Removal Permit application only on determining the application demonstrates the proposed activity complies with the tree protection standards in Chapter 5: Development Standards.

2.5.14. Driveway Permit

A. PURPOSE

The purpose of this section is to establish a uniform procedure to ensure that connections to Town owned and/or maintained streets complies with driveway permit standards in Chapter 5: Development Standards, in order to ensure safe connections to the public road network and protect public health, safety, and general welfare of Town residents and businesses.

B. APPLICABILITY

A permit is required prior to commencement of any development of property requiring a new connection to a Town owned and/or maintained street established in accordance with the driveway permit standards in Chapter 5: Development Standards.

C. PROCEDURE

This section references common review procedures in this chapter that are required for the submission and review of a Driveway Permit application and specifies any modifications and additions to those procedures that apply (see Figure 2-188: Floodplain Development Permit Procedure).

Figure 2-17: Driveway Permit Procedure



1. Application Submission

The common review procedures apply. The application shall contain the required application information and materials identified in the driveway permit standards in Sec. 5-15, Driveway Permit. If part of a project that requires a Site Plan submittal, the Driveway Permit shall be reviewed in conjunction with the Site Plan review and approval process.

2. Staff Review and Action

The Planning Director shall review and make a decision on the application based on the standards in this section. The Planning Director's decision shall be one of the following:

i. Approve the application;

ii. Approve the application subject to conditions of approval; or

iii. Deny the application.

3. Post-Decision Actions and Limitations

A Driveway Permit shall expire if site work has not commenced within one year of the date of issuance.

D. DECISION STANDARDS

The Planning Director shall approve a Driveway Permit application only on determining the application demonstrates compliance with the driveway permit standards in Chapter 5: Development Standards.

2.5.15. Floodplain Development Permit

A. PURPOSE

The purpose of this section is to establish a uniform procedure to ensure that development in flood prone areas complies with the flood damage prevention standards in Chapter 5: Development Standards, in order to reduce flood risks that threaten the public health, safety, and general welfare.

B. APPLICABILITY

A permit is required prior to commencement of any development in Special Flood Hazard Areas established in accordance with the flood damage prevention standards in Chapter 5: Development Standards.

C. PROCEDURE

This section references common review procedures in this chapter that are required for the submission and review of a Floodplain Development Permit application and specifies any modifications and additions to those procedures that apply (see Figure 2-188: Floodplain Development Permit Procedure).

Figure 2-188: Floodplain Development Permit Procedure



1. Application Submission

The common review procedures apply. The application shall contain the required application information and materials identified in the flood damage prevention standards in Sec. 5.5, Flood Damage Prevention.

2. Staff Review and Action

The Planning Director shall review and make a decision on the application based on the standards in this section. The Planning Director's decision shall be one of the following:

i. Approve the application;

ii. Approve the application subject to conditions of approval; or

iii. Deny the application.

3. Post-Decision Actions and Limitations

A Floodplain Development Permit shall expire if site work has not commenced within one year of the date of issuance.

D. DECISION STANDARDS

The Planning Director shall approve a Floodplain Development Permit application only on determining the application demonstrates compliance with the flood damage prevention standards in Chapter 5: Development Standards.

2.5.16. Certificate of Appropriateness

A. PURPOSE

The purpose of this section is to establish a procedure for the review of all proposed development, construction, alterations, and demolitions of landmark historic structures and other historic structures within the Historic Preservation Overlay district.

B. APPLICABILITY

1. General

a. Except as otherwise provided in this section, no building permit for construction, alteration, rehabilitation, moving, or demolition shall be issued for and no work, demolition, renovation, construction, or alteration of locally designated landmark historic structures or other historic structures within the HPO district shall not commence until a Minor or Major Certificate of Appropriateness has been issued in accordance with this section.

b. If a Minor or Major Certificate of Appropriateness is required for exterior work that does not require a building permit (e.g., replacement of windows or the installation of fences), no work shall occur until a Certificate of Appropriateness has been issued in accordance with this section.

c. Building permits for work on the interior of the structure (i.e. electrical, or interior structural work) may be issued notwithstanding the standards of this section provided that the work for which the Building Permit is requested will not alter the external appearance or the gross floor area of the structure.

2. Minor Certificate of Appropriateness

The Planning Director shall review and decide on an application for a certificate of appropriateness for Minor Work which includes the following:

i. Repair, replacement, cleaning, and maintenance of existing historic materials, masonry, wood, lighting, window frame, door frame, and other items to preserve historic attributes and materials;

ii. Replacement of non-historic light fixtures;

iii. Reglazing of glass;

iv. Repair and replacement of existing awnings;

v. Replacement of fire escapes, stairs, or landings on rear façade;

vi. Non-chemical/non-abrasive removal/painting/repainting wood elements;

vii. Repainting masonry;

viii. ADA access elements;

ix. Signage or sign maintenance/ repair;

x. Site features (not attached to a historic structure), outdoor accessories, parking lots, and landscaping; and

xi. Installation of gutters or downspouts.

3. Major Certificate of Appropriateness

The Historic Preservation Commission shall review and decide on an application for a Major Certificate of Appropriateness which includes the following:

i. Any requested deviation from the Historic Design Guidelines;

ii. Exterior alterations to existing buildings;

iii. Construction of new building;

iv. Additions to buildings;

v. Demolition of building;

vi. Replacing windows and doors; or

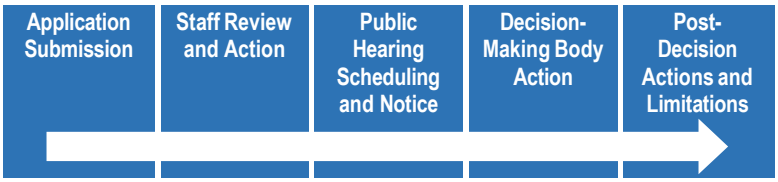
vii. Any other modification to properties located in the HPO not otherwise identified.

C. PROCEDURE FOR MINOR CERTIFICATE OF APPROPRIATENESS

This section references common review procedures in this chapter that are required for the submission and review of a Minor Certificate of Appropriateness application and specifies any modifications and additions to

those procedures that apply (see Figure 2-9: Minor Certificate of Appropriateness Procedure).

Figure 2-9: Minor Certificate of Appropriateness Procedure



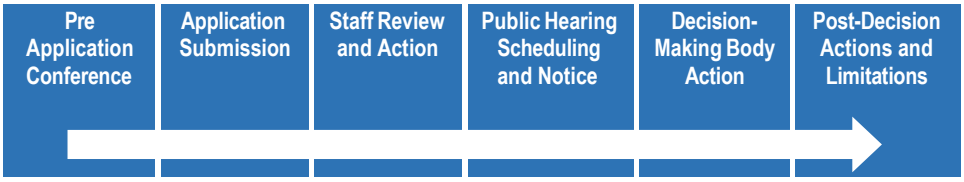
1. **Application Submission**
   The common review procedures apply.
2. **Staff Review and Action**
   a. The Planning Director shall review the application.
   b. If the Planning Director determines that the proposed work involves alterations, additions, or removal that are substantial to a significant contributing architectural element or otherwise may not meet the standards of the Town's Historic Preservation Commission Design Guidelines, the Planning Director may refer the decision to the Historic Preservation Commission. If the Planning Director decides to refer the application, the Planning Director shall make a recommendation on the application and follow the procedure for scheduling a public hearing before the Historic Preservation Commission.
   c. If the Planning Director does not refer the application to the Historic Preservation Commission, the Planning Director shall make a decision on the application based on the decision standards below. The Planning Director's decision shall be one of the following:
   i. Approve the application;
   ii. Approve the application subject to conditions of approval; or
   iii. Refer the application to the Historic Preservation Commission.
3. **Post-Decision Actions and Limitations**
   a. **Signed Decision Filing**
   Decisions shall be documented in writing and signed by the Planning Director or Chair, as applicable. The decision shall be filed in the Planning and Community Development Department and mailed out to all parties.
   b. **Appeal**
   Any aggrieved party may appeal the decision of the Planning Director or the Historic Preservation Commission to the Board of Adjustment by filing a written notice of appeal within 30 days of the date the decision is issued.

The procedure for appeals shall be the same procedure used for appeals of administrative decisions in this chapter.

D. PROCEDURE FOR MAJOR CERTIFICATE OF APPROPRIATENESS

This section references common review procedures in this chapter that are required for the submission and review of a Major Certificate of Appropriateness application and specifies any modifications and additions to those procedures that apply (see Figure 2-20: Major Certificate of Appropriateness Procedure).

Figure 2-20: Major Certificate of Appropriateness Procedure



1. Pre-Application Conference

A pre-application conference is required.

2. Application Submission

The common review procedures apply.

3. Staff Review and Action

The Planning Director shall review and may make a recommendation on the application at the hearing.

4. Scheduling of Public Hearings and Public Notice

The Planning Director shall schedule public hearings and provide public notice.

5. Decision-Making Body Hearing, Review, and Decision

The Historic Preservation Commission shall review the application at a quasi-judicial hearing and make a decision based on the decision standards below within one hundred eighty (180) days of the application submittal date. The decision of the Historic Preservation Commission shall be one of the following:

i. Approve the application;

ii. Approve the application subject to conditions of approval; or

iii. Deny the application.

6. Post-Decision Actions and Limitations

Any aggrieved party may appeal the decision of the Historic Preservation Commission to the Board of Adjustment by filing a written notice of appeal within 30 days of the date that Historic Preservation Commission issued its

decision. The procedure for appeals shall be the same procedure used for appeals of administrative decisions in this chapter.

E. DECISION STANDARDS

The Planning Director or Historic Preservation Commission, as applicable, shall consider the following factors in evaluating an application for a Minor or Major Certificate of Appropriateness:

a. Whether the proposal is consistent with the Historic Preservation Commission Design Standards, adopted herein by reference;

b. Whether the proposed action is in harmony or is congruent with the intent of the HPO district, if applicable;

c. Whether the proposed action would complement other structures within the HPO district, if applicable; and

d. In the case of removal or demolition, whether the structure could not be rehabilitated and used for a conforming purpose with reasonable efforts.

2.5.17. Variance

A. PURPOSE

The purpose of this section is to establish a uniform mechanism for an applicant to request a Variance and for the Board of Adjustment to review and act on such requests. A Variance allows certain deviations from the standards of this UDO when the landowner demonstrates that owing to special circumstances or conditions beyond the landowner's control (such as exceptional topographical conditions, narrowness, shallowness, or the shape of a specific parcel of land), the literal application of the standards would result in undue and unique hardship to the landowner and the deviation would not be contrary to the public interest.

B. APPLICABILITY

The Variance procedure in this section may be used to vary standards of this UDO, except as follows:

a. To authorize a use that is not permitted in the zoning district in accordance with Table 4-1: Use Permissions;

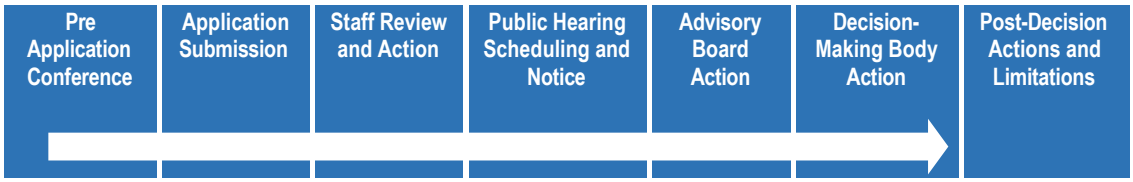
b. To vary the flood damage prevention standards in Chapter 5: Development Standards, as a different Variance process is identified in this UDO for these types of requests; or

c. To vary the standards of the Watershed Protection Overlay district, as a different Variance process is identified in this UDO for these types of requests.

C. PROCEDURE

This section references common review procedures in this chapter that are required for the submission and review of a request for a Variance and specifies any modifications and additions to those procedures that apply (see Figure 2-191: Zoning Variance Procedure).

Figure 2-191: Zoning Variance Procedure



1. Pre-Application Conference

A pre-application conference is required.

2. Application Submission

The common review procedures apply. Variance applications associated with proposed development projects shall include a Concept Plan that has been approved in accordance with the Concept Plan procedure in this chapter, unless the Planning Director determines that a Concept Plan is not required because the proposal would not make a substantial physical change to the site.

3. Staff Review and Action

The Planning Director shall review and may make a recommendation on the application at the hearing.

4. Scheduling of Public Hearings and Public Notice

The Planning Director shall schedule public hearings and provide public notice.

5. Advisory Board Review and Recommendation

If an application for a Variance involves lands in the Historic Preservation Overlay district, the application shall first be reviewed by the Historic Preservation Commission. The Commission shall review the application and make a recommendation based on any potential impacts to historically significant elements.

6. Decision-Making Body Hearing, Review, and Decision

a. The Board of Adjustment shall review the application at a quasi-judicial hearing. Within a reasonable time following the close of the public hearing, the Board of Adjustment shall make a decision based on the review standards below. The decision of the Board of Adjustment shall be one of the following:

i. Approve the application;

ii. Approve the application subject to conditions of approval; or

iii. Deny the application.

7. Post-Decision Actions and Limitations

a. **Signed Decision Filing**
Decisions shall be documented in writing and signed by the Chair. The decision shall be filed in the Planning and Community Development Department and mailed out to all parties.

b. **Recordation**
The Planning Director shall record the written decision on the Variance in the office of the Iredell County Register of Deeds within 30 days of its issuance.

c. **Expiration of Approval**

i. Except where required as a prerequisite for a Concept Plan, Site Plan, or subdivision preliminary plat associated with new development, an approved Variance shall run with the land.

ii. Where a Variance is not a prerequisite to a Concept Plan, Site Plan, or subdivision preliminary plat approval, failure of an applicant to apply for a building permit and commence construction within one year of receiving Variance approval, irrespective of any intervening transfer of ownership, shall void the approved Variance.

iii. Where a Variance is a prerequisite to a Concept Plan, Site Plan, or subdivision preliminary plat approval, failure of an applicant to apply for a building permit and commence construction within two years of receiving Variance approval, irrespective of any intervening transfer of ownership, shall void the approved Variance.

d. **Other Permits Required**
Development authorized by the Variance shall not be carried out until the applicant has secured all other permits required by this UDO or any other applicable provisions of the Town. Issuance of a Variance shall not ensure that the development receiving a Variance receives subsequent approval for other applications for development unless the relevant and applicable standards of this UDO or any other applicable regulations are met.

e. **Appeal**
Appeal from the decision of the Board of Adjustment shall be to the Superior Court for Iredell County in accordance with state law.

f. **Time Limit**
Following denial of an application for a Variance, the Town shall not accept an application for a similar Variance request affecting the

same property or properties for a period of one year, unless substantial new evidence is presented, as approved by the Planning Director.

D. DECISION STANDARDS

1. The Board of Adjustment shall approve a Variance application only on determining that the applicant has demonstrated all of the following:
    a. Unnecessary hardship would result from the strict application of this UDO. It is not necessary to demonstrate that, in the absence of the Variance, no reasonable use can be made of the property.
    b. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a Variance. A Variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
    c. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a Variance is not a self-created hardship.
    d. The requested Variance is consistent with the spirit, purpose, and intent of this UDO, such that public safety is secured and substantial justice is achieved.
2. None of the following constitutes grounds for a Variance:
    a. The citing of other nonconforming or conforming uses of land or structures in the same or other districts;
    b. The request for a particular use is expressly, or by inference, prohibited in the district; or
    c. Economic hardship or the fact that property may be utilized more profitably with a Variance.

2.5.18. Variance – Floodplain

A. PURPOSE

The purpose of a Floodplain Variance is to allow certain deviations from the flood damage prevention standards in Chapter 5: Development Standards, when the landowner demonstrates that strict application of the standards would result in exceptional hardship to the landowner, and the grant of a Floodplain Variance will not have negative effects on the public health, safety, and welfare.

B. APPLICABILITY

The Floodplain Variance procedure in this section may be used to vary any of the flood damage prevention standards in Chapter 5: Development Standards, with respect to the following development:

a. The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the Floodplain Variance is the minimum necessary to preserve the historic character and design of the structure;

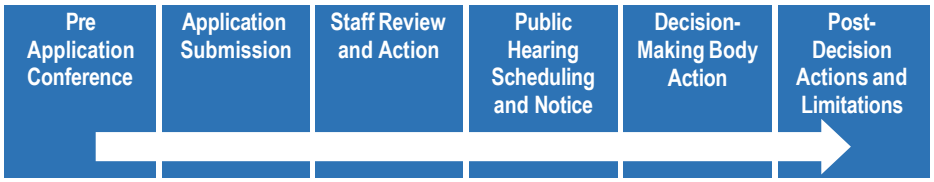
b. Functionally dependent facilities that meet the standards of the Floodplain Variance procedure, provided the standards of Chapter 5: Development Standards have been satisfied, and provided the facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; and

c. Any other type of development that meets the standards of the Floodplain Variance procedure.

C. PROCEDURE

This section references common review procedures in this chapter that are required for the submission and review of a request for a Floodplain Variance and specifies any modifications and additions to those procedures that apply (see Figure 2-202: Floodplains Variance Procedure).

Figure 2-202: Floodplains Variance Procedure



1. Pre-Application Conference

A pre-application conference is required.

2. Application Submission

The common review procedures apply. In addition, the application shall include a written report addressing the factors identified in Chapter 5: Development Standards. Floodplain Variance applications associated with proposed development projects shall include a Concept Plan that has been approved in accordance with the Concept Plan procedure in this chapter, unless the Planning Director determines that a Concept Plan is not required because the proposal would not make a substantial physical change to the site.

3. Staff Review and Action

The Planning Director shall review and may make a recommendation on the application at the hearing.

4. Scheduling of Public Hearings and Public Notice

The Planning Director shall schedule public hearings and provide public notice.

5. Decision-Making Body Hearing, Review, and Decision

The Board of Adjustment shall review the application at a quasi-judicial hearing and make a decision based on the decision standards below. The decision of the Board of Adjustment shall be one of the following:

i. Approve the application, subject to the standard conditions of approval applicable to floodplain Variances;

ii. Approve the application subject to standard conditions of approval applicable to Floodplain Variances and additional conditions of approval as the Board of Adjustment deems necessary to further the purposes and objectives of the flood damage prevention standards in Chapter 5: Development Standards; or

iii. Deny the application.

6. Post-Decision Action and Limitations

a. **Signed Decision Filing**

Decisions shall be documented in writing and signed by the Chair. The decision shall be filed in the Planning and Community Development Department and mailed out to all parties.

b. **Insurance Risk Notification**

Any applicant to whom a Floodplain Variance is granted shall be given written notice specifying the difference between the BFE and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a Floodplain Variance to construct a structure below the BFE may result in increased premium rates for flood insurance up to $25 per $100 of insurance coverage. Such notification shall be maintained by the Floodplain Administrator with a record of all Floodplain Variance actions, including justification for their issuance.

c. **Records Reporting**

The Planning Director shall maintain the records of all appeal actions and report any Variances to the FEMA and the State of North Carolina upon request.

D. DECISION STANDARDS AND CONDITIONS OF APPROVAL

1. The Board of Adjustment shall approve a Floodplain Variance application only following consideration of all technical evaluations, all relevant factors, the flood damage prevention standards in Chapter 5: Development Standards, and the following considerations:

a. The danger that materials may be swept onto other lands to the injury of others;

b. The danger to life and property due to flooding or erosion damage;

c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

d. The importance of the services provided by the proposed facility to the community;

e. The necessity to the facility of a waterfront location as defined in Section 5.5, Flood Damage Prevention, as a functionally dependent facility, where applicable;

f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

g. The compatibility of the proposed use with existing and anticipated development;

h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

i. The safety of access to the property in times of flood for ordinary and emergency vehicles;

j. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

k. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

2. The following conditions shall apply to Floodplain Variances:

a. Floodplain Variances shall not be issued if it will cause the structure to be in violation of other federal, state, or local laws, regulations, or ordinances;

b. Floodplain Variances shall not be issued within any designated floodway or non-encroachment area if the Variance would result in any increase in flood levels during the base flood discharge;

c. Floodplain Variances shall only be issued upon a determination that the Variance is the minimum necessary, considering the flood hazard, to afford relief;

d. Floodplain Variances shall only be issued prior to development permit approval; and

e. Floodplain Variances shall only be issued upon:

i. A showing of good and sufficient cause;

ii. A determination that failure to grant the Variance would result in exceptional hardship; and

iii. A determination that the granting of a Variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

3. A Floodplain Variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met:

a. The use serves a critical need in the community;

b. No feasible location exists for the use outside the Special Flood Hazard Area;

c. The reference level of any structure is elevated or floodproofed to at least the Regulatory Flood Protection Elevation;

d. The use complies with all other applicable federal, state and local laws; and

e. The Town has notified the Secretary of the North Carolina Department of Public Safety of its intention to grant a Floodplain Variance at least 30 days prior to granting the Variance.

2.5.19. Variance – Watershed

A. PURPOSE

The purpose and intent of this section is to establish a procedure and standards for a Variance from the requirements of the Watershed Protection Overlay (WPO) district.

B. APPLICABILITY

The procedure in this section may be used to vary the standards that apply to development in the WPO district. There are two types of Watershed Variances:

1. Minor Watershed Variance

An application for Minor Watershed Variance is a request to vary the minimum lot size or maximum lot coverage standards that apply to lots in the WPO district by up to:

i. Five percent for developments using the low impervious surface cover option; or

ii. Ten percent for development using the high impervious surface cover option.

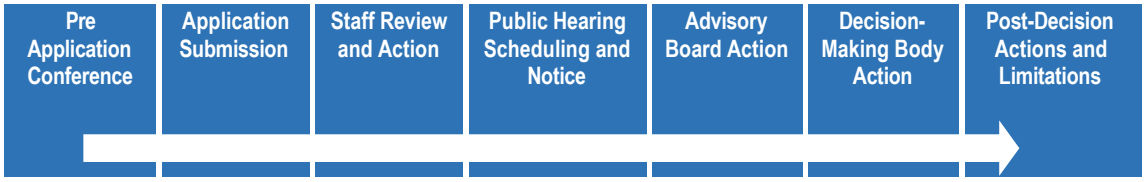
2. Major Watershed Variance

An application for Major Watershed Variance is a request to vary the minimum lot size or maximum lot coverage standards that apply to lots in the WPO district by more than the maximum percentages for a Minor Watershed Variance, or a request to vary any other standards of the WPO district.

C. MINOR WATERSHED VARIANCE PROCEDURE

This section references common review procedures in this chapter that are required for the submission and review of a request for a Minor Watershed Variance and specifies any modifications and additions to those procedures that apply (see Figure 2-213: Minor Watershed Variance Procedure).

Figure 2-213: Minor Watershed Variance Procedure



1. Pre-Application Conference

A pre-application conference is required.

2. Application Submission

The common review procedures apply. Minor Watershed Variance applications associated with proposed development projects shall include a Concept Plan that has been approved in accordance with the Concept Plan procedure in this chapter, unless the Planning Director determines that a Concept Plan is not required because the proposal would not make a substantial physical change to the site.

3. Staff Review and Action

The Planning Director shall review and may make a recommendation on the application at the hearing.

4. Scheduling of Public Hearings and Public Notice

The Planning Director shall schedule public hearings and provide public notice.

5. Advisory Board Review and Recommendation

If an application for a Minor Watershed Variance involves lands in the Historic Preservation Overlay district, the application shall first be reviewed by the Historic Preservation Commission. The Commission shall review the application and make a recommendation based on any potential impacts to historically significant elements.

6. Decision-Making Body Hearing, Review, and Decision

The Board of Adjustment shall review the application at a quasi-judicial hearing. Within a reasonable time following the close of the public hearing, the Board of Adjustment shall make a decision based on the decision standards below. The decision of the Board of Adjustment shall be one of the following:

i. Approve the application;

ii. Approve the application subject to conditions of approval; or

iii. Deny the application.

7. Post-Decision Actions and Limitations

a. **Signed Decision Filing**

Decisions shall be documented in writing and signed by the Chair. The decision shall be filed in the Planning and Community Development Department and mailed out to all parties.

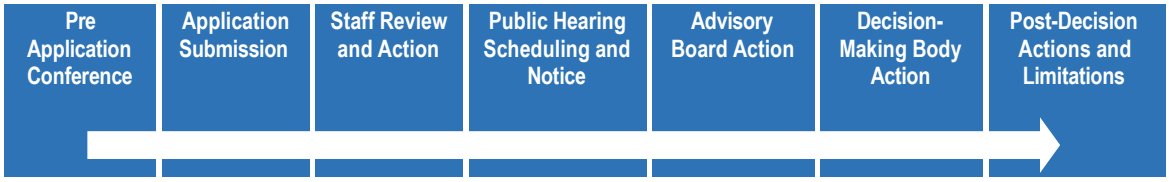
b. **Other Actions**

See the common provisions for all Watershed Variances below.

D. MAJOR WATERSHED VARIANCE PROCEDURE

This section references common review procedures in this chapter that are required for the submission and review of a request for a Major Watershed Variance and specifies any modifications and additions to those procedures that apply (see Figure 2-224: Major Watershed Variance Procedure).

Figure 2-224: Major Watershed Variance Procedure



1. **Pre-Application Conference**
   A pre-application conference is required.

2. **Application Submission**
   The common review procedures apply. Major Watershed Variance applications associated with proposed development projects shall include a Concept Plan that has been approved in accordance with the Concept Plan procedure in this chapter, unless the Planning Director determines that a Concept Plan is not required because the proposal would not make a substantial physical change to the site.

3. **Staff Review and Action**
   The Planning Director shall review and may make a recommendation on the application at the hearing.

4. **Scheduling of Public Hearings and Public Notice**
   The Planning Director shall schedule public hearings and provide public notice.

5. **Advisory Board Review and Recommendation**
   If an application for a Major Watershed Variance involves lands in the Historic Preservation Overlay district, the application shall first be reviewed by the Historic Preservation Commission. The Commission shall review the application and make a recommendation based on any potential impacts to historically significant elements.

6. **Decision-Making Body Hearing, Review, and Decision**
   The Board of Adjustment shall review the application at a quasi-judicial hearing. Within a reasonable time period following the close of the public hearing, the Board of Adjustment shall make a recommendation based on the decision standards below. The recommendation of the Board of Adjustment shall be one of the following:

   i. Approve the application;

   ii. Approve the application subject to conditions of approval; or

   iii. Deny the application.

7. Post-Decision Actions and Limitations

a. **Signed Decision Filing**

Decisions shall be documented in writing and signed by the Chair. The decision shall be filed in the Planning and Community Development Department and mailed out to all parties.

b. **Transfer to North Carolina Environmental Management Commission**

i. If the Board of Adjustment denies the Major Watershed Variance, the request shall not be submitted to the North Carolina Environmental Management Commission and shall be deemed denied.

ii. If the Board of Adjustment recommends approval of the Major Watershed Variance, the Planning Director shall forward the Board's recommendation and all supporting information to the North Carolina Environmental Management Commission, including but not limited to:

(1) The Major Watershed Variance application;

(2) Evidence of proper notification of the public hearing;

(3) A summary of all evidence presented at the Watershed Review Board hearing on the application, including comments from other local governments;

(4) Proposed findings and exceptions; and

(5) Any Board of Adjustment-sponsored conditions proposed to be added to the permit.

c. **Approval by North Carolina Environmental Management Commission**

i. If the North Carolina Environmental Management Commission approves the Major Watershed Variance, any conditions, stipulations, or modifications it requires shall become part of the Major Watershed Variance approval and any Zoning Permit subsequently issued by the Town.

ii. If the North Carolina Environmental Management Commission denies the application, the Major Watershed Variance application shall be considered as denied, and the Town shall not accept an application for a similar Watershed Variance request affecting the same property or properties for one year following the date of denial, unless substantial new evidence is presented, as determined by the Planning Director.

d. **Effect of Approval**
See the common provisions for all Watershed Variances below.

e. **Appeal**
See the common provisions for all Watershed Variances below.

f. **Transmission to North Carolina Division of Water Resources**
See the common provisions for all Watershed Variances below.

E. COMMON PROVISIONS FOR ALL WATERSHED VARIANCES

1. Effect of Approval

If an application for a Major Watershed Variance is approved by the North Carolina Environmental Management Commission, or an application for a Minor Watershed Variance is approved by the Board of Adjustment, the landowner may:

i. Develop the use in accordance with the stipulations contained in the Watershed Variance; or

ii. Develop any other use listed as a permitted use for the zoning district in which it is located in accordance with the standards in this UDO.

2. Appeal

Appeal from the decision of the Board of Adjustment on a Minor Watershed Variance or the North Carolina Environmental Management Commission on a Major Watershed Variance shall be to the Superior Court for Iredell County in accordance with state law.

3. Transmission to North Carolina Division of Water Resources

The Planning Director shall submit copies of the minutes and decisions regarding any Watershed Variance approvals to the NC Division of Water Quality annually.

F. DECISION STANDARDS

The Board of Adjustment shall approve a Watershed Variance application only on determining that the applicant has demonstrated all of the following:

a. Unnecessary hardship would result from the strict application of this UDO. It is not necessary to demonstrate that, in the absence of the Variance, no reasonable use can be made of the property.

b. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a Variance. A Variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

c. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a Variance is not a self-created hardship.

d. The requested Variance is consistent with the spirit, purpose, and intent of this UDO, such that public safety is secured and substantial justice is achieved.

2.5.20. Watershed Density Averaging Certificate

A. PURPOSE

The purpose of this section is to establish a procedure for ensuring proposed development in the WPO district for which use of the watershed density averaging development option is proposed complies with the requirements in this UDO and to establish a way for the Town to track the use of density averaging to ensure overall development with the WPO district complies with Town regulations and state law.

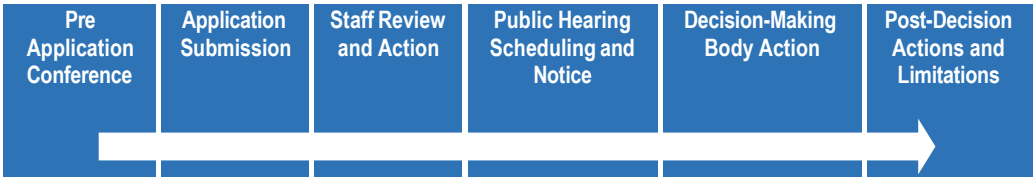
B. APPLICABILITY

Approval of a Watershed Density Averaging Certificate in accordance with this section is required for development in the WPO district to use the development density averaging option authorized by N.C.G.S. 143-214.5(d2).

C. PROCEDURE

This section references common review procedures in this chapter that are required for the submission and review of a Watershed Density Averaging Certificate application and specifies any modifications and additions to those procedures that apply (see Figure 2-235: Watershed Density Averaging Certificate Procedure).

Figure 2-235: Watershed Density Averaging Certificate Procedure



1. **Pre-Application Conference**
   A pre-application conference is required.
2. **Application Submission**
   The common review procedures apply.
3. **Staff Review and Action**
   The Planning Director shall review and make a recommendation on the application.

4. Scheduling of Public Hearings and Public Notice

The Planning Director shall schedule public hearings and provide public notice.

5. Advisory Board Review and Recommendation

If an application for a Watershed Density Averaging Certificate involves lands in the Historic Preservation Overlay district, the application shall first be reviewed by the Historic Preservation Commission. The Commission shall review the application and make a recommendation based on any potential impacts to historically significant elements.

6. Decision-Making Body Hearing, Review, and Decision

The Board of Adjustment shall review the application at a quasi-judicial hearing. Within a reasonable time following the close of the public hearing, the Board of Adjustment shall make a decision based on the review standards below. The decision of the Board of Adjustment shall be one of the following:

i. Approve the application;

ii. Approve the application subject to conditions of approval; or

iii. Deny the application.

7. Post-Decision Actions or Limitations

a. **Signed Decision Filing**

Decisions shall be documented in writing and signed by the Chair. The decision shall be filed in the Planning and Community Development Department and mailed out to all parties.

b. **Certificate Tracking**

Following approval of a Watershed Density Averaging Certificate, the Planning Director shall record the certificate and track compliance of all development throughout the WPO district with the overall limitations on development within the WPO.

D. DECISION STANDARDS

The Board of Adjustment shall issue a Watershed Density Averaging Certificate only on determining the development complies with the watershed density averaging standards in the WPO district, and the following:

a. Up to two noncontiguous properties may be used.

b. For WS-IV watersheds, the properties are within the Town's zoning jurisdiction. For WS-II watersheds, the properties are within the same watershed.

c. The properties are within the same water supply watershed. If one of the properties is located in the critical area of the watershed, the

critical area property shall not be developed beyond the applicable density requirements for its classification.

d. Overall project density meets applicable density or stormwater control requirements under 15A NCAC 2B .0200.

e. Vegetated buffers on both properties meet the minimum statewide water supply watershed protection requirements.

f. Built-upon areas are designed and located to minimize stormwater runoff impact to the receiving waters, minimize concentrated stormwater flow, maximize the use of sheet flow through vegetated areas, and maximize the flow length through vegetated areas.

g. Areas of concentrated density development are located in upland areas and, to the maximum extent practicable, away from surface waters and drainageways.

h. The property or portions of the properties that are not being developed will remain in a vegetated or natural state and will be managed by a homeowners' association as common area, conveyed to a local government as a park or greenway, or placed under a permanent conservation or farmland preservation easement. A metes and bounds description of the areas to remain vegetated and limits on use shall be recorded on the subdivision plat, in homeowners' covenants, and on individual deed and shall be irrevocable.

i. Development meeting applicable low-density requirements shall transport stormwater runoff by vegetated conveyances to the maximum extent practicable.

2.5.21. Administrative Adjustment

A. PURPOSE

The purpose of this section is to establish a uniform mechanism for administrative approval of minor variations, or adjustments, to certain numerical standards (i.e. setbacks) based on specific standards, with the intent of providing relief where application of a standard creates practical difficulties in allowing development that otherwise advances the purposes served by the standards and is compatible with the area and will not be detrimental to public health, safety, or welfare.

B. APPLICABILITY

1. An Administrative Adjustment shall only be used for the redevelopment of properties that were previously developed or infill lots that are less than three acres in size.

2. An Administrative Adjustment may be requested and granted in accordance with the procedures and standards in this section for deviations of up to ten percent from the numerical standards identified in Table 2-3: Allowed Administrative Adjustments, for any proposed development.

TABLE 2-3: ALLOWED ADMINISTRATIVE ADJUSTMENTS

Standards
Minimum lot width at right-of-way (see Chapter 3: Zoning Districts)
Minimum lot depth at front setback (see Chapter 3: Zoning Districts)
Minimum front setback (see Chapter 3: Zoning Districts)
Minimum side setback (see Chapter 3: Zoning Districts)
Minimum rear setback (see Chapter 3: Zoning Districts)
Maximum tree spacing in large parking lots, primary drive aisle (see Chapter 5: Development Standards)
Perimeter buffer width (see Chapter 5: Development Standards)
Access connection locations/Intersection spacing (see Chapter 5: Development Standards)
Maximum tree spacing, street trees (see Chapter 5: Development Standards)

3. Where an Administrative Adjustment application is submitted in conjunction with another application, it shall be reviewed and decided prior to the other application. (For example, if an Administrative Adjustment application is submitted in conjunction with a Site Plan application because the Administrative Adjustment is needed to achieve the plan for development in the Site Plan, the Administrative Adjustment application shall be reviewed and decided upon prior to the review of the Site Plan application.)

4. This section shall not limit the submission or approval of an alternative parking plan, alternative landscaping or buffer yard, security plan, or other proposed alternative to generally applicable standards authorized by this UDO.

C. PROCEDURE

This section references common review procedures in this chapter that are required for the submission and review of an Administrative Adjustment application and specifies any modifications and additions to those procedures that apply (see Figure 2-246: Administrative Adjustment Procedure).

Figure 2-246: Administrative Adjustment Procedure



1. **Application Submission**
   The common review procedures apply.

2. **Staff Review and Action**
   The Planning Director shall review and make a decision on the application based on the decision standards below. The Planning Director's decision shall be to approve or deny the application.

3. **Post-Decision Actions and Limitations**
   Unless otherwise specified in the approval, approval of an Administrative Adjustment shall automatically expire one year after the date of approval if a building permit for the proposed development is not approved or, if a building permit is not required, if proposed development for which the Administrative Adjustment is requested has not substantially commenced.

D. DECISION STANDARDS

The Planning Director shall approve an Administrative Adjustment application only on determining the application demonstrates that the proposed Administrative Adjustment:

a. Is allowed by this section;

b. Is consistent with the character of development in the surrounding area, and will not result in incompatible uses or development;

c. Will not create any adverse impacts or any adverse impacts will be mitigated, to the maximum extent practicable;

d. Will not substantially interfere with the convenient and enjoyable use and development of adjacent lands, and will not pose a danger to the public health or safety;

e. Is not being used to purposely avoid meeting the regulations identified in this UDO; and

f. Meets at least one of the following requirements:

i. Is required to compensate for some unusual aspect of the development site;

ii. Proposes to protect sensitive natural resources; or

iii. Proposes to save healthy existing trees.

2.5.22. Appeal of Administrative Decisions

A. PURPOSE

The purpose of this section is to provide a procedure for appeal from decisions made by the Planning Director regarding development applications filed and decided in accordance with this UDO.

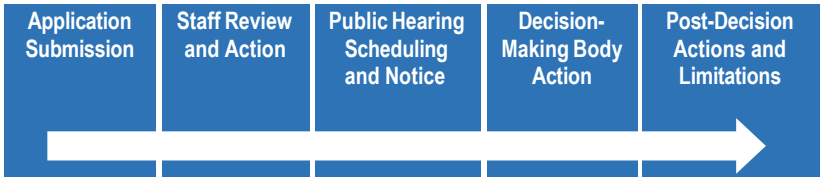
B. APPLICABILITY

Any aggrieved party affected by a decision or Interpretation of the Planning Director may appeal such decision or Interpretation to the Board of Adjustment, the appellant, and the owner of the property (if not the appellant) in accordance with this section.

C. PROCEDURE

This section references common review procedures in this chapter that are required for an appeal of an administrative decision and specifies any modifications and additions to those procedures that apply (see Figure 2-17: Appeal of Administrative Decisions Procedure).

Figure 2-17: Appeal of Administrative Decisions Procedure



1. Application Submission

In lieu of the common review procedure, the party seeking to appeal shall file a written notice of appeal with the Planning Department within 30 days of the date that the applicant/owner/other party requesting the decision or interpretation received the Planning Director's issued decision or interpretation that is being appealed. All other parties with standing who did not specifically request the decision or interpretation shall have 30 days from the date of the Planning Director's issued decision or interpretation to appeal.

2. Staff Review and Action

Following receipt of the notice of appeal, the Planning Director shall transmit all the papers, documents, and other materials relating to the decision or interpretation appealed to the Board of Adjustment. These materials shall constitute the record of the appeal.

3. Scheduling of Public Hearings and Public Notice

The Planning Director shall schedule public hearings and provide public notice. The appeal shall be held at the next regularly scheduled meeting of the Board of Adjustment, based upon established scheduling policy, or

as soon as is reasonably possible.

4. Decision-Making Body Hearing, Review, and Decision

a. The Board of Adjustment shall review the record of the Appeal at a quasi-judicial hearing.

b. In making its determination, the Board of Adjustment shall consider the application, the relevant support materials, the staff report, and testimony and other evidence given at the public hearing. Within a reasonable time following the close of the public hearing, the Board of Adjustment shall affirm, partly affirm, modify, or reverse the decision or interpretation, based on the record, and the requirements and standards of this UDO.

c. All decisions on an Appeal of an Administrative Decision shall be in writing and shall be filed in the Planning Department within a reasonable time period from the date the decision is made.

5. Post-Decision Actions or Limitations

a. **Effect of Appeal**

An appeal of a notice of violation or other enforcement order stays all proceedings in furtherance of the action appealed from and accrual of any fines assessed during the pendency of the appeal and any further appeal or civil proceeding related thereto, unless the Planning Director certifies in an affidavit to the Board of Adjustment after the notice of appeal is filed that by reason of facts stated in the affidavit, a stay would cause imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of the development regulation. In such case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by a court of competent jurisdiction, on notice to the Planning Director and on due cause shown. If the enforcement proceedings are not stayed, the appellant may file with the Planning Director a request for an expedited hearing of the appeal, and the Board of Adjustment shall meet to hear the appeal within 15 days after the request is filed, if at all possible.

Appeals of decisions granting a development approval or affirming a proposed use of property consistent with the development regulations does not stay the further review of an application for development approvals to use the property; provided, however, that the appellant or the Planning Director may request, and the Board of Adjustment may grant, a stay of a final decision of development approval applications, including building permits affected by the issue being appealed.

b. **Signed Decision Filing**

Decisions shall be documented in writing and signed by the Chair. The decision shall be filed in the Planning and Community Development Department and mailed out to all parties.

c. **Further Appeal**

Appeal from the decision of the Board of Adjustment shall be to the Superior Court for Iredell County in accordance with state law.

D. DECISION STANDARDS

The Board of Adjustment, when hearing an appeal, may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The Board shall have all the powers of the official who made the decision. All decisions of the Board shall be based upon competent, material, and substantial evidence in the record.

2.5.23. Modification of Architectural Standard

A. PURPOSE

The purpose of this section is to establish a uniform mechanism to allow a structure to deviate from the required form and design standards in Chapter 5: Development Standards, as a means to accommodate innovative planning or design.

B. APPLICABILITY

A Modification of Architectural Standards shall be approved only in situations where deviation from a required form and design standard in Chapter 5: Development Standards, is warranted based on the standards in this section, and only in accordance with the procedure in this section. In no instance shall an application for the Modification of Architectural Standard be used to request a modification of any other development or design standard in this UDO.

C. PROCEDURE

This section references common review procedures in this chapter that are required for the submission and review of a Modification of Architectural Standard application and specifies any modifications and additions to those procedures that apply (see Figure 2-258: Modification of Architectural Standard Procedure).

Figure 2-258: Modification of Architectural Standard Procedure



1. Application Submission

The common review procedures apply.

2. Staff Review and Action

The Planning Director shall review and make a decision on the application based on the decision standards below. The Planning Director's decision shall be one of the following:

i. Approve the application;

ii. Approve the application with a lesser modification than requested by the applicant and/or subject to conditions of approval; or

iii. Deny the application.

3. Post-Decision Actions and Limitations

a. **Subsequent Development**

Construction that includes an approved Modification of Architectural Standard shall not be carried out until the applicant has secured all other permits required by this UDO or any other applicable Town ordinances or regulations. A Modification of Architectural Standard has no impact on the requirement to obtain other development approvals or permits and provides no guarantee of obtaining them.

b. **Effect**

Issuance of a Modification of Architectural Standard shall authorize only the particular modification that is approved in the permit. A Modification of Architectural Standard, including any conditions of approval, shall run with the land and not be affected by a change in ownership.

D. DECISION STANDARDS

The Planning Director shall approve a Modification of Architectural Standard application only on determining that the applicant has demonstrated that one or more of the following standards are met:

a. The structure is historic with an architectural vernacular that is inconsistent with the required form and design standards;

b. Alternate materials or design elements are necessary to allow an addition to match or blend with the architectural style or material of the existing structure;

c. Strict compliance with the form and design standards is infeasible due to features specific to the site; or

d. An alternative form and design would be more compatible with surrounding development by incorporating site features (such as open space, landscaping, or tree protection) that better meet the purpose and intent of the zoning district and the applicable development standards.

2.5.24. Interpretation

A. PURPOSE

The purpose of this section is to provide a uniform mechanism for the Planning Director to issue formal written Interpretations of this UDO.

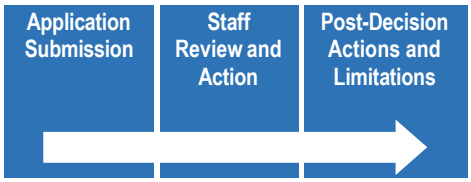
B. APPLICABILITY

The Planning Director shall be responsible for making formal written Interpretations of all provisions of this UDO, including but not limited to interpretations of the text of the UDO, the zoning district boundaries, compliance with conditions of approval, and whether an unspecified use falls within a use classification, use category, or use type allowed in a particular zoning district, in accordance with this section.

C. PROCEDURE

This section references common review procedures in this chapter that are required for an Interpretation and specifies any modifications and additions to those procedures that apply (see Figure 2-269: Interpretation Procedure).

Figure 2-269: Interpretation Procedure



1. Application Submission

The common review procedures apply, except an application may be filed by any official Town board or commission, any resident or landowner, or any person having a contractual interest in land in the Town.

2. Staff Review and Action

The Planning Director shall review and evaluate the request in light of the Comprehensive Plan, this UDO, the Official Zoning District Map, and other relevant codes and statutes, consult with any appropriate Town or other agency staff, and then render an Interpretation based on the decision standards below. The Interpretation shall be in writing.

3. Post-Decision Actions and Limitations

a. A written Interpretation is binding on subsequent decisions by the Planning Director or other Town staff and officials in applying the same provision of the UDO or the Official Zoning District Map in the same circumstance, unless the Interpretation is modified in accordance with this section, or the Official Zoning District Map or the text of the UDO is amended.

b. The Planning Director shall maintain a complete copy of all written Interpretations, which shall be available in the Planning Department office for public inspection during normal business hours.

D. INTERPRETATION REVIEW STANDARDS

1. Text Provisions

Interpretation of a provision's text and its application shall be based on Section 9.1, Rules of Interpretation; Section 1.6, Relationship with Other Laws, Covenants, or Agreements; and other considerations including, but not limited to, the following:

i. The plain meaning of the provision's wording, considering any terms specifically defined in Section 9.3, Uses Defined; Section 9.4, General Terms Defined; and the common and accepted usage of terms; and

ii. The purpose of the provision, as indicated by:

(1) Any purpose statement in the section(s) where the text is located;

(2) The provision's context and consistency with surrounding and related provisions;

(3) Any legislative history related to the provision's adoption;

(4) The general purposes served by the UDO, as set forth in Section 1.3, General Purpose and Intent; and

(5) The Comprehensive Plan.

2. Unspecified Uses

The Planning Director shall interpret a principal use not expressly listed as an allowable use in a particular zoning district in the use table in Chapter 4: Use Regulations, only after finding that the nature, function, and duration of the use and the impact of allowing it in the zoning district are so similar to those of a use type or use category that is allowed in the zoning district that the unlisted use should be deemed allowed in the same manner (i.e. permitted, conditional zoning, special use, accessory, or temporary) as the similar use type or use category and subject to the same use-specific standards. In making such Interpretation, the Planning Director shall consider the relevant characteristics of the unlisted use relevant to those of listed and defined use types and/or of the use categories described in this section, the purpose and intent statements in this UDO concerning the zoning district, and the character of use types allowable in the zoning district. The relevant characteristics of the unlisted use that should be considered in making this Interpretation include, but are not limited to, the following:

i. Actual or projected characteristics of each activity likely to occur as part of the unlisted use;

ii. The type, size, orientation, and nature of buildings, and structures devoted to each activity;

iii. The number and density of employees and customers per unit area of site in relation to business hours and employment shifts;

iv. Vehicles used and their parking requirements, including the ratio of the number of spaces required per unit area or activity;

v. Transportation demands, including the volume and frequency of trips generated to and from the site, the split of traffic volume among various means of transportation, and other characteristics of trips and traffic;

vi. Relative amounts of sales from each activity;

vii. The nature and location of storage and outdoor display of merchandise, whether enclosed, open, inside or outside the principal building, and the predominant types of items stored;

viii. Customer type for each activity;

ix. The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation, and fumes;

x. Any special public utility requirements for serving the use, including but not limited to water supply, wastewater output, pre-treatment of wastes and emissions required or recommended, and any significant

power structures (larger than 34.5kV) and communications towers or facilities; and

xi. The impact on adjacent lands created by the use, which should not be greater than that of other use types allowed in the district.

3. Zoning District Boundaries

Interpretation of zoning district boundaries shall be based on Sec. 1.7.4, Interpretation of Official Zoning District Boundaries.

2.5.25. Vested Rights Determination

A. VESTED RIGHTS DETERMINATIONS

The purpose of this section is to establish a uniform mechanism for a landowner to request a determination from the Planning Director that the landowner has the right to develop land in accordance with an approved site-specific vesting plan, in lieu of compliance with current zoning or land use requirements, as provided by state law.

B. APPLICABILITY

A landowner may submit an application for a Vested Rights Determination in accordance with this section with respect to any site-specific vesting plan. A site-specific vesting plan shall include any of the following:

a. Conditional zoning district classification;

b. Special use permit;

c. Preliminary plat;

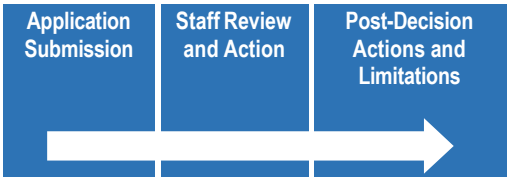
d. Minor subdivision plat; and/or

e. Site Plan (major or minor).

C. PROCEDURE

This section references common review procedures in this chapter that are required for a Vested Rights Determination and specifies any modifications and additions to those procedures that apply (see Figure 2-30: Vested Rights Determination Procedure, identifies key steps in the Vested Rights Determination.

Figure 2-30: Vested Rights Determination Procedure



1. **Application Submission**
   The common review procedures apply.
2. **Staff Review and Action**
   a. The Planning Director shall review and make a decision on the application based on the decision standards below. The Planning Director's decision shall be one of the following:
   i. Approve the application;
   ii. Approve the application subject to relevant conditions or approval; or
   iii. Deny the application.
3. **Post-Decision Actions and Limitations**
   The vested right shall expire in accordance with the vesting period established by its application approval.

D. DECISION STANDARDS

The Planning Director shall approve a Vested Rights Determination application only on making the determination that the applicant has provided sufficient competent evidence to demonstrate the following:

a. The site-specific vesting plan was lawfully established and approved in the appropriate manner by the appropriate decision-making body;
b. The site-specific vesting plan has not expired; and
c. The site-specific vesting plan provides sufficient information to establish the type and intensity of proposed development with reasonable certainty.

2.5.26. Performance Guarantee

A. PURPOSE

The purpose of this section is to provide a mechanism to secure for the completion of specific, unfinished improvements which will allow an applicant to proceed with the next step in the land development process before all required improvements are completed.

B. APPLICABILITY

Approval and acceptance of a performance guarantee in accordance with this section is required where:

1) All required public improvements identified on a preliminary Site Plan have not been installed and approved by the Planning Director, or

2) All on-site and off-site public infrastructure as well as any private infrastructure subject to state permitting approved as part of a Site Plan have not been installed and approved by the appropriate authority, or

3) All site elements depicted on the approved Site Plan, including, but not

limited to, landscaping, site lighting, and parking have not been completed:

a. Prior to issuance of a final construction approval;

b. Prior to issuance of a permanent certificate of occupancy;

c. At the time of the approval of a recordable instrument, including a final plat; or

d. Prior to acceptance of dedication for public use improvements made by private development or funding, pursuant to any state law.

C. PROCEDURE

The common review procedures do not apply to an application for a Performance Guarantee. Instead, the following procedures apply. Figure 2-271: Performance Guarantee Procedure, identifies key steps in the Performance Guarantee procedure.

Figure 2-271: Performance Guarantee Procedure



1. Application Submission

Submit the application items as identified by the Planning Director.

2. Staff Review and Action

Upon determining the application is complete, the Planning Director shall coordinate a review of the application, the proposed Guarantee, the completed Performance Guarantee Agreement, and cost estimate, by an interdepartmental committee. This interdepartmental committee shall include, at a minimum, a member from each of the following departments: Planning, Engineering, Legal, and Finance. This interdepartmental committee review is to ensure technical adequacy, legal sufficiency, financial security, and compliance with Town policies and procedures. Town staff shall review and validate the cost estimate for appropriateness and completeness utilizing recent bid tabulations, cost indexes, market conditions, and/or other methods deemed appropriate by Town staff. Site visits may be conducted as necessary to determine existing conditions. Following the interdepartmental review, a determination will be made, and the applicant will be notified by the Planning Director of the sufficiency of the application, subject to compliance with the requirements of this section.

3. Effect of Approval

Upon approval of an application for Performance Guarantee, execution of the Performance Guarantee Agreement, and approval of the cost

estimate, the developer shall submit a Performance Guarantee in accordance with the Performance Guarantee Agreement and the requirements below. After acceptance of the Performance Guarantee by the interdepartmental committee, the Planning Director shall notify the applicant of the committee's acceptance and the applicant may submit an application for final construction approval, a permanent certificate of occupancy, a final plat, or acceptance of improvements for public use.

D. PERFORMANCE GUARANTEE REQUIREMENTS

All Performance Guarantees submitted in accordance with this section shall comply with the following standards:

1. Type of Guarantee

The Guarantee shall be in one of the following forms, at the applicant's option:

i. A surety bond issued by any company authorized to do business in this state;

ii. A letter of credit issued by any financial institution licensed to do business in this state; or

iii. Another form of guarantee that provides equivalent security to a surety bond or letter of credit. If the form of guarantee is a deposit of cash or another instrument in escrow with a financial institution, the applicant shall file with the Town an agreement with the financial institution that provides:

(1) The escrow amount will be held in trust until released by the Town and may not be used or pledged by the developer in any other transaction during the term of the escrow; and

(2) In case of a failure on the part of the developer to complete the guaranteed improvements, the financial institution shall, upon notification by the Town of an estimate of the amount needed to complete the improvements, immediately pay to the Town the funds estimated to complete the improvements, up to the full balance of the escrow account, or deliver to the Town any other instruments fully endorsed or otherwise made payable in full to the Town.

2. Amount

The Performance Guarantee shall be made payable to the Town of Mooresville and shall be in an amount equal to 1.25 times the cost to complete all required improvements, as approved by the interdepartmental committee and communicated by the Planning Director. Notwithstanding the foregoing, as to any stormwater control measures required, the Performance Guarantee shall include an amount equal to 1.5 times the cost to complete such measures.

3. Duration

The initial duration of the Performance Guarantee shall be for one year.

4. Extensions

A Performance Guarantee may be extended for an additional period if the Town determines the developer has demonstrated reasonable, good-faith progress toward completion of the improvements secured by the Guarantee or any extension. An extension shall be for the time needed to complete the improvements secured by the Guarantee, not to exceed an additional 12 months. If the time to complete the improvements is more than an additional 12 months, then at the end of the additional 12 months, the developer shall obtain a new performance guarantee acceptable to Town in the same manner and on the same terms as provided in this section for an extension. For each extension, renewal, or new issuance, the applicant shall submit a revised application, performance guarantee agreement, and a revised cost estimate in an amount equal to 1.25 times the cost to finish all incomplete improvement, as approved by the interdepartmental committee and communicated by the Planning Director. Notwithstanding the foregoing, the revised cost estimate as it pertains to any incomplete stormwater control measures shall be in an amount equal to 1.5 times the cost to complete all incomplete stormwater control measure improvements.

5. Partial Releases

As construction progresses, and upon request from the Developer, the Town may reduce the amount of any cash or letter of credit guarantee to reflect 1.25 times the current cost to complete the remaining work or 1.5 times the current cost to complete remaining stormwater control measures. A new engineer's estimate shall be provided. If the amount of a letter of credit is reduced, a new letter of credit shall be issued to the Town, subject to approval of the interdepartmental committee. A maximum of two releases will be allowed. No partial releases will be allowed for bonds.

6. Final Release

Following completion of the improvements secured by the Performance Guarantee and certification by the engineer of record of all improvements as being complete, the applicant may request the final release of the Performance Guarantee. The final release shall be processed within 30 days of written request to the interdepartmental committee.

7. Default

In the event of a failure or default on the part of the developer/applicant to complete the required improvements in the time required by this UDO or as detailed in the Performance Guarantee, the Guarantee itself, or financial institution holding the escrow account, shall pay any and all portions of the Performance Guarantee to the Town of Mooresville up to the amount needed to complete the improvements based on an estimate by the interdepartmental committee. Upon payment, the Town, in its sole discretion, may expend such portion of these funds, as it deems necessary

to complete all or any portion of the required improvements. The Town shall return any funds not spent in completing the improvements.

CHAPTER 3: ZONING DISTRICTS

3.2.2. RC: Rural Conservation

A. PURPOSE

The purpose of the RC (Rural Conservation) district is to provide lands for low-density residential development; to preserve rural, agricultural, and forested lands; and to allow for innovative conservation design methods that preserve significant open space in areas typically not served by water and sewer service. Agricultural uses and other typical rural uses are generally appropriate.

B. CONCEPT







C. USE STANDARDS

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Chapter 4: Use Regulations.

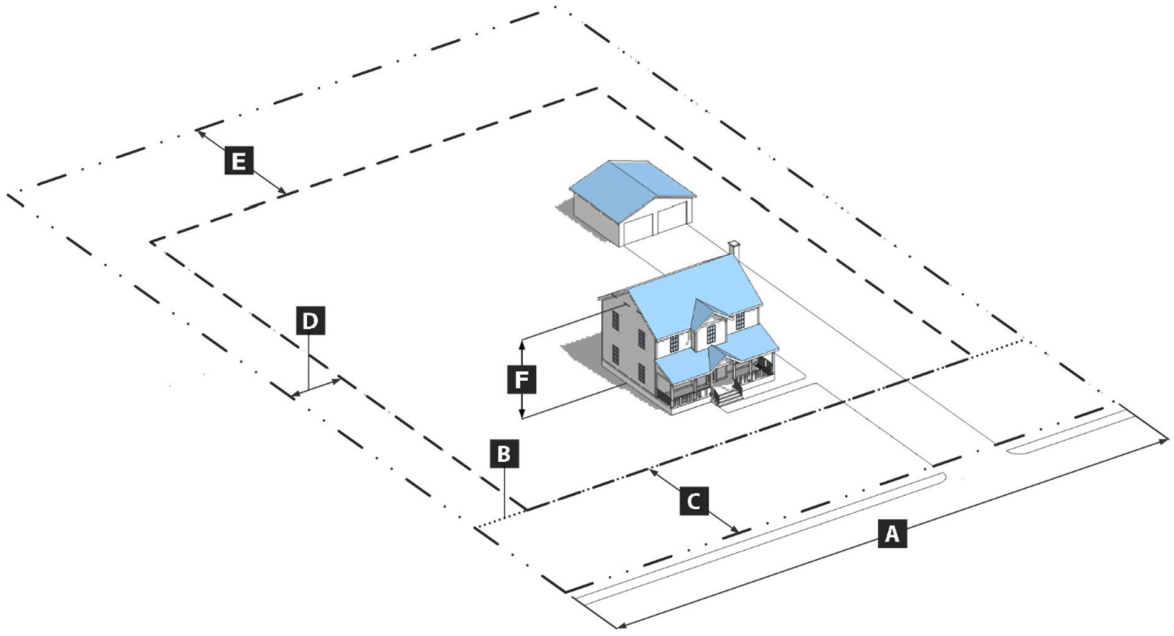
D. INTENSITY AND DIMENSIONAL STANDARDS

Except in a conservation subdivision (see Chapter 6: Subdivision Standards), all development in the RC district shall comply with the standards in Table 3-3: RC Intensity and Dimensional Standards.

TABLE 3-3: RC INTENSITY AND DIMENSIONAL STANDARDS

	Standard	All Uses	
		Not Within Conservation Subdivision	Within Conservation Subdivision
	Density, max (du/acre)	1	1
	Lot area, min	1.0 acre	None
A	Lot width at right-of-way, min (ft)	75	25
B	Lot width at front setback, min (ft)	120	50
C	Front setback, min (ft)	50	25
D	Side setback, min (ft) [2]	20	5
E	Rear setback, min (ft)	50	25
F	Building height, max (stories)	3	3

sf = square feet, ft = feet, min = minimum, max = maximum, du = dwelling unit



3.2.3. RLS: Residential Limited Service

A. PURPOSE

The purpose of the RLS (Residential Limited Service) district is to provide lands for low-density detached, duplex, and manufactured home dwellings in areas typically not served by water and sewer service. Agricultural uses and complementary commercial and institutional uses are generally appropriate.

B. CONCEPT







C. USE STANDARDS

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Chapter 4: Use Regulations.

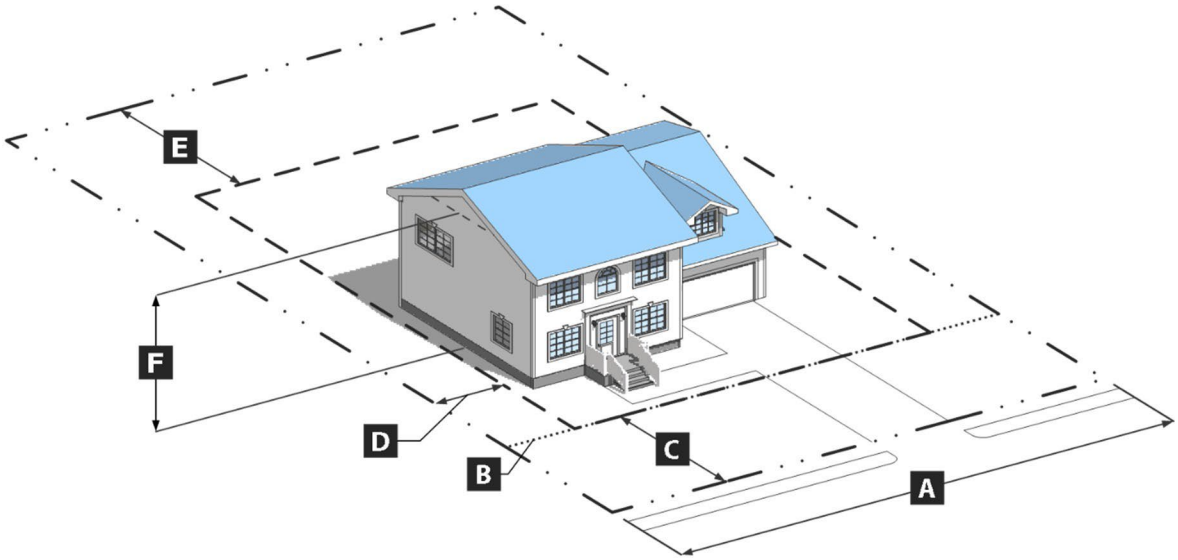
D. INTENSITY AND DIMENSIONAL STANDARDS

All development in the RLS district shall comply with the standards in Table 3-4: RLS Intensity and Dimensional Standards.

TABLE 3-4: RLS INTENSITY AND DIMENSIONAL STANDARDS

	Standard	All Uses
	Density, max (du/acre)	2
	Lot area, min	0.5 acres
A	Lot width at right-of-way, min (ft)	50
B	Lot width at front setback, min (ft)	100
C	Front setback, min (ft)	35
D	Side setback, min (ft)	15
E	Rear setback, min (ft)	40
F	Building height, max (stories)	3

sf = square feet, ft = feet, min = minimum, max = maximum, du = dwelling unit



3.2.4. RLI: Residential Low-Intensity

A. PURPOSE

The purpose of the RLI (Residential Low-Intensity) district is to provide lands for primarily single-family detached residential development, as well as limited commercial and institutional development. Duplex and small-scale attached residential dwellings may be appropriate.

B. CONCEPT







C. USE STANDARDS

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Chapter 4: Use Regulations.

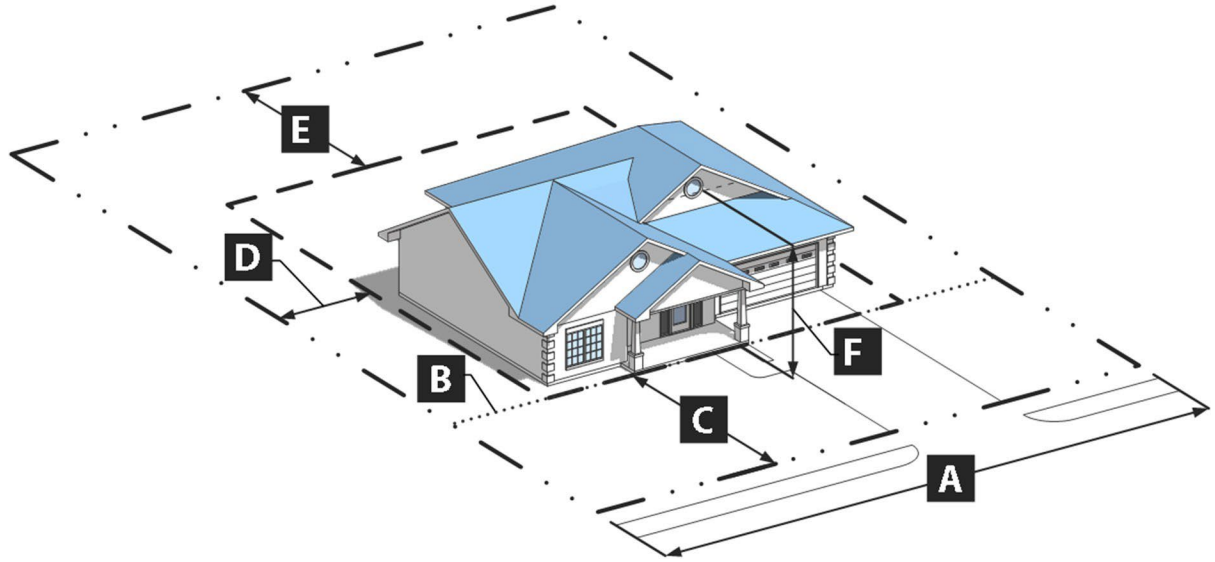
D. INTENSITY AND DIMENSIONAL STANDARDS

All development in the RLI district shall comply with the standards in Table 3-5: RLI Intensity and Dimensional Standards.

TABLE 3-5: RLI INTENSITY AND DIMENSIONAL STANDARDS

	Standard	All Uses
	Density, max (du/acre)	3
	Lot area, min	10,000 sf
A	Lot width at right-of-way, min (ft)	40
B	Lot width at front setback, min (ft)	70
C	Front setback, min (ft)	35
D	Side setback, min (ft)	15
E	Rear setback, min (ft)	30
F	Building height, max (stories)	3

sf = square feet, ft = feet, min = minimum, max = maximum, du = dwelling unit



3.2.5. RG: Residential General

A. PURPOSE

The purpose of the RG (Residential General) district is to provide lands for primarily moderately dense residential development in a variety of forms, including single-family detached, duplex, triplex quadplex, and townhouse dwellings, as well as multi-family dwellings. Limited institutional and commercial development consistent with the residential character of the district may also be appropriate.

B. CONCEPT







C. USE STANDARDS

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Chapter 4: Use Regulations.

D. INTENSITY AND DIMENSIONAL STANDARDS

All development in the RG zoning district shall comply with the standards in Table 3-6: RG Intensity and Dimensional Standards.

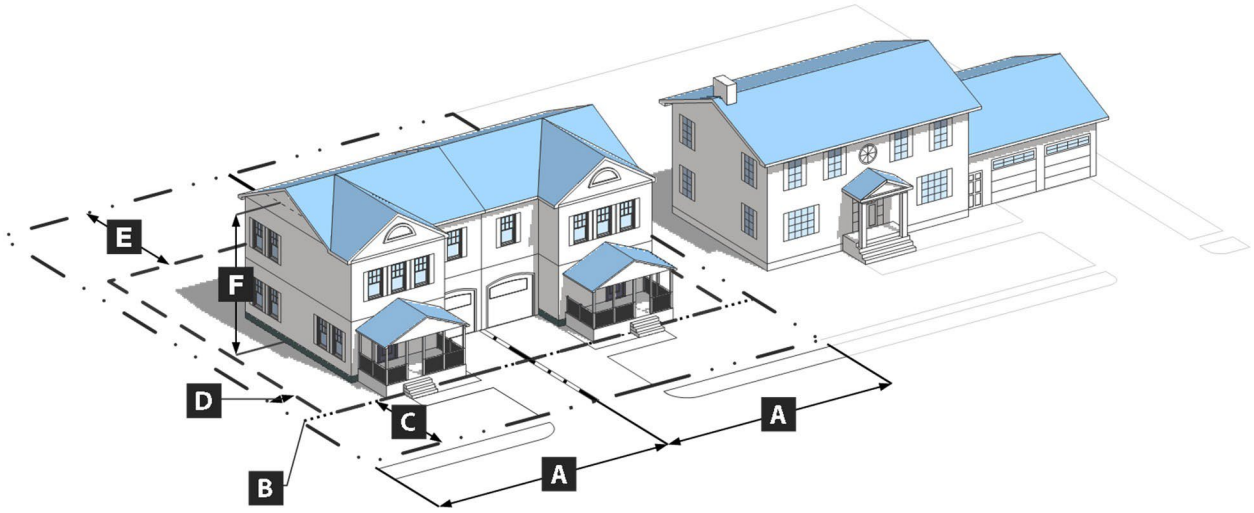
TABLE 3-6: RG INTENSITY AND DIMENSIONAL STANDARDS

	Standard	Duplex or Attached Residential Dwelling	Multi-Family Dwelling	All other uses
	Density, max (du/acre)	8	8	5
	Lot area, min	See Chapter 4	0.5 acres	7,000 sf
A	Lot width at right-of-way, min (ft)	See Chapter 4	25	25
B	Lot width at front setback, min (ft)	See Chapter 4	40	40

TABLE 3-6: RG INTENSITY AND DIMENSIONAL STANDARDS

Standard		Duplex or Attached Residential Dwelling	Multi-Family Dwelling	All other uses
C	Front setback, min (ft)	20	20	20
D	Side setback, min (ft)	8	10	5
E	Rear setback, min (ft)	25	25	25
F	Building height, max (stories)	3	3	3

sf = square feet, ft = feet, min = minimum, max = maximum, du = dwelling unit



3.2.6. HMV: Historic Mill Village

A. PURPOSE

The purpose of the HMV (Historic Mill Village) district is to support the revitalization of the neighborhood, protect and conserve the elements which provide the distinctive character and setting of the historically significant Mill Village, and plan for new single family residential infill construction that is compatible and complementary to the character of the existing historic neighborhood.

The HMV was developed between 1902 and 1924 by the Mooresville Cotton Mills. The unique character of the HMV is created by a streetscape of repetitive massing, construction, and design of homes. There are approximately eight different housing styles that are found in the HMV. The repetition of house forms, at a neighborhood-wide level, and at a block or street-level, creates the unique streetscape of the HMV.

B. CONCEPT







C. USE STANDARDS

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Chapter 4: Use Regulations.

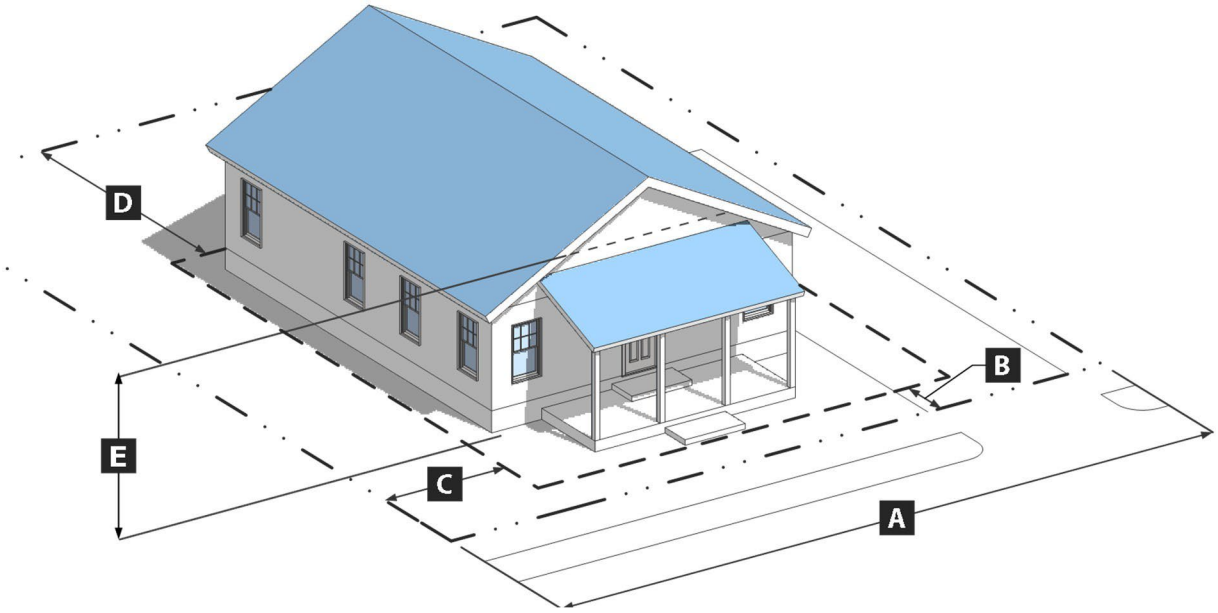
D. INTENSITY AND DIMENSIONAL STANDARDS

All development in the HMV district shall comply with the standards in Table 3-7: HMV Intensity and Dimensional Standards.

TABLE 3-7: HMV INTENSITY AND DIMENSIONAL STANDARDS

	Standard	All Uses
	Density, max (du/acre)	7
	Lot area, min	None
A	Lot width at right-of-way, min (ft)	55
B	Front setback, min / max (ft)	5 / 20
C	Side setback, min	Lesser of 12 ft or the average side setback of structures on the same block
D	Rear setback, min (ft)	25
E	Building height, max (stories)	1.5

sf = square feet, ft = feet, min = minimum, max = maximum, du = dwelling unit



E. DESIGN STANDARDS

All new residential construction, structures, additions, and alterations within the HMV district shall comply with the standards in this section.

1. District-Wide Design Elements

Principal structures shall maintain all of the following design elements:

a. Elevated slab or pier foundation;

b. Lap siding;

c. Window casing;

d. Open front porch a minimum of six feet deep having a shed or hip roof;

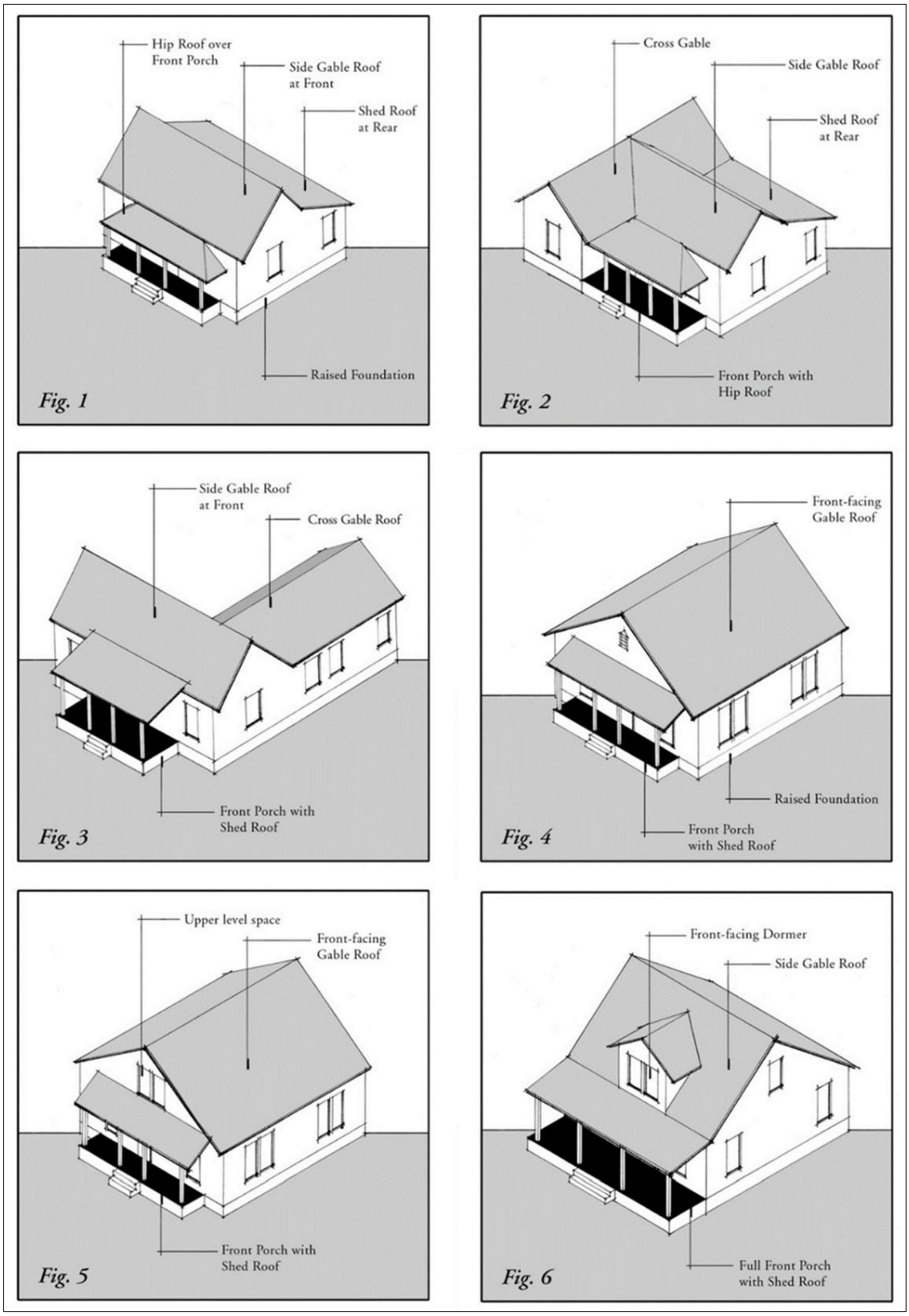
e. Raised panel front door; and

f. A roof pitch that is between 8/12 and 12/12. This requirement does not apply to secondary roof structures such as non-enclosed porches, dormers, and shed-style additions consistent with the predominant Mill Village building forms (see Figure 3-1 and 3-2). Additions to homes with a primary roof pitch shallower than 8/12 or greater than 12/12 may match the existing pitch.

2. New Construction, Additions, and Interior Alterations

a. All new construction and additions must be consistent with the predominant Mill Village building forms (see Figure 3-1: Mill Village District Building Form Elements) on the block where the proposed structure or addition is located.

Figure 3-1: Mill Village District Building Form Elements

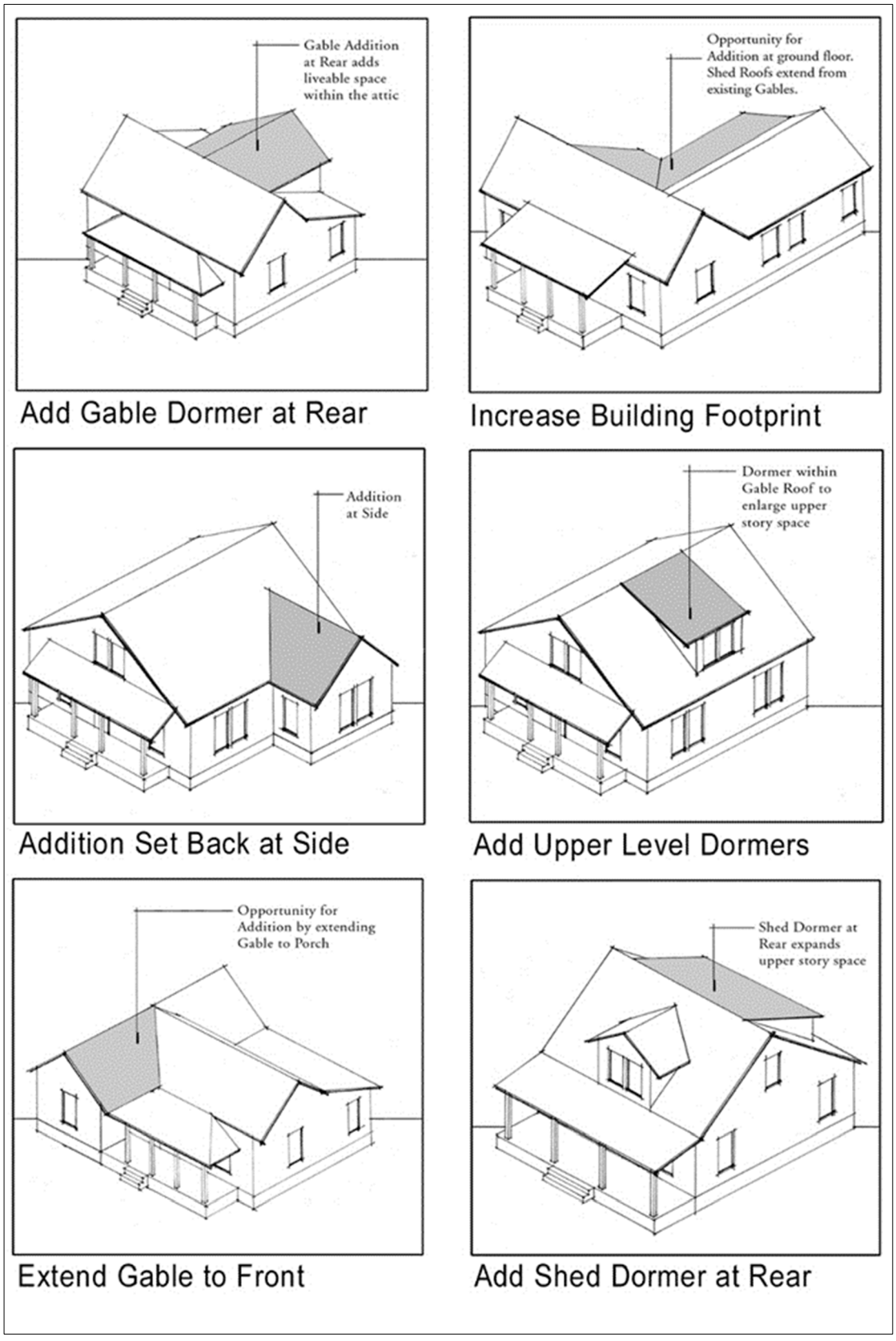


b. Additions to the side of a principal structure that extend its width shall be recessed from the front façade of the principal structure a minimum distance equal to 1/4 of the width of the existing front façade.

c. Additions to principal structures shall be constructed out of the same materials or materials of similar appearance and durability as the principal structure and shall maintain the general form and scale of the existing structure (see Figure 3-2: Appropriate Form and Scale of Additions).

d. Attic alterations shall not change the overall height of the principal structure or change the exiting pitch of the primary roof, except through the use of dormers (see examples of dormers in Figure 3-2: Appropriate Form and Scale of Additions).

Figure 3-2: Appropriate Form and Scale of Additions



3. Exterior Wall Coverings

If siding is to be repaired or replaced, the replacement siding shall be consistent with the original siding to the maximum extent practicable. Wood clapboard siding is preferred; however, cementations, vinyl, or other horizontal sheet siding is permitted provided:

a. The siding mimics the appearance of wood grain lap siding; and

b. Window trim, corner boards, and fascia are left in place or replaced with new material consistent with the original materials or materials of similar appearance and durability.

4. Porches

a. Porches shall have shed or hip roofs.

b. Front porches shall not be enclosed with screens, glass, or similar material.

c. Porches that are elevated more than 18 inches above the abutting finished grade shall include railings constructed of wood or wrought iron, or a material having a similar finish, form, and bulk.

d. New decks and screened-in or otherwise enclosed porches are permitted in the rear of the structure.

e. Front porches on new construction shall be connected directly to the adjoining street by a pedestrian walkway, to the maximum extent practicable.

5. Mechanical Systems

To the maximum extent practicable, all mechanical systems shall be screened from street view by buildings, shrubs, or fencing. For the purposes of this sub-section, "mechanical systems" shall be defined to include, but not be limited to:

a. Air conditioning and heating condensers;

b. Exterior staircases with access to second or third story apartments; and

c. Electric and gas meters.

3.2.7. TN: Traditional Neighborhood

A. PURPOSE

The purpose of the TN (Traditional Neighborhood) district is to provide lands for a diverse mix of medium-density residential development, including single-family detached, duplex, and small scale attached residential dwellings, along with supportive institutional and small-scale commercial development.

B. CONCEPT







C. USE STANDARDS

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Chapter 4: Use Regulations.

D. INTENSITY AND DIMENSIONAL STANDARDS

All development in the TN district shall comply with the standards in Table 3-8: TN Intensity and Dimensional Standards.

TABLE 3-8: TN INTENSITY AND DIMENSIONAL STANDARDS

	Standard	Duplex or Attached Residential Dwelling	Multi-Family Dwelling	All Other Uses
	Density, max (du/acre)	10	10	8
	Lot area, min (sf)	See Chapter 4	5,000	5,000
A	Lot width at right-of-way, min (ft)	See Chapter 4	25	25
B	Lot width at front setback, min (ft)	See Chapter 4	40	40
C	Front setback, min (ft) [3]	10*	10	10*
D	Side setback, min (ft)	8	10	5

TABLE 3-8: TN INTENSITY AND DIMENSIONAL STANDARDS

Standard		Duplex or Attached Residential Dwelling	Multi-Family Dwelling	All Other Uses
E	Rear setback, min (ft)	20	25	20
F	Building height, max (stories)	3	3	3

sf = square feet, ft = feet, min = minimum, max = maximum, du = dwelling unit

*Attached Residential, Duplex, and Single-Family Detached Dwellings with front-load garages are subject to an additional driveway length requirement. See applicable use standards for more information.



E. COMMERCIAL USES

Commercial uses shall be limited to corner lots or along Collector or higher streets, shall not exceed 5,000 square feet of gross floor area, and shall comply with the standards for shopfronts in Chapter 5: Development Standards.

3.3. MIXED-USE AND NONRESIDENTIAL BASE DISTRICTS

3.3.1. Purpose and Intent

The purpose and intent of the Mixed-Use and Nonresidential base zoning districts are to:

A. Strengthen the Town's economic base and provide employment opportunities close to home for Town residents;

B. Provide appropriately located lands that accommodate the full variety of development types needed for different business and commercial uses, consistent with the intended outcomes and policies of the Comprehensive Plan and other adopted Town plans;

C. Encourage and support high-quality infill development and redevelopment in existing mixed-use and nonresidential areas;

D. Create suitable environments for mixed-use development designed to integrate business, office, retail, and residential development in a walkable, urban environment, consistent with the Comprehensive Plan;

E. Support the redevelopment of existing auto-oriented commercial areas into communities that support multiple modes of travel and may include residential and/or mixed-use development; and

F. Encourage and support high-quality design in retail, office, service, employment, and mixed-use development.

3.3.2. TD: Traditional Downtown

A. PURPOSE

The TD (Traditional Downtown) district is intended to support and preserve the urban form of downtown Mooresville. District standards support the development of the downtown as a focal point in Mooresville with an intense mix of office, retail, service, restaurant, entertainment, cultural, civic, and residential development that cohesively preserve the district's character as a historic, walkable center of activity. The district allows a mix of retail, restaurant, entertainment, and institutional development, as well as medium- to high-density residential uses. Vertical mixed-use development with residential uses above ground-floor nonresidential development is encouraged.

B. CONCEPT







C. USE STANDARDS

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Chapter 4: Use Regulations.

D. INTENSITY AND DIMENSIONAL STANDARDS

All development in the TD zoning district shall comply with the standards in Table 3-9: TD Intensity and Dimensional Standards.

TABLE 3-9: TD INTENSITY AND DIMENSIONAL STANDARDS

Standard	All Uses
Density, max (du/acre)	None
Lot area, min	None
Lot width, min	None

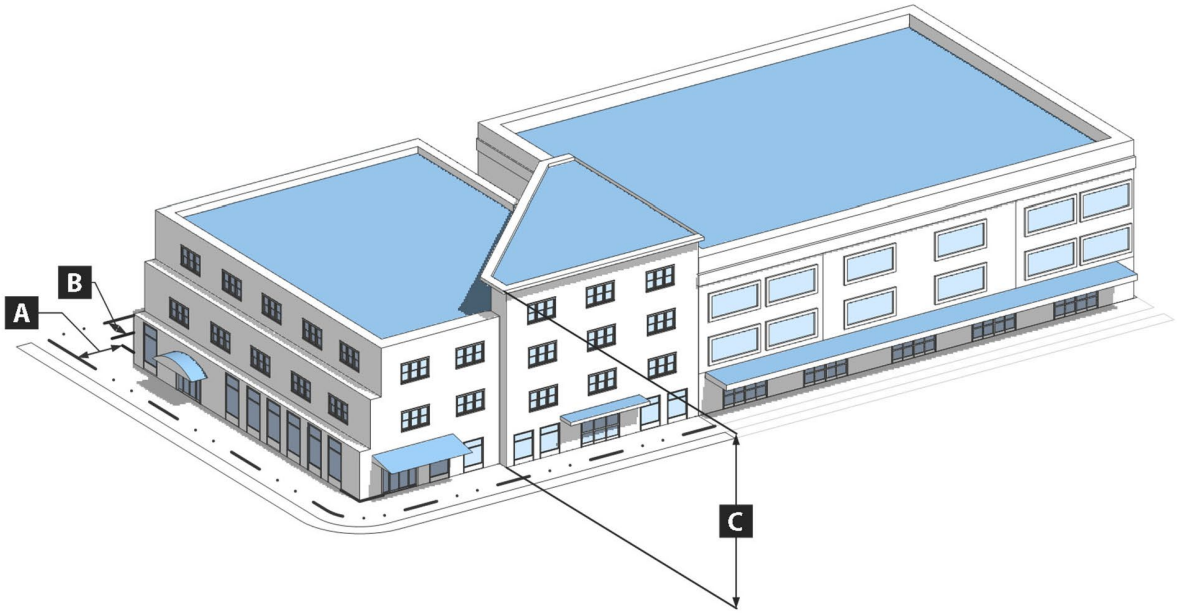
TABLE 3-9: TD INTENSITY AND DIMENSIONAL STANDARDS

Standard		All Uses
A	Front setback, min / max (ft)	0 / 15
	Side setback, min	None
B	Rear setback, min (ft)	10
C	Building height, min / max (stories)	2 / 4 or 5 [1]

sf = square feet, ft = feet, min = minimum, max = maximum, du = dwelling unit

NOTES

[1] Maximum four stories for buildings that have frontage on Main Street. Maximum five stories elsewhere in the TD district.



3.3.3. DE: Downtown Extension

A. PURPOSE

The DE (Downtown Extension) zoning district is intended to support development that extends the walkable urban form of the downtown core beyond its traditional boundaries. The district allows a variety of residential, retail, service, restaurant, and other development, and includes design standards that support walkable urban development. Allowed residential uses include single-family detached dwellings, townhouses, and standalone multifamily dwellings. Vertical and horizontal mixing of residential and nonresidential uses are encouraged.

B. CONCEPT







C. USE STANDARDS

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Chapter 4: Use Regulations.

D. INTENSITY AND DIMENSIONAL STANDARDS

All development in the DE zoning district shall comply with the standards in Table 3-10: DE Intensity and Dimensional Standards.

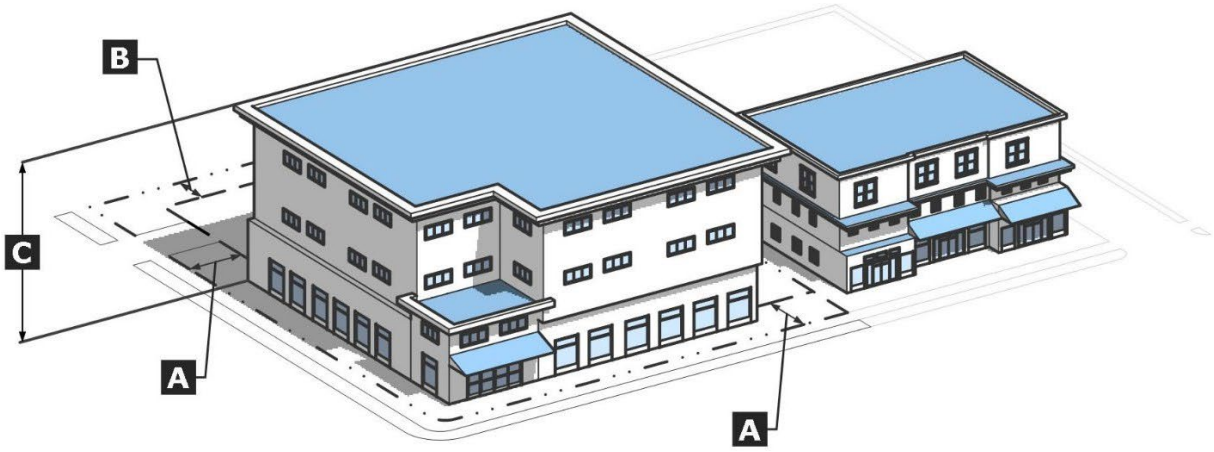
TABLE 3-10: DE INTENSITY AND DIMENSIONAL STANDARDS

Standard	All Uses
Density, max (du/acre)	14
Lot area, min	None
Lot width at front setback, min (ft)	None
A Front setback, min / max (ft)	0 / 15

TABLE 3-10: DE INTENSITY AND DIMENSIONAL STANDARDS

	Standard	All Uses
	Side setback, min (ft)	None
B	Rear setback, min (ft)	10
C	Building height, max (stories)	3

sf = square feet, ft = feet, min = minimum, max = maximum, du = dwelling unit



3.3.4. CM: Corridor Mixed-Use

A. PURPOSE

The CM (Corridor Mixed-Use) zoning district is intended to accommodate a mix of retail, office, hotel, and institutional development, as well as multifamily and townhouse dwellings at medium densities. It serves as a general-purpose mixed-use district on major corridors and may provide a transition from larger-scale region-oriented nonresidential development to smaller-scale uses that serve surrounding neighborhoods. Vertical mixed-use development with residential uses above ground-floor nonresidential uses is encouraged.

Development is allowed increased intensity, density, and height when located within 1/4 mile of the center of an intersection designated as a Neighborhood Center Node or Village Center Node in the Comprehensive Plan. This increase in intensity, density, and height are intended to achieve the goals of creating an activity node, as outlined in the Comprehensive Plan.

B. CONCEPT







C. USE STANDARDS

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Chapter 4: Use Regulations.

D. INTENSITY AND DIMENSIONAL STANDARDS

All development in the CM zoning district shall comply with the standards in Table 3-11: CM Intensity and Dimensional Standards.

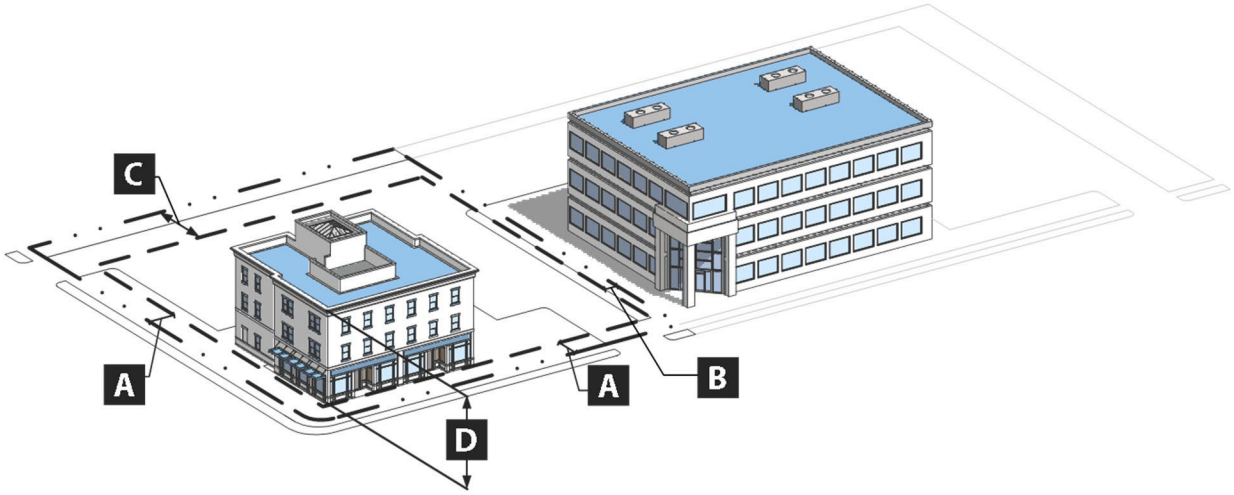
TABLE 3-11: CM INTENSITY AND DIMENSIONAL STANDARDS

Standard		All Uses	
		Outside of Node	Within Node
	Density, max (du/acre)	12	18
	Lot area, min	None	None
	Lot width, min	None	None
A	Front setback, min (ft)	10*	10*
B	Side setback, min (ft)	5	5
C	Rear setback, min (ft)	25	25
D	Building height, max (stories)	3	4

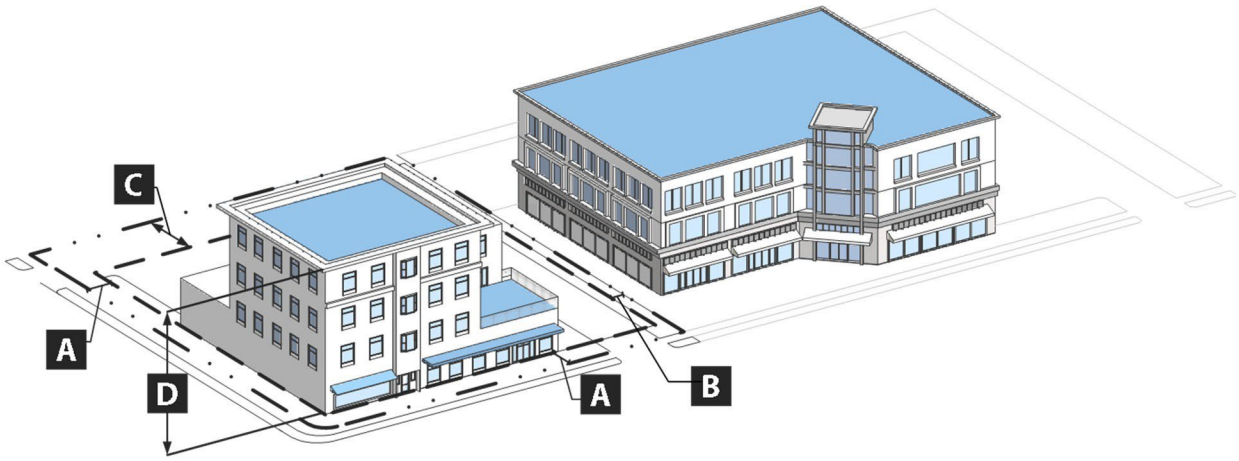
sf = square feet, ft = feet, min = minimum, max = maximum, du = dwelling unit

*Attached Residential and Duplex Dwellings with front-load garages are subject to an additional driveway length requirement. See applicable use standards for more information.

1. Outside of Node:



2. Within Node:



E. NODAL STANDARDS

1. General

a. All development within 1/4 mile of an intersection, measured from intersecting right-of-way lines, that is designated as a Node in the Comprehensive Plan and depicted on the Future Land Use Map shall be developed in accordance with the standards in this section.

b. The Node may be extended to include the entire parcel as long as at least half of the parcel is in the 1/4-mile radius.

2. Pedestrian Connectivity

a. Walkways shall be provided which connect building entrances to adjoining sidewalks.

b. Development shall be designed to allow pedestrian cross-access between the development site and sidewalks and other pedestrianways adjacent to the site, to the extent practicable. The Planning Director may waive or modify this requirement on determining that such cross-access is impractical due to site constraints.

3. Building Orientation and Transparency

a. Where the front façade of a principal building abuts a street or other public space, the building and its architectural front shall be oriented toward the street or space and at least one operable pedestrian entrance providing both ingress and egress shall be provided. The required pedestrian entrance shall open to the sidewalk without requiring pedestrians to pass through a garage, parking lot, or other

non-pedestrian area between the entrance and the street. All primary pedestrian entrances shall be clearly defined and emphasized using changes in the wall plane or façade material, pilasters, awnings, canopies, porches, or other architectural elements.

b. The first floor of all nonresidential and mixed-use buildings shall be designed to support pedestrian-scale activity by use of transparent windows and doors. Each ground floor building façade that faces a public or private street, a pedestrian way, or an open space set-aside shall be composed of transparent windows and doors over at least 35 percent of the façade area between the elevations of two feet and eight feet above the adjacent street level.

c. The first floor of all residential buildings shall include active elements, such as a fitness center, resident amenity, and/or common area, to activate the portion of the building that is at street level for the building's residents.

3.3.5. CC: Community Commercial

A. PURPOSE

The CC (Community Commercial) zoning district accommodates business uses that provide goods and services to residents of the region and Town, including shopping centers and large retail establishments located along limited-access streets and adjacent to highway interchanges. The district provides lands for auto-oriented and auto-dependent development in addition to service-oriented uses that provide support to the surrounding region, while encouraging the transition over time from existing development patterns to a non-auto centric development pattern that includes a mix of residential and nonresidential uses. The district provides for redevelopment opportunities and supports multi-modal transportation options to better serve the entire community.

Development is allowed increased intensity, density, and height when located within 1/4 mile of the center of an intersection designated as a Neighborhood Center or Village Center Node in the Comprehensive Plan. This increase in intensity, density, and height are intended to achieve the goals of creating a community destination node, as outlined in the Comprehensive Plan.

B. CONCEPT







C. USE STANDARDS

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Chapter 4: Use Regulations.

D. INTENSITY AND DIMENSIONAL STANDARDS

All development in the CC zoning district shall comply with the standards in Table 3-12: CC Intensity and Dimensional Standards.

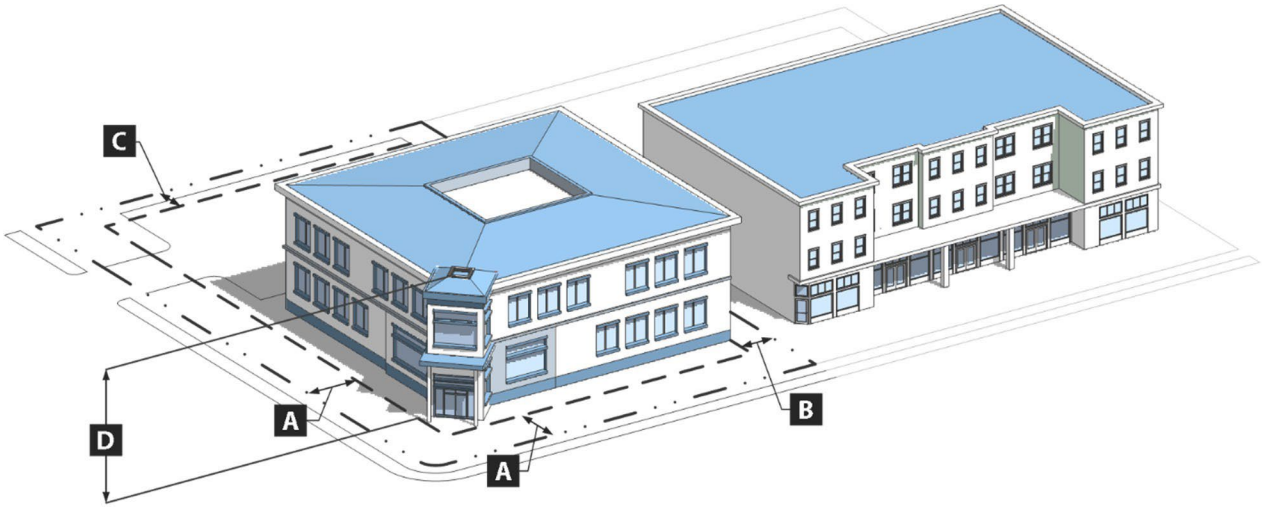
TABLE 3-12: CC INTENSITY AND DIMENSIONAL STANDARDS

Standard		All Uses	
		Outside of Node	Within Node
	Density, max (du/acre)	16	22
	Lot area, min	None	None
	Lot width, min	None	None
A	Front setback, min (ft)	10*	10*
B	Side setback, min / max (ft)	5 / No maximum	5 / 10
C	Rear setback, min (ft)	10	10
D	Building height, max (stories)	3	5

sf = square feet, ft = feet, min = minimum, max = maximum, du = dwelling unit

*Attached Residential and Duplex Dwellings with front-load garages are subject to an additional driveway length requirement. See applicable use standards for more information.

1. Outside of Node:



2. Within Node:



E. NODAL STANDARDS

1. General

a. All development within 1/4 mile of an intersection, measured at the intersecting right-of-way lines, that is designated as a Village Center in the Comprehensive Plan and depicted on the Future Land Use Map shall be developed in accordance with the standards in this section.

b. The Node may be extended to include the entire parcel as long as at least half of the parcel is in the 1/4-mile radius.

c. 50 percent of the first floor shall be developed with non-residential uses for any building over three stories in height.

2. Pedestrian Connectivity

Development shall be designed to allow pedestrian cross-access between the development site and sidewalks and other pedestrianways adjacent to the site, to the extent practicable. The Planning Director may waive or modify this requirement on determining that such cross-access is impractical due to site constraints.

3. Building Orientation and Configuration

New development and redevelopment shall comply with the following standards:

a. The primary entrances of buildings shall be oriented toward a street along the perimeter of a development, a private drive, or open space areas, such as courtyards, or plazas.

b. Developments composed of multiple buildings totaling 120,000 or more square feet of gross floor area shall be configured to:

i. Break up the site into a series of smaller blocks or block-like units of land defined by private drives, vehicle accessways, pedestrian walkways, or other circulation routes, as appropriate;

ii. Frame the corner of an adjacent street intersection or entry point to the development;

iii. Frame and enclose a "Main Street" pedestrian or vehicle access corridor within the development site, if appropriate; or

iv. Frame and enclose plazas, pocket parks, squares, outdoor dining areas, or other outdoor gathering spaces for pedestrians between buildings.

3.3.6. HLI: Hybrid Light Industrial

A. PURPOSE

The HLI (Hybrid Light Industrial) zoning district allows a range of office, light manufacturing, and warehousing development, including flex uses, in addition to supportive uses such as restaurants, hotels, recreation, personal services, and other commercial and institutional development that are oriented towards and directed at clients of the primary uses. Industrial uses that have limited impacts on nearby properties are generally allowed.

B. CONCEPT







C. USE STANDARDS

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Chapter 4: Use Regulations.

D. INTENSITY AND DIMENSIONAL STANDARDS

All development in the HLI district shall comply with the standards in Table 3-13: HLI Intensity and Dimensional Standards.

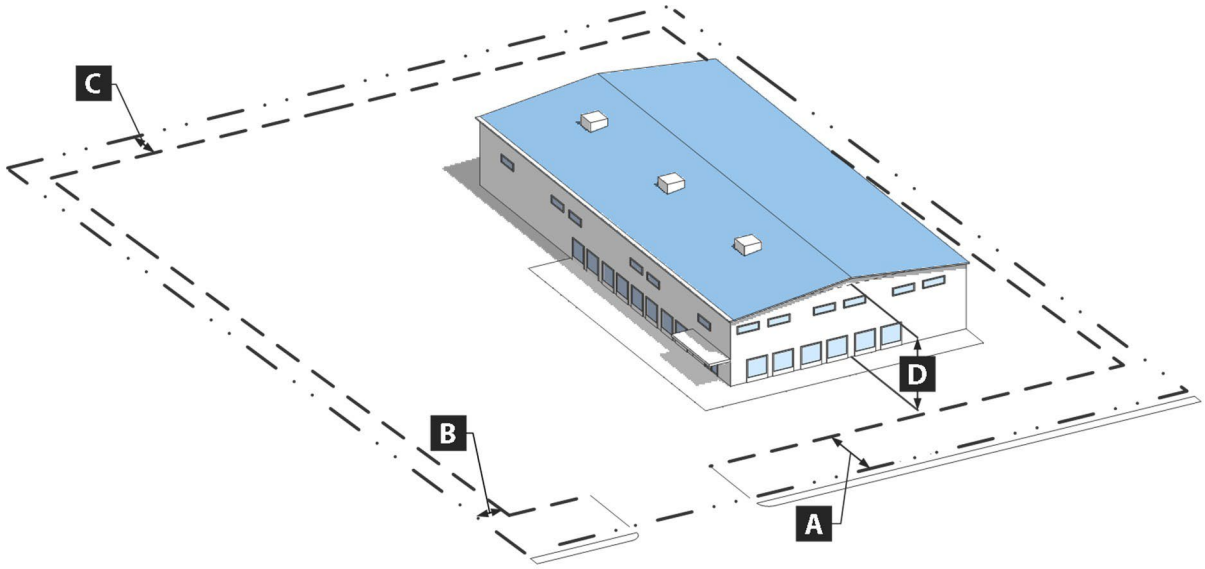
TABLE 3-13: HLI INTENSITY AND DIMENSIONAL STANDARDS

	Standard	All Uses
	Density, max (du/acre)	Not applicable
	Lot area, min (acres)	1.0
	Lot width, min (ft)	100
A	Front setback, min (ft)	30
B	Side setback, min (ft)	10

TABLE 3-13: HLI INTENSITY AND DIMENSIONAL STANDARDS

Standard		All Uses
C	Rear setback, min (ft)	15
D	Building height, max (feet)	80

sf = square feet, ft = feet, min = minimum, max = maximum, du = dwelling unit



3.3.7. IN: Industrial

A. PURPOSE

The IN (Industrial)) zoning district accommodates industrial uses that may have heightened impacts on nearby properties, including manufacturing, warehousing and distribution, research and development, and other flexible industrial development. Supportive uses such as restaurants, hotels, recreation, personal services, and other commercial and institutional development that are oriented towards and directed at clients of the primary uses are also allowed.

B. CONCEPT







C. USE STANDARDS

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Chapter 4: Use Regulations.

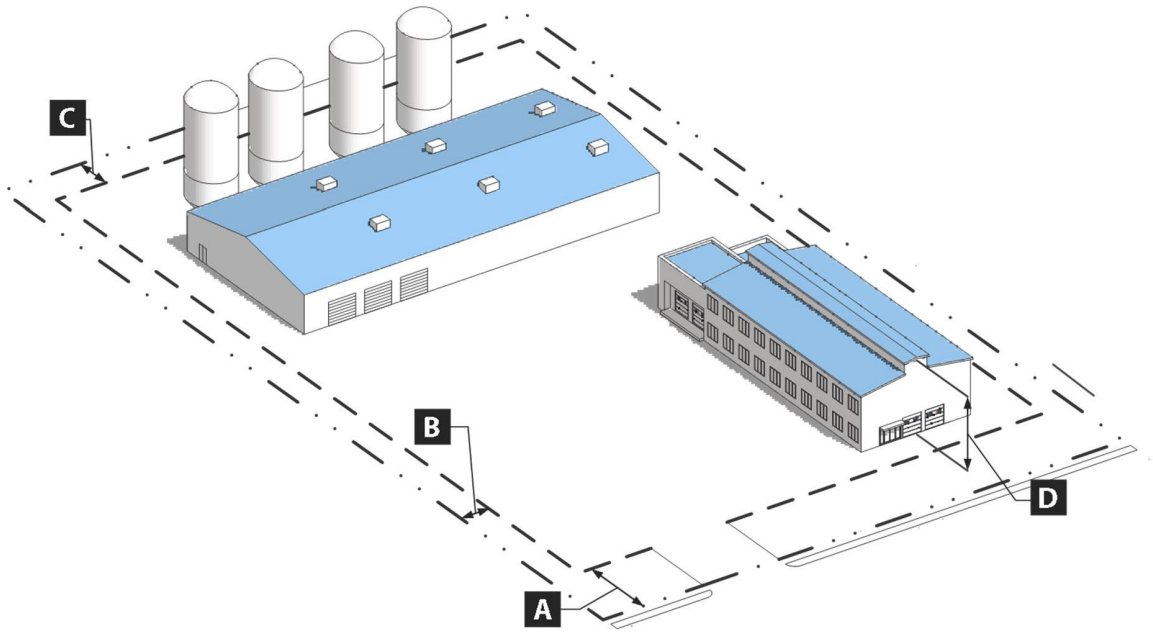
D. INTENSITY AND DIMENSIONAL STANDARDS

All development in the IN district shall comply with the standards in Table 3-14: IN Intensity and Dimensional Standards.

TABLE 3-14: IN INTENSITY AND DIMENSIONAL STANDARDS

Standard		All Uses
	Density, max (du/acre)	Not applicable
	Lot area, min (acres)	3.0
	Lot width, min (ft)	100
A	Front setback, min (ft)	40
B	Side setback, min (ft)	15
C	Rear setback, min (ft)	20
D	Building height, max (feet)	100

sf = square feet, ft = feet, min = minimum, max = maximum, du = dwelling unit



3.4. CONDITIONAL ZONING DISTRICTS

3.4.1. Purpose and Intent

The purpose and intent of conditional zoning districts is to allow the Board of Commissioners to refine the standards of a base zoning district to accommodate proposed uses in a manner that addresses anticipated impacts of development and secures enhancements that would be beneficial to the community, in order to better meet the intended outcomes or policies of the Comprehensive Plan.

3.4.2. Conditional Districts

Each Residential or Mixed-Use and Nonresidential base zoning district set forth in Table 3-1: Zoning Districts Established, shall have a corresponding conditional zoning district. Conditional zoning classifications shall be indicated on the Official Zoning District Map by the "C" initial before the associated base zoning district abbreviation; for example, C-CC shall represent the Conditional – Community Commercial district.

3.4.3. Designation

Conditional zoning districts shall be designated only in accordance with the procedures and requirements set forth in Section 2.5.4, Conditional Zoning District Classification.

3.4.4. Allowable Uses

No use shall be permitted within a conditional zoning district except as in accordance with the conditions imposed as part of the approval of the conditional zoning district. The permitted uses in a conditional zoning district shall be limited to those allowed in the corresponding base zoning district in accordance with Table 4-1: Use Permissions, unless restricted through voluntary written conditions.

3.4.5. Applicable Standards

A. BASE ZONING DISTRICT STANDARDS APPLY

All standards and requirements that apply to the corresponding base zoning district and that are not modified as part of the designation of the conditional zoning district shall also apply to the conditional zoning district.

B. NO LESS RESTRICTIVE THAN BASE DISTRICT

Conditional Zoning Districts may not contain conditions which are less restrictive than the requirements of this UDO, other Town requirements, or other applicable state or federal laws, unless otherwise permitted.

C. STRICTER STANDARDS ADOPTED

Existing conditions or limitations associated with the establishment of a conditional zoning district shall become null and void if future amendments to this UDO require stricter standards than those imposed under the conditional zoning classification.

D. APPLICATION OF CONDITIONS

All agreed upon conditions in a conditional zoning district are required and may not be amended by Town staff. In cases where the ability to implement an approved conditional zoning district condition is impossible or impractical, the applicant must request a rezoning for the Town Board to amend the original conditions, unless the amendment is a Minor Modification that can be approved by the Planning Director in accordance with the procedures in Chapter 2.

3.5. PLANNED DEVELOPMENT DISTRICT

3.5.1. Established Planned Development District

The PD (Planned Development) district is hereby established by this UDO.

3.5.2. Planned Development District

A. PURPOSE

The purpose of the Planned Development (PD) zoning district is to accommodate innovative and efficient land planning, generally in larger and phased projects, that results in development of higher quality than is available through standard district regulations. In particular, the PD District is intended to:

1. Encourage design and development that includes a high level of quality, environmental sensitivity, energy efficiency, and adequate provision of public services;
2. Reduce the inflexibility that may result from strict application of the base district regulations and development standards included in this UDO;
3. Provide greater freedom and flexibility for innovation in site design, including:
    a. The overall form of development;
    b. The design of pedestrian, bicycle, and vehicular circulation and parking systems;
    c. The design of site landscaping, lighting, and signage; and
    d. The provision of site amenities;
4. Encourage development that includes a well-integrated mix of residential and nonresidential development, including a diversity of intensities, densities, and residential lot sizes within the same development;
5. Encourage the inclusion of affordable housing in well-designed, mixed-use developments;
6. Encourage development of campus-style non-residential projects that create an enjoyable work atmosphere and provide convenient services to the workforce;
7. Encourage more efficient use of land, using appropriately sized and well-connected networks of streets and utilities to lower development and housing costs;
8. Result in high-quality pedestrian networks within a development site that connect to public rights-of-way and other external connections;

9. Encourage the provision of high-quality open space amenities and enhanced amenities that provides benefits to the general public;
10. Promote development forms and patterns that respect the character of established surrounding neighborhoods and other types of land uses; and
11. Promote development that respects and makes use of a site's natural and culturally significant features, such as rivers, lakes, wetlands, floodplains, trees, and culturally significant human-made and historic resources.

B. CLASSIFICATION

Land shall be classified into a PD district only in accordance with the procedures and standards in Chapter 2: Administration.

C. USE STANDARDS

Allowed uses and use-specific standards for principal, accessory, and temporary uses in the PD District are established in Chapter 4: Use Regulations; however, only those uses identified as permitted in the adopted PD Plan and PD Agreement are authorized.

D. DIMENSIONAL STANDARDS

All development in the PD zoning district shall comply with the standards in Table 3-15: PD Intensity and Dimensional Standards.

TABLE 3-15: PD INTENSITY AND DIMENSIONAL STANDARDS

Standard	All Uses
District area, min (acres)	10 | 40 [1]
Density, max	As established for the planned development in the PD Plan and PD Agreement in accordance with the requirements in this chapter.
Building height, max	
Lot area, min	
Lot width, min	
Front setback, min	
Side setback, min	
Rear setback, min	

min = minimum, max = maximum

NOTES

[1] Minimum area of PD district varies based on uses proposed for the development.

E. PD PLAN AND PD AGREEMENT

1. Planned Development (PD) Plan

A Planned Development (PD) Plan is a required component in the establishment of a PD district. The PD Plan shall identify the following, in accordance with the purposes and requirements of the specific type of planned development district and the limitations in Table 3-15:

i. The planning and development goals for the planned development district and how the proposed planned development district meets the intent of this section.

ii. The principal, accessory, and temporary uses permitted in the planned development district as well as any standards that apply to specific uses in the district. Permitted uses shall be consistent with Table 4-1: Use Permissions.

iii. The general location of each development area in the planned development district, its acreage, types and mix of land uses, number of residential units (by use type), nonresidential floor area (by use type), residential density, and nonresidential intensity;

iv. The dimensional standards that apply in the planned development district. This may be included as part of the Planned Development Agreement;

v. Where relevant, the standards and requirements that ensure development on the perimeter of the planned development district is designed and located to be compatible with the character of adjacent existing or approved development. Determination of compatible character shall include, but not be limited to, consideration of densities/intensities, lot size and dimensions, building height, building mass and scale, form and design features, exterior lighting, and siting of service areas. This may be included as part of the Planned Development Agreement;

vi. The general location, amount, and type (active vs. passive) of open space;

vii. The location of environmentally sensitive lands, resource lands, wildlife habitat, and waterway corridors, and measures to ensure protection of these lands consistent with the requirements of this section and this UDO;

viii. The on-site pedestrian and bicycle circulation system and how it will connect to off-site pedestrian bicycle systems, consistent with the requirements of this UDO;

ix. The general design and layout of the on-site transportation circulation system, including the general location of all public streets, existing or projected transit elements, and how they interface with the pedestrian and bicycle circulation system (pedestrian and bicycle pathways and trails), and connect to existing and planned Town and regional systems, consistent with the requirements of this UDO;

x. The general location and layout of all other nearby public facilities serving the development, including but not limited to, parks, schools,

and facilities for fire protection, police protection, emergency management, stormwater management, and solid waste management;

xi. The ways in which transportation, potable water, wastewater, stormwater management, and other public facilities will be provided to accommodate the proposed development;

xii. A detailed description of any modifications to the development standards that otherwise apply to planned development districts. Any modifications to development standards shall be documented in the PD Plan and the PD Agreement with a clear basis for why the change is needed, how the modification supports the purpose of the planned development district, and how the modification supports high-quality development. This may be included as part of the Planned Development Agreement;

xiii. A phasing plan that identifies the general sequences and timing of all project elements in which the district is proposed to be developed; and

xiv. At the option of the applicant, a conversion schedule that identifies the extent to which one type of use may be converted to another type of use. This may be included as part of the Planned Development Agreement.

2. Planned Development (PD) Agreement

a. A Planned Development (PD) Agreement is a required component in the establishment of a planned development district. A PD Agreement shall include, but not be limited to:

i. Conditions related to approval of the application for the individual planned development district classification;

ii. Conditions related to the approval of the PD Plan, including any conditions related to the form and design of development shown in the PD Plan;

iii. Provisions addressing how public facilities (transportation, potable water, wastewater, stormwater management, and other public facilities) will be provided to accommodate the proposed development. This shall include but not be limited to:

(1) Recognition that the applicant/landowner will be responsible for design and construction or installation of required and proposed on-site public facilities in compliance with applicable Town, state, and federal regulations; and

(2) The responsibility of the applicant/landowner to dedicate to the public the rights-of-way and easements necessary for

the construction or installation of required and proposed on-site public facilities in compliance with applicable Town, state, and federal regulations;

iv. Affordable housing considerations, if appropriate;

v. Provisions related to enhanced environmental protection or restoration beyond the minimum standards of this UDO;

vi. Identification of enhanced community benefits and amenities that will be provided to compensate for the added development flexibility; and

vii. Any other provisions the Town Board of Commissioners determines is relevant and necessary to the development of the planned development, as agreed to in writing by the applicant.

F. GENERAL DEVELOPMENT STANDARDS

Development in a PD district shall comply with the standards in Chapter 5: Development Standards, and Chapter 6: Subdivision Standards, unless the standards are modified as allowed by Table 3-16. Any modifications shall be documented in the PD Plan and are subject to the limitations that apply to a PD Plan.

TABLE 3-16: DEVELOPMENT STANDARDS THAT MAY BE MODIFIED

Standard		Modification
Chapter 4:	Use Regulations	Allowed
Section 5.1	Access and Connectivity Standards	Allowed
Section 5.2	Off-Street Parking, Bicycle Parking, and Loading Standards	Allowed
Section 5.3	Landscape and Buffer Standards	Allowed
Section 5.4	Tree Protection Standards	Allowed
Section 5.5	Flood Damage Prevention	Modifications prohibited
Section 5.6	Open-Space Set Aside Standards	Allowed
Section 5.7	Fence and Wall Standards	Allowed
Section 5.8	Exterior Lighting Standards	Modifications Prohibited
Section 5.9	Form and Design Standards	Allowed
Section 5.10	Neighborhood Compatibility Standards	Allowed
Section 5.11	Sign Standards	Modifications Prohibited
Section 5.12	Attainable Housing Incentives	N/A
Chapter 6:	Subdivision Standards	Allowed

G. STANDARDS APPLICABLE TO SPECIFIC TYPES OF DEVELOPMENT

Development in a PD district shall comply with the applicable standards below.

1. Mixed-Use Development

A PD district that includes residential uses (but not College or University uses) shall comply with the following standards:

a. The minimum district size is 10 acres (minimum area can be reduced to 5 acres if the site will provide public lake access).

b. A minimum of 25 percent of the total project within the district shall be used for residential uses. Area calculation for single-family, duplex, and attached residential units shall be 1,800 square feet per unit and multi-family shall be based on building square footage.

c. A minimum of 25 percent of the total project within the district shall be used for nonresidential uses (10% of the nonresidential uses shall be commercial for lakefront properties). Area calculation shall be based on building square footage.

d. Perimeter landscape buffers are not required between uses internal to the PD district, but shall be provided along the perimeter of the district in accordance with the perimeter buffer standards in Chapter 5: Development Standards.

e. Preserve wildlife habitat and corridors, mature forest, and other environmentally sensitive areas in the district.

2. Campus-Style

A PD district that is intended for campus-style industrial, office, or educational development shall comply with the following standards:

a. The minimum district size is 40 acres.

b. Interior landscaping may deviate from the landscaping standards in Chapter 5: Development Standards; however, substantial landscaping shall be provided to ensure a high-quality environment that benefits from abundant plant life.

c. Perimeter landscaping buffers shall not be required between uses within the district but shall be provided along the perimeter of the district in accordance with the perimeter buffer standards in Chapter 5: Development Standards.

d. If the District is located adjacent to a Residential base district, building massing and height shall be stepped down along the perimeter to ensure an appropriate transition between the districts.

e. As campus-style PD districts are intended to be large employment centers, a shelter and area for at least one public transit stop shall be provided within 1/4 mile of all buildings. All shelters and design elements of public transit stops shall comply the standards of this UDO and the requirements of the transit agency serving the site.

3.6. OVERLAY DISTRICTS

3.6.1. General Provisions

A. PURPOSE

The purpose of overlay districts is to provide supplemental standards with respect to special areas, land uses, or environmental features that are in addition to, or in some cases take the place of, the standards of the underlying base district, conditional zoning district, or planned development district.

B. RELATION TO OTHER DISTRICT STANDARDS

1. The overlay district requirements in this section shall be applied in addition to all applicable base district, conditional zoning district, or planned development district requirements. Where there is a conflict between an overlay district standard and a standard otherwise applicable in the underlying base, conditional, or planned development district, the overlay district standard shall control, unless otherwise stated in this UDO.
2. Where land falls within two or more overlay district boundaries, the standards of each of the overlay districts apply. If there is a conflict between the applicable overlay district standards, the more restrictive standard shall control. The more restrictive standard is the one that imposes greater restrictions or burdens or has more stringent controls.

C. ESTABLISHED OVERLAY DISTRICTS

The overlay districts included in Table 3-17: Established Overlay Districts, are established by this UDO.

TABLE 3-17: ESTABLISHED OVERLAY DISTRICTS

WPO: Watershed Protection Overlay
HPO: Historic Preservation Overlay
BSRO: Brawley School Road Overlay

3.6.2. WPO: Watershed Protection Overlay

A. PURPOSE AND AUTHORITY

The purpose of the Watershed Protect Overlay (WPO) district is to limit development within water supply watersheds designated by the state to protect water supply water quality and thereby promote the public health, safety, and general welfare. The WPO district standards are authorized by N.C.G.S. 143-214.5 and 15A NCAC 02B .0624(7) in addition to the general authority identified in Chapter 1: General Provisions.

B. APPLICABILITY

1. General

Except as otherwise provided in this section, the standards of this section apply to all development within the WPO district.

2. Exemptions

a. The following development is not subject to all standards of this section:

i. Redevelopment of a single-family residential dwelling; and

ii. Expansion of a single-family residential dwelling, unless the expansion is part of a larger common plan of development.

b. In the Critical and Protected areas of the WS-IV Catawba-Lake Norman Watershed, the WPO district standards are exempted for lots where the land disturbing activities are limited to one-half (1/2) acre or less, subject to the following:

i. A plan must be submitted for review by the Planning Director indicating that the land disturbing activity is limited to one-half (1/2) acre or less;

ii. A Soil and Erosion Control Permit must be obtained, if applicable; and

iii. All impervious area must be treated to the full extent of the Town's stormwater requirements, as applicable.

c. Expansions to existing structures in development that was lawfully established prior to July 1, 1993 shall comply with the standards of this section, except that the impervious surface area associated with the existing development shall not be included in impervious surface calculations, as follows:

i. Any net increase in built-upon area, only the area of the net increase shall be subject to this section. Net increase is determined by calculating project density as the difference of total built-upon area minus existing built-upon area, divided by the difference of total project area minus existing built-upon area.

ii. Where existing development is replaced with new built upon area, and there is a net increase of built-upon area, only the area of net increase shall be subject to this section.

d. Expansion of existing development or redevelopment of a property that meets the following criteria:

i. The property was developed prior to July 1, 1993; and

ii. The property has not been combined with additional lots after January 1, 2021; and

iii. The property has not been a participant in a density averaging transaction; and

iv. The current use of the property is nonresidential; and

v. The remaining vegetated buffers on the property are preserved in accordance with this section; and

vi. At the election of the property owner, the stormwater from any net increase in built-upon area on the property above the preexisting development is treated in accordance with all local, state, and federal laws and regulations.

C. RULES OF INTERPRETATION

1. Where there is a conflict between the lot coverage provisions of the WPO district and the other standards of this UDO or other Town requirements, the most restrictive standard shall control.

2. In cases where the standards of this section impose greater restrictions than an existing easement, covenant, or other agreement, the standards of this section shall control.

3. Properties that are split by the WPO shall be developed in accordance with one of the following:

i. Properties split between a WPO watershed and non-WPO watershed shall ensure that the portion of the property located in the WPO watershed is developed in accordance with this section. The portion of the property not located in a WPO watershed can be developed without following this section.

ii. Properties split between two different WPO watersheds shall be averaged to ensure impervious coverage across the entire property is developed in accordance with this section.

D. WATERSHED DISTRICTS ESTABLISHED

The boundaries of the WPO District have been established by the North Carolina Division of Water Resources, which has classified land within water supply watersheds based on the amount of development that is appropriate.

Within the Town's boundaries, a portion of the watershed has been classified as Water-Supply Watershed "Class II" Balance of Watershed (WS-II-BW), and a portion of the watershed has been classified as Water-Supply Watershed "Class IV" (WS-IV). The WS-IV portion of the watershed protection overlay is further divided into two sub-areas: (1) a Critical Area (WS-IV-CA), and (2) a Protected Area (WS-IV-PA). Each sub-area of the WPO district is designated on the Town's Official Zoning District Map with one of the following classifications:

1. WS-II-BW (Yadkin – Back Creek Balance of Watershed).
2. WS-II-BW (Yadkin – Coddle Creek Balance of Watershed).
3. WS-IV-CA (Catawba – Lake Norman Critical Area).
4. WS-IV-PA (Catawba – Lake Norman Protected Area).

E. DEVELOPMENT OPTIONS

Development in the WPO district shall comply with the standards under one of the following three development options.

1. Low-Density Development Option

Property that develops in accordance with the low-density development option ("low-density option") shall comply with the following standards:

a. The maximum allowed density for development is based on the land's subarea classification and is set forth in Table 3-18: Maximum Allowable Density or Impervious Surface Cover.

b. Stormwater runoff shall be managed using vegetated conveyances or curb outlet systems, in accordance with 15A NCAC 02B .0624 and with applicable Town regulations.

c. Additional density on the development site may be permitted through the use of density averaging, as set forth in this section.

2. High-Density Development Option

Property that develops in accordance with the high-density development option ("high-density option") shall comply with the following standards:

a. The maximum allowed density for development is based on the land's subarea classification and is set forth in Table 3-18: Maximum Allowable Density or Impervious Surface Cover.

b. Stormwater runoff shall be managed using Stormwater Control Measures, in accordance with 15A NCAC 02B .0624 and with applicable Town regulations for property in the Town's ETJ. Properties in the Town's corporate limits shall follow the Town's stormwater ordinance.

c. Additional density on the development site may be permitted through the use of density averaging, as set forth in this section.

3. 20/70 Impervious Surface Option

Up to 20 percent of land within the Coddle Creek and Back Creek portions of the WS-II-BW subarea may contain up to 70 percent impervious surface (the "20/70 option") in accordance with the following standards.

a. The maximum amount of development that can take advantage of the 20/70 option is limited to the following:

i. For development within the Coddle Creek portion of the WS-II-BW subarea, the total amount of land that is developed with the 70 percent impervious surface option may not exceed twenty percent of the entire Coddle Creek portion of the WS-II-BW subarea within the Town's jurisdiction.

ii. For development within the Back Creek portion of the WS-II-BW subarea, the total amount of land that is developed with the 70 percent impervious surface option may not exceed twenty percent of the entire Back Creek portion of the WS-II-BW subarea within the Town's jurisdiction.

b. In addition to the standard processes that apply to development applications in Chapter 2: Administration, non-industrial development using the **20**/70 option requires approval by the Town Board of Commissioners which shall occur prior to review and approval of the applicable development application.

c. For development in the HLI or IN districts, the Town Board of Commissioners may approve per the joint resolution with Iredell County the use of the 20/70 option if the Board determines that the proposal is consistent with the Comprehensive Plan and any other applicable plans adopted by the Town.

d. For development in districts other than the HLI and IN districts, the Town Board of Commissioners may approve per the joint resolution with Iredell County the use of the 20/70 option if the Board determines that the proposed development complies with all of the following standards:

i. The property is a minimum 10 acres in size; and

ii. The project shall be developed as a Planned Development District or Conditional Zoning District.

e. Development that utilizes the 20/70 option shall manage stormwater in accordance with the standards that apply to development under the high-density option.

f. The Planning Department shall maintain records and notify Iredell County's Planning Department of the Town's utilization of the 10/70 option, including the total amount of acreage available under this

option, total acres approved for this option, and site-specific information on each property utilizing this option.

F. MAXIMUM DENSITY OR BUILT UPON AREA

1. Development using the low-density or high-density option shall comply with the standards in Table 3-18.
2. All developments of less than one acre that are not part of a larger development under the High Impervious Option shall maintain a ten-foot-wide landscape perimeter buffer around the entire lot (except areas needed for ingress and egress) unless underlying base zoning district requirements specify a wider buffer.

TABLE 3-18: MAXIMUM ALLOWABLE DENSITY OR IMPERVIOUS SURFACE COVER

Portion of Watershed	Low-Density Option		High-Density Option
	Single Family Residential Development	All Other Development	All Development
WS-II-Balance of Watershed	1 dwelling unit/acre	12% maximum built upon area	30% maximum built upon area (up to 70% with Town Board approval)
WS-IV-Critical Area	2 dwellings unit/acre	24% maximum built upon area	50% maximum built upon area
WS-IV-Protected Area	2 dwellings unit/acre	24% maximum built upon area	70% maximum built upon area

G. WATERSHED DENSITY AVERAGING

1. Purpose

The purpose of this section is to provide applicants the option, in accordance with North Carolina General Statutes Section 143-214.5(d2), of averaging development density on up to two noncontiguous parcels for purposes of complying with the maximum allowable or impervious surface coverage in Table 3-.

2. Definitions

For purposes of this section, the following definitions apply:

a. **Donor Property**
Donor property is land from which impervious surface coverage allowance is being transferred. Donor property can include more than one property, even though the singular is used throughout this section.

b. **Receiving Property**
Receiving property is the land to which the impervious surface coverage allowance from the donor property is being transferred.

Receiving property can include multiple parcels that are part of a coordinated development project, even though the singular is used throughout this section.

3. Use of Density Averaging

An applicant may utilize density averaging in accordance with this section and the criteria identified in Chapter 2.

H. RIPARIAN BUFFER STANDARDS

Development within the WPO districts shall comply with the following riparian buffer standards.

1. Lots Bordering Catawba River or Lake Norman

a. **Applicability**

The standards of this section apply to development located on lots that border:

i. The Catawba River or Lake Norman (as depicted on the most up-to-date version of a United States Geologic Survey 1:24,000 (7.5minute) map);

ii. Any perennial stream that empties into the Catawba River or Lake Norman; or

iii. Any perennial or intermittent stream surveyed through hydrologic study determined to be classified as Territorial Waters of the State.

b. **Standards**

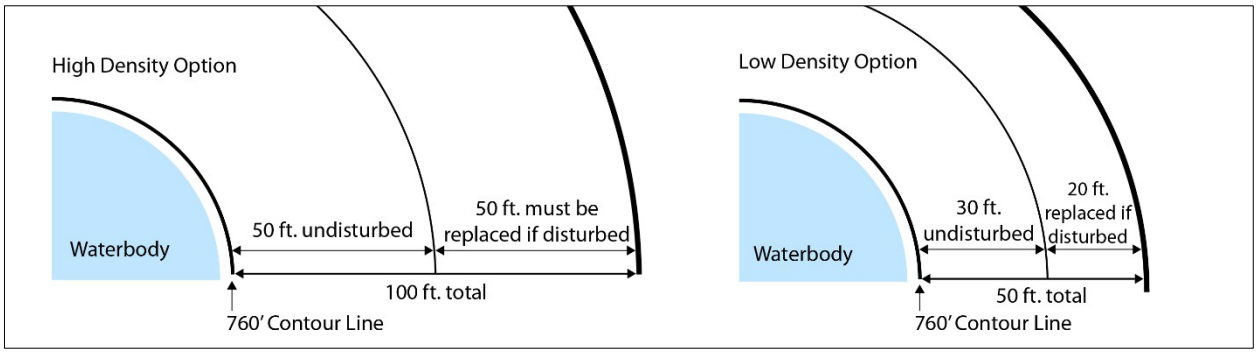
i. Buffer widths are measured from the 760-contour line for Lake Norman/Catawba River (see Figure 3-3).

ii. Buffer widths are measured perpendicular and parallel to the associated water body from the top of the stream bank.

iii. Buffer widths shall comply with Table 3-19: Riparian Buffer Width.

iv. Buffer area that can be disturbed shall be revegetated following any disturbance.

Figure 3-3: Buffer Requirements for Catawba River or Lake Norman



2. Lots Bordering Other Water Bodies

a. **Applicability**

The standards of this section apply to development located on lots that border:

i. Any other perennial streams located within the WPO district; or

ii. Any perennial or intermittent stream surveyed through hydrologic study determined to be classified as Territorial Waters of the State.

b. **Standards**

i. Buffer widths are measured perpendicular and parallel to the associated water body from the top of the stream bank.

ii. Buffer widths shall comply with Table 3-19: Riparian Buffer Width.

iii. Buffer area that can be disturbed shall be re-vegetated following any disturbance.

TABLE 3-19: RIPARIAN BUFFER WIDTH

Waterbody	Low-Density Option			High-Density Option or 10/70 Option		
	Total [1]	Undisturbed	Revegetated [2]	Total [1]	Undisturbed	Revegetated [2]
Lake Norman	50 ft	30 ft	20 ft	100 ft	50 ft	50 ft
Catawba River	50 ft	30 ft	20 ft	100 ft	50 ft	50 ft
Perennial Stream	50 ft	30 ft	20 ft	100 ft	50 ft	50 ft
Streams classified as Territorial Waters of the State	50 ft	50 ft	-	100 ft	50 ft	50 ft

NOTES:

[1] Agricultural Activities shall have a buffer that is 10 ft in width or equivalent control pursuant to the NC Administrative Code.

[2] This is the maximum width of the total required buffer that may be disturbed. This portion of the total buffer shall be the most distant from the waterbody and shall be revegetated following any disturbance.

3. Development Allowed within Riparian Buffer

a. No development is permitted within a riparian buffer required by this section except for water-related facilities (e.g., piers, docks, etc.), or other incidental structures such as flag poles, signs, and security lights.

b. Public infrastructure such as road crossings, utility line placement, and greenways are allowed where no practical alternative exists, but these activities shall minimize impervious surface area, avoid large amounts of vegetation removal, direct runoff away from the surface waters, and maximize the utilization of Stormwater Control Measures in accordance with 15A NCAC 02B .0624 and with applicable Town regulations.

c. If existing vegetation is removed through utility placement or maintenance, the landowner shall be responsible for replanting all damaged or removed vegetation necessary to ensure the buffer meets the standards of this UDO.

3.6.3. HPO: Historic Preservation Overlay

A. PURPOSE

The purpose of the Historic Preservation Overlay (HPO) district is to ensure the Town's historically significant areas are preserved. The HPO district regulations establish a mechanism for designating lands as historic districts or historic landmarks and require a certificate of appropriateness to ensure development and redevelopment within the HPO district are consistent with the historic nature of the area.

B. APPLICABILITY

This section applies to all land and structures within the HPO district and establishes the requirements for the designation of additional historic districts and historic landmarks.

C. DISTRICT BOUNDARIES

The HPO district boundary is identified on the Official Zoning District Map. The HPO district consists of historic districts and historic landmarks within the Town's zoning jurisdiction that are designated in accordance with this section and Chapter 2: Administration. The HPO district generally follows the boundaries of the locally designated historic district and does not necessarily align with the National Register Historic District.

D. CERTIFICATE OF APPROPRIATENESS REQUIRED

Approval of a Certificate of Appropriateness in accordance with the Certificate of Appropriateness procedure and standards in Chapter 2: Administration, is required prior to any construction, alteration, moving, or demolition of a building or other structure that is within the HPO district.

E. DESIGNATION OF HISTORIC DISTRICTS

Historic districts, as provided for in this chapter, may from time to time be designated, amended, or repealed; however, no district shall be recommended for designation unless it is deemed to be of special significance in terms of its historical, prehistorical, architectural, or cultural importance. Such a district must also possess integrity of design, setting, workmanship, materials, feeling and/or association. Historic districts shall be designated, amended, or repealed using the following procedure:

1. An investigation and report shall be prepared describing the significance of the buildings, structures, features, sites, or surroundings included in the proposed district.
2. A description of the boundaries of the district shall be prepared.
3. The Department of Cultural Resources, State Historic Preservation Office, acting through the state Historic Preservation Officer or a designee, shall make an analysis of and recommendations concerning the report and

description of proposed boundaries prepared in accordance with this section. If the Department does not submit its written analysis and recommendations to the Board of Commissioners within 30 calendar days after a written request for such analysis has been received by the Department, the Board of Commissioners may take any necessary action to adopt or amend this UDO without the Department's analysis.

4. The Board of Commissioners may, in its discretion, refer the report and the description of proposed boundaries prepared in accordance with this section, to the Planning Board for its recommendations prior to taking action to amend the Official Zoning District Map.

5. If changes to the boundaries of a designated historic district are proposed, the Historic Preservation Commission shall prepare all required investigative studies and reports, which shall be referred to the Planning Board for its review and comment in accordance with the procedure to amend the Official Zoning District Map in Chapter 2. After receiving the Planning Board's recommendation, the Board of Commissioners shall make a decision on the proposed designation and HPO boundary amendment in accordance the procedure for Official Zoning Districts Map amendments in Chapter 2: Administration.

F. DESIGNATION OF HISTORIC LANDMARKS

1. The Board of Commissioners may adopt and from time to time amend or repeal an ordinance designating one or more historic landmarks in accordance with the landmark designation procedures in this section. No property shall be recommended for designation as a landmark unless it is deemed and found by the Historic Preservation Commission to be of special historic significance in terms of its historical character, prehistorical, architectural, or cultural importance, and to possess integrity of design, setting, workmanship, materials, feeling and/or association.

2. The ordinance adopted in accordance with this section, shall describe each property designated in the ordinance, the name or names of the owner or owners of the property, those elements of the property that are integral to its historical, architectural, or prehistorical value, including the land area of the property so designated, and any other information the Board of Commissioners deems necessary. For each building, structure, site, area, or object designated as a landmark, the ordinance shall require that the waiting period set forth in Sec. 13-65 of the Town Code be observed prior to its demolition. A suitable sign for each property designated as a landmark may be placed on the property at the owner's consent, or, if the owner does not consent, the sign may be placed on a nearby public right-of-way.

3. No property shall be designated as a landmark until the following steps have been taken.

a. As a guide for the identification and evaluation or landmarks, the Historic Preservation Commission shall undertake an inventory of properties of historical, architectural, prehistorical, and cultural significance within the Town.

b. The Historic Preservation Commission shall make or cause to be made an investigation and report on the historic, architectural, prehistorical, educational, or cultural significance of each building, structure, site, area, or object proposed for designation or acquisition. The report shall be forwarded to the Division of Archives and History, North Carolina Department of Cultural Resources.

c. The Department of Cultural Resources, acting through the state Historic Preservation Officer, or a designee, shall either upon request of the Department or at the initiative of the Historic Preservation Commission, be given an opportunity to review and provide written comment upon the substance and effect of the designation of any landmark. If the Department does not submit its comments to the Historic Preservation Commission within 30 days following receipt by the Department of the report, the Historic Preservation Commission and the Board of Commissioners shall be relieved of any responsibility to consider such comments.

d. The Historic Preservation Commission and the Board of Commissioners shall hold a joint public hearing or separate public hearings on the proposed ordinance after giving reasonable notice of the time and place of the hearing.

e. Following the public hearing(s) the Board of Commissioners may adopt the ordinance as proposed, adopt the ordinance with any amendments it deems necessary, or reject the proposed ordinance.

f. Upon adoption of the ordinance, the owners and occupants of each landmark shall be given written notification of such designation insofar as reasonable diligence permits. One copy of the ordinance and all amendments of the ordinance shall be filed in the office of the Register of Deeds of Iredell County. A second copy of the ordinance and all amendments thereto shall be kept on file in the office of the Town Clerk and be made available for public inspection at any reasonable time. A third copy of the ordinance and all amendments thereto shall be given to the Building Inspector. The fact that a building, structure, site, area, or object has been designated a landmark shall be clearly indicated on all tax maps maintained by Iredell County for such period as the designation remains in effect.

g. Upon the adoption of the landmark ordinance or any amendments thereto, it is the duty of the property owner to give notice thereof to the Tax Assessor in appraising it for tax purposes.

G. DEVELOPMENT STANDARDS

Development in the HPO district shall be congruous with the special character of the district or landmark and in accordance with:

1. The guidelines adopted by the Historic Preservation Commission;
2. The standards for review of Certificates of Appropriateness; and
3. The maximum building height of three stories.

3.6.4. BSRO: Brawley School Road Overlay

A. PURPOSE AND INTENT

The purpose and intent of the Brawley School Road Overlay (BSRO) District is to implement the development strategies in the Town's adopted Brawley School Road Small Area Plan, promote unique urban development patterns, promote a sense of place in the district, and mitigate transportation congestion.

B. APPLICABILITY

All development in the BSRO district shall comply with the standards in this section.

C. DISTRICT BOUNDARY

The BSRO District boundary is the area shown on the Official Zoning District Map, which should generally align with the boundary of the Brawley School Road Small Area Plan.

D. BRSO DISTRICT STANDARDS

1. Uses

a. The following uses are prohibited within the BSRO district:

i. Mini-warehouses;

ii. Uses in the Vehicle Sales and Services use category;

b. Uses involving the retail sale of automobile fuel as a principal use on any lot located wholly or partially within a radius of 900 from the intersection of the centerlines of Interstate 77 and Brawley School Road.

c. Drive-through restaurants on any lot having frontage on Brawley School Road.

d. Any building or use exceeding 60,000 square feet of gross floor area, unless established in accordance with conditional zoning approval.

2. Parking and Loading

a. Properties built as part of a development center or multi-building development shall have all parking lots located internal to the site with buildings located around the site perimeter.

b. On lots that front Brawley School Road, parking and loading areas are prohibited between any structure and Brawley School Road. Drive aisles specifically for vehicular circulation may be allowed between the building and Brawley School Road, if pedestrianways providing safe access from the sidewalk to the primary building entrance are provided.

3. Building Scale and Massing

Building scale and massing shall be designed to create a pedestrian-friendly environment. To accomplish this, new development shall comply with the following standards:

a. If the street-facing façade of a building is more than 60 feet wide, the perceived massing and scale of the building shall be reduced by incorporating at least three of the following design elements to create distinctive differences in façade design or composition, spaced no more than 60 feet apart:

i. Differences in roof form and parapet heights;

ii. Recesses (at least two feet deep) and/or projections (not created by windows) in the wall plane;

iii. Distinct changes in texture and/or color of wall surfaces;

iv. Pilasters that are at least eight inches deep and at least eight inches wide, that have a height equal to at least 80 percent of the façade's height;

v. Ground level arcades, awnings, or similar overhangs;

vi. Second floor galleries/balconies;

vii. Cornices;

viii. Projected and recessed entries; or

ix. Vertical accents or focal points.

4. Building Entrances

a. Multi-tenant buildings or multi-building developments shall provide periodic breaks for pedestrian access and circulation throughout the site. To accomplish this, at least one operable pedestrian entrance providing both ingress and egress spaced at intervals not greater than 150 feet along the façade facing the street.

b. All primary pedestrian entrances into principal buildings shall be clearly defined and emphasized using changes in the wall plane or façade material, lintels, pediments, pilasters, awnings, canopies, porches, or other additional architectural elements.

CHAPTER 4: USE REGULATIONS

4.1. GENERAL PROVISIONS

4.1.1. Organization of This Chapter

This chapter is organized into three sections, including this introductory section and the following two sections:

A. Sec. 4.2: Use Table, includes a table which sets out which land uses are allowed as principal, accessory, or temporary uses on a parcel in each of the various zoning districts and whether the use is allowed by right or is subject to approval of Conditional Zoning district classification or a Special Use Permit. The table also cross references any specific standards that apply to the particular use. A description of broader use categories into which principal uses are categorized in Table 4-1: Use Permissions, along with the definitions of the uses in the table, are included in Chapter 9: Definitions, Rules of Measurement and Interpretation.

B. Sec. 4.3, Use Standards, includes standards that apply generally to principal, accessory, and temporary uses, and standards that apply to specific uses (each set of standards is referenced in the Use Table).

4.1.2. Interpretation of Uses

A. USES NOT LISTED IN USE TABLE

The Planning Director shall determine whether or not a use not explicitly listed in Table 4-1: is part of a listed use type or use category, or is substantially similar to an already defined use type, using the procedure and standards for interpretation in Sec. 2.5, Application-Specific Procedures. Principal uses not explicitly listed in the table of Principal Use Permissions that are not part of a listed use type are prohibited.

B. DEVELOPMENTS WITH MULTIPLE PRINCIPAL USES

When all principal uses of a development fall within one use category (see section describing use table organization below), the entire development is assigned to that use category. A development that contains a coffee shop, bookstore, and bakery, for example, would be classified in the Retail Sales and Services uses category because all of the development's principal uses are in that use category. When the principal uses of a development fall within different use categories, each principal use is classified in the applicable use category and each use is subject to applicable regulations within that category. Developments with multiple principal uses, such as shopping centers, shall include only those use types allowed in the base zoning district.

4.1.3. Overlay District Use Regulations

Regardless of the approval procedure listed in Table 4-1:, a particular use may be prohibited or limited by overlay district regulations in Chapter 3: Zoning Districts.

4.2. USE TABLE

4.2.1. Use Table Organization and Abbreviations

A. ORGANIZATION OF USE TABLE

1. Table 4-1: Use Permissions, organizes allowable uses. The principal uses are organized in a three-level structure by use classifications, use categories, and specific uses, with each level providing greater specificity. Accessory and temporary uses are not defined using the three-level structure, but are instead listed alphabetically at the bottom of Table 4-1:.
2. The use classifications in Table 4-1: are: Agricultural Uses, Residential Uses, Institutional Uses, Commercial Uses, and Industrial Uses. The use classifications provide a systematic basis for assigning present and future land uses into broad general classifications (e.g., Residential or Commercial uses). Under each use classifications, land uses are then organized into general "use categories" and more narrowly defined "specific uses" based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. A full description of each use category and definitions of the specific uses in Table 4-1: are included in Chapter 9: Definitions, Rules of Measurement and Interpretation.
3. This chapter includes standards that apply to specific uses. The existence of these use standards is noted through a section reference in the right-most column of Table 4-1:, under the column heading "Use Standards". These standards apply to a particular use regardless of the base zoning district where it is proposed, unless otherwise specified.

B. ABBREVIATIONS IN USE TABLE CELLS

The abbreviations in the cells of Table 4-1: Use Permissions, have the following meanings.

1. **Permitted Uses – "P"**

   Except in Planned Development district columns, a "P" in a cell of Table 4-1: means that the use is permitted by-right in that zoning district, subject to compliance with the use standards cross-referenced in the right-most column of that line of the table. In Planned Development district columns,

a "P" in a cell of Table 4-1: means that the use is permitted if so specified in the approved PD Plan and PD Agreement for the district, subject to compliance with the use standards cross-referenced in the right-most column of that line of the table and all applicable standards and conditions of the approved PD Plan and PD Agreement.

2. **Conditional Zoning – "Z"**
   A "Z" in a cell of Table 4-1 means that the use is permitted only after the applicant obtains a conditional zoning approval for the use in accordance with the procedure and requirements of conditional rezonings in Chapter 2: Administration, and subject to the use standards cross-referenced in the right-most column of that line in the table.
3. **Special Uses – "S"**
   An "S" in a cell of Table 4-1 means that the use is permitted only after the applicant obtains a special use permit for the use in accordance with the procedure and requirements for special use permits in Chapter 2: Administration, and subject to the use standards cross-referenced in the right-most column of that line in the table.
4. **Accessory Uses – "A"**
   An "A" in a cell of Table 4-1: means that the use is permitted only as an accessory use in support of a permitted or approved special use on the site, subject to compliance with the use standards cross-referenced in the right-most column of that line of the table.
5. **Temporary Uses – "T"**
   A "T" in a cell of Table 4-1: means that the use is permitted only as a temporary use, subject to compliance with the use standards cross-referenced in the right-most column of that line of the table.
6. **Prohibited Uses – (Blank)**
   A blank cell means that the use is not permitted in that zoning district.

4.2.2. Table of Principal, Accessory, and Temporary Uses

See table below.

TABLE 4-1: USE PERMISSIONS

P = Permitted (allowed in PD District if specified in PD Plan) **Z** = Conditional Zoning **S** = Special use
A = Accessory use only **T** = Temporary use only **blank *cell*** = Not allowed

Use Class / *Use Category* / Use Type	Residential Districts						Mixed-Use & Nonresidential Districts						PD	Use Standards (Sec. _)
	RC	RLS	RLI	RG	HMV	TN	TD	DE	CM	CC	HLI	IN	PD	
Agricultural														
Agriculture														
Agritourism	P												P	
Enclosed Environment Agriculture	P									P	P	P	P	4.3.2.A.1
Farm	P												P	4.3.2.A.2
Plant Nursery	P	P									P		P	4.3.2.A.3
Silviculture	P												P	4.3.2.A.4
Residential														
Group Living														
Continuing Care Retirement Community			P	P		P		Z	P	P			P	4.3.3.A.1
Dormitory	A		A	A		A	Z	Z	P	P	Z		P	4.3.3.A.2
Family Care Home	P	P	P	P	P	P		P					P	
Residential Care Facility	Z	Z						Z	Z	Z			P	4.3.3.A.3
Household Living														
Attached Residential Dwelling				Z		Z	P	P	P	P			P	4.3.3.B.1
Cottage Development			P	P		P		P					P	4.3.3.B.2
Duplex		P	P	P		P		P					P	4.3.3.B.3
Upper Floor Residential Dwelling						Z	P	P	P	P			P	4.3.3.B.4
Manufactured Home	P	P												4.3.3.B.5
Manufactured Home Park	Z													4.3.3.B.6
Multi-Family Dwelling				Z		Z	Z	Z	Z	Z			P	4.3.3.B.7
Single-Family Detached Dwelling	P	P	P	P	P	P		P					P	4.3.3.B.8
Institutional														
Community Services														
Animal Shelter	S								P	P	P	P	P	4.3.4.A.1
Cemetery	P	P	P	P		P				P			P	4.3.4.A.2
Common Recreation Facility	P	P	P	P	P	P	P	P	P	P			P	
Community Center			P	P		P	P	P	P	P	P		P	4.3.4.A.3
Cultural Facility			P	P		P	P	P	P	P	P		P	4.3.4.A.4
Daycare	A	A	A	A	A	Z / A	P	P	P	P	P		P	4.3.4.A.5
Funeral Facility								P	P	P	P		P	4.3.4.A.6
Government Services Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	
Public Safety Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	4.3.4.A.7
Religious Assembly	S	S	S	S	S	P	P	P	P	P	P		P	4.3.4.A.8
Education														

TABLE 4-1: USE PERMISSIONS

P = Permitted (allowed in PD District if specified in PD Plan) **Z** = Conditional Zoning **S** = Special use
A = Accessory use only **T** = Temporary use only **blank *cell*** = Not allowed

Use Class / *Use Category* / Use Type	Residential Districts						Mixed-Use & Nonresidential Districts						PD	Use Standards (Sec. _)
	RC	RLS	RLI	RG	HMV	TN	TD	DE	CM	CC	HLI	IN	PD	
Boarding School	Z		Z	Z		Z	Z	P	P	P			P	4.3.4.B.1
College or University							Z	Z	Z	Z			P	4.3.4.B.2
School (pre-K to 12)		P	P	P		P	P	P	P	P			P	
Vocational or Trade School							Z	Z	Z	Z	Z		P	4.3.4.B.3
Health Care Facilities														
Hospice						P		P	P	P			P	4.3.4.C.1
Hospital								Z	Z	Z	Z		P	4.3.4.C.2
Medical Treatment Facility							P	P	P	P	P		P	4.3.4.C.3
Nursing Home	Z			Z		Z		P	P	P			P	
Therapeutic Massage Facility							P	P	P	P	P		P	
Parks and Open Areas														
Community Garden	P	P	P	P	P	P	P	P	A	A			P	4.3.4.D.1
Golf Course, Public	P	P	P	P					P				P	
Park	P	P	P	P	P	P	P	P	P	P	P	P	P	
Utilities, Transportation, and Communication														
Airport										Z	Z	Z	P	4.3.4.E.1
Broadcasting Studio							S	S	P	P	P	S	P	
Bus Stop	P	P	P	P	P	P	P	P	P	P	P	P	P	4.3.4.E.2
Parking Facility	A	A	A	A	A	A	P	P	P	P	P	P	P	4.3.4.E.3
Shoreline Structure	P	P	P	P		P			P	P			P	
Solar Energy System	A	A	A	A	A	A	A	A	A	P	P	P	P	4.3.4.E.4
Telecommunication Facility, Co-location	P	P	P	P	P	P	P	P	P	P	P	P	P	4.3.4.E.5
Telecommunication Facility, Free-Standing	P	S	S	S		S			S	S	P	P	P	4.3.4.E.6
Transit Hub or Station								Z	Z	Z	Z	Z	P	4.3.4.E.7
Utility, Major	Z	Z	Z				Z	Z	Z	Z	Z	P	P	4.3.4.E.8
Utility, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	4.3.4.E.8
Wind Energy System	P	A	A	A	A	A	A	A	A	A	A	P	P	4.3.4.E.9
Commercial														
Animal Care														
Kennel and Pet Boarding	Z							Z	Z	Z	Z		P	4.3.5.A.1
Pet Grooming	P					Z	P	P	P	P	P		P	4.3.5.A.2
Veterinary Hospital or Clinic	Z						Z	P	P	P	P		P	4.3.5.A.1
Business Services														
Conference, Training, or Event Center	Z						P	P	P	P	P		P	4.3.5.B.1

TABLE 4-1: USE PERMISSIONS

P = Permitted (allowed in PD District if specified in PD Plan) **Z** = Conditional Zoning **S** = Special use
A = Accessory use only **T** = Temporary use only **blank *cell*** = Not allowed

Use Class / *Use Category* / Use Type	Residential Districts						Mixed-Use & Nonresidential Districts						PD	Use Standards (Sec. _)
	RC	RLS	RLI	RG	HMV	TN	TD	DE	CM	CC	HLI	IN	PD	
Data Center								P	P	P	P	P	P	4.3.5.B.2
Office						Z	P	P	P	P	P	P	P	
Food and Beverage Services														
Brewery, Distillery, or Winery							P	P	P	P	P		P	4.3.5.C.1
Catering							P	P	P	P	P	P	P	
Drive-Through Restaurant									Z	Z	Z		P	4.3.5.C.2
Food Truck Court							P	P	P	P	P		P	4.3.5.C.3
Restaurant/Bar							P	P	P	P	P		P	4.3.5.C.4
Lodging														
Bed and Breakfast Inn		P	P	P		P	P	P	P				P	4.3.5.D.1
Hotel or Motel							P	P	P	P	P		P	4.3.5.D.2
Recreation and Entertainment														
Arena, Amphitheater, or Stadium									Z	Z	Z		P	4.3.5.E.1
Country Club	P	P	P	P		P			P	P			P	
Electronic Gaming Business										S				4.3.5.E.8
Equestrian Center	P	P							P	P			P	4.3.5.E.2
Event Venue	P						P	P	P	P			P	4.3.5.E.3
Indoor Recreation and Entertainment Not Listed						Z	P	P	P	P	P		P	
Indoor Shooting Range										P	P		P	4.3.5.E.4
Nightclub							Z	Z		P				4.3.5.E.5
Outdoor Recreation and Entertainment Not Listed							Z	Z	P	P	P		P	
Outdoor Shooting Range	Z											Z		4.3.5.E.6
Sexually Oriented Business										S				4.3.5.E.7
Retail Sales and Services														
Accessory Structure Sales										Z	Z			4.3.5.F.6
Alternative Lending Establishment										S				4.3.5.F.1
Automobile Country Club										Z	Z	Z	P	4.3.5.F.2
Bank or Financial Institution							P	P	P	P	P		P	
CBD, Vape, and/or Tobacco Shop										S				4.3.5.F.8
Farmers Market	P						P	P	P	P	S		P	4.3.5.F.3
Manufactured Home Sales										P	P			
Mini-warehouse											Z			4.3.5.F.4
Open-Air Agricultural Markets									P	P				4.3.5.F.7
Retail Sales and Services Establishment, Small						Z	P	P	P	P	P		P	

TABLE 4-1: USE PERMISSIONS

P = Permitted (allowed in PD District if specified in PD Plan) **Z** = Conditional Zoning **S** = Special use
A = Accessory use only **T** = Temporary use only **blank *cell*** = Not allowed

Use Class / *Use Category* / Use Type	Residential Districts						Mixed-Use & Nonresidential Districts						PD	Use Standards (Sec. _)
	RC	RLS	RLI	RG	HMV	TN	TD	DE	CM	CC	HLI	IN	PD	
Retail Sales and Services Establishment, Medium							P	P	P	P	P		P	
Retail Sales and Services Establishment, Large									Z	P	P		P	
Self-Service Storage										Z	Z		P	4.3.5.F.5
Tattoo or Body Piercing Establishment							P	P	P	P			P	
Vehicle Sales and Services														
Gas Station								P	P	P	P	P	P	4.3.5.G.1
Boat or RV Sales and Services										P	P		P	4.3.5.G.2
Boat or RV Storage Yard										P	P	P		4.3.5.G.3
Commercial Vehicle Repair and Maintenance										Z	P	P		4.3.5.G.4
Commercial Vehicle Sales and Rental										P	P			4.3.5.G.5
Marina	Z	Z	Z	Z		Z			P	P			P	4.3.5.G.6
Personal Vehicle Repair and Maintenance								P	P	P	P		P	4.3.5.G.7
Personal Vehicle Sales and Rental								P	P	P			P	4.3.5.G.8
Vehicle Storage										P	P	P	P	4.3.5.G.9
Vehicle Wash								Z	Z	Z	Z		P	4.3.5.G.10
Industrial														
Extraction and Production														
Artisanal Production						Z	P	P	P	P	P	P	P	4.3.6.A.1
Manufacturing, General											P	P	P	4.3.6.A.2
Manufacturing, Heavy												P	P	4.3.6.A.3
Mining and Extraction												Z		4.3.6.A.4
Storage Tank											S	P		4.3.6.A.5
Industrial Services														
Contractor Office										P	P	P	P	4.3.6.B.1
Fuel Oil/Bottled Gas Distributor										S	P	P		4.3.6.B.2
Heavy Equipment Sales, Rental, or Repair										P	P	P		4.3.6.B.3
Research and Development Facility										P	P	P	P	4.3.6.B.4
Warehouse, Distribution, and Wholesale Sales														
Truck or Freight Terminal											P	P	P	4.3.6.C.1
Warehouse and Wholesale Operations										P	P	P	P	4.3.6.C.2
Waste and Recycling Services														
Composting Facility											P	P	P	4.3.6.D.1

TABLE 4-1: USE PERMISSIONS

P = Permitted (allowed in PD District if specified in PD Plan) **Z** = Conditional Zoning **S** = Special use
A = Accessory use only **T** = Temporary use only **blank *cell*** = Not allowed

Use Class / *Use Category* / Use Type	Residential Districts						Mixed-Use & Nonresidential Districts						PD	Use Standards (Sec. _)
	RC	RLS	RLI	RG	HMV	TN	TD	DE	CM	CC	HLI	IN	PD	
Recycling Collection Station											P	P	P	4.3.6.D.2
Recycling Facility												P	P	4.3.6.D.3
Salvage or Junkyard												Z		4.3.6.D.4
Waste Disposal Facility												Z		4.3.6.D.5
Waste Transfer Station											S	P		4.3.6.D.6
Accessory Uses														
Accessory Dwelling Unit	A	A	A	A	A	A		A					P	4.3.7.B.1
Accessory Structure	A	A	A	A	A	A	A	A	A	A	A	A	P	4.3.7.B.2
Animal Keeping	A	A	A	A	A	A		A					P	4.3.7.B.3
Automated Teller Machine							A	A	A	A	A	A	P	4.3.7.B.4
Donation Box								A	A	A	A		P	4.3.7.B.5
Drive-Through Facility								A	A	A	A		P	4.3.7.B.6
Home Occupation	A	A	A	A	A	A	A	A	A	A			P	4.3.7.B.7
Outdoor Display/Sales							A	A	A	A	A		P	4.3.7.B.8
Outdoor Storage									A	A	A	A	P	4.3.7.B.9
Swimming Pool/Hot Tub	A	A	A	A	A	A	A	A	A	A	A		P	4.3.7.B.10
Temporary Uses														
Construction Site Office or Storage	T	T	T	T	T	T	T	T	T	T	T	T	P	4.3.8.B.1
Food Truck							T	T	T	T	T	T	P	4.3.8.B.2
Model Home Sales/Leasing Office	T	T	T	T	T	T	T	T	T	T			P	4.3.8.B.3
Modular Classroom			T	T		T	T	T	T	T			P	4.3.8.B.4
Outdoor Seasonal Sales							T	T	T	T			P	4.3.8.B.5
Portable Storage Unit	T	T	T	T	T	T		T	T	T	T	T	P	4.3.8.B.6

4.3. USE STANDARDS

4.3.1. General

A. All uses shall comply with all Town ordinances regulating noise, odors, vibration, glare, heat, and other nuisance generating conditions negatively affecting other properties.

B. Each activity required to have a license, permit, or approval to operate from the state or federal government or any other governmental or quasi-governmental entity, shall maintain that license, permit, or approval in effect at all times, and shall comply with the requirements of that license, permit, or approval.

4.3.2. Agricultural Uses

A. AGRICULTURE CATEGORY

1. Enclosed Environment Agriculture

a. All agricultural activities shall take place inside an enclosed structure as protection from outside contaminants so as to minimize the need for pesticides and herbicides.

b. All elements of the operation other than parking shall meet minimum setbacks for the zoning district in which it is located.

2. Farm

The following standards apply to a farm within the Town's corporate limits:

a. A farm is allowed a maximum of one animal unit for each acre of land. For purposes of the use, one animal unit is equivalent to the following:

i. One head of cattle;

ii. Three horses;

iii. Five sheep, goats, llamas, alpacas, emus, or ostriches; or

iv. Thirty chickens or ducks.

b. Barns and other structures used for the confining or sheltering of livestock and poultry shall be located at least 100 feet from all lot lines.

c. Feedlots are prohibited.

d. Swine and turkey are prohibited.

e. Animal processing, including, but not limited to slaughterhouses and rendering plants, are prohibited.

3. Plant Nursery

a. The minimum parcel area for a plant nursery primarily engaged in wholesale sales is ten acres.

b. A plant nursery may include outdoor display and storage of goods.

4. Silviculture

a. Forestry activities may occur only on property enrolled as timberland in the State's present use-value tax program or pursuant to a forest management plan prepared by a registered forester.

b. Forestry activities shall apply best management practices as necessary to comply with North Carolina's Forest Practice Guidelines Related to Water Quality (02 NCAC 60C .0100 to .0209).

c. Forestry activities resulting in the clear-cutting of trees from a site subsequently proposed for development may result in up to a five-year

delay in obtaining permits for the development, as determined by the Planning Director.

4.3.3. Residential Uses

A. GROUP LIVING CATEGORY

1. Continuing Care Retirement Community

a. The setback requirements of the zoning district shall apply only to development along the perimeter of the continuing care retirement community.

b. The number of nursing care beds shall not be more than 50 percent of the total number of permitted dwelling units.

c. The community may include retail commercial uses that are ancillary to the principal residential and healthcare uses.

d. A minimum of ten percent of the community's net land area shall be devoted to outdoor open space, indoor or outdoor recreation facilities, and indoor or outdoor social-oriented amenities, including community centers, in accordance with the following requirements:

(1) Each community center shall have either one large space or several separate areas that provide space for recreational and social activities at different intensity levels.

(2) The total minimum square footage for recreational and social activity space shall be 15,000 square feet.

(3) Each outdoor area intended for active recreation shall have a minimum area of 5,000 square feet and minimum dimension of 50 feet.

2. Dormitory

a. A dormitory shall not be located more than one mile from an associated educational or religious institution, measured in a straight line from the nearest portion of the building housing the dormitory to the nearest boundary line of the parcel upon which the institution is located.

b. A dormitory may be accessory to a boarding school or college/university if it is located on the campus as part of the overall educational facility.

3. Residential Care Facility

a. Residential care facilities shall not exceed 10,000 square feet of gross floor area in Residential districts.

b. Residential care facilities that provide care to patients who suffer from Alzheimer's disease, dementia, or other similar disability that may cause disorientation shall provide a security fence having a minimum height of five feet along the perimeter of any portion of the site that is accessible to the patients.

B. HOUSEHOLD LIVING CATEGORY

1. Attached Residential Dwelling

a. **Minimum Lot Width, Setbacks, and Spacing**

i. The minimum lot width is 16 feet.

ii. All individual driveways serving front-load units are at least 20 feet long when measured from the edge of sidewalk closest to the front façade.

iii. Parking for front-load units shall not count garage spaces towards the minimum off-street parking. Parking for rear-load units may count garage spaces towards the minimum off-street parking requirement.

iv. Front-load units shall have a minimum green space of 10 feet wide in front of each unit.

v. In residential districts, buildings shall be set back from private alleys and parking lots a minimum of ten feet as measured from back of curb, or edge of pavement if no curb is provided, not including detached garages, which shall be set back five feet. In nonresidential/mixed use districts, buildings and detached garages shall be set back from private alleys and parking lots a minimum of five feet as measured from back of curb, or edge of pavement if no curb is provided.

vi. There is no minimum side setback from a side lot line where two dwelling units are attached. If the dwelling units are located on separate lots contained within a larger common lot, minimum side and rear setbacks shall be measured from the side and rear lot lines, respectively, of the common lot.

vii. An attached residential dwelling shall not be located within 10 feet of any other dwelling.

b. **Building Orientation**

i. Except as otherwise provided in this section, attached residential dwellings shall be oriented to front a street or a common green or plaza landscaped with trees and shrubs. Pedestrian access to each dwelling shall be provided from the green or plaza by improved walkways.

c. **Maximum Number of Units**

The maximum number of attached units in each building shall be:

i. 6 units in the RG district; and

ii. 8 units in all other applicable districts.

d. **Driveways**
If vehicular access is provided to dwelling units from an abutting street, such access shall be limited to driveways shared by two or more dwelling units. The driveway may include a planted median strip up to five feet wide separating the two sides of the driveway. If there is an odd number of units and a three-unit shared driveway would not be practical, the Planning Director may allow one unit in the building to have a single driveway that is not shared with another unit.

e. **Utility Lines**
All utility lines including electric, communications, gas, water, and sewer utility lines shall be installed underground.

f. **Mixed-Use Development Required**

a. In the CM and CC districts, all residential dwelling units in new development and redevelopment must be located in projects that contain non-residential uses that make up at least 5% of the total heated square footage in one of the following configurations:

i. Vertically mixed-use buildings that have only non-residential uses on the ground floors; or

ii. A horizontally mixed-use development site containing residential and nonresidential uses that are integrated using common open space and a common pedestrian circulation system, or

iii. A combination of vertically and horizontally mixed use as described in this section.

b. In the TD district, all residential dwelling units in new development and redevelopment with frontage on Main Street shall be located in projects that contain non-residential uses that make up at least 50% of the first floor that fronts Main Street. This shall be configured in vertically mixed-use or live-work buildings that have non-residential uses on the ground floor fronting Main Street and meet the form and design standard for shopfront buildings. For the purposes of this section, amenities or accessories to the residential use such as fitness centers, lobbies, or meeting spaces do not qualify as "non-residential" uses.

g. **Mixed-Use Development Timing**
In the CM and CC districts, mixed-use projects shall incorporate the commercial component(s) in one of the following manners:

i. Complete the commercial building or shell at or before fifty percent (50%) of the residential units are completed; or

ii. At a minimum, create pad-ready commercial parcels for all commercial areas, complete all frontage upgrades for the entire project, connect vehicular and pedestrian infrastructure to all internal lots, and construct at least ten percent (10%) of the residential units as affordable in accordance with Section 5.12. Fee-in-lieu of construction is not permissible to meet this option. If this option is chosen, the incentives included in Section 5.12 may utilized.

2. Cottage Development

a. **Dimensional and Intensity Standards**

i. A cottage development shall be located on a site having a minimum area of 0.5 acres and shall include at least four dwellings.

ii. The density of development in a cottage development shall not exceed 1.5 times the maximum density allowed in the zoning district in which it is located.

iii. If dwellings are located on individual lots, each lot shall have a minimum lot area of 4,000 square feet.

b. **Common Areas**

i. A cottage neighborhood development shall include open space set-asides that cover at least 25 percent of the total site area. The design, maintenance, and ownership of the open space set-asides shall comply with the open space set-aside requirements in Chapter 5: Development Standards. The open space set-asides shall include a common central green or plaza that has a minimum area of 3,000 square feet and fronts some or all of the dwellings (see Figure 4-1).

Figure 4-1: Common Central Green



ii. A common building located within the common open space area may be included as an accessory use, but in no instance shall the common building be larger than 1,500 square feet or serve as a permanent dwelling unit.

iii. All required off-street parking spaces shall be provided in common parking area(s) located away from the dwellings and central green or plaza.

c. **Perimeter of Development**

i. A Type C landscaped buffer shall be provided around the perimeter of the cottage development where it abuts existing single-family detached dwellings. The buffer may use plantings and/or existing vegetation, a fence or wall, or other features to buffer the cottage development from adjacent development.

ii. Any dwelling that fronts a perimeter street shall be oriented so that the front door of the dwelling faces the street.

d. **Internal Streets**
Vehicular entryways into a cottage neighborhood development and internal streets serving the development shall be configured as private drives with a maximum pavement width of 22 feet.

e. **Utility Lines**
All utility lines including electric, communications, gas, water, and sewer shall be installed underground.

3. Duplex Dwelling

a. **Minimum Lot Width, Lot Size, Setbacks, and Spacing**

i. The minimum lot size, per unit, shall be 0.75 times the minimum lot size required for a single-family detached dwelling in the zoning district in which the duplex dwelling is located.

ii. There is no minimum side setback from a side lot line where the two dwelling units are attached. If the dwelling units are located on separate lots contained within a larger common lot, minimum side and rear setbacks shall be measured from the side and rear lot lines, respectively, of the common lot.

iii. In the RLS district, a duplex dwelling shall not be located within 400 feet of another duplex dwelling, measured in a straight line from the nearest lot lines of the two duplex dwellings.

iv. The minimum lot width at front setback shall correspond with the minimum lot width at front setback for single family detached dwellings for the applicable zoning district. If the dwelling units are located on

separate lots contained within a larger common lot, width shall be measured using the common lot.

b. **Building Orientation**
A duplex dwelling shall face a street or a common green or plaza landscaped with trees and shrubs. Pedestrian access to each dwelling shall be provided from the green or plaza by improved walkways, and connect to the nearest street.

c. **Driveway**

i. Driveways shall be shared by both units in the duplex. The driveway may include a planted median strip up to five feet wide separating the two sides of the driveway.

ii. All individual driveways serving front-load duplex units shall be at least 20 feet long when measured from the edge of sidewalk closest to the front façade.

4. Upper Floor Residential Dwelling

a. The dwellings shall occupy the upper stories of a mixed-use building in which at least 50 percent of the total gross floor area is occupied by a non-residential use.

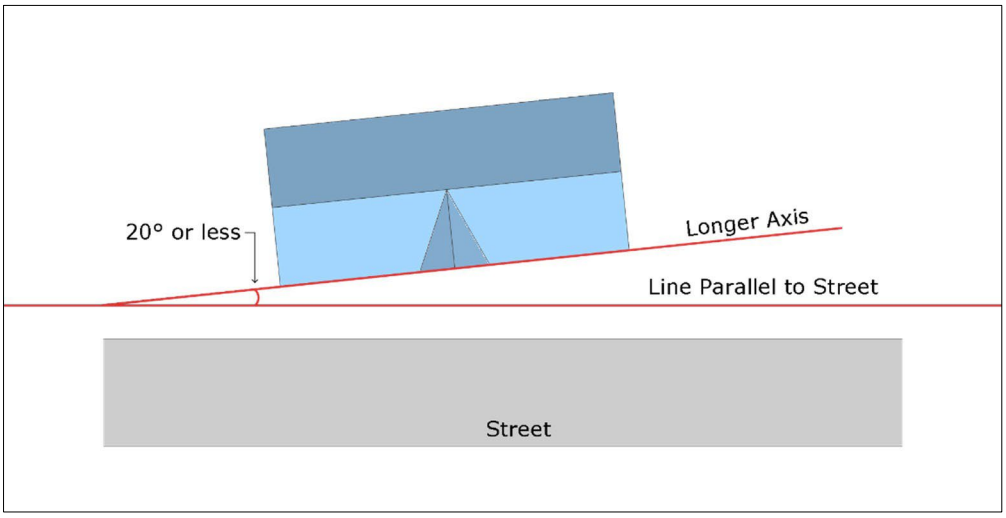
b. The non-residential portion of the building shall be located on the ground floor and shall adhere to the standard for Shopfront buildings in Chapter 5.9.

c. Drive-through service is prohibited as an accessory use.

5. Manufactured Home

a. Manufactured homes shall be located with their longer axis not less than 20 degrees from parallel to adjacent streets (see Figure 4-2).

Figure 4-2: Long Axis Angle Relative to Street



b. Manufactured homes shall be installed in accordance with the set-up and installation standards adopted by the Commissioner of Insurance and shall have all wheels, axles, transporting lights, and tongue removed prior to occupancy.

c. Each manufactured home shall have a minimum roof pitch of 3/12 and a roof overhang of at least six inches (excluding guttering) on all sides.

d. Each dwelling that is located on a lot that is owned by the manufactured home owner shall include a continuous brick, stone, or masonry foundation from the frame to the ground. The foundation shall remain unpierced except for required ventilation and access door(s). The foundation may include concrete block if there is no exposed smooth-faced concrete block and all block seams are concealed by slurry or other appropriate means.

e. Each dwelling that is located on a lot that is not owned by the manufactured home owner shall include a continuous non-masonry, opaque screening from the frame to the ground (such as wood or vinyl). The screening shall remain unpierced except for required ventilation and access door(s).

f. All porches, decks, ramps, and steps shall be constructed of wood or masonry.

g. In the RC and RLS districts, a manufactured home shall have a minimum width of 22 feet and a minimum length of 40 feet and shall have exterior siding consisting of vinyl or aluminum lap siding, wood, hardboard, or another material having a similar appearance and durability.

6. Manufactured Home Park

a. Location and Access

i. A manufactured home park shall be located on land capable of adequate drainage and not in a floodplain or floodway.

ii. The park shall be located on property with at least 100 feet of frontage on a public street having a pavement width of at least 24 feet.

iii. The park shall be connected to a public street by a right-of-way having a minimum width of 40 feet. The right-of-way shall accommodate an internal access roadway.

iv. The park shall provide adequate access for emergency vehicles, with fire lanes where deemed necessary.

v. Only manufactured homes with HUD tags may be placed in manufactured home parks.

vi. The park shall be no closer than 300 feet from any other manufactured home park, as measured from property line to property line.

b. Intensity and Dimensional Standards

i. A manufactured home park shall have a minimum area of 5 acres and a maximum area of 20 acres.

ii. The maximum density for the park shall be seven manufactured home lots per acre.

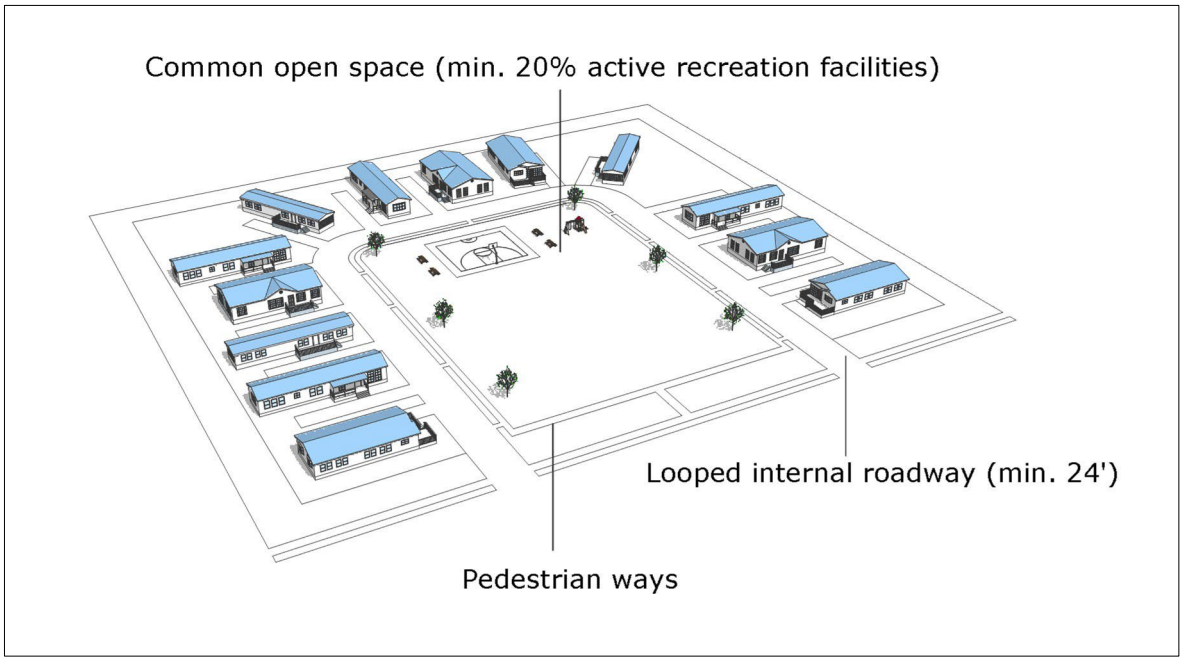
iii. No more than 50 percent of the total land area in the park may be covered by buildings.

iv. No more than 70 manufactured homes may be included as one manufactured home park.

c. Open Space

A minimum 30 percent of the land area in a manufactured home park shall consist of common open space. A minimum 20 percent of this common open space shall consist of active recreation facilities (see Figure 4-3).

Figure 4-3: Manufactured Home Park



d. **Placement of Manufactured Homes**

i. Each manufactured home shall be placed on a lot having a minimum area of 4,000 square feet and a minimum street frontage or internal access roadway width of 20 feet.

ii. Each manufactured home and all other buildings shall be located a minimum 25 feet from public streets and other public rights-of-way; 20 feet from other principal buildings and park boundaries; and eight feet from internal access roadways, pedestrian or bicycle ways, parking areas (not including the driveway for an individual unit), common open space areas, and other park common areas.

iii. No manufactured home shall be located more than 75 feet from an approved emergency vehicle access.

iv. Each manufactured home shall be suitably treated so as to hide the undercarriage with a solid, durable material not including corrugated metal or vinyl siding.

v. A hard-surfaced patio or deck/porch with a minimum area of 200 square feet shall be provided on each manufactured home lot.

vi. No building accessory to a manufactured home shall be located between the manufactured home and the internal access roadway on which the home fronts. All accessory buildings shall be placed in the side or rear yard.

e. **Internal Vehicular and Pedestrian Circulation**

i. A manufactured home park shall be served by paved internal access roadways that loop or otherwise connect to provide for continuous forward movement within the park and provide access to all manufactured home lots.

ii. Internal access roadways shall have a minimum pavement width of 36 feet if on-street parking is permitted on both sides of the roadway, or 24 feet if not.

iii. Pedestrian ways shall be provided adjacent to (but separate from) internal access roadways or within common open space areas to connect all manufactured home lots to a paved street or roadway and to common open space within the manufactured home park. The pedestrian ways shall be at least four feet wide; constructed of concrete, asphalt, pavers, or similar materials; well-marked for daytime use; and well lighted for nighttime use in accordance with the site lighting standards in Chapter 5: Development Standards.

f. **Utility Lines**

All utility lines including electric, communications, gas, water, and sewer shall be installed underground.

7. Multi-family Dwelling

a. **Minimum Setbacks and Spacing**

i. A multifamily building shall be set back from all private drives and parking lots a minimum of ten feet as measured from back of curb, or edge of pavement if no curb is provided. This provision shall not apply to projects located in the TD or DE zoning district.

ii. A multi-family dwelling shall not be located within ten feet of any other building.

iii. Active recreation facilities shall be set back a minimum of 50 feet from all adjacent land used for single-family residential purposes.

b. In the TD district, all residential dwelling units in new development and redevelopment with frontage on Main Street shall be located in projects that contain non-residential uses that make up at least 50% of the first floor that fronts Main Street. This shall be configured in vertically mixed-use or live-work buildings that have non-residential uses on the ground floor fronting Main Street and meet the form and design standard for shopfront buildings. For the purposes of this section, amenities or accessories to the residential use such as fitness centers, lobbies, or meeting spaces do not qualify as "non-residential" uses.

c. **Building Orientation**

i. Except as otherwise provided in this section, a multi-family dwelling shall be oriented to front a street or a common green or plaza landscaped with trees and shrubs. Pedestrian access to each dwelling shall be provided from the green or plaza by improved walkways.

ii. A multi-family dwelling that is not part of a multi-building development and that contains four or fewer dwelling units shall face the street from which the dwelling derives its street address. If a parking lot is provided for such a building, it shall not be located between the front or side of the building and the street.

d. **Pedestrian Connectivity**
Pedestrian connections shall be:

i. Provided between building entrances, parking lots, public sidewalks, and recreational facilities;

ii. At least five feet in width and constructed of concrete, asphalt, paver, or similar materials; and

iii. Configured to connect to parks and greenways that abut the development, to the maximum extent practicable.

e. **Utility Lines**
All utility lines including electric, communications, gas, water, and sewer shall be installed underground.

f. **Mixed-Use Development Required**
In the CM and CC districts, all residential dwelling units in new development and redevelopment must be located in projects that contain non-residential uses that make up at least 25% of the total heated square footage in one of the following configurations:

i. Vertically mixed-use buildings that have only non-residential uses on the ground floors; or

ii. A horizontally mixed-use development site containing residential and nonresidential uses that are integrated using common open space and a common pedestrian circulation system; or

iii. A combination of vertically and horizontally mixed use as described in this section.

g. **Mixed-Use Development Timing**

In the CM and CC districts, mixed-use projects shall incorporate the commercial component(s) in one of the following manners:

i. Complete the commercial building or shell at or before fifty percent (50%) of the residential units are completed; or

ii. At a minimum, create pad-ready commercial parcels for all commercial areas, complete all frontage upgrades for the entire project, connect vehicular and pedestrian infrastructure to all internal lots, and construct at least ten percent (10%) of the residential units as affordable in accordance with Section 5.12. Fee-in-lieu of construction is not permissible to meet this option. If this option is chosen, the incentives included in Section 5.12 may utilized.

h. **Use of Existing Building in TN District**

In the TN district, a single-family dwelling shall only be permitted to be converted to a multi-family dwelling if it was established at least ten years before the establishment of the multi-family use, or if the conversion complies with the building form and design standards for small-scale apartment homes in Chapter 5: Development Standards.

i. Amenity Location

To the maximum extent practicable, if the multi-family building is located in the TD or DE district and includes a lobby, central gathering space, and/or indoor amenities (examples include a fitness center, meeting spaces, pet grooming center), these spaces must be configured to front the primary street and meet the form and design standard for shopfront buildings. In mixed-use buildings, the nonresidential ground-floor uses shall take priority in terms of street frontage.

8. Single Family Detached Dwelling

a. **Location & Orientation**

i. Only one single family detached dwelling is permitted per lot.

ii. A single family detached dwelling shall face a street or a common green or plaza landscaped with trees and shrubs. Pedestrian access to each dwelling shall be provided from the green or plaza by improved walkways, and connect to the nearest street.

b. **Driveway**

All individual driveways serving front-load single family detached dwellings shall be at least 20 feet long when measured from the edge of the sidewalk closest to the front façade.

4.3.4. Institutional Uses

A. COMMUNITY SERVICES CATEGORY

1. Animal Shelter

Animal shelters shall comply with the standards that apply to kennels and veterinary hospitals or clinics (see standards for Commercial uses in this chapter).

2. Cemetery

Cemeteries established after the effective date of this UDO shall comply with the standards in this section.

a. A cemetery shall have a minimum land area of 3 acres.

b. A cemetery site shall have its primary vehicular access directly to and from a boulevard or collector street. Any vehicular access to or from a local street shall be located and designed to function as a secondary point of access only.

c. Cemeteries are not permitted on a residential lot.

d. Cemeteries shall have a layout that includes a minimum of 50 burial plots.

e. A cemetery shall include adequate space for the parking and maneuvering of funeral processions.

f. All buildings shall be set back at least 25 feet from exterior property lines.

g. If a cemetery use is combined with a funeral home, the combined use shall comply with the standards (including districts where permitted) applicable to each component use.

3. Community Center

All outdoor courts, swimming pools, and athletic fields shall be located at least 50 feet from any lot line abutting a Residential district.

4. Cultural Facility

a. When located in a Residential district, primary vehicular access shall be directly from a boulevard or collector street. Any vehicular access to or from a local street shall be located and designed to function as a secondary point of access only.

b. A cultural facility shall not exceed 12,000 square feet of gross floor area in Residential districts.

5. Daycare

a. A daycare shall have direct access to an existing or programmed public street with sidewalks to accommodate pedestrian traffic to and from the center.

b. A daycare shall be located to readily and safely facilitate the drop-off and pick-up of all persons attending the center without blocking the public street. Daycare providing daycare to adults shall provide step-free access.

c. If not located in a stand-alone building or a dwelling, a daycare providing childcare shall be segregated (including the restrooms) from the remaining portion of the building in which it is located.

d. Daycares providing childcare shall be located at least 500 linear feet from the following uses:

(1) Sexually oriented businesses; and

(2) Bars and nightclubs.

e. If not located in a dwelling, a daycare shall include one or more outdoor areas that total at minimum of 2,500 square feet and are:

(1) Located to the side or rear yard areas;

(2) Completely enclosed by a fence that is at least four feet in height;

(3) Safely segregated from parking, loading, or service areas; and

(4) Inclusive of amenities and size appropriate for the patrons of the daycare.

6. Funeral Facility

a. A funeral facility shall have its principal frontage, access, and orientation directly on a collector or boulevard street.

b. A funeral facility shall have a Type B landscaped buffer between the funeral home and any lot line abutting or directly across the street from a Residential district.

c. A funeral facility may include a crematory.

d. All structures shall be located so as not to require access from a local street.

7. Public Safety Facility

No more than five police or emergency response vehicles shall be based or dispatched from a public safety facility located in a residential base zoning district.

8. Religious Assembly

a. All buildings shall be set back at least 25 feet from all lot lines.

b. Ingress and egress shall be located so as to direct traffic away from streets that are internal to a residential subdivision, to the maximum extent practicable.

c. No parking spaces or loading areas shall be located in the front yard.

d. The Board of Adjustment may grant a variance to modify the standards applicable to a religious assembly on finding that the modification is necessary to eliminate a substantial burden on religious practice, as guaranteed by the Federal Religious Land Use and Institutionalized Persons Act (RLUIPA) of 2000 (42 U.S.C. § 2000 et seq.). In doing so, the Board of Adjustment may impose conditions consistent with RLUIPA that will substantially secure the objectives of the modified standard and substantially mitigate any potential adverse impact on the environment or adjacent properties.

B. EDUCATION CATEGORY

1. Boarding School

A Type B landscaped buffer shall be installed and maintained around the perimeter of any outdoor recreational facilities on the site.

2. College or University

a. A college or university campus site shall front on, and have direct vehicular access to, a street or streets with sufficient capacity to accommodate traffic generated by the campus.

b. All parking and loading facilities needed for campus employees, students, visitors, and residents shall be on the campus site and be located at least:

(1) 150 feet from any lot line abutting a Residential district;

(2) 15 feet from any adjoining street; and

(3) Ten feet from all campus property lines.

c. At least 40 percent of the net lot area of the campus site shall be devoted to open space, unless the campus is located within the TD district. If the campus is located within the TD district, at least 10 percent of the net lot area of the campus site shall be devoted to open space.

3. Vocational or Trade School

All facilities within a vocational or trade school which typically generate significant noise or fumes, such as auto body or engine repair, industrial/auto body painting, manufacturing processes, or campus-wide energy/utility systems, and that are adjacent to land classified in a Residential district must meet the following standards:

a. Be at least 100 feet from any building line in the adjacent Residential district;

b. Provide a Type B landscaped buffer between the facility and the adjacent land; and

c. Include information on site plans indicating any other mitigation steps appropriate to the impacts of the use(s) on any adjacent properties or the general public.

C. HEALTH CARE FACILITIES CATEGORY

1. Hospice

A hospice shall not exceed 10,000 square feet of gross floor area in Residential districts.

2. Hospital

A hospital shall:

a. Be located on a site or parcel with an area of at least five acres;

b. Be located on a parcel that fronts or has direct access to a collector or boulevard street;

c. Locate all primary emergency vehicle entrances on a collector or boulevard street;

d. Not locate an emergency vehicle entrance adjacent to or directly across the street from lands classified in a Residential district;

e. Be served by a public water and wastewater system; and

f. Ensure that principal structures are located at least 100 feet from all lot lines.

3. Medical Treatment Facility

a. A facility providing medical treatment of drug or alcohol addiction shall be located at least 500 from all other such facilities and from all schools and daycares providing childcare.

b. A medical treatment facility providing medical treatment of drug or alcohol addiction shall have a maximum size of 25,000 square feet.

D. PARKS AND OPEN AREAS CATEGORY

1. Community Garden

A community garden shall comply with the following standards:

a. Exterior lighting is prohibited;

b. No more than five off-street parking spaces may be provided;

c. Retail sales are prohibited; however, occasional sales of plants and/or produce grown onsite are allowed;

d. Plantings shall not obstruct roadway visibility or impede the flow of traffic;

e. All equipment and materials shall be stored when not being used within an enclosed structure or within a fully screened enclosure; and

f. All fences and walls shall comply with the fence and wall standards in Chapter 5: Development Standards.

E. UTILITIES, TRANSPORTATION, AND COMMUNICATION

1. Airport

a. Any area at an airport that is used by aircraft shall:

i. Be located at least 200 feet from any lot line;

ii. Be provided with an all-weather, dustless surface; and

iii. Be surrounded by a chain link or opaque fence. This fence shall have a minimum height of six feet and have one or more gates to effectively control access to the area.

b. Perform all maintenance, repair, and mechanical work, except that of an emergency nature, in an enclosed building.

2. Bus Stop

a. Public shelters and benches shall be located only at designated transit stops that are presently or planned to be served by a public transit authority.

b. Public shelters shall be illuminated from dusk to dawn and be designed to provide protection from weather elements. A shelter design shall comply with the following requirements:

i. Each public shelter shall be installed on and attached to a concrete foundation and shall include an aluminum or steel framework suitable for supporting required wall sections, side panels, and roof panels. The shelter shall have a transparent rear wall section made of tempered glass, two side panels, and an opaque roof.

ii. At a minimum, each public shelter shall include a bench that is six feet long, transit route information, and a trash receptacle.

iii. Each shelter shall comply with Federal Americans with Disabilities Act (ADA) specifications and requirements. The permittee is responsible for such compliance, and any failure to comply with the ADA standards shall be deemed a violation of this UDO. Under this subsection, ADA compliance includes, but is not limited to, sidewalks, ramps, tactile warnings, seating, and signage or directional arrows indicating handicap accessibility.

iv. Advertising on the shelter shall be limited to the outward side of the side wall panels. A maximum of two advertisements are permitted per shelter. Each advertisement shall not exceed four feet in width or six feet in height. Advertising on benches shall be prohibited.

c. Benches shall be constructed of durable material and shall be securely fastened to the ground.

3. Parking Facility

a. A parking facility shall comply with all applicable off-street parking, bicycle parking, and loading standards in Chapter 5: Development Standards.

b. All EV charging station equipment shall be located so as not to interfere with vehicle, bicycle, or pedestrian access and circulation or with required landscaping.

c. A park and ride facility shall front on and have its primary access from a boulevard or collector street and not front on or have its primary access from a local street.

d. A parking structure shall comply with the following standards:

i. The parking of motor vehicles shall be the primary use of the structure. Except as otherwise provided in this UDO, no other business shall be conducted in the parking structure, including the repair, servicing, or display of vehicles, or the storage of goods.

ii. Some limited accessory uses can occur, such as car washing; however, the predominant use shall be for parking.

iii. In the TD, DE, and CM districts, parking structures are encouraged to have non-parking Commercial uses along each street-facing ground floor façade.

4. Solar Energy System

a. All devices mounted to a structure that are part of a solar energy system shall be mounted in a manner that preserves the character-defining features of the structure and property and, except as otherwise provided in this section below, shall comply with the maximum building height and minimum setback standards of the zoning district in which they are located.

b. Roof-mounted devices that are part of a solar energy system may extend up to five feet above the maximum building height of the zoning district in which they are located.

c. Ground-mounted solar energy devices less than five feet in height may extend into required minimum side and rear setbacks provided that no part of the device is within ten feet of any property line.

5. Telecommunications Facility, Co-Location

a. The following requests apply to all co-locations of a telecommunications facility:

i. Ground-based equipment shall be protected by a security fence and screened from view in accordance with the standards that apply to a freestanding telecommunications facility identified below.

ii. Nothing in these standards shall limit the approval of an eligible facilities request in accordance with North Carolina General Statutes 160D-934.

b. A telecommunications facility attached to an existing building other than a freestanding telecommunications facility shall comply with the following standards:

i. No antenna shall extend more than ten feet above the highest point of the building or structure.

ii. No antenna shall be located within ten feet of a property line abutting a street, or within five feet of another property line.

iii. The antenna and supporting electrical and mechanical equipment shall be of a neutral color that is identical to, or compatible with, the color of the structure on which it is located to make the antenna and related equipment as visually unobtrusive as possible.

c. A telecommunications facility co-located on an existing telecommunications facility tower shall comply with the following standards:

i. The applicant shall demonstrate that the tower can accept the additional loading created by the co-location.

ii. If a tower is modified or reconstructed to accommodate the co-location of an additional antenna, the modified or reconstructed tower shall be of the same type as the existing tower, unless a monopole is determined more appropriate at the specific location.

6. Telecommunications Facility, Freestanding

A new freestanding telecommunications facility shall comply with the following standards:

a. **Applicability**

These regulations apply to all freestanding telecommunications facilities except for noncommercial amateur/ham radio towers and emergency communication towers owned by the Town or other public agency that are used wholly or in part for public safety or communication purposes.

b. **Co-location Required**

It is the intent of the Town to require providers to co-locate facilities in an effort to reduce the number of telecommunication towers in the Town's jurisdiction to the maximum extent practicable. Therefore, an application for a new freestanding telecommunications facility is subject to the following requirements:

i. No new freestanding telecommunications facility may be located within 1,500 linear feet (as measured using the shortest straight-line distance) of an existing water tower, power transmission tower, or similar feature unless the applicant can demonstrate that co-location was pursued but rejected by the owner of the existing water tower, power transmission tower, or similar feature.

ii. No freestanding telecommunications facility may be located within 3,000 linear feet of an existing freestanding telecommunications facility unless the applicant can demonstrate that co-location is not a viable option.

iii. No new freestanding telecommunication tower shall be permitted unless the applicant has evaluated the feasibility of locating the telecommunications facility on a government-owned structure such as a water tower or existing public safety telecommunications facility and provides evidence demonstrating that such as structure cannot reasonably be used for wireless facility placement.

iv. Telecommunication service providers shall notify other telecommunication service providers of the fact that space on a new freestanding telecommunications facility is available on a lease basis and shall negotiate in good faith with other providers to provide space on existing freestanding telecommunications facilities at a reasonable lease cost.

v. All new telecommunication towers shall include a minimum of four co-location spaces.

c. **Design**

i. A freestanding telecommunications facility shall be of a monopole design and construction. Lattice and guyed tower design are prohibited.

ii. A new freestanding telecommunications facility shall be a stealth facility, unless the applicant demonstrates that use of a stealth facility is not viable. A stealth facility is a freestanding telecommunication facility designed to appear as another structure, such as a tree, and that minimizes the appearance of all exterior equipment to the maximum extent practicable. Where the applicant demonstrates the use of a stealth facility is not viable or practical, the Town may require that the facility be camouflaged to blend with its surroundings through creative placement or other approaches. Unless painting is required to meet the stealth facility standards, towers shall be of a neutral color (such as silver or grey).

d. **Maximum Height**

i. The maximum height of a freestanding telecommunications facility shall be 199 feet.

ii. No variance to the maximum height shall be granted by the Board of Adjustment unless the applicant can demonstrate the maximum height requirement inhibits the provision of adequate service levels. In no case shall a freestanding telecommunications facility exceed 230 feet in height.

e. **Location and Setbacks**

i. A freestanding telecommunications facility shall be setback from all lot lines a distance equal to the collapse area or fall zone of the tower in order to protect adjoining properties in the event of a collapse or structural failure or 100 feet, whichever is greater. The facility's fall zone shall be determined by a professional engineer licensed by the State of North Carolina in a report which includes the engineer's signature and seal.

ii. When located on a lot within a Residential base district or a Mixed Use or Nonresidential base district that contains a principal structure, a freestanding telecommunications facility shall be located to the rear of the principal structures.

iii. When located on a lot within a nonresidential district with a principal structure, a freestanding telecommunications facility shall be located to the side or rear of the principal structure.

iv. When a freestanding telecommunications facility is the principal use on a lot, it shall be located to minimize the visibility of the ground-based equipment from residential uses and street rights-of-way.

f. **Federal Radio Frequency Emission Standards Compliance**
The application for a new freestanding telecommunications facility shall provide documentation that the proposed facility will comply with all federal radio frequency emission standards.

g. **Design of Accessory Structures**
All ground-based accessory structures shall use the same materials and architectural components as the principal use on the site and shall be designed to resemble the basic architecture of surrounding structures to the maximum extent practicable. In cases where the facility is not the sole use of the land, such equipment shall be located within an existing structure to the maximum extent practicable. In cases where the facility is the principal use of the land, all ground-based accessory structure shall be designed to blend into the natural environment and made of durable materials that require little maintenance (i.e. green painted, rust-resistant metal cabinets or brown painted fibrous cement sided accessory structure).

h. **Screening Required**

(1) All sides of the perimeter of the freestanding telecommunications facility shall be screened with a fence pursuant to the fence and wall standards in Chapter 5: Development Standards.

(2) In addition to landscape screening required by Chapter 5: Development Standards, a minimum eight-foot-high fence shall be provided around the base of the facility and any equipment buildings and placed between the facility and all required landscaping and screening.

i. **Lighting of Freestanding Telecommunications Facilities**

i. An application for a new freestanding telecommunications facility intended to include obstruction lighting shall provide documentation from the FAA or other appropriate agency that obstruction lighting is

required. Other than mandatory obstruction lighting, no lighting shall be installed or shined upon the tower.

ii. Exterior lighting of accessory structures or equipment areas shall be equipped with motion detectors or other appropriate devices intended to prevent the area from being illuminated for long periods of time while not being serviced or maintained. Such exterior lighting shall be shielded and directed away from residential uses and street rights-of-way.

j. **Removal Due to Abandonment**
A freestanding telecommunications facility and related equipment shall be removed if it is abandoned or no longer used for its original intent for a period greater than 90 consecutive days.

k. **Signage**
Signs attached to the tower are prohibited. Wall signs with identification information are allowed on equipment structures or fences surrounding the facility provided each individual sign does not exceed nine square feet in size. Any signage must be specifically addressed during the permit review process.

l. **No Outdoor Storage**
Outdoor storage is prohibited.

m. **Application Content**
An application for a new freestanding telecommunications facility shall include all the following information in addition to any other required information:

i. Identification of intended providers(s);

ii. Documentation by an engineer licensed in the State that the facility has sufficient structural integrity to accommodate at least four users;

iii. A statement from the owner indicating intent to allow shared use of the facility and how others will be accommodated, if applicable;

iv. Evidence that the owners of residentially zoned land within 300 feet of the site have been notified regarding the proposed facility height and design;

v. Intended facility structural failure collapse area; and

vi. Elevation drawings to scale, showing the height of the tower, fencing, vegetative screening, and ground equipment.

7. Transit Hub or Station

A transit hub or station shall comply with the following standards:

a. It shall include on-site customer service facilities such as ticket sales kiosks, management offices, and restrooms, and shall be open no less than one hour before and one hour after any scheduled service.

b. Hours of operation shall be displayed at the main pedestrian entrance.

c. It shall be located on a parcel that fronts or has direct access to a collector or boulevard street.

8. Utility, Major or Utility, Minor

Utility facilities (major and minor) shall comply with the following standards:

i. All accessory structures shall comply with the minimum front setback that applies to a principal structure in the district in which the accessory structure is located.

ii. An electrical power facility, substation, or transmission station shall be set back at least 100 feet from all property lines as measured from the electrical equipment or cabinets that touch the ground.

iii. Water towers shall be set back at least 40 feet from all property lines, as measured from the water tower structure that touches the ground.

iv. A water tower may exceed the maximum height of the zoning district, if one foot of additional setback is provided from all property lines for every two feet the tower exceeds the maximum height limit.

v. Landscaped buffers shall be provided in accordance with the landscaping standards in Chapter 5: Development Standards, except landscaping material shall not be required in areas where minimum safety clearances and access points are required.

9. Wind Energy System

a. **Large-Scale Wind Energy Systems**

A large-scale wind energy system shall comply with the following standards.

i. Minimum net lot area shall be 20 acres.

ii. The facility shall utilize monopole or self-supporting towers.

iii. All towers shall be set back from all adjacent, non-project participating property lines a minimum distance equal to the 1.5 times the overall height of the tower and associated wind turbine blade (as measured from the base of the tower).

iv. The maximum height of any tower (including extended blades) shall be 450 feet.

v. Blade tips or vanes shall have a minimum ground clearance of 20 feet above grade, as measured at the lowest point of the arc of the blades.

vi. No blades shall extend over public rights-of-way or adjacent properties.

vii. All towers and turbines shall maintain uniform design in terms of the tower type; the tower, turbine, and blade colors; the number of blades per turbine; and the direction of blade rotation.

viii. The tower and wind turbine shall be non-obtrusive, neutral colors, such as white, off-white, or grey and shall be non-reflective.

ix. All ground-based equipment buildings shall be located under the blade sweep area to the maximum extent practicable.

x. The facility shall be enclosed by security fencing and locked gates that are at least eight feet high and have anti-climbing devices and shall provide warning signs at each vehicular access point to the site. The fencing shall be fully screened from adjacent properties and streets by plantings meeting the landscaping standards in Chapter 5: Development Standards.

xi. Except for transmission lines and collector utility structures, all utilities associated with the facility shall be located underground.

xii. No illumination of the tower or wind turbine shall be allowed, unless required by the FAA or other applicable authority regulating air safety, in which case, the lighting shall be of the lowest intensity allowed. Strobes or blinking lights shall be avoided to the maximum extent practicable.

xiii. Signage shall not be allowed on the wind turbine. Signage may be posted on the fence near the entrance gate(s) identifying manufacturer's or installer's identification, appropriate warning signs, or owner identification.

xiv. Wind turbines shall not be readily climbable for the first 15 feet of the outside of the turbine, excluding stairs to the tower access door, if applicable.

xv. Shadow flicker produced by the turbines shall not fall on public roadways and shall be minimized on any occupied buildings on a non-participating property.

xvi. Wind turbine collapse zones shall not endanger any occupied building or collapse on an adjacent non-participating property.

xvii. The noise produced by the facility during operation shall not exceed 55 dBA at any lot line. This standard shall not apply during power outages, windstorms, or other conditions beyond the owner's control.

xviii. The owner shall take all reasonable steps to prevent or eliminate interference with transmission of communications signals (e.g., radio, television, telephone, etc.) resulting from the facility.

xix. Temporary meteorological towers may be allowed as a temporary use in any district that allows Wind Energy Systems with the condition that they are installed in locations to minimize impact on adjacent properties and public rights-of-way, all elements of the tower are setback a minimum of 1.5 times their height from any property line, and they shall be removed within four years of installation.

xx. If use of the facility is discontinued for a continuous period of one year, the Town shall deem it abandoned and provide the owner a written notice of abandonment stating that the owner has 90 days from the date of receipt of the notice to either resume use of the facility or file a notice of termination with the Town. The owner shall remove the facility (including all towers, turbines, above-ground structures and equipment, outdoor storage, and hazardous materials) within 180 days after a notice of termination is filed. On removing an abandoned facility, the owner shall restore the site of the facility to as good a condition as existed before construction or installation of the facility, unless otherwise mutually agreed to by the Town and the owner. Restoration of the site shall include replanting with native species and plant materials that support local wildlife and at no time will invasive species be allowed as part of restoration planting.

b. **Small-Scale Wind Energy Systems**

A small-scale wind energy system shall comply with the following standards

i. Tower-mounted small-scale wind energy systems shall not be located within a front yard.

ii. A small-scale wind energy system shall be set back a minimum distance equal to its total extended height (e.g., if on a roof, roof height plus the height of any tower extending from the roof) plus five feet from all property lines, public street rights-of-way, and overhead utility lines. Guy wires and other support devices shall be set back at least five feet from all property lines.

iii. The maximum height of a small-scale wind energy system (including the tower and extended blades) shall be 60 feet if it is free-standing. If a small-scale wind energy system is mounted on the roof of an existing building, the maximum height shall be 20 feet above the existing building height.

iv. The noise produced by the wind turbine under normal operating conditions, as measured at the property line abutting an existing

residential use, shall not exceed 55 dBA at any time. The 55 dBA sound level, however, may be exceeded during short-term events that occur beyond the property owner's control, such as utility outages or severe windstorms.

v. The wind turbine and tower shall be painted or finished in the color originally applied by the manufacturer, or a matte neutral color (e.g., gray or white) that blends into a range of sky colors, or a color consistent with that of the buildings on the site. Bright, luminescent, or neon colors are prohibited.

vi. The blade tip or vane of a small-scale wind energy system shall have a minimum ground clearance of 15 feet, as measured at the lowest point of the arc of the blades. No blades may extend over parking areas, public right of ways, driveways, or sidewalks.

vii. No illumination of the turbine or tower shall be allowed unless required by the FAA.

viii. Wind turbines shall not be readily climbable for the first 15 feet of the turbine.

ix. Signage shall not be allowed on the wind turbine. Signage may be posted on the fence near the entrance gate(s) or at the base of the tower identifying manufacturer's or installer's identification, appropriate warning signs, or owner identification.

x. No small-scale wind energy system intended to connect to the electric utility shall be installed until evidence has been provided to the Town that the relevant electric utility company has been informed of the customer's intent to install an interconnected customer-owned generator.

xi. If use of the facility is discontinued for a continuous period of six months, the Town shall deem it abandoned and provide the owner a written notice of abandonment stating that the owner has 90 days from the date of receipt of the notice to either resume use of the facility or file a notice of termination with the Town. The owner shall remove the facility (including all towers, turbines, and above-ground structures and equipment) within 90 days after a notice of termination is filed.

4.3.5. Commercial Uses

A. ANIMAL CARE

1. Kennel, Pet Boarding, or Veterinary Hospital or Clinic

a. All boarded animals shall be kept within a totally enclosed structure. Any part of a structure in which animals are boarded shall be fully enclosed and sufficiently insulated so no unreasonable noise or odor can be detected off the premises.

b. All open exercise runs and pens shall be at least 10' off all property lines. The exercise runs and pens should be screened and located in a manner to minimize visual impacts, sounds, and odors of adjacent properties.

2. Pet Grooming

a. All animals shall be kept within a completely enclosed building.

b. No animals shall be boarded overnight.

B. BUSINESS SERVICES

1. Conference, Training, or Event Center

a. A conference, training, or event center may include management/employee offices, meeting rooms, banquet halls, exercise rooms, restaurants, retail services (e.g. newsstands and gift shops), and similar uses.

b. No products shall be sold on-site except those that are clearly incidental and integral to or complimentary to training programs and seminars conducted in the center.

2. Data Center

a. In all districts except the IN district, all equipment necessary for cooling, ventilating, emergency power generators, emergency power supply, or otherwise operating the facility shall be contained within an enclosed building where the use is located.

b. In all districts except HLI and IN districts, the maximum size of the structure housing the data center is 50,000 square feet. In the HLI district, the maximum size of the structure containing the use is 100,000 square feet in gross floor area. There is no size maximum for data centers in the IN district.

c. In the HLI and IN districts, buildings housing data center uses may use the Form & Design Standards for Industrial Buildings (see Chapter 5.9).

C. FOOD AND BEVERAGE SERVICES

1. Brewery, Distillery, or Winery

a. Alcoholic beverages sold on the premises shall be limited to those produced on-site.

b. Wholesale distribution of products manufactured on the premises is allowed, as long as it is done from a designated loading area that does not interfere with the public use of any public right-of-way.

c. Fermentation and disposal of ingredients used in manufacturing shall be managed so as to prevent any nuisance effects on surrounding properties.

d. Taprooms and tasting rooms are allowed accessory uses.

e. Outdoor space may be provided for dining and/or beverage consumption.

f. Pre-packaged food or food trucks may be provided onsite.

2. Drive-Through Restaurant

a. Drive-through facilities (building, menu board, and intercom/speakers) shall be set back at least 50 feet from all land classified in a Residential district.

b. Drive-through facilities shall be designed so as not to obstruct the movement of pedestrians along sidewalks, through areas intended for public use, or between the restaurant entrance and customer parking spaces, to the maximum extent practicable.

c. The drive-through facility shall be served by a stacking lane or dual lanes that total at least 375 feet in length.

d. The drive-through facility shall not result in vehicles obstructing vehicular movement in adjoining rights-of-way or private drives.

e. The face of all order boards, pickup windows, and speaker systems shall be oriented away from public streets.

f. Outdoor space may be provided for dining and/or beverage consumption.

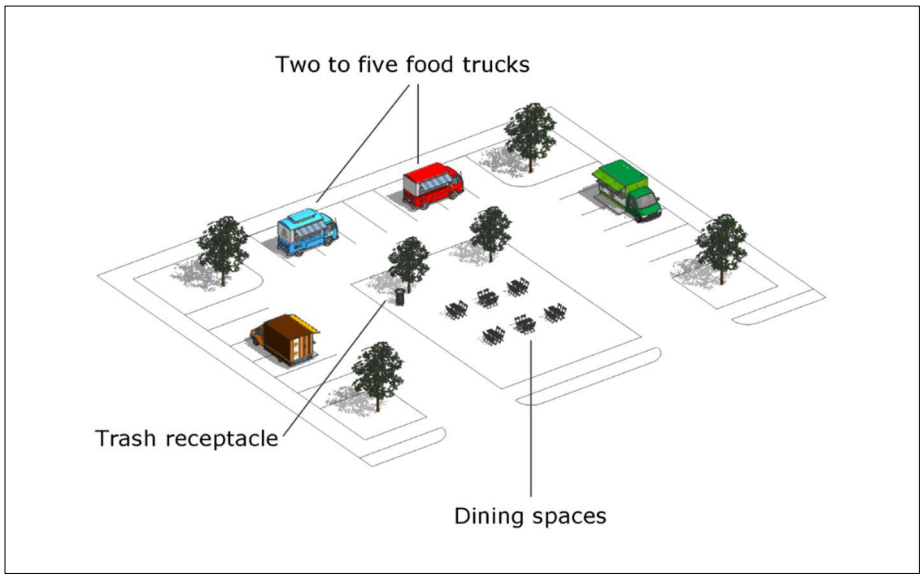
3. Food Truck Court

a. Food truck courts shall be located a minimum of 50 feet from restaurants or other food truck courts.

b. There shall be no fewer than two food trucks or more than five food trucks per food truck court.

c. A minimum of two dining spaces (i.e. picnic table or table/chair set) per food truck shall be provided (see Figure 4-4).

Figure 4-4: Food truck court



d. Electrical hookups for each food truck parking place shall be required. Water and other utility hookups may be provided, but are not required.

e. Food trucks shall remain mobile and cannot be permanently placed.

f. No drive-through service is permitted.

g. Bathrooms are permitted on site, and unless they are shared with another use on the same property or an adjoining property must be locked when food trucks on the property are not in operation.

h. Trach receptacles are provided on-site and all trash, litter, and refuse shall be removed at the end of each business day.

i. All trucks shall be licensed and operable as a food truck.

j. Any public sidewalk or other public property encroachment shall require a permit or other approval from the Town.

4. Restaurant/Bar

a. The serving of alcohol, food, and/or non-alcoholic beverages is allowed. Food may be prepared onsite or prepackaged.

b. Outdoor space may be provided for dining and/or beverage consumption.

c. Any public sidewalk or other public property encroachment shall require a permit or other approval from the Town.

d. Incidental indoor activities include live music, a DJ, pool tables, darts, and/or other similar small entertainment activities.

e. Any entertainment activity that includes a dance floor, does not provide food, or exceeds the incidental activity limitations in this section is considered a Nightclub.

D. LODGING

1. Bed and Breakfast Inn

A bed and breakfast shall:

a. Be owner-occupied or have a manager who resides on the premises;

b. Have no more than six sleeping rooms;

c. Have only one kitchen;

d. Limit meals served on the premises to overnight guests only; and

e. Limit guest stays to a maximum of 30 consecutive days.

2. Hotel or Motel

A hotel or motel shall comply with the following standards:

a. Any restaurant as an accessory use shall be located within or structurally connected to the principal hotel or motel structure.

b. In the HLI district, a hotel or motel is encouraged to be part of an office or industrial complex that is planned, designed, constructed, and managed on an integrated and coordinated basis.

c. A hotel or motel may include non-living-quarter accessory uses, including management/employee offices, meeting rooms, banquet halls, exercise rooms, restaurants, retail services (e.g. newsstands and gift shops), and similar uses, if the accessory uses are conducted primarily to service guests and there is no entrance to such places of business, other than restaurants, except from the inside of the building.

d. Guest stays shall be limited to a maximum of 30 consecutive days.

e. In the TD, DE, and CM districts, all off-street parking spaces shall be provided in a parking structure or to the side or rear of the principal building(s).

E. RECREATION AND ENTERTAINMENT

1. Arena, Amphitheater, or Stadium

An arena, stadium, or amphitheater shall have:

a. A minimum lot size of five acres.

b. At least 300 feet of frontage on a major thoroughfare or boulevard street at the point of access.

c. All points of vehicular access from a major thoroughfare or boulevard street and the facility be located to minimize vehicular traffic to and through local streets in residential areas.

2. Equestrian Center

a. All parts of the facility where animals are kept or equestrian events are held shall be set back at least 250 feet from all lands classified in a Residential district.

b. In order to avoid negative impacts on neighboring lands from solid waste generated on site, the owner or operator shall maintain the premises in accordance with a solid waste management plan to ensure that manure and other waste is collected, stored, and disposed of in a safe and sanitary manner.

3. Event Venue

a. No overnight accommodations shall be provided.

b. The building may include a commercial kitchen space or catering kitchen.

c. Events may be held indoors or outdoors. All outdoor spaces designed to accommodate events shall be located and designed to minimize potential impacts on Residential properties.

d. In a RC district, a Type A Buffer shall be provided around the property's perimeter.

e. The space shall be used on an invitation only basis and not be open to the general public.

4. Indoor Shooting Range

a. An indoor shooting range must be located within a structure that is fully enclosed with steel plate and acoustical tiles, or other materials with comparable bullet stopping and soundproofing capacities.

b. No more than 20 shooting lanes shall be allowed in a single structure.

c. Rentals of guns, ammunition, and equipment for onsite use is allowed.

d. Onsite classes and instructional activities may be provided.

5. Nightclub

a. Nightclubs shall be located within a structure that is fully enclosed.

b. Nightclubs shall be set back at least 100 feet from a residential zoning district or a property that contains a single-family, duplex, or townhome, as measured from the closest point of the nightclub building to the residential property line.

c. Alcoholic and/or non-alcoholic beverages may be available.

d. Nightclubs shall include a stage for live entertainment.

6. Outdoor Shooting Range

a. The lot shall be a minimum of 50 acres.

b. An outdoor shooting range must provide backstops that are at least 20 feet high behind all target lines, and supplemental baffles designed and arranged to contain all projectiles within the boundaries of the range and to reduce noise exiting the site.

c. The owners, operators, tenants, or occupants of an outdoor shooting range shall implement appropriate environmental management practices for containing, controlling, and removing lead from the range in accordance with the latest edition of "Best Management Practices for Lead at Outdoor Shooting Ranges" from the U.S. Environmental Protection Agency (EPA).

d. An outdoor shooting range shall be set back at least 500 feet from adjacent property lines.

e. Rentals of guns, ammunition, and equipment for onsite use is allowed.

f. Onsite classes and instructional activities may be provided.

7. Sexually Oriented Business

Sexually oriented businesses are recognized as having certain serious objectionable operational characteristics upon adjacent residential neighborhoods, religious institutions, or educational facilities. Special regulation of these uses is necessary to ensure that their adverse effects do not contribute to degradation or decline of surrounding areas.

a. **Comply with Town Code**
Sexually oriented businesses shall also comply with any standards identified in the Town Code.

b. **Minimum Separation**
Sexually oriented businesses shall be subject to the following minimum separation distances:

i. No lot, parcel, or tract of real property upon which a sexually oriented business is situated shall be located within 1,000 linear feet of any Residential zoning district or Residential use.

ii. No lot, parcel, or tract of real property upon which a sexually oriented business is situated shall be located within 1,000 linear feet of any religious institution; any public or private elementary school, middle school, high school, or daycare providing childcare; public park or recreation facility; or any facility, structure, or property whose primary purpose is to provide services, recreation, or entertainment, with or without fee, to any person under 18 years of age.

iii. No lot, parcel, or tract of real property upon which a sexually oriented business is situated shall be located within 1,000 linear feet of any other

parcel, lot, or tract of real property upon which a sexually oriented business is situated.

iv. No more than two sexually oriented businesses shall be located on the same block.

c. **Street Frontage**
A lot, parcel, or tract of real property upon which a sexually oriented business is located shall have frontage only on a collector or local street. For purposes of determining frontage in this subsection, frontage adjacent to I-77 or a frontage road along I-77 shall not be considered frontage.

d. **Building Design**

(1) Sexually oriented businesses must be located in a free-standing structure constructed of all brick or brick veneer and shall bear the appearance of a professional place of employment (i.e. office building).

(2) There shall be a window or functional articulation for at least 25 percent of the front façade and at least ten percent for each side façade.

(3) Neon colors and lights are prohibited on the exterior of the building, on any freestanding structures on the property, and on all exterior doors and windows.

8. Electronic Gaming Business

a. An Electronic Gaming Business may operate from 9:00 am until 9:00 pm each day.

b. The maximum collective number of machines, terminals, and/or computers for customer use at any Electronic Gaming Business is five (5).

c. All applicable State and local permits must be issued to the applicant prior to issuance of a zoning permit.

d. The establishment must be a minimum of two thousand (2,000) linear feet from the property line of any other Electronic Gaming Business, K-12 School, Religious Assembly, Daycare, or Residential Zoning District.

e. Maximum square footage for electronic gaming establishments shall not exceed 2,000 square feet.

f. No alcohol sales, consumption or possession shall be allowed on premises.

F. RETAIL SALES AND SERVICES

1. Alternative Lending Establishment

a. An alternative lending establishment shall be spaced at least 1,000 feet from all other alternative lending establishments, measured as the

shortest linear distance between the lots upon which the establishments are located

b. An alternative lending establishment shall be located in a building having at least 10,000 square feet of gross floor area.

2. Automobile Country Club

a. The minimum size of the site containing the use is five acres.

b. The site shall have frontage along a public street.

c. The facility shall be within a gated and private development.

d. The individual units shall be climate controlled and may be comprised of both for sale and rental spaces that accommodate cars, boats, and other motorized vehicles to be stored and displayed. Each unit may be sold or leased, may be different sizes, and the interiors may be upfitted to include social gathering areas, kitchenette and/ or wet bar areas, office space, and lounging areas. Residential occupancy is not allowed.

e. Minor repair and maintenance for cars, boats, and motorized vehicles owned by the occupant are permitted. Retail repair of cars, boats, or motorized vehicles not owned by the occupant or any other contractor-related type of business is not permitted.

f. The facility may include a clubhouse (or similar buildings), and/or improved outdoor spaces, for social gatherings of unit occupants, their guest and invitees, catered events special events, or charitable events that may be open to the public.

g. Except as exists in the fuel tank of the stored car or boat, storage of fuel on site is prohibited.

h. Wholesale and retail sales of cars, boats or other motorized vehicles is prohibited

i. All vehicular loading and unloading areas shall be to the side or rear of the building unless the building garages face the interior of the property and loading and unloading will be by interior access.

j. Open storage of any goods outside of any building shall be prohibited. This includes, but is not limited to, boats, vehicles, household goods, and building materials.

k. No indoor storage materials, goods, racks, bins, shelving, or other such appurtenances shall be visible from the public street. All glass windows and doors may be tinted to the extent allowed in the applicable building form standard being utilized.

3. Farmers Market

a. Primary access to a farmers market shall be from a boulevard or collector street and not from a local street.

b. Sales of food, food products, arts, and crafts prepared on- or off-site are allowed, as long as its principal ingredients or components are grown on-site or within adjacent states.

c. Stalls, sales tables, and any other outdoor facilities related to the market shall be set back at least 25 feet from all streets.

d. Items for sale shall not be displayed or stored within customer walkways.

e. A farmers market shall have a designated operator who shall establish operating rules addressing the governance of the market, hours of operation, and maintenance and security requirements and responsibilities.

f. A farmers market shall have a manager authorized to direct the operations of all participating vendors during all hours of operation.

4. Mini-Warehouse

a. **Use of the Site**

i. The only uses allowed on-site shall be the rental of storage bays and the pickup and deposit of goods or property in dead storage, and limited incidental sales of storage materials (e.g., boxes, tape). Storage bays shall not be used to manufacture, fabricate, or process goods, to service or repair vehicles, small engines or electrical equipment, or conduct similar repair activities, to conduct garage sales or retail sales of any kind, to conduct any other commercial or industrial activities, or have residential uses on the site. Living quarters for a resident manager may be included on the site as an accessory use if they are integrated into the design of a principal building and are not part of a rental unit.

ii. Principal site access shall not be through a residential neighborhood or multi-family development.

iii. Except as otherwise authorized in this section, all property stored on the site shall be enclosed entirely within enclosed buildings.

iv. There shall be no storage of toxic, hazardous, flammable, explosive or noxious materials.

v. Individual storage bays or private postal boxes within a self-service storage facility shall not be considered for the purpose of assigning a legal address.

vi. Open storage of recreational vehicles, travel trailers, and boats is permitted in conjunction with the rental of storage bays. Such storage shall not be visible from ground level on adjoining properties or right-of-way and shall be confined to a designated and clearly delineated storage area that is located to the rear of the principal structure and

screened with a solid fence or masonry wall at least eight feet high. Open storage shall not be more than 40 percent of the property area.

b. **Parking and Circulation**

i. Interior circulation shall be provided in the form of aisleways adjacent to the storage bays. These aisleways shall be used both for circulation and temporary customer parking while using storage bays. The minimum width of these aisleways shall be 20 feet if only one-way traffic is permitted, and 24 feet if two-way traffic is permitted.

ii. The one- or two-way traffic flow patterns in aisleways shall be clearly marked. Marking shall consist, at a minimum, of standard directional signage and painted lane markings with arrows.

iii. All aisleways shall be paved with asphalt, concrete, or comparable paving materials.

c. **Building Standards**

i. The maximum building height is 20 feet.

ii. Doors to individual storage units shall not face any abutting street frontage, or, if the site is located on a corner parcel, shall not face the primary street frontage.

d. **Perimeter Fencing**

A fence having a height of between six and eight feet shall be provided around the perimeter of the site. The fence shall comply with the fence and wall standards in Chapter 5: Development Standards.

5. Self-Service Storage

a. The primary access to a self-service storage facility shall be from a boulevard or collector street and not from a local street.

b. All storage on the property shall be within an enclosed building, except for outdoor locations approved for storage of passenger automobiles, recreational vehicles, travel trailers, or boats. Such storage shall not be visible from ground level on adjoining properties or right-of-way and shall be confined to a designated and clearly delineated storage area that is located to the rear of the principal structure and screened with a solid fence or masonry wall at least eight feet high.

c. Access to all rental spaces shall be from the interior of a building, except the exterior vehicle storage area, which may be accessed from outside. A maximum of four exterior loading doors are allowed. All areas used for loading and unloading must be designed to not impede vehicular movement or block access to required parking spaces.

d. Rental spaces shall not be used for any purpose other than storage. Sales of goods and services, manufacturing, and other non-storage uses are prohibited, except for sales of storage-related items, such as boxes and packing tape. All residential uses are prohibited.

e. There shall be no storage of toxic, hazardous, flammable, explosive or noxious materials.

f. Truck or trailer rental is not allowed; however, up to two trucks may be stored on-site for exclusive use of customers renting storage spaces on the premises.

6. Accessory Structure Sales

a. Accessory Structure Sales shall have at least 1,000 sqft of heated permanent principal structure located on the parcel where Accessory Structure Sales are conducted for use as the office. Vehicles and structures such as campers, recreational vehicles, busses, cars, accessory structures and other similar vehicles or structures are not permitted for use as a permanent principal structure for Accessory Structure Sales.

b. Accessory Structures Sales establishments shall be located on a property that is at least one-half (0.5) of an acre in size.

c. Accessory Structures Sales shall not be permitted to have more than:

i. Six (6) accessory structures for sale and display per property that is one-half (0.5) of an acre in size;

ii. Ten (10) accessory structures for sale and display per property that is three-quarter (0.75) of an acre in size; or

iii. Fourteen (14) accessory structures for sale and display per property that is one (1) acre in size or greater.

d. Accessory Structure Sales shall not be limited to the Outdoor Display/Sales limitations set forth in Section 4.3.7.B.8(b).

e. Accessory structure held out for sale and display shall:

i. Be primarily placed in a designated display area that shall be located in a side or rear yard;

ii. Not exceed the height of the primary structure;

iii. Not be displayed within five (5) feet from any other accessory structures;

iv. Not exceed a total square footage of two- hundred and eighty-eight (288) square feet per accessory structure;

v. Not exceed dimensions of twelve (12) by twenty-four (24) feet or

sixteen (16) by eighteen (18) feet per accessory structures;

vi. Include a variety of accessory structures (size, color, design, etc.);

vii. Not be displayed within a minimum of 5 feet from any property line; and

viii. Not be permanently affixed to the property.

f. The total square footage of all accessory structures for sale and display on the property shall not exceed 3,500 sq ft.

g. No materials for sale other than accessory structures shall be displayed outside as part of this use between the principal structure and any public right-of-way.

h. Lots utilized as accessory structure sales establishments as governed by this ordinance must be separated by at least 300 feet between each other and 750 feet of the center of nodal intersections.

7. Open-Air Agricultural Markets

a. Open Air Agricultural Markets ("Markets") may operate seasonally or on a permanent basis.

b. 75% or more of the Open-Air Agricultural Market floor area shall be used for the sale of agricultural products or prepared food products. The remaining 25% of the Open-Air Agricultural Market floor area may be used for the sale of new and/or handmade items, such as, outdoor furniture, baskets, pottery, clothing, pet supplies, jewelry, soaps, candles, original artwork, flags, and similar items that compliment agriculture products.

c. The following items are expressly prohibited: manure/natural fertilizer, rugs, electronics, antiques, vintage or secondhand toys/games, vinyl records/compact discs, books, tools/hardware, exercise equipment, vintage or second hand clothing, appliances, automotive parts, automotive supplies, tires, indoor furniture, musical instruments, cannabidiol (CBD) products, and age restricted products (such as wine, beer, vape, and tobacco products).

d. Non-agricultural items/non-food items should generally be separated from the agricultural and food items.

e. Temporary markets shall be a minimum of a quarter mile from another temporary market and permanent markets shall be a minimum of a half mile from another permanent market.

f. A maximum of two food trucks may serve the patrons of the Open-Air Agricultural Market. Food trucks shall not count towards the total Open-Air Agricultural Market square footage, nor the percentage limit. Food trucks shall not be parked at a Market overnight.

g. Any landscaping material may be pre-packaged, bound, or placed in

a container.

h. All empty pallets shall not be stored in a visible area overnight. Empty pallets may be stored overnight in an enclosed storage area or may be moved into a screened area and covered such that they are not visible from any roadway.

A. Temporary Open-Air Agricultural Markets

1. Markets that operate less than 180 days cumulatively over a 12-month period. The 179 days for Market operation and the corresponding 12-month period shall begin upon the date of first zoning permit issuance. After the exhaustion of 179 days, no more permits shall be issued at a temporary site until conclusion of a 12-month period.
2. Limited to maximum market area of 10,000 square feet.
3. May utilize temporary power.
4. May use gravel for parking and/or display areas.
5. 60% or more of products shall be located under a temporary open-air structure (such as tents or removable metal structures). Up to 40% of products may be uncovered.
6. Temporary structures are considered impervious.
7. All products and temporary structures must be located a minimum of 10' off any property line.

B. Permanent Open-Air Agricultural Markets

1. Markets that operate 180 days or more cumulatively over a 12-month period. Only one zoning permit is required for sites that operate with permanent structures approved through the Town's land development process.
2. The total market area shall not exceed 35,000 square feet.
3. The market shall provide permanent onsite restrooms and permanent power.
4. A minimum of 5,000 square feet of products shall be located under a permanent structure. Such structure may be an occupiable commercial building with roll up or stable doors or a building similar to a picnic pavilion without exterior walls or an enclosed building. The remaining products may be located on a display area made of concrete, permeable pavers, decorative pavers, stamped asphalt, and/or paver gravel. The display area may be uncovered or beneath shade structures, porches, or canopies. All structures, including storage buildings, and display areas, covered or uncovered, shall be included to calculate the total market area.
5. Storage:
    a. Storage Attached/Enclosed: The storage area shall not exceed 20% of the floor square footage of the

primary structure.

b. Storage Detached: Only one separate fully enclosed building may be used for storage onsite. The detached storage building shall be permanent, compatible to the primary building appearance and screened with a Type C buffer on any side facing a road or adjacent to residential property. The maximum square footage of the detached storage building shall not exceed 20% of the floor square footage of the primary structure.

c. Any such storage area shall count toward the total Open Air Agricultural Market square footage limit.

6. All permanent structures and display areas shall follow the minimum setbacks for the district and Retail Sales and Service parking requirements.

8. CBD, Vape, and/or Tobacco Shop:

a. No lot, parcel, or tract of real property upon which a CBD, Vape and/or Tobacco Shop is situated shall be located within 1,000 feet of any Religious Assembly, Daycare, or Public Park or Recreation Facility. Furthermore, no CBD, Vape, and/or Tobacco Shop shall not be located within 1 mile of any Public or Private School property line.

b. Indoor smoking lounges shall be prohibited.

c. Outdoor Display/Sales and/or Outdoor Storage Accessory Uses are prohibited.

d. No CBD, Vape, and/or Tobacco store maybe located within 1000 feet of another CBD, Vape, and/or Tobacco Shop

e. Only 1 CBD, Vape, and/or Tobacco Shop is allowed on any parcel

G. VEHICLE SALES AND SERVICES

1. Gas Station

a. If the gas station use is located on a corner lot, the lot shall have an area of at least 20,000 square feet and a frontage of at least 150 feet on each street side. In all other cases, the lot shall have an area of at least 15,000 square feet and a frontage of at least 150 feet.

b. The gas station use shall have no more than two vehicular access points onto the public street, not including cross-access connections or stubs. If access points are on the same street, they shall be at least 75 feet apart. Access points shall be located at least 100 feet from any intersecting street rights-of-way, to the maximum extent practicable, and shall be no more than 40 feet wide.

c. No more than 10 gas pumps shall be provided on-site. Gas pumps may have two ports per pump.

d. Gasoline pumps, canopies, and associated service areas are prohibited in any established front yard. All pumps and canopies shall be located to the rear or side of the building. Gasoline pump canopies shall have a maximum clearance height of 14 feet above grade, except where state or federal law requires higher clearances.

e. Drive through windows, stacking lanes, and circulation shall be prohibited in the front of the building or in a side yard abutting a street.

f. A stacking lane that is at least 100 feet long shall be provided to avoid obstructions to vehicular movement along adjacent streets, through parking areas, through pump service areas, and in front of buildings.

g. All bulk storage of fuel shall be underground.

h. If the gas station use is combined with a vehicle repair and servicing, vehicle wash, or other use, the combined use shall comply with the standards (including districts where permitted) applicable to each component use.

i. Convenience stores and other Small Retail Sales and Services Establishment are allowed in conjunction with gas stations.

2. Boat or RV Sales and Service

a. No more than one boat or RV display pad for every 100 feet of street frontage is allowed. Each display pad shall not exceed 500 square feet in area and may be elevated up to two feet above the adjacent grade level.

b. No boats, RVs, or other similar items shall be displayed on the top of a building.

c. No materials for sale other than boats, RVs, or marine equipment shall be displayed between the principal structure and any public right-of-way.

d. All servicing of boats or RVs shall occur within an enclosed building. Storage of inoperable vehicles on the premises for parts or salvage is prohibited.

e. Storage of boats or RVs waiting to be repaired shall not occur in front of the building.

f. Boats or RVs that are repaired and are awaiting removal shall not be stored or parked for more than 30 consecutive days. In cases where a boat or RV is abandoned by its lawful owner before or during the repair process, it may remain on site as long as is necessary after the 30-day period, provided the owner or operator of the establishment demonstrates steps have been taken to remove it from the premises using the appropriate legal means.

3. Boat or RV Storage Yard

a. The use may be open-air at ground level or inside an enclosed building with dry storage facility.

b. Habitation of any RV or boat stored in the facility is prohibited.

c. Personal maintenance and repair of RVs or boats stored in the facility is allowed. Commercial maintenance or repair is not permitted.

4. Commercial Vehicle Repair and Maintenance

a. The repair facility shall be located at least 125 feet from all buildings that include or are used for a Residential use, uses categorized in the Education category (except vocational or trade schools), and daycares.

b. The site shall be designed to ensure proper functioning as related to vehicle stacking, circulation, and turning movements.

c. Repair of all vehicles shall occur within an enclosed building or be screened from view from adjacent parcels and rights-of-way. Temporary outdoor vehicle storage is allowed if it complies with the standards in this chapter for outdoor storage as an accessory use.

d. Vehicles shall not be parked or stored as a source for parts or for the purpose of sale or lease/rent.

e. Vehicles that are repaired and are awaiting removal shall not be stored or parked for more than 30 consecutive days. In cases where a vehicle is abandoned by its lawful owner before or during the repair process, the vehicle may remain on site as long as is necessary after the 30-day period, provided the owner or operator of the establishment demonstrates steps have been taken to remove the vehicle from the premises using the appropriate legal means.

5. Commercial Vehicle Sales and Rental

a. No more than one vehicle display pad for every 100 feet of street frontage is allowed. Each display pad shall not exceed 500 square feet in area and may be elevated up to two feet above the adjacent grade level.

b. No vehicles or other items shall be displayed on the top of a building.

c. Light repair and service functions are permitted as an accessory use provided all repair-related activities take place within an enclosed building or in an area screened from view from adjacent parcels and rights-of-way.

d. No materials for sale other than vehicles shall be displayed between the principal structure and the street.

6. Marina

a. Each lot containing a marina shall have a minimum lake frontage of 100 linear feet.

b. Common accessory uses shall be allowed and include fuel sales (limited to no more than two fuel pumps) and small retail sales and service establishments.

c. If the marina is combined with a boat or RV storage yard, boat or RV sales and service use, convenience store, or other use, the combined use shall comply with the standards (including districts where permitted) applicable to each component use.

d. Marinas in residential zoning districts shall comply with the following standards:

(1) No more than 1,000 square feet of floor area may be devoted to commercial accessory uses.

(2) Stacked dry storage is prohibited.

(3) Fuel sales are prohibited.

7. Personal Vehicle Repair Maintenance

a. The repair facility building shall be located at least 125 feet from all buildings that include or are used for a Residential use, uses categorized in the Education category (except vocational or trade schools), and daycares.

b. The use shall be designed to ensure proper functioning of the site as related to vehicle stacking, circulation, and turning movements.

c. Repair of all vehicles shall occur within an enclosed building. Temporary outdoor vehicle storage is allowed if it complies with the standards in this chapter for outdoor storage as an accessory use.

d. Vehicles shall not be parked or stored as a source for parts or for the purpose of sale or lease/rent.

e. Vehicles that are repaired and are awaiting removal shall not be stored or parked for more than 30 consecutive days. In cases where a vehicle is abandoned by its lawful owner before or during the repair process, the vehicle may remain on site as long as is necessary after the 30-day period, provided the owner or operator of the establishment demonstrates steps have been taken to remove the vehicle from the premises using the appropriate legal means.

f. If automobile fuel is sold on-site, the use shall also comply with the standards for automobile fuel sales.

8. Personal Vehicle Sales and Rental

a. No more than one vehicle display pad for every 100 feet of street frontage is allowed. Each display pad shall not exceed 500 square feet in area.

b. No vehicles or other items shall be displayed on the top of a building.

c. Light repair and service functions are permitted as an accessory use provided all repair-related activities take place within an enclosed building. Repair bays shall not be oriented to face a public right-of-way.

d. No materials for sale other than vehicles shall be displayed between the principal structure and any public right-of-way.

9. Vehicle Storage

a. Storage of vehicles is prohibited within the minimum front setback that applies to principal structures in the district in which the vehicle storage use is located.

b. If there is a building on the lot, all storage of vehicles must be to the side or rear of the building.

c. Vehicles stored on site shall be limited to inventory of personal or commercial vehicle sales and rental uses or fleet vehicles.

d. There shall be no retail customers on site or direct sales from the lot.

e. The property shall provide a Type B landscaped buffer around the parking lot on which vehicles are stored.

10. Vehicle Wash

a. A vehicle wash building shall be designed and oriented so that service bays are not directly visible from the adjacent right-of-way. Service bays shall not face the front yard.

b. Trash cans shall be provided for customer use and shall be maintained in a manner that prevents trash from becoming litter.

c. Vacuum cleaners may be provided, but are not required. If provided, these spaces may count towards minimum required parking requirements and must comply with all off-street vehicular parking requirements.

d. If drive-through facilities are included, they shall provide at least 125 feet of stacking space.

4.3.6. Industrial Uses

A. EXTRACTION AND PRODUCTION

1. Artisanal Production

a. Retail sales of goods manufactured on-site shall be permitted as an accessory use.

b. In the TN, TD, and DE districts, artisanal production use shall not exceed 5,000 square feet of gross floor area.

c. In the CM and CC districts, artisanal production use shall not exceed 10,000 square feet of gross floor area.

2. Manufacturing, General

a. All manufacturing activities shall occur inside an enclosed building.

b. Outdoor storage is allowed if it complies with the standards in this chapter for outdoor storage as an accessory use.

c. The use may include a sales/display room for items manufactured on the premises.

d. The primary building on the site shall be placed between the primary street frontage and any allowed outside storage, service, or work areas.

e. Storage tanks may be allowed as an accessory use, as long as all storage tank requirements of this UDO are met.

3. Manufacturing, Heavy

a. No building used for heavy manufacturing is allowed within 1,000 feet of a Residential use or a use categorized in the Community Services, Education, Health Care, Parks and Open Areas, or Recreation and Entertainment category.

b. All heavy manufacturing uses must have a hazard management plan approved by local emergency service agencies and, at their discretion or in accordance with the requirements of the U.S. Federal Emergency Management, by appropriate state and federal agencies.

c. The production of fissionable or other nuclear materials, or the production of radium or radioactive materials is prohibited.

d. Asphalt plants and rendering plants are prohibited.

e. All activities that have the potential for generating adverse noise, dust, or vibration impacts shall be set back at least 300 feet from all lands classified in a zoning district other than the IN district. If activities on the premises generate dust or toxic fumes, measures shall be used to ensure that the dust and/or fumes do not spread to abutting properties.

f. Outdoor storage is allowed if it complies with the standards in this chapter for outdoor storage as an accessory use.

g. Storage tanks may be allowed as an accessory use, as long as all storage tank requirements of this ordinance are met.

h. The facility shall provide a Type A landscaped buffer along its perimeter.

4. Mining and Extraction

a. **Minimum Setbacks**

i. The following features shall be located at least 250 feet from any lot line:

(1) The edges of a pit where a mining and extraction use is located;

(2) Any equipment used in the processing of rock or gravel; and

(3) Any asphalt plant or other industrial use operated in conjunction with mining and extraction use.

ii. If the site of a mining and extraction use is bounded by a railroad right-of-way, a minimum setback of 100 feet is required between the railroad right-of-way and the use.

b. **Access**

i. Vehicular access shall be located no closer than 15 feet to any property line other than a railroad right-of-way line, constructed with an all-weather surface, and maintained in a dust-free condition;

ii. A plan shall be submitted prior to the establishment of the use showing truck routes to and from the site. Such routes shall be designed to minimize impacts on residential areas, schools, and other uses not classified as Industrial or Agricultural uses.

c. Site access shall be from a boulevard or collector street and not from a local street.

d. **Security Fencing**
A security fence having a minimum height of six feet with anti-scaling devices shall be provided around the perimeter of all existing or abandoned mining and extraction uses.

e. **Blasting**
Blasting that is discernible beyond the exterior property line of the use is prohibited.

f. **Rehabilitation**
Within one year of the cessation of a mining and extraction use, the following shall be completed, unless redevelopment for another permitted use is in progress on the site:

i. All equipment and stockpiles incidental to the use shall be dismantled and removed by and at the expense of the landowner;

ii. Excavations shall be graded to reduce the surface to gently rolling topography in substantial conformity to the land area immediately surrounding the site and be planted with a cover of trees, shrubs, legumes, and/or native plants to minimize erosion, support local wildlife, and enhance the environment; and

iii. The site shall be modified to ensure that it is drained to prevent the accumulation of standing water and that it meets all Town stormwater requirements.

5. Storage Tank

All storage tanks, except tanks used for the storage of agricultural grain or feed, shall comply with the following requirements:

i. Tanks storing materials that are classified as hazardous shall be double walled.

ii. The tank shall be protected from accidental vehicular collision by the placement of concrete bollards or barriers along any side of the tank abutting an area that may have vehicular traffic.

iii. The tank shall be at least 15 feet from any dumpster or other refuse collection areas.

iv. When a tank is placed on a lot adjoining a residentially zoned lot and the tank is within 250 feet of the dwelling on that residentially zoned lot, the tank shall be shielded from view of that lot by a Type A buffer.

v. Tanks shall be screened with landscaping from any public roadway.

vi. Tank farms, either above ground or below ground, that consist of more than 15 tanks and/or more than 100,000 gallons may only be permitted via Special Use Permit.

B. INDUSTRIAL SERVICES

1. Contractor Office

a. Outdoor storage is allowed if it complies with the standards in this chapter for outdoor storage as an accessory use.

b. Except in the IN district, all contractor services conducted on the site shall be conducted within a completely enclosed building.

2. Fuel Oil/Bottled Gas Distributor

The use shall not be located within 500 feet of a Residential use or a use categorized in the Community Services, Education, Health Care, Parks and Open Areas, or Recreation and Entertainment category.

3. Heavy Equipment Sales, Rental, or Repair

a. The use shall be located at least 250 feet from all buildings that include or are used for a Residential use, uses categorized in the Education category (except vocational or trade schools), and daycares.

b. No more than one heavy equipment display pad for every 100 feet of street frontage is allowed. Each display pad shall not exceed 500 square feet in area and may be elevated up to two feet above the adjacent grade level.

c. No heavy equipment or other items shall be displayed on the top of a building.

d. The use shall be designed so that service bays are not visible from adjacent right-of-way. All outdoor areas used for repair of heavy equipment shall have a paved surface and be screened from view from adjacent parcels and rights-of-way.

e. Heavy equipment shall not be stored on-site as a source for salvaged parts.

f. All outdoor areas used for the storage of equipment that is not for sale shall be located behind or to the side of the principal structure, and fully screened from adjacent parcels and rights-of-way.

4. Research and Development Facility

a. Storage of flammable liquids, gas, or explosives for off-site use is prohibited. Bulk storage of flammable materials shall not be located within 500 feet of a Residential use or a use categorized in the Community Services, Education, Health Care, Parks and Open Areas, or Recreation and Entertainment category

b. Floorspace dedicated to product assembly, packaging, and/or storage shall not exceed 25 percent of the gross floor area.

c. All dust, fumes, gases, odors, smoke or vapors, noise, or vibrations must be effectively confined to the lot.

C. WAREHOUSE, DISTRIBUTION, AND WHOLESALE SALES

1. Truck or Freight Terminal

a. The use shall be located at least 500 feet from all buildings that include or are used for Residential use, uses categorized in the Education category, and daycares.

b. The use shall have direct access from a boulevard road.

c. All storage areas must be located outside all required setbacks and buffers and to the side or rear of the principal structure and must be

screened from view from the adjacent roadway by a building, or by an opaque fence or masonry wall.

d. The site must be designed to accommodate stacking, circulation, and turning movements of freight vehicles in a manner that does not impede vehicular movement or block access to any required parking spaces.

2. Warehouse and Wholesale Operations

a. A warehouse or wholesale operation shall have direct access onto a local street only serving industrial uses, boulevard, or collector street.

b. The site must be designed to ensure proper functioning of the site as related to vehicle stacking, circulation, and turning movements.

c. Except in the CC district, outdoor storage is allowed if it complies with the standards in this chapter for outdoor storage as an accessory use.

d. In the CC district, the maximum gross floor area of a warehouse is 20,000 square feet, or, if the warehouse is established in an existing structure that has been vacant for 2 or more years, 40,000 square feet. All loading and unloading shall occur to the rear or side of the principal structure and shall be screened from view from adjacent parcels and right-of-way.

D. WASTE AND RECYCLING SERVICES

1. Composting Facility

a. A composting facility shall be located on a site with an area of at least three acres.

b. The facility shall be set back at least 100 feet from adjacent rights-of-way and adjacent properties.

c. The use shall be surrounded by a 100 percent opaque fence or wall that is at least six but not more than eight feet high.

d. No single building on the property can exceed 50,000 square feet.

e. The facility shall include odor control measures to minimize impacts on adjacent properties.

f. The facility shall provide a Type B landscaped buffer along its perimeter.

2. Recycling Collection Station

a. Access to the facility shall be controlled through the use of a fence, wall, gate, or other suitable device to prevent unregulated dumping.

b. Vehicular access shall be constructed with an all-weather surface and be maintained in a dust-free condition.

c. A minimum of 75 feet of vehicular stacking shall be provided to avoid obstructions to vehicular movement along adjacent streets.

d. No single building on the property can exceed 50,000 square feet.

e. All materials to be recycled shall be stored in containers. The containers shall be enclosed, covered, and/or regularly emptied to ensure that materials to be recycled are not visible above the edge of open containers and do not overflow.

3. Recycling Facility

a. Access to the facility shall be controlled through the use of a fence, wall, gate, or other suitable device to prevent unregulated dumping.

b. Vehicular access shall be constructed with an all-weather surface and be maintained in a dust-free condition.

c. The facility, other than weighing stations and private drives, shall be set back at least 250 feet from all buildings housing a Residential use, uses categorized in the Education category, and daycares. Weighing stations and private drives shall be set back at least 100 feet from all such buildings and uses.

d. Materials may be stored outdoors if they are located at least 250 feet from all property lines and are screened with an opaque wall, fence, or other approved means to a height of eight feet above grade level.

e. The facility shall include odor control measures to minimize impacts on adjacent properties.

f. No single building on the property shall exceed 75,000 square feet.

g. The facility shall provide a Type A landscaped buffer along its perimeter.

4. Salvage or Junkyard

a. The use shall be enclosed by a 100 percent opaque fence or wall that is eight feet high. The fence shall not be constructed of corrugated metal, fiberglass, or sheet metal.

b. Outdoor storage shall not be visible from the ground level beyond the fence.

c. No single building on the property shall exceed 30,000 square feet.

d. The facility shall provide a Type A landscaped buffer along its perimeter.

5. Waste Disposal Facility

a. Access to a waste disposal facility shall be controlled through the use of a fence, wall, gate, or other suitable device to prevent unregulated dumping.

b. All unpaved areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.

c. The facility shall provide a Type A landscaped buffer along its perimeter.

d. No filling associated with the facility shall take place within in any flood hazard area, drainage ways, or utility easements.

e. Land clearing and inert debris landfills and construction debris landfills shall be set back at least 500 feet from all buildings housing a Residential use, uses categorized in the Education category, and daycares.

f. Sanitary landfills shall maintain liners and leachate collection systems to protect ground water quality, and active deposition areas shall be covered with soil on a daily basis.

g. Sanitary landfills shall be set back at least 1,500 feet from all buildings that include or are used for Residential use, uses categorized in the Education category, and daycares.

6. Waste Transfer Station

a. Access shall be controlled through the use of a fence, wall, gate, or other suitable device to prevent unregulated dumping.

b. Vehicular access shall be constructed with an all-weather surface and be maintained in a dust-free condition.

c. A waste transfer station shall be located at least 150 feet from all Residential districts.

d. Outdoor storage of waste material is prohibited.

4.3.7. Accessory Uses and Structures

A. GENERAL STANDARDS FOR ACCESSORY USES AND STRUCTURES

1. Each accessory use or structure shall:

a. Directly serve the principal use or structure;

b. Be customarily accessory and clearly incidental and subordinate to principal use or structure;

c. Be subordinate in area, extent, and purpose to the principal use or structure;

d. Be owned or operated by the same person as the principal use or structure;

e. Be located on the same lot as the principal use or structure;

f. Together with the principal use or structure, not violate the bulk, density, intensity, parking, landscaping, or open space standards of this UDO;

g. Not be constructed or established prior to the time the principal use or structure is constructed or established or continue after the principal use or structure ends; and

2. All structures that are accessory to a residential use shall be located in the side or rear yard and shall be located at least 10 feet from all other buildings.

3. Except as otherwise specified in this UDO, accessory uses and structures shall comply with the minimum front setback and maximum building height requirements that apply to a principal structure in the district in which the accessory use is located.

4. Except as otherwise specified in this UDO, accessory uses and structures shall be set back a minimum of five feet from the side and rear lot lines. Fences and walls, landscaping, and gardens may be located anywhere on a lot.

B. STANDARDS FOR SPECIFIC ACCESSORY USES

1. Accessory Dwelling Unit

An accessory dwelling unit (see Chapter 9: Definitions, Rules of Measurement and Interpretation) is allowed only as accessory to, and on the same lot as, a single-family detached dwelling, and shall comply with the following standards:

a. There shall be no more than one accessory dwelling unit on a lot.

b. Accessory dwelling units shall meet principal building setbacks.

c. An accessory dwelling unit may be within or attached to the principal structure (e.g., a downstairs or upstairs apartment), or exist within or as a detached structure (e.g., an apartment above a detached garage or a guesthouse).

d. An accessory dwelling unit that is within or attached to the principal structure shall share an operative interconnecting door with the principal structure.

e. An accessory dwelling unit within a separate structure that is detached from the principal structure shall be located at least ten feet from and in the same base zoning district as the principal structure. The

detached structure in which the accessory dwelling unit is housed shall maintain the architectural design, style, appearance and character of the principal structure by incorporating design elements of the principal residence like compatible materials, similar façade treatment, colors, window style/treatment, and roof design and pitch.

f. A manufactured home, recreational vehicle, yurt, tent, shed, travel trailer, camper, or vehicle shall not be used as an accessory dwelling unit.

g. The gross floor area of an accessory dwelling unit shall not be larger than 1,500 square feet or 75% of the principal dwelling unit on the property, whichever is less.

h. At least one off-street parking space shall be provided in addition to the parking spaces required for the principal dwelling. Vehicular access to this off-street parking space shall be from the same driveway as the principal dwelling, unless the parking space is accessed from a right-of-way not used by the principal use (e.g., a rear alley or separate street access on a corner or through lot).

i. An accessory dwelling unit shall have the same mailing address and mailbox as the principal dwelling.

j. An accessory dwelling unit shall use the same water, sanitary sewer, gas, and electric utilities as the principal dwelling.

k. Accessory dwelling units shall not count toward the maximum density standards.

2. Accessory Structures

a. The accessory structure shall be located on the same lot as the principal building or use.

b. Accessory structures shall not exceed the height of the primary structure.

c. Where an accessory building or structure is attached to the principal building in a substantial manner, as by a wall or roof, such accessory structure shall be considered a part of the principal building.

d. Storage containers and semi-trailers are not considered accessory structures and are not permitted to be used for the long-term storage of items in any residential district.

e. Vehicles and structures such as campers, recreational vehicles, mobile homes, manufactured homes, buses, cars, and other similar vehicles or structures are not permitted to be used as accessory structures.

f. Accessory structures shall be placed in the side or rear yard and setback a minimum of 5 feet from any property line.

3. Animal Keeping

The keeping of animals outside a dwelling as accessory to a dwelling is permitted only in accordance with the standards in this subsection and all other applicable standards in this UDO.

a. General Standards

i. There shall be no boarding of animals for compensation on the premises.

ii. The keeping of animals, including the storage of food and the storage and disposal of animal waste, shall not produce any objectionable odors or vermin on surrounding properties.

iii. The keeping of wild animals or animals of a species that is not customarily domesticated is prohibited.

iv. All structures to house and/or enclose animals shall only be allowed in the backyard.

b. Honeybees

i. Hives for honeybees shall not be located in a front or side yard, or within 10 feet of any lot line.

ii. On a lot having an area of less than one acre, a maximum of five hives are allowed. On a lot having an area of one acre or more, up to ten hives are allowed if they are set back at least 100 feet from all property lines.

iii. At all times, a source of water for the honeybees shall be provided on the premises within 50 feet of all hives or within a distance that is closer than water on an adjacent property, if applicable.

iv. All hives shall be securely attached to an anchor stand that is either placed at ground level or permanently attached to a roof surface.

v. The landowner shall remove any hive that the landowner no longer maintains or that is determined by the Planning Director to be detrimental to the health, safety, and welfare of the public.

c. Dogs, Cats, and Similar Animals as Pets

i. If dogs, cats, and similar household pets are bred for sale, a resident of the dwelling shall own at least one animal in each breeding pair as a pet.

ii. All sales of animals bred on-site shall be made directly to the final customer.

iii. A maximum of two litters of each species may be offered for sale in any calendar year.

iv. No more than 25 animals shall be sold annually.

v. No more than 10 pets may be maintained on the premises if breeding is occurring pursuant to this section.

d. **Horses, Ponies, and Miniature Horses**

i. Except in the RC district, a maximum of two horses or ponies may be kept for personal enjoyment as accessory to a dwelling.

ii. A minimum of one acre of fenced pasture is required for each horse or pony. Any barn, stable, or similar structure must be located at least 100 feet from any structure being use for residential purposes.

e. **Potbellied Pigs and Pygmy Goats**

i. The keeping of potbellied pigs and pygmy goats is allowed on property that is at least 0.5 acres in size.

ii. A minimum of 0.5 acres is required for each potbellied pig or pygmy goat. One property cannot have more than four potbellied pigs or pygmy goats (or any combination thereof). This limitation on the number of animals shall not apply in the RC district.

f. **Chickens**

i. The keeping of chickens is allowed as an accessory use only to a single-family detached, duplex, or manufactured home dwelling on a lot that has an area of at least 0.25 acres.

ii. Except in the RC district, no more than 10 hens may be kept on the property.

iii. Except in the RC district, the keeping of roosters or crowing hens is prohibited.

iv. Chicken coops shall not be located in a front or side yard, or within 20 feet of any lot line.

4. Automated Teller Machine (ATM)

a. An ATM designed for walk-up use shall be designed to avoid obstructions to pedestrian movement along sidewalks, through public use areas, or between parking areas and building entrances, or vehicular movement in front of buildings or through parking areas.

b. An ATM designed for use by customers in their vehicles shall comply with the standards for a drive-through facility in this UDO.

5. Donation Box

a. All donated goods must be stored either in a fully enclosed building, or in closed containers kept within a designated area of 1,000 square

feet or less that complies with the dimensional standards for principal buildings in the district in which they are located.

b. The donation box must not impede traffic on any public street or parking lot drive aisle or interfere with any required parking space.

c. The donation box must not occupy required parking, and parking must be provided at the rate of one space for every 200 square feet of floor area or designated area.

6. Drive-Through Facility

a. Canopies or other features installed over a drive through, pickup, or carryout window shall maintain common roof lines and materials with the principal structure.

b. Canopies cannot be the predominant feature of the property and may not be larger in area than the site's primary building.

c. Vehicular access to drive-through windows or service areas shall be provided from a boulevard or collector street.

d. The driveway providing access to the drive-through facility shall be at least 25 feet from any other driveway.

e. Drive-through facilities shall not be located on the front façade of the building they serve or on any side of the building facing a street. If the facility serves a building located on a corner lot, the facility shall be located to the rear or interior side.

f. Internal traffic circulation patterns on the site shall not cause vehicles to impede vehicular movement external to the site or block access to any required parking spaces located on the site.

g. Drive-through facilities shall be designed so as not to obstruct the movement of pedestrians along sidewalks, through areas intended for public use, or between the building entrance and customer parking spaces.

h. Stacking lanes shall be a minimum of 12 feet in width and a minimum of 75 feet in length. One bypass lane, a minimum of 10 feet in width, shall be provided.

i. No portion of a drive-through facility shall be located within 50 feet of a Residential zoning district or a lot containing a Residential use.

7. Home Occupation

a. A home occupation can only be conducted by the person who lives on the property.

b. The appearance at the street of a building that is used for a home occupation shall be consistent with the residential character of the dwelling.

c. The home occupation is not open to the public and can only have clients/customers visit on a reservation basis.

d. No outdoor storage related to the home occupation shall take place on the property.

e. An accessory structure located at least fifteen feet from side and rear property lines can be used as part of the home occupation.

f. Home occupations are limited to office, in-home daycare, artisanal production, catering, online retail sales, coaching/ sports lessons, indoor physical training, and other similar uses that have a limited impact on adjoining properties.

g. A maximum of three employees who do not live on the property as their primary residence are allowed to work from the property.

h. A home occupation shall not occupy more than 25 percent of the gross floor area of the principal structure.

i. A home occupation may include outdoor ventures that have a limited impact on adjoining properties, such as swimming, tennis, or yoga instruction, if the instruction involves no more three customers visiting the premises at any one time and no more than nine customers visiting the premises in any one day.

8. Outdoor Display/Sales

a. All outdoor display of goods shall be located immediately adjacent to the principal building and outside of all drive aisles, loading zones, fire lanes, sidewalks, required parking, and required landscaping yards.

b. The area used for outdoor display of merchandize shall not exceed 20 percent of the gross floor area occupied by the principal use.

c. The use of portable storage containers or other bulky item displays that exceed 10 feet in height shall meet the requirements for Accessory Structures and cannot be located in drive aisles, loading zones, fire lanes, or required parking spaces or landscaped areas.

9. Outdoor Storage

a. The total area of outdoor storage areas shall not exceed 35 percent of the total gross floor area of all principal buildings on the lot. HLI and IN are exempt from the maximum outdoor storage area.

b. Each outdoor storage area shall be incorporated into the overall design of the principal structure on the site and shall be located to the

side or rear of the principal structure, and not on the roof of a structure.

c. Except when the outdoor storage is an accessory use to a warehouse, goods stored in an outdoor storage area intended for sale or resale shall be limited to those sold on the premises in conjunction with the principal use.

d. Each outdoor storage area shall be screened from view from all property lines and adjacent rights-of-way by any combination of an opaque fence, wall, and landscaped berm that is at least six feet high in side yards and eight feet high in rear yards, and incorporates at least one of the predominant materials and one of the predominant colors used in the primary structure. Materials shall not be stored higher than the height of the screening.

e. If the outdoor storage area is covered, then the covering shall include at least one of the predominant exposed roofing colors on the primary structure.

f. No materials may be stored in those parts of an outdoor storage area intended for vehicular or pedestrian circulation.

10. Swimming Pool

a. A swimming pool as an accessory use shall be located to the side or rear of the principal structure and be set back at least 10 feet from all property lines, not counting associated patios and decking.

b. A fence or other structural barrier shall be installed to prevent people, children, or animals from danger or harm.

4.3.8. Temporary Uses and Structures

A. GENERAL STANDARDS FOR TEMPORARY USES AND STRUCTURES

Each temporary use or structure shall:

1. Be located on a site with sufficient land area to allow the temporary use or structure to occur, as well as adequate land to accommodate the parking and traffic movement associated with the temporary use, without disturbing environmentally sensitive lands;

2. Not involve the construction or alteration of any permanent building or structure or include any other permanent alterations to the site;

3. Provide adequate parking for the activities on the site and be designed to ensure safe movement of vehicles and pedestrians on the site; and

4. Comply with all regulations that apply to temporary signs in Chapter 5: Development Standards, and remove all temporary signs after the activity

ends. A separate sign permit shall be required for all signage and submitted in accordance with the standards of this UDO.

5. May be located in parking areas, as long as the area is clearly delineated from active parking and the area is safely blocked off from active parking areas and drive aisles.

6. For the purposes of this section, multiple parcels owned by the same owner which are immediately adjacent to one another are considered one property.

B. STANDARDS FOR SPECIFIC TEMPORARY USES AND STRUCTURES

1. Construction Site Office or Storage

a. All construction site office and storage shall be removed within 30 days after issuance of a final Certificate of Occupancy.

b. If a construction site office or storage cannot be located on the same parcel as the construction activity because of site constraints, the office or storage may occur on a site that is adjacent to or nearby the construction site and shall be considered an accessory use to the construction activity.

c. If located in a Residential zoning district, all construction site office or storage uses shall be set back a minimum of 15 feet from side and rear property lines. Any use of the front yard shall meet the zoning district front setback; however, all storage of materials and overnight parking of heavy equipment shall only occur in the rear yard.

2. Food Truck

A maximum of one food truck is permitted as an accessory use to a principal use on the parcel if it complies with the standards in this section.

a. The food truck shall comply with any applicable standards in the Town Code.

b. The food truck shall be operated on level ground that is surfaced with pavement, gravel, or a similar dustless, all-weather material to ensure safe and convenient pedestrian access. Food trucks shall not be operated on grass or dirt.

c. The food truck, together with any areas provided for on-site consumption of food, shall not be operated within a required parking space or be parked in a driveway, drive aisle, sidewalk or other pedestrian way, fire lane, or required landscaped area.

d. The food truck shall not remain overnight on the same premises where food sales occur.

3. Model Home Sales/Leasing Office

a. A model home sales/leasing office shall be located on a lot that is part of the real estate development being sold or leased.

b. The temporary office shall be converted into a dwelling or removed within 30 days after all units are sold or leased.

4. Modular Classroom

a. Modular classrooms shall be used only as temporary expansion of classroom space pending implementation of definite plans for the permanent expansion of classroom space or alternative means of meeting growing classroom needs.

b. Modular classrooms shall not be placed within existing required landscaping buffer areas, or areas designated on approved development plans for future landscaping, buffers, open space, or vehicular access.

5. Outdoor Seasonal Sales

a. Seasonal sales shall be limited to fireworks and seasonal agricultural products such as fruits, vegetables, meats, pumpkins, Christmas trees, and living plants.

b. One recreational vehicle is allowed as a temporary dwelling for security purposes in association with the seasonal sales use, if it is removed at the end of the sales.

c. Outdoor seasonal sales shall be limited in duration to a maximum of 120 days and there shall not be more than 3 seasonal sales on a lot per calendar year.

d. The on-site accessory sales of seasonal products by an agricultural use or retail sales use is not considered outdoor seasonal sales and is not subject to these standards.

6. Portable Storage Unit

a. No more than one portable storage unit shall be located on a lot.

b. The unit shall be no more than eight feet wide, 16 feet long, and eight feet high.

c. No unit shall be placed on a lot for more than 30 consecutive days or for more than 60 days within any calendar year.

d. The unit shall not be placed in the front yard, the front parking lot of a commercial use, or in fire lanes, passenger loading zones, commercial loading areas, or public rights-of-way.

e. The owner and operator of the lot containing a portable storage unit shall ensure that the unit is in good condition, free from evidence of deterioration, weathering, discoloration, rust, ripping, tearing, or other holes or breaks. The unit shall be kept locked when not being loaded or unloaded.

f. The owner and operator of the lot containing a portable storage unit shall ensure that no hazardous substances are stored within the unit.

CHAPTER 5: DEVELOPMENT STANDARDS

5.1. ACCESS AND CONNECTIVITY STANDARDS

5.1.1. Purpose

The purpose of this section is to ensure that developments implement a coordinated multimodal transportation system that permits the safe and efficient movement of motor vehicles, emergency vehicles, transit vehicles, bicyclists, and pedestrians within the development and between the development and external transportation networks, neighboring developments, and local destination points such as places of employment, schools, parks, and shopping areas, that is consistent with the Town's adopted plans, including the Comprehensive Transportation Plan (CTP), the Metropolitan Transportation Plan (MTP), the Town Bicycle and Pedestrian Plan, and the Comprehensive Plan. In particular, the intent of this section is to build a multimodal transportation system that:

1. Provides transportation options;
2. Promotes walking and bicycling;
3. Facilitates use of public transportation;
4. Reduces emergency response time;
5. Connects neighborhoods;
6. Reduces vehicle miles of travel and travel times;
7. Reduces greenhouse gas emissions;
8. Improves air quality;
9. Minimizes congestion and traffic conflicts; and
10. Preserves the safety and capacity of the Town's transportation system.

5.1.2. Applicability

A. NEW DEVELOPMENT

All new development shall comply with the standards of this section.

B. EXISTING DEVELOPMENT

An expansion of an existing development shall comply with the standards of this section to the maximum extent practicable, if the expansion increases the building's gross floor area by 25 percent or more, as measured over any five-year period.

5.1.3. Circulation Plan Required

All development applications subject to review for compliance with the standards of this section shall include a circulation plan that demonstrates how the development complies with the requirements of this section. The plan shall also provide information about the safety of the vehicular, bicycle, and pedestrian facilities proposed to be included in the development, including details about how conflict points between different road users will be managed to ensure the safety of all users.

5.1.4. Landowner or Developer Responsible for Improvements

A. The landowner or developer of the development, subject to the requirements of this section shall provide the road, street, bikeway, sidewalk, greenway, and other access and circulation improvements, both on the development site and, as appropriate; off the site, as required by the approved development approval or permit, in accordance with the standards of this section, the engineering requirements in the Land Development Design Standards manual, which is incorporated herein by reference, the regional Comprehensive Transportation Plan, the Mooresville Transportation Master Plan, and the standards of Chapter 6: Subdivision Standards.

B. The landowner or developer of the development, as appropriate, shall dedicate any on-site required rights-of-ways or easements, as appropriate, for transportation system improvements, such as streets and bicycle and pedestrian facilities, identified in local and regional plans such as Mooresville Transportation Master Plan, the Comprehensive Plan, and the regional Comprehensive Transportation Plan (CTP), and where appropriate, construct such facilities in accordance with the standards of this UDO.

5.1.5. Access and Connectivity Standards

A. MULTIMODAL ACCESS AND CIRCULATION SYSTEM

1. General

a. All developments subject to the requirements of this section shall be served by a system of sidewalks, paths, streets, accessways, and other facilities designed to provide for multiple travel modes (vehicular, transit, bicycle, and pedestrian), as appropriate to the developments size, character, and relationship to surrounding development and development patterns, and existing and planned community transportation systems.

b. Vehicular, transit, bicycle, and pedestrian access and circulation systems shall be coordinated and integrated so as to provide

transportation choices within and to and from the proposed development, as appropriate.

c. To enhance accessibility and connectivity, street networks shall be laid out in a predominantly gridded pattern, to the maximum extent practicable, taking into consideration site topography, existing and proposed streets adjoining the site, public convenience and safety, natural features, and the proposed uses in a development.

d. All facilities constructed in accordance with the requirements of this section shall comply with the applicable standards in this section and the Town's Land Developments Standards, which are incorporated herein by reference.

e. Legal access in the form of a public street, or in very limited cases an easement, must exist to support the proposed development. The Planning Director shall determine if an easement is suitable for the development. If the proposed development includes streets to be publicly dedicated, access to the proposed streets shall be from an existing public street.

2. Street Connectivity

a. The access and circulation system for a development shall connect to streets and associated rights-of-way that have been extended or connected to the boundary of the development site from existing or approved adjoining developments.

b. The access and circulation system for a development shall provide for the extension and connection of the proposed internal streets and associated rights-of-way to those boundaries of the development site that adjoin potentially developable or re-developable property.

c. Roadway extensions and connections to adjoining properties shall be spaced at intervals along each principal boundary that do not exceed the maximum block length established in Table 5-1. Existing stubs from adjacent development shall be connected even if the minimum connection points have been satisfied.

d. An extension or connection of a street and right-of-way to an adjoining property shall also include the extension or connection of associated bikeways or sidewalks.

e. **Exemptions**

i. The Planning Director may waive or modify the requirements or standards for extension or connection of a street from or to adjoining property if two or more of the following conditions exist:

1. The site connects to a street with 15 or fewer residential lots;

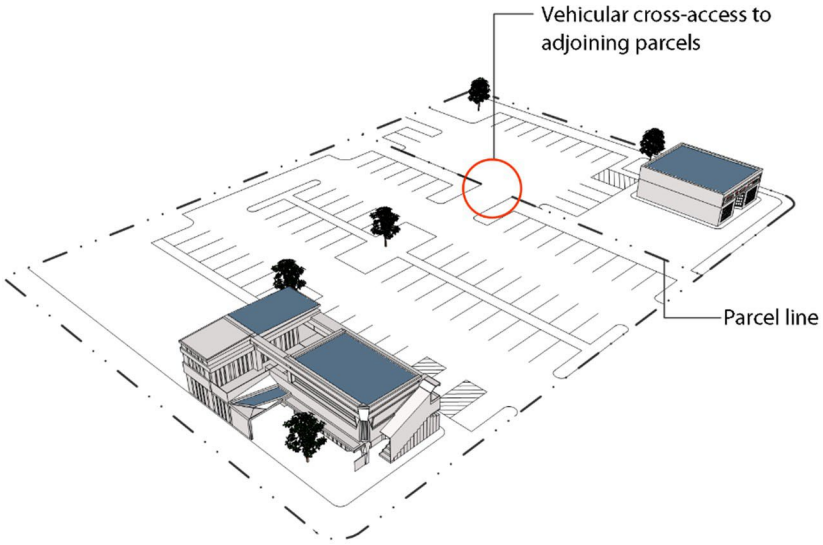
2. The site connects to a street that does not meet the current pavement width standards of the Town or NCDOT;
3. The site connects to a street that is privately maintained or orphaned;
4. The connection point would be redundant in that it would move traffic to the same collector as other connections in the proposed development;
5. The connection would be between an industrial property and a residential property;
6. The connection, if extended, would adversely impact primary structure.

ii. The Planning Director may waive or modify the requirements or standards for extension or connection of a street from or to adjoining property if it is impractical due to physical constraints such as severe topography, defined as slopes in excess of 25% within 10 feet of the property line, and/or hydrologic or other unique environmental features. A technical analysis demonstrating the feasibility of the connection must be completed by an Engineer hired by the Applicant and submitted to the Planning Director for review to obtain the waiver or modification.

iii. The Planning Director may require an easement or a non-vehicular connection in lieu of the required street connection(s).

iv. The Town Board may, through Conditional Zoning, limit the connection of any new residential development to an existing stub street.

Figure 5-1: Cross-Access Requirement



f. **Easements**

i. Easements allowing cross-access to and from properties served by a cross-access, along with agreements defining maintenance responsibilities of landowners, shall be recorded in the property records of Iredell County.

ii. Cross-access easements shall be recorded on the final plat for the property involving a subdivision or recorded by separate instrument when no plat is proposed.

iii. Property owners subject to cross-access requirements are responsible for maintaining safe and useable cross-access conditions for pedestrians and vehicles on their site.

iv. Cross-access connections shall not be blocked or obstructed in such a way as to prevent intended pedestrian and vehicular traffic during agreed upon times of access.

v. Applicants are not required to seek cooperation or permission from the adjacent property owner(s).

B. VEHICULAR CONNECTIVITY

1. External Access Points

a. All development shall provide a minimum number of vehicular access connections to the street system outside the development in accordance with the standards in Appendix D of the International Fire Code.

b. A driveway permit is required for all non-residential driveways, streets, or turnouts that connect to a public street.

3. Arrangement of Block and Streets

Except as exempted in this section, to support the Town's goal for an integrated multimodal transportation network that provides high levels of access to destinations by driving, walking, bicycling, and taking transit, a development's block and street network shall comply with the following standards:

a. **General Block Standards**

i. The lengths, widths, and shapes of blocks in a development shall be determined by considering the size of building sites necessary for the needs of the anticipated use; the requirements of the zoning district in which the development is located, the needs of vehicular, bicycle, and pedestrian circulation; the control and safety of street traffic; the limitations and opportunities of topography; convenient access to water areas; and compliance with this UDO.

ii. Except as provided by this section, blocks shall have sufficient width to allow two tiers of lots of minimum depth. Single-tier lots are permitted for one of the following situations:

(1) Where necessary to separate residential development from through vehicular traffic or another type of use;

(2) In non-residential development or mixed-use development that does not include single-family detached, duplex, or attached residential dwellings; or

(3) Abutting a water area.

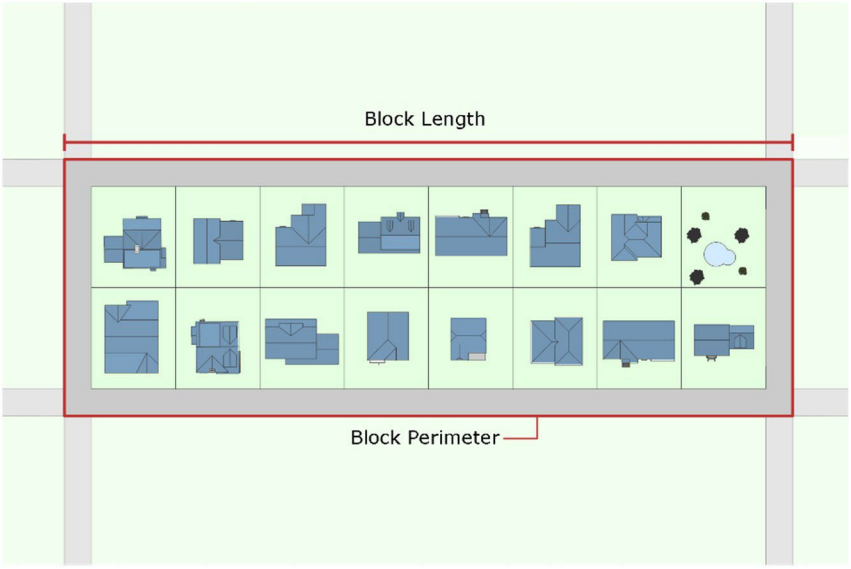
b. **Block Length**

Except as provided in this section, the maximum length of any block within a development shall comply with Table 5-1: Block Length Requirements (see Figure 5-2: Illustration of Block Length Standards).

TABLE 5-1: BLOCK LENGTH REQUIREMENTS

Zoning District	Maximum Average Block Length (ft.)	Maximum Block Length (ft.)	Maximum Block Perimeter (ft.)
RLI, RG, TN	550	650	2,200
TD, DE, CM, HMV	600	800	2,400
HLI, RLS	800	1,000	2,600
All other zoning districts	None	None	None

Figure 5-2: Illustration of Block Length Standards



i. *The Planning Director may approve a block length that does not comply with the standards in Table 5-1: if:*

(1) It is determined that one or more of the following conditions prevents a through connection and there are no other practical alternatives:

a) Physical obstacles such as prior platting of property from another landowner;
b) Construction of existing buildings or other barriers;
c) Designed road slopes would exceed eight percent due to existing site topography;
d) Wetlands and water bodies;
e) Railroad or utility right-of-way; or
f) Existing limited-access motor vehicle right-of-way.

(2) It is necessary to accommodate parks, dedicated open spaces, civic uses, pedestrian-oriented campuses, conference centers, amphitheaters, arenas, or other similar pedestrian-oriented, civic, or large-scale assembly uses.

ii. In the RLS, HMV, RG, TN, TD, and DE districts, if a block exceeds the maximum block length, a mid-block pedestrian connection at least ten feet wide shall be evaluated and, if appropriate, shall be constructed along with any necessary traffic calming improvements.

c. **Continuation of Adjacent Streets**
Streets in a development shall be arranged to substantially correspond to existing and planned streets shown in the CTP and other adopted plans. To the maximum extent practicable, the arrangement of streets in a development shall provide for the continuation or appropriate extension of existing principal streets in surrounding areas, including streets in existing or approved adjacent subdivisions. Reserved strips of land that block access from future streets or lots to public streets are discouraged. Developments shall provide future access through buffers, perimeter landscaping, or open space through designation of such points of access or language stipulating the allowance for access on the approved plat or other recorded document.

d. **Traffic-Calming Measures**
Within a residential development, any linear segment of a non-boulevard street that is more than 800 feet long, shall, to the maximum extent practicable, include features to interrupt direct vehicle flow, including, but not limited to, any of the following:

i. Curb extensions to reduce the vehicular travel lanes;

ii. Mini-roundabouts at intersections;

iii. Curvilinear street design that interrupts a monotonous, straight road;

iv. Traffic-diverting physical devices such as neckdowns, chicanes, and diverter islands;

v. Roadway striping to reduce the vehicular travel lane width; and/or

vi. Speed tables, raised intersections, or elevated pedestrian street crossings.

e. **Cul-de-Sacs and Dead-End Streets**

i. Cul-de-sacs and dead-end streets are permitted for industrial development as part of an industrial park and may exceed the maximum length identified in this section.

ii. Cul-de-sacs are discouraged and can only be used if there are no logical options.

iii. Cul-de-sacs and dead-end streets are permitted if necessitated due to typography, property shape, development phasing, property accessibility, relationship to other land uses, or if required to meet the block length standards. A cul-de-sac or dead-end street is not permitted to avoid a connection to an existing street (limited exceptions listed under the Connectivity section of this Ordinance). A cul-de-sac or dead-end street shall:

(1) Have a maximum length of 400 feet, unless the Planning Director determines that topography, public safety, industrial use, or other physical considerations concerns support a longer length;

(2) Serve no more than 30 lots;

(3) If over 150 feet in length, include a turnaround that meets the standards of Appendix D of the North Carolina Fire Code, as adopted by the Town of Mooresville. Temporary dead-end streets may use gravel or other firm all-weather surface for the turnaround and include an installed traffic barricade.

(4) Shall have a neck length of at least 50 feet before the turn-around begins; and

(5) Include a turnaround that meets the standards of Appendix D of the North Carolina Fire Code, as adopted by the Town of Mooresville. Temporary dead-end streets may use gravel or other firm all-weather surface for the turnaround and include an installed traffic barricade.

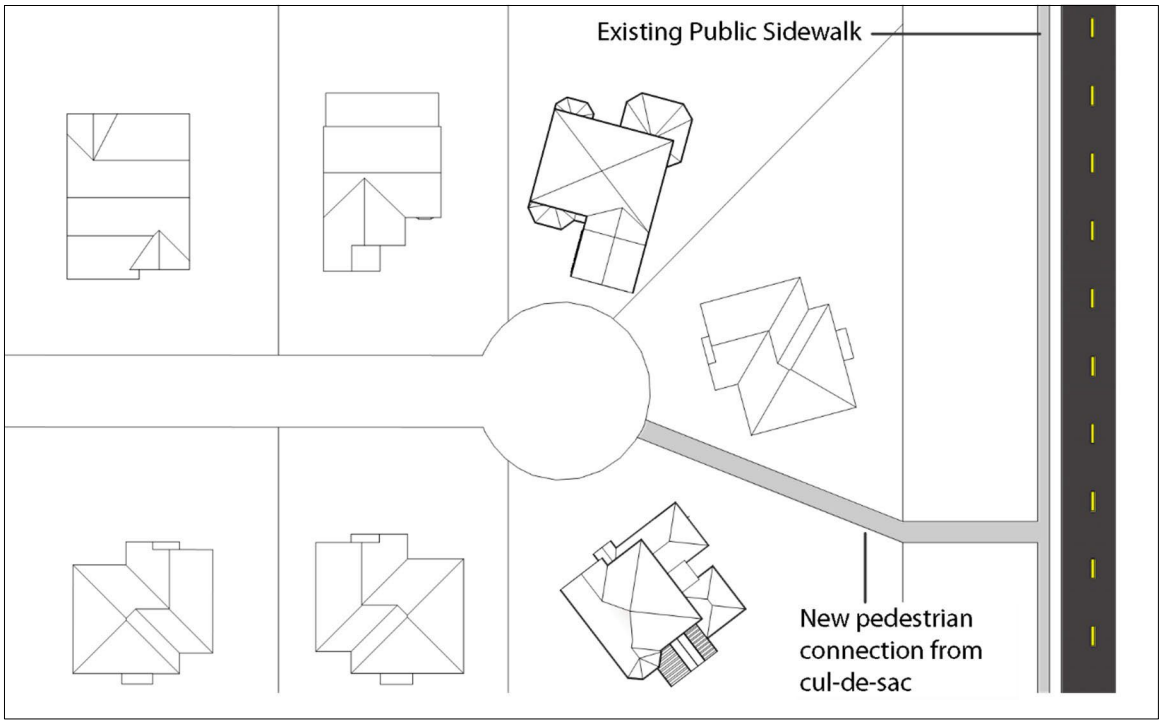
iv. *For cul-de-sacs and dead-end streets that do not exceed 150 feet in length, alternative turnarounds may be permitted to allow for higher quality design.*

v. *A right-of-way or public access easement shall be provided in a single-family detached, duplex, or attached residential subdivision for pedestrian and bicycle access between a cul-de-sac head or street turnaround and the closest street or pedestrian path (see Figure 5-3: below), if the cul-de-sac:*

(1) Is in close proximity to a significant pedestrian generator or destination such as a school, park, trail, greenway, employment center, mixed-use development, retail center, transit stop, or similar feature, or creates an unreasonable impediment to pedestrian circulation (defined generally as walking distance between uses on the cul-de-sac and uses on the closest street that is at least four times the actual physical distance between these two uses); and

(2) Can be reasonably connected to an existing or proposed sidewalk, trail greenway, or other type of pedestrian connection or can provide for future connectivity to a vacant property

Figure 5-3: Pedestrian Connection Through Cul-de-sac



C. PEDESTRIAN CONNECTIVITY

Sidewalks or other pedestrian accessways are required within a development site:

a. To connect the main entrances of buildings in the development with a public sidewalk;

b. To connect the main entrances of multiple buildings in the development with each other;

c. To provide access to transit stops within 200 feet of a development site, including but not limited to areas for transit stops required to be dedicated by the development or to a public sidewalk that provides reasonably direct access to a transit stop;

d. To connect adjoining properties with each other; and

e. Sidewalks shall meet all ADA standards regardless of whether they are in the public or private realm. Other pedestrian connections should meet ADA standards or provide highly visible signage to inform potential users of accessibility issues, such as surface type, grade, cross slope, and/or width. Such signs shall not be required on individual single-family lots.

D. TRANSIT CONNECTIVITY

A development that abuts an existing or planned transit route shall dedicate land adequate for a transit stop and associated facilities unless the Planning Director determines that adequate transit facilities already exist to serve the development.

5.1.6. Street, Sidewalk, and Greenway Standards

Streets, sidewalks, and greenways shall be designed in accordance with the following standards:

A. LAND DEVELOPMENT STANDARDS

The Town of Mooresville Land Development Standards cover a wide range of topics that apply for many different elements of land development and are used for plan review as a part of this UDO. In particular, the Land Development Standards contain detailed standards, requirements, information, and best practices about street, sidewalk, bicycle, and greenway design and construction standards, which shall be followed for all development in addition to the requirements of this UDO.

B. STREETS

1. General Standards

a. Property lines at street intersections shall be rounded with a minimum radius of 20 feet and be relative to the street pavement radius.

b. Wherever practical, street grades shall be established in such a manner as to avoid excessive removal of existing trees and plants and limit the general grading of the property. Street grades shall not exceed eight percent (8%).

c. An approved permit is required for connection to any existing public road. This permit is required prior to any construction on the street or road.

d. Curb ramps providing access to and from sidewalks and other pedestrian facilities shall be provided at all intersections and other major points of pedestrian flow, in accordance with N.C.G.S. 136-44.14, American Disabilities Act.

e. The developer shall purchase all Regulatory and Warning signs from the Town. The Town shall have the responsibility of installing the signs on public streets. All private streets shall maintain proper signage, including stop, yield, do not enter, and other signs related to safety; however, the Town will not be responsible for installation or maintenance of private street signage. All Regulatory and Warning signs along with any pavement markings shall be in accordance with the Manual on Uniform Traffic Control Devices. All necessary regulatory, warning, and street signage shall be in place at the time of plat recording.

2. Street Classifications

All streets shall be classified and constructed in accordance with one of the following classifications:

a. **Local Street**

A street intended solely for access to land with little or no through movement. This includes all roads not defined as boulevards or collectors, and are further classified as Residential Local Streets, Commercial Local Streets, and Industrial Local Streets.

b. **Collector Street**

A street that provides direct service to and from local areas, routing traffic to and from the arterial street system. It generally provides the primary means of circulation between adjacent neighborhoods and can accommodate a local bus route. A collector street serves the dual purpose of land access and local traffic movement but is not generally used for through trips. Collector streets are further classified

as major or minor thoroughfares. A street shall be designated as a collector street if it meets two of the following:

i. The street intersects directly with a boulevard and provides access to an area with an overall density of one dwelling per acre, or provides access to more than 125 dwelling units;

ii. The street by its general configuration, in relationship to the existing development of the area, in effect serves a collector function; or

iii. The street serves as a primary access to a significant nonresidential, institutional or recreational land use and access to a residential area.

c. **Boulevard Street**

A boulevard street is a street that is used primarily for through traffic rather than for access to abutting land and is characterized by high vehicular capacity and continuity of movement. Boulevards provide the highest level of service at the greatest speed for the longest uninterrupted distance, with some degree of access control. Boulevards are further classified as either two-lane, or four-lane (with or without a median).

d. **Private Street**

A street constructed and maintained by a private entity for non-residential uses or, if given specific approval, for not more than 20 residential units.

e. **Alley**

A privately maintained street that provides rear access to properties, improving pedestrian circulation along the lot frontage by reducing curb cuts and access points and providing access for service functions. Alleys shall meet the following standards, in addition to any other standards contained in this UDO or the Town's Land Development Standards:

(1) Alleys include a narrow pavement width that accommodate travel at low speeds.

(2) Alleys shall not be longer than 800 feet without a street connection.

(3) Alleys shall not be dead-end without an adequate turnaround.

3. Street Design Standards

Streets shall be designed in accordance with the minimum design speed and minimum right-of-way standards based on the street classification in the CTP, Transportation Master Plan, in the appendices of this UDO, and/or any other Town street standards.

4. Intersections

a. Intersections shall intersect at 90 degrees when possible, with minimum of 75 degrees.

b. A minimum radius of 30 feet to the back of the curb is required at all intersections except in residential street to residential street intersections. A minimum radius of twenty-five (25) feet to the back of curb shall be required where residential streets intersect.

c. Offset intersections shall be avoided; however, when necessary a minimum distance of 200 feet between centerlines shall be provided. A minimum of 800 feet shall be provided between intersections on boulevard and collector streets, wherever possible.

d. Intersections shall be designed to comply with the sight distance requirements and in accordance with relevant standards.

e. Roundabouts shall be designed appropriately to accommodate the type and volume of traffic based on street classification and in accordance with relevant standards.

5. Sight Triangles

All sight triangles, as defined in Chapter 9: Definitions, Rules of Measurement and Interpretation, shall be kept clear of obstruction. This standard may be modified as listed below, so long as adequate visibility is maintained relative to intended speed limit:

i. In the TD district or the nodal portions of the CM and CC districts, trees trimmed such that no limbs or foliage extend into the area between 30 and 96 inches above the level of the adjacent intersection;

ii. Fire hydrants, public utility poles, government signs, electrical junction boxes (below 30 inches in height), and traffic control devices;

iii. Buildings located in the TD district or the nodal portions of the CM and CC districts;

iv. The approved and intentional use of traffic calming techniques to reduce speed; and

v. Alleys intersecting alleys that are used to serve rear-loaded residential dwellings. Alleys intersecting streets shall meet at sight triangle and distance requirements.

6. Frontage Upgrade

a. All streets adjoining and within new development shall include curb, gutter, sidewalks/sidepaths, planting strip, ADA elements, and street trees, unless exempted in this section. This requirement includes existing streets that are currently missing curb, gutter, and sidewalk. Properties outside of the TD zoning district with existing curb, gutter, and sidewalk that do not meet the standards of this UDO are exempt from making improvements to those elements. Properties in the TD zoning district shall provide upgrades to those existing elements that do not meet the standards of this UDO.

b. The Planning Director may allow a fee-in-lieu payment instead of construction for certain frontage upgrades on an existing street if the applicant demonstrates one of the following; however, the intent is to provide as many frontage upgrade elements as practicable:

i. The frontage upgrades will cause substantial problems with existing stormwater drainage flows;

ii. The existing street extending beyond the development in 500 feet in both directions lacks frontage upgrades and no Site Plan has been approved that includes frontage upgrades within that same distance; or

iii. The street is under construction or a contract for construction has been signed and the planned improvement would remove the frontage upgrades.

c. Development that involves only a single-family detached or duplex dwelling and that is not part of a residential subdivision is exempt from the frontage upgrade requirement and fee-in-lieu, if it meets two of the following:

i. Property is located outside of the TD or DE zoning district;

ii. Property is more than 250 feet away from an existing public park, school, or sidewalk; and

iii. Installation of retaining wall, unavoidable removal of mature canopy trees, and similar severe adverse impacts would occur due to installation of frontage upgrades.

7. Bicycle Facilities

Bicycle facilities shall be installed on or near streets in accordance with the standards in this chapter.

8. Street Trees

Street trees are required to be installed along streets in accordance with the landscape and buffer standards in this chapter.

9. Streetlights

Streetlights are required along streets in accordance with the exterior lighting standards in this chapter and shall be installed by the applicant/developer. The applicant/developer shall coordinate with the Planning Director in the choosing of any decorative lighting fixture types. All streetlights for a particular development or phase of development shall be in place by the time the 25th single family detached or duplex dwelling or 50 percent of the units are completed in that development or phase of development, whichever is less.

10. Street Ownership

All proposed streets shall be designed to become part of the overall public street system and be identified as such on all adopted plans, except when streets meeting the standards of this UDO are proposed to be private. All private streets shall be subject to the following standards:

i. The street provides access to nonresidential development or no more than 20 residential dwelling units. The street shall terminate at a dead-end to prevent a through connection with the public street system.

ii. The streets comply with the private street standards in this section;

iii. The development order or plat shall clearly identify the private road and state that the Town is not responsible for maintenance of the private street;

iv. A homeowners' association, property owners' association, or similar organization representing all persons with ownership interest in the development shall be established to maintain the private streets. The organization shall be responsible for maintenance of the private streets and shall have the authority to assess funds from its members to pay for maintenance of the street and all associated drainage facilities; and

v. The applicant shall provide a method for public vehicles (including emergency vehicles and utility services) to access the street(s), property(ies), and utilities, if applicable, at all times, including instances where an access gate is used.

11. Street Names

All new street names shall be approved prior to a Site Plan being approved.

C. BICYCLE FACILITIES

1. Bicycle Facility Requirements

a. All development that includes street construction shall include a combination of bicycle facilities and low-speed local streets, where applicable, that provide a safe, comfortable, and convenient route within the development and to bicycle facilities outside the development.

b. Bicycle facilities shall be installed on new streets in accordance with the CTP and/or the Town's Bicycle Plan. Any collector or higher street not within such plan shall provide an on-street bicycle lane and appropriate buffer. Sharrows and bicycle lanes are strongly encouraged on all local streets.

c. For development along existing streets for which bicycle facilities are identified in the CTP and/or the Town's Bicycle Plan, the developer shall dedicate additional right-of-way as necessary to accommodate the bicycle facility.

d. Where appropriate due to anticipated traffic volumes or conflicts with vehicular traffic, on-street bicycle facilities shall include features that enhance separation from motor vehicles such as physical buffering through means such as bollards, parked cars, or by being placed behind the roadway curb; or use of a separate shared sidepath or greenway trail, in accordance with the standards of the Town's Bicycle Plan.

e. Greenways and bicycle-pedestrian bridges shall be constructed to the standards of this UDO and the Town's Bicycle Plan.

2. Exceptions

a. The Planning Director may waive or modify the requirement to install bicycle facilities if the Planning Director determines:

i. Development of the bicycle facility is impractical or infeasible due to the presence of topographic conditions or because of existing development patterns and the applicant makes a payment to the Town in-lieu of the installation;

ii. Adding a greenway or other bicycle facility will exceed more than five percent of the land area within the overall site;

iii. The street is under construction or a contract for construction has been signed and the planned improvement would remove the bicycle facilities; or

iv. When a connection between properties requires a bicycle or pedestrian bridge and there is no legally established right-of-way or easement to complete the connection to the other side, a fee-in-lieu payment may be permitted for 50 percent of the bridge cost; however, legal access shall be provided to the property line allowing a future connection to be made.

b. The Planning Director may adjust the sidewalk width standards in this section or the street tree and planting width standards in the landscape and buffer standards in this chapter, to facilitate inclusion of a bicycle facility along a street due to the conditions identified in this section.

c. The Planning Director shall waive the requirement to install bicycle facilities, such as greenways and/or 5.1.6.C.2.c shared path locations, connecting to or through school properties upon the written request of the governing board of such school or highest ranking administrator thereof; provided, however, that an easement shall be dedicated to the Town of Mooresville to preserve critical alignments and allow for future connections. The requirement for dedication shall not be waived. For purposes of this section, school shall mean a public or private K through 12 school, but shall not include homeschools.

D. SIDEWALKS

1. Sidewalk Requirement

Sidewalks are required in accordance with the following:

i. Except in the RC and RLS districts, sidewalks shall be constructed on both sides of all new streets. In the RC and RLS districts, sidewalks shall be constructed on at least one side of all new streets.

ii. Sidewalks shall be constructed along the entire frontage of a proposed development with an existing street, unless there already is an existing sidewalk that complies with the standards of this section. A sidewalk that does not comply with the ADA or other standards of this section shall be upgraded to comply.

iii. Except in the TD and DE districts, sidewalks shall be a minimum of five feet wide. In the TD and DE districts, the minimum sidewalk width shall be six feet or the width of the sidewalk along the street frontage adjoining the site, whichever is greater.

2. Exceptions

The Planning Director may modify or waive the requirement to install sidewalks if:

i. The applicant provides a facility that provides equivalent or better pedestrian access, such as a sidepath or similar facility; or

ii. Installation of sidewalk on a single residential lot used for not more than two dwellings that is more than 500 feet away from any existing sidewalks;

iii. Topographic conditions or natural features, such as steep grades do not allow connections to be made without stairs, or because of existing development patterns, and the applicant makes a payment to the Town in-lieu of the installation. All fees collected by the Town pursuant to this section shall be deposited in a dedicated Town fund used only for construction of bicycle-pedestrian facilities that provide sufficient benefit to the development providing the in-lieu fee.

E. PEDESTRIAN PATHS

All pedestrian paths required to be provided by this UDO shall be at least five feet in width. Pedestrian paths that are in front of perpendicular parking spaces shall be at least seven feet in width.

F. SHARED USE PATH

All development shall dedicate land for shared use paths, including greenways and sidepaths, identified in CTP and/or the Town's Bicycle Plan. If a residential development consists of more than 50 units or a mixed-use or non-residential project contains more than 25,000 square feet, the shared use paths shall be constructed by the developer according to the standards of this UDO. All shared use paths shall have a minimum 20' right-of-way or public access easement and the constructed shared use path shall be at least 10' wide in accordance with the CTP and Town's Land Development Standards.

5.2. OFF-STREET PARKING, BICYCLE PARKING, AND LOADING STANDARDS

5.2.1. Purpose

The purpose of this section is to ensure that development provides adequate but not excessive quantities of space off-street to park automobiles and bicycles, as appropriate to the varying needs of different parts of the Town. In particular, the intent of this section is to:

1. Ensure adequate facilities for off-street parking of vehicles and bicycles in proportion to the parking and loading demand of the different zoning districts and uses allowed by this UDO;
2. Provide for well-designed parking lots that include interior landscaping, are screened from adjacent uses, are aesthetically attractive, appropriately screened from adjacent uses, and provide safe and efficient access;
3. Provide flexibility to accommodate appropriate infill development and enable creative solutions to meeting site parking challenges; and
4. Minimize the environmental impact of large, paved surface areas.

5.2.2. Applicability

A. NEW DEVELOPMENT

All new development shall provide vehicular parking and bicycle parking and loading areas in accordance with the standards of this section.

B. EXISTING DEVELOPMENT

1. Change of Use

A change in use of existing development shall be accompanied by the provision of any additional off-street vehicular parking and loading areas required for the proposed use, provided that the proposed use requires at least 15 more vehicular parking spaces than the preexisting use. A change in use of existing development shall include bicycle parking.

2. Expansion

If an existing structure or use is expanded or enlarged (in terms of number of dwelling units, floor area, number of employees, or seating capacity), additional off-street vehicular and bicycle parking and loading areas are required for the expanded or enlarged part of the structure or use in accordance with this section. In addition and to the extent the development at the time of expansion has nonconforming off-street parking, it shall also comply with the applicable nonconforming site feature standards.

5.2.3. Parking and Loading Plan Required

All development applications subject to review for compliance with the standards of this section and that require more than six off-street vehicular parking spaces shall include a parking plan. The parking plan shall:

1. Designate the number and location of required vehicular and bicycle parking spaces;
2. Lay out the vehicular circulation system (access aisles and driveways) and bicycle and pedestrian circulation system (including pedestrian paths and crosswalks), and include any areas designated for passenger pick-up or drop-off, transit stops, and rideshare/taxi/delivery services;
3. Identify how the vehicular circulation system coordinates with the bicycle and pedestrian circulation system, transit services, and other parts of the circulation system that serves the development; and
4. Any information required for consideration of a modification of the minimum off-street vehicular parking standards in accordance with the off-street parking alternatives in this Chapter, as applicable.

5.2.4. General Parking and Loading Area Standards

A. USE OF PARKING AND LOADING AREAS

Parking lots required by this section shall be used solely for the parking of registered motorized vehicles in good operating condition. At all times, adequate parking shall be made available to accommodate the uses on the site. Required parking spaces and loading berths shall not be used for the display of goods for sale, or the sale, lease, storage, dismantling, or service of any vehicles, boats, motor homes, campers, mobile homes, building materials, equipment, or supplies, unless otherwise authorized by this UDO.

B. SURFACING

1. General

Except as otherwise provided in this section, all off-street parking and loading areas shall be surfaced with a hard, dustless, and bonded surface material such as asphalt, concrete, brick, stone, pavers, pervious pavement, or other materials. Pervious pavement may be used provided the applicant agrees to perform regular maintenance so that it retains its permeability.

2. Surfacing Exceptions

a. A single-family detached or duplex dwelling may use pervious material such as crushed stone, gravel, or mulch as surfacing for off-street vehicular parking, provided the material is:

i. Confined to the parking space and/or driveway to prevent spilling into right-of-way with a device expressly designed for such purposes such as bricks, wooden beams, or plastic/PVC landscaping borders, and renewed or replaced as reasonably necessary to maintain a neat and orderly appearance; or

ii. Included in two strips ("tire ribbons") designed to provide a driving surface for the wheels of a vehicle along the length of the parking space and/or driveway.

b. Public parking lots for Town, Iredell County, and K-12 school uses may use pervious material such as crushed stone or gravel as surfacing for off-street vehicular parking, provided that the material does not spill into the right-of-way. Overflow and special event parking for public parking lots for Town, Iredell County, and K-12 school uses may use mulch or grass.

c. Overflow parking and storage areas in the CM, CC, HLI, and IN zoning districts that are located in the rear yard and do not exceed 50% of the required parking may be surfaced with pervious material such as crushed stone or gravel in accordance with the design standards in the Land Development Manual.

C. LOCATION, ARRANGEMENT, AND DESIGN

1. Location

a. Vehicular accessways to parking lots shall be at least 100 feet from intersections without a traffic signal or 200 feet from an intersection with a traffic signal, to the maximum extent practicable.

b. Off-street parking spaces in a development that includes attached residential dwellings shall be configured so that each unit in the dwellings is located within 250 feet of the off-street parking spaces serving that unit.

c. Inside all nodal areas, the TD district, and the DE district, off-street surface parking is prohibited in any front yard abutting a right-of-way.

d. Within the CM or CC district and all residential districts (outside of nodal areas), up to 25 percent of off-street surface parking serving development on a lot that has frontage on a collector or higher classified street may be located in a front yard abutting the right-of-way, to contain a parking area no wider than a maximum of a double-loaded parking bay.

e. Within the HLI or IN district (outside of nodal areas), there shall be no limitation on the percentage of off-street parking located in the front yard.

f. Individual driveways serving single-family detached, duplex, and attached residential dwellings are exempt from the requirements of this section. Off-street parking lots serving Cottage Developments are also exempt from the requirements of this section.

2. Maneuvering

Except for single-family detached dwellings, attached residential dwellings, and duplex dwellings only, driveways may be located and arranged so that vehicles exit by backing out onto a public street and may utilize tandem parking:

i. Parking lots shall be arranged so all parking and maneuvering incidental to parking occurs within the parking lot and not on a public street or sidewalk.

ii. Each parking space shall open directly onto an aisle or driveway that is not a public street.

iii. Parking lots shall be arranged so a vehicle may be parked or unparked without moving another vehicle, unless within an automated or mechanical parking deck or garage, or part of valet or tandem parking allowed in accordance with Sec. 5.2.6, Off-Street Parking Alternatives.

3. Exterior Lighting

Lighted parking lots and loading facilities shall comply with Sec. 5.8, Exterior Lighting Standards.

4. Landscaping

Parking lots and loading facilities shall be landscaped in accordance with Sec. 5.3, Landscape and Buffer Standards.

5. Circulation

a. Buildings, parking and loading areas, landscaping, and open space set-asides shall be designed so that pedestrians moving from parking areas to buildings, and between buildings, are not unreasonably exposed to vehicular traffic.

b. Areas reserved for rideshare, taxi, delivery, or similar pick-up and drop-off services shall be designed to not interfere with the movement of vehicles or pedestrians within the parking lot.

6. Design

a. Off-street vehicular parking areas, aisles, pedestrian walks, landscaping, and open space set-aside areas shall be designed as integral parts of an overall development plan and shall be properly related to existing and proposed buildings.

b. All parking lots shall include pavement markings to delineate each required parking space, loading area, unloading area, pedestrianways, and other applicable markings (such as directional arrows and fire lanes) to provide for orderly and safe parking, loading, and unloading.

c. Any two-way access intersecting a street at any angle other than 90 degrees must be marked with a traffic separation stripe running along the length of the access; this requirement does not apply to interior intersections between drive aisles.

d. All off-street parking and loading spaces shall provide curbs, wheel stops, or similar devices that will prevent vehicles from overhanging on or into public right-of-way, walkways, adjacent land, or landscape areas.

7. On-Street Parking

On-street parking constructed by the development, including on-street parking provided in accordance with Sec. 5.2.6.D, On-Street Parking, shall comply with the following standards:

i. On-street parallel and reverse angle parking shall meet the standards of Table 5-2: Minimum Dimensional Standards for Parking.

ii. A sidewalk shall be installed adjacent to the parking space. In residential districts, on-street parallel parking spaces may be separated from the sidewalk by a planting strip no wider than 6 feet.

8. Parking in Drive Aisles

Parking in drive aisles or accessways is prohibited, except in a marked parking space that complies with this UDO, provided sufficient space is available to park the car entirely out of the travel way.

9. Single-Family, Duplex, and Townhouse Dwellings

A driveway used for parking in a single-family, duplex, or townhouse dwelling that is accessed from a public street shall be at least 20 feet long from the back of sidewalk or, if there is no sidewalk, 30 feet from the edge of pavement.

10. Cross Access

a. All off-street parking areas shall be designed to provide cross-access for vehicles and pedestrians to adjoining development.

b. If the adjoining development does not have a receiving stub or access, a maximum of one cross-access easement per adjacent development may be required in the most likely area(s) of future connection as determined by the Planning Director.

c. When a proposed development is adjacent to a vacant parcel, parking lot cross-access shall be required if the zoning district in which the vacant parcel is located allows a residential, mixed-use, or non-residential development as a permitted use. The parking lot cross-access requirement shall be accomplished by providing a connection to the property line shared with the vacant property. Cross-access is not required from or to properties in the Industrial Use Classification.

d. Each cross-access connection shall be designed to comply with the standards of this UDO and the internal circulation system of the parking lot shall be designed in such a way as to ensure the cross-access provides a feasible connection when the adjacent parcel is developed.

e. Where cross-access is required, access shall be constructed to the edge of the property as part of site development to the maximum extent practicable.

f. Cross-access easements shall be recorded on the final plat for the property involving a subdivision or recorded by separate instrument when no plat is proposed.

g. Property owners subject to cross-access requirements are responsible for maintaining safe and useable cross-access conditions for pedestrians and vehicles on their site.

h. Cross-access connections shall not be blocked or obstructed in such a way as to prevent intended pedestrian and vehicular traffic during agreed upon times of access.

i. Applicants are not required to seek cooperation or permission from the adjacent property owner(s).

j. The Planning Director may waive or modify the requirement for vehicular cross-access on determining that such cross-access is impractical or undesirable because it would:

i. Create hazardous conditions,

ii. Require connection to an adjoining property to which vehicle access is restricted,

iii. Require vehicular connection through an adjoining property that is reserved as preserved land (i.e., tree save area or conservation easement), or

iv. Require crossing a significant physical barrier or environmentally sensitive area.

D. DIMENSIONAL STANDARDS

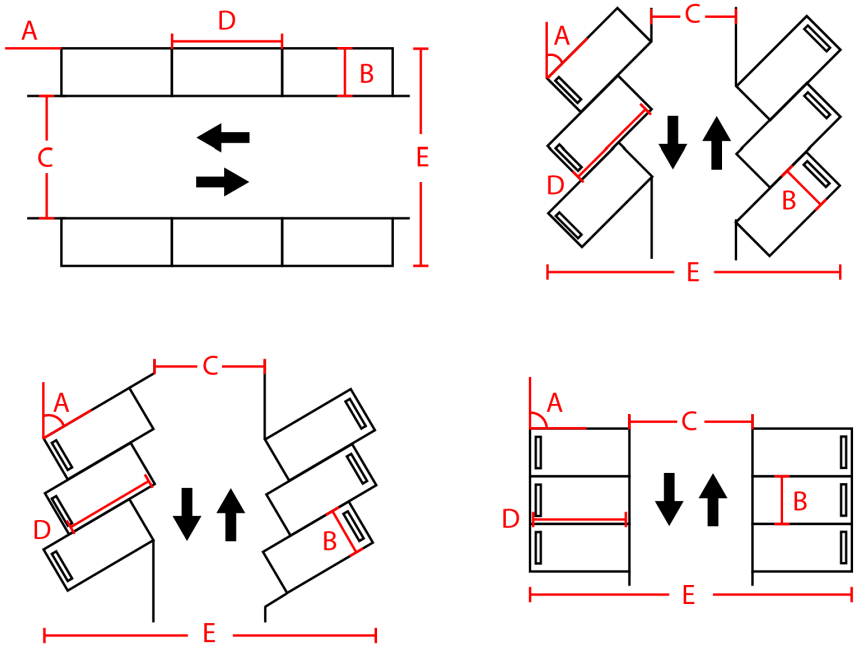
1. General

Except as provided in this section, standard vehicle parking spaces and aisles shall comply with the minimum dimensional standards established in Table 5-2. The minimum dimensional standards are illustrated in Figure 5-4.

TABLE 5-2: MINIMUM DIMENSIONAL STANDARDS FOR PARKING

Parking Angle (deg)	Stall Width (ft.)	Aisle Width (ft.) Two-way (one-way)	Stall Length (ft.)	Double Row + Aisle, Curb to Curb (ft.) Two-way (one-way)
A	B	C	D	E
0 (parallel)	8	N/A	22	N/A
45	9	22 (16)	18	60 (56)
60	9	22 (18)	18	63 (59)
90	9	24 (22)	18	60 (58)

Figure 5-4: Measurement of Parking Space and Aisle Dimensions



2. Accessible Parking Spaces

Accessible parking spaces shall comply with applicable standards of the ADA.

3. Parking Structures

Structured parking (parking garage) design may include spaces that are reduced to 8 feet in width and narrower drive aisles than what is shown in Table 5-4 to allow for a logical design. Proposed parking design shall follow best practices for structured parking and shall be approved by the Planning Director.

E. LARGE PARKING LOTS

Parking lots that contain 100 or more spaces shall comply with the following additional standards, with the exception of uses in the Industrial category:

1. Primary Drive Aisle

Primary drive aisles within parking lots shall be designed to appear as an extension of the public street network, extending from the public right-of-way along the full length of the primary façades of structures being served by the drive aisle (see Figure 5-5: Design of Primary Drive Aisle). The primary drive aisle shall:

i. Have a minimum cross-section width between curbs to serve two travel lanes; and

ii. Include sidewalks on both sides of the drive aisle or curb-delineated pedestrian passageway along the front façade of a building or buildings when the drive aisle is aligned parallel to that building façade.

Figure 5-5: Design of Primary Drive Aisle



2. Enhanced Landscape and Pedestrian Facilities

The parking lot shall provide improved pedestrian pathways and internal landscape islands to enhance the built environment and provide for safer parking lots. Figure 5-6: Example of Pedestrian Pathways, shows an example of how pedestrian pathways can be installed in a large parking lot. The following are specific standards that shall be followed:

i. At a minimum, every 4 parallel parking rows (every two double-row parking bays) or every 150 feet, whichever is less shall contain a ten-foot wide pedestrian path or planting strip that is between parking bays. Pedestrian paths and planting strips shall alternate;

ii. Pedestrian paths shall be located to provide direct access to the main entrances of buildings;

iii. Planting strips shall be planted with trees spaced every 40 feet and mulched;

iv. Pedestrian pathways shall to the maximum extent practicable, be aligned with and perpendicular to the primary entrance into the building served by the parking lot;

v. Pedestrian pathways shall be paved with asphalt, cement, concrete pavers, or other comparable material;

vi. Pedestrian pathways crossing drive aisles, include contrasting color and/or materials (in addition to required striping) and/or are raised to slow traffic; and

vii. Pedestrian pathways shall connect to all existing or planned adjacent transit and pedestrian facilities.

Figure 5-6: Example of Pedestrian Pathways



3. Pick-up and Drop-off Areas

The parking lot shall include designated areas for pick-up and drop off by visitors, taxis, rideshare, transit stop, or delivery services, in accordance with this chapter.

F. CONSTRUCTION AND MAINTENANCE

The landowner or developer of the development for which parking is provided shall be responsible for construction all facilities required by this section,

including vehicular and bicycle parking and loading areas. The owner shall be responsible for maintaining the facilities in safe condition at all times so as not to constitute a hazard to public safety or a visual or aesthetic nuisance to surrounding land. All surface markings shall be maintained to be readily visible at all times.

5.2.5. Off-Street Parking Standards

A. MINIMUM NUMBER OF OFF-STREET VEHICULAR PARKING SPACES

In the TD district, development is not required to provide a minimum number of off-street parking spaces for motor vehicles. For all other base zoning districts, Table 5-3: Minimum Off-Street Vehicular Parking Standards, establishes the minimum number of off-street parking spaces that development subject to the standards of this section is required to provide. The requirements are based on the categories of uses involved and the extent of development. Uses listed as having "variable" parking requirements shall calculate the minimum required off-street parking in accordance with Sec. 5.2.5.D, Variable and low demand parking Uses. The minimum number of required spaces may be adjusted based on Sec 5.2.6, Off-Street Parking Alternatives.

TABLE 5-3: MINIMUM OFF-STREET VEHICULAR PARKING STANDARDS

Use/Use Category	Minimum Number of Off-Street Parking Spaces	
	DE Zoning District or Within Node in CM or CC District	All Other Locations Except TD District
Agricultural		
Agriculture	No minimum	No minimum
Residential		
Group Living	1.5 per bedroom	2 per bedroom
Household Living	-	-
Multi-family, Upper Floor Residential Dwelling	1.25 per dwelling unit	1.5 per dwelling unit
All Other	1.5 per dwelling unit	2 per dwelling unit
Institutional		
Community Services	Variable	Variable
Education	Variable	Variable
Healthcare	Variable	Variable
Parks and Open Areas	No minimum	No minimum
Utilities, Transportation, and Communication	No minimum	No minimum
Commercial		
Animal Care	2 per 1,000 sf	3 per 1,000 sf
Business Services	-	-
Conference, Training, or Event Center	Variable	Variable

TABLE 5-3: MINIMUM OFF-STREET VEHICULAR PARKING STANDARDS

Use/Use Category	Minimum Number of Off-Street Parking Spaces	
	DE Zoning District or Within Node in CM or CC District	All Other Locations Except TD District
Office	2 per 1,000 sf	3 per 1,000 sf
Food and Beverage Services	2 per 1,000 sf	3 per 1,000 sf
Drive-Thru Restaurant	10 per 1,000 sf	10 per 1,000 sf
Restaurant/Bar	10 per 1,000 sf	10 per 1,000 sf
Lodging	1 per room	1 per room
Recreation and Entertainment	Variable	Variable
Retail Sales and Services	3 per 1,000 sf	3.5 per 1,000 sf
Vehicle Sales and Services	-	-
Boat or RV storage	2 per 1,000 sf office or indoor space	2 per 1,000 sf office or indoor space
Marina	1 per boat slip	1.5 per boat slip
Sales, Service, Rentals	2.5 per 1,000 sf building	3 per 1,000 sf building
Industrial		
Extraction and Production	Variable	Variable
Industrial Services	2 per 1,000 sf	2 per 1,000 sf
Warehouse, Distribution, and Wholesale	Variable	Variable
Waste and Recycling Services	2 per 1,000 sf office	2 per 1,000 sf office
Use Not Listed		
All uses not listed in table	Variable	Variable

B. ACCESSIBLE PARKING

Development required to provide off-street vehicular parking spaces shall ensure that a portion of the total number of required off-street parking spaces shall be specifically designated, located, and reserved for use by persons with disabilities, in accordance with state and federal standards.

C. MAXIMUM NUMBER OF OFF-STREET VEHICULAR PARKING SPACES

The maximum number of off-street vehicular parking spaces that may be constructed with a development is 125 percent of the minimum established for the use in the particular zone district in Table 5-3. An applicant may propose to construct additional parking spaces by submitting an alternative parking study that demonstrates the need for additional off-street vehicular parking in accordance with Sec. 0 for review and approval by the Planning Director.

D. VARIABLE AND LOW DEMAND PARKING USES

An applicant proposing to develop a principal use that has a variable parking requirement or that is a low demand parking use, such as warehousing, self-storage, and data center, shall propose the amount of required parking by one of the three methods outlined in this section. On receiving the application proposing to determine parking needs, the Planning Director shall:

a. Apply the minimum off-street parking space requirement specified in Table 5-3 for the listed use that is deemed most similar to the proposed use;

b. Establish the minimum off-street parking space requirement by reference to standard parking resources published by the Institute for Transportation Engineers (ITE), Urban Land Institute (ULI), National Parking Association, or the American Planning Association; or

c. Require the applicant to conduct a parking demand study to demonstrate the appropriate minimum off-street parking space requirement. The study shall estimate parking demand based on the recommendations of the ITE, ULI or another acceptable source of parking demand data. This demand study shall include relevant data collected from uses or combinations of uses that are the same or comparable to the proposed use in terms of density, scale, bulk, area, type of activity, and location.

E. ELECTRIC VEHICLE CHARGING STATIONS

Electric vehicle charging station parking spaces may county towards 25% of the minimum required off-street parking spaces. Electric vehicle charging station parking spaces shall not county against the maximum permitted off-street parking spaces.

F. CHANGE OF USE

Where an applicant proposes to change the use of a building to a new use that has increased parking standards, but the site cannot reasonably accommodate the additional parking required by the new use, for example due to its location or the existence of historic structures, and the applicant demonstrates it is not feasible to use any of the off-street vehicular parking alternatives, the Planning Director is authorized to reduce the amount of required parking if the applicant demonstrates that the design of the site and the provided off-street parking and the proposed parking-reduction strategies will do as good a job in protecting surrounding neighborhoods, maintaining traffic-circulation patterns, and promoting quality urban design as would strict compliance with the otherwise applicable off-street parking standards.

5.2.6. Off-Street Parking Alternatives

A. GENERAL

1. The Planning Director may authorize modifications to the minimum or maximum off-street vehicular parking standards established in this UDO. An applicant who proposes an alteration in off-street vehicular parking standards shall submit an alternative parking plan that meets the standards of this section.
2. An applicant may choose one of three methods to propose a reduction in the minimum or maximum off-street parking standards:
   a. An applicant may provide a parking study that results in an alternative parking plan.
   b. An applicant may provide an alternative parking plan that complies with the standards set forth in Table 5-6, which may utilize one or more methods to reduce the number of off-street vehicular parking provided on-site.
   c. An applicant may propose to implement and commit to managing a Transportation Demand Management (TDM) program that complies with this UDO.

TABLE 5-4: AVAILABLE REDUCTION IN MINIMUM OFF-STREET VEHICULAR PARKING REQUIREMENTS

Type of Reduction	Maximum Reduction in Off-Street Vehicular Parking Requirements
Mixed-Use Development	60 percent
On-Street Parking	20 spaces
Shared Parking	40 percent
Valet or Tandem Parking	Hotel use: 60 percent Restaurant use: 50 percent Other commercial uses: 35 percent
Deferred Parking	25 percent
Areas Reserved for Pick-Up/Drop-Off and Delivery Services	10 spaces

B. PARKING STUDY

A parking study shall use professionally accepted methods of transportation engineering and off-street parking demand, which demonstrates an appropriate amount of parking for the development is different than what is required by this UDO.

a. The parking study shall be prepared and sealed by a register professional engineer or landscape architect.

b. The parking study shall demonstrate that the required parking ratios do not accurately apply to the specific development proposal or that other options to satisfy the parking demand are available.

c. The Planning Director may allow up to a 60 percent reduction in the minimum off-street vehicular parking requirements or a 50 percent increase in the maximum off-street vehicular parking standards.

C. MIXED-USE DEVELOPMENT

An applicant for a development containing more than one use may submit an alternative parking plan that proposes a reduction in the minimum number of required off-street vehicular parking spaces for the development based on a comprehensive analysis of parking demand for each use by time of day. The maximum permitted reduction is identified in Table 5-4.

D. ON-STREET PARKING

A development may submit an alternative parking plan that proposes to substitute required off-street vehicular parking spaces for on-street vehicular parking spaces in a one-to-one ratio, provided:

a. The on-street parking space is on a street that is internal or adjacent to the development;

b. Pedestrian access is provided via a sidewalk that connects to an accessible pedestrian path to the primary entrance(s) of the development;

c. The distance between the on-street parking space and one of the primary entrances of the development is no more than 400 feet; and

d. The on-street parking space is not used by another development to offset its off-street vehicular parking requirements in accordance with this section.

E. SHARED PARKING

An applicant may propose to provide some required parking by providing off-street vehicular parking spaces in an off-site parking facility, in accordance with Table 5-4 and the following:

1. Location

All off-site vehicular parking spaces shall be located within a maximum walking distance of the primary pedestrian entrances, measured by the actual distance to walk from the shared parking area to the primary pedestrian entrance(s) using a route that complies with this section. The maximum walking distance from off-site parking to a residential use is 800 feet, and 1,200 feet to all other uses.

2. Access and Signage

a. Adequate and safe pedestrian access shall be provided by a paved pedestrian path protected by a landscape buffer or a curb separation and elevation from the street grade. The pedestrian access shall not cross an arterial street unless pedestrian access across it is provided by appropriate traffic controls or a grade-separated and lighted pedestrian route to ensure pedestrian safety.

b. Signage complying with the standards in Sec. 5.11, Sign Standards, shall be provided to direct the public to the shared parking spaces.

3. Adequate Number of Spaces

If the off-site parking is shared with other uses, the alternative parking plan shall include justification of the adequacy of shared parking among the proposed uses using the same factors evaluated for mixed-use development parking reductions in this section.

4. Accessible Parking

Parking spaces required to be accessible to persons with disabilities shall not be provided off-site.

5. Agreement Required

a. To ensure that any off-site parking permitted to satisfy minimum parking requirements remains available to the applicant's development, a written off-site parking agreement shall be required if land containing the off-site parking area is not on the same parcel as the land containing the principal use served or multiple uses are sharing parking.

b. Written agreements shall include the owners of land containing the off-site parking area, as well as all owners or long-term lessees of lands containing the uses proposed to share off-street parking spaces.

c. If the agreement is for exclusive use of off-site parking by a single use, the agreement shall provide the owner of the served use the right to use the off-site parking area and shall specify that the parking spaces are for the exclusive use of the served use, including any customers and employees.

d. If the agreement is for use of shared parking by multiple users, the agreement shall provide all parties the right to joint use of the shared parking area and shall ensure that as long as the off-site parking is needed to comply with this section, land containing either the off-site parking area or the served use will not be transferred except in conjunction with the transfer of land containing the other.

e. The agreement shall have a minimum duration of 15 years and state that the agreement may not be cancelled unless notice has been sent to the Planning Director via certified mail at least 30 days prior to the effective date of termination of the agreement;

f. An attested copy of an approved and executed agreement shall be recorded in the public records of Iredell County before a building permit for any use to be served by the off-site parking area may be issued.

g. The agreement shall be considered a restriction running with the land and shall bind the heirs, successors, and assigns of the landowner.

h. A violation of the agreement shall constitute a violation of this UDO and may be enforced accordingly.

i. No use served by the off-site parking may be continued if the off-site parking becomes unavailable to the use permanently or for longer than 30 days, unless substitute off-street parking spaces are provided in accordance with this UDO.

6. Unavailability of Shared Parking

If shared parking is no longer available due to the expiration or termination of a shared parking agreement, the Planning Director may require the

owner of the use requiring parking to comply with the terms of this section 5.2, including requiring that the applicant enter into a new shared parking agreement or otherwise provide additional off-street vehicular parking.

F. VALET OR TANDEM PARKING

An applicant may propose to use valet and tandem parking to meet a portion of the minimum number of off-street parking spaces required for commercial uses in accordance with the following standards:

1. Maximum Reduction

The minimum number of required off-street vehicular parking spaces may be reduced by up to:

i. 60 percent for a hotel use;

ii. 50 percent for a restaurant use; and

iii. 35 percent for all other commercial uses.

2. Drop-Off and Pick-Up Area

a. The development shall provide a designated drop-off and pick-up area, which may be located adjacent to the building served, but shall not be located in a fire lane or where its use would impede vehicular and/or pedestrian circulation, cause queuing in a public street, or impede an internal drive aisle serving the development.

b. Drop-off and pick-up areas shall not be allowed to use sidewalks for any stationing of vehicles.

3. Valet or Tandem Parking Agreement

a. Valet or tandem parking may be established and managed only in accordance with a valet or tandem parking agreement.

b. An attendant shall be provided to park vehicles during all business hours of the use utilizing the valet parking.

c. No use served by valet or tandem parking may be continued if the valet or tandem service becomes unavailable, unless substitute off-street parking spaces are provided in accordance with this chapter. The agreement is subject to the following:

d. The agreement shall be for a minimum of ten years and include provisions ensuring that a valet parking attendant will be on duty during hours of operation of the uses served by the valet parking.

e. The agreement shall be submitted to the Planning Director for review and approval before execution.

f. An attested copy of an approved and executed agreement shall be recorded in the public records of Iredell County before issuance of a building permit for any use to be served by the valet or tandem parking.

g. The agreement shall be considered a restriction running with the land and shall bind the heirs, successors, and assigns of the landowner. A violation of the agreement shall constitute a violation of this UDO and may be enforced accordingly.

G. DEFERRED PARKING

An applicant may propose to defer construction of the required number of off-street vehicular parking spaces in accordance with Table 5-4 and the following:

1. **Justification**
   The alternative parking plan shall demonstrate that because of the location, nature, mix of uses, or other unique site characteristics, there is a reasonable probability the number of parking spaces actually needed to serve the development is less than the minimum required.

2. **Reserve Parking Plan**
   The alternative parking plan shall identify the amount of off-street parking spaces proposed to be deferred and the location of the area to be reserved for future parking, if it is needed.

3. **Parking Demand Study**
   The applicant shall commit to preparing and submitting to the Planning Director an off-street parking demand study that evaluates the projected adequacy of the existing parking in meeting the off-street parking demand generated by the development.

4. **Reserved Areas**
   If the applicant is permitted to defer parking, all areas reserved for future parking shall be brought to the finished grade and landscaped with an appropriate ground cover, and not used for buildings, storage, loading, or other purposes. Such areas may be used for temporary overflow parking, provided such use is sufficiently infrequent to ensure maintenance of its ground cover in a healthy condition. If not required to be developed for off-street parking, the reserved areas shall be landscaped in accordance with Sec. 5.3, Landscape and Buffer Standards.

H. AREAS RESERVED FOR PICK-UP/DROP-OFF AND DELIVERY SERVICES

The applicant may propose to reduce the number of required minimum off-street vehicular parking spaces by the number of spaces reserved for rideshare/taxi or delivery services identified in Table 5-4 provided all such spaces meet the standards of this UDO. Shipping and receiving areas and access drives designated for large or heavy-duty vehicles shall not be used for pick-up/drop-off spaces.

I. TRANSPORTATION DEMAND MANAGEMENT PROGRAM (TDM)

The applicant may propose and the Planning Director may authorize a reduction in the minimum number of required off-street vehicular parking spaces through approval of a Transportation Demand Management (TDM) Plan, in accordance with the following:

1. **Applicability**
   A nonresidential or mixed-use development having a floor area of at least 25,000 square feet is eligible to propose a TDM Plan.

2. TDM Plan

The TDM plan shall include facts, projections, an analysis (e.g., type of development, proximity to transit and/or other multimodal systems, anticipated number of employees and/or patrons, minimum parking requirements) and indicate the types of transportation demand management activities that will be instituted to reduce single-occupant vehicle use and reduce traffic congestion. The plan shall identify the amount by which parking requirements have been reduced from the amounts otherwise required.

3. TDM Program Requirements

a. **The TDM plan shall provide the following TDM activities:**

i. A Guaranteed Ride Home program that offers emergency ride services to each employee with an allowance of no fewer than four rides per year, which an applicant may establish to serve the development or in partnership with other developments or uses.

ii. Written disclosure of transportation information and educational materials to all employees, that makes transportation and ride-sharing information available to employees. (This may be met by Human Resources Officers or other administrators of an organization.)

iii. Formation of transportation demand reduction programs such as carpooling, vanpooling, ridesharing, subsidy of employee bus passes, teleworking, and shuttle service programs.

b. **The applicant/landowner shall appoint a TDM program coordinator to oversee the TDM program.**

4. Additional TDM Program Elements

The TDM plan shall incorporate additional strategies to reduce parking demand, such as a parking cash-out or transportation stipend, unbundling of vehicular parking spaces from leases, providing preferential parking spaces for carpool or vanpool vehicles, instituting variable work schedules (including telecommuting) that moderate peak commute traffic and parking demand, or other strategies that the Planner Director determines will effectively meet the goals of this section.

5. Recording of TDM Plan

A copy of the approved TDM plan shall be recorded in the office of the Iredell County Register of Deeds before the Town issues a Zoning Permit for the development to be served by the plan. The TDM plan shall be recorded against the land, and the applicant and/or successors in interest in the land shall be responsible for implementing the plan in perpetuity.

6. Amendments

The Planning Director may approve amendments to an approved TDM plan in accordance with the procedures and standards for its original approval.

7. Parking Required if TDM Terminated

If the applicant or successors in interest in the development subject to a TDM plan stop implementing the plan or fail to submit a TDM report within one year of the regularly scheduled date the biennial report is due, the TDM plan shall be terminated and become null and void. Any such termination of the TDM plan does not negate the obligation to comply with the with minimum off-street parking requirements of this UDO and will constitute a violation of this UDO. No use served by the TDM plan may be continued unless another TDM plan is approved or all required off-street vehicular parking spaces are provided within 120 days of termination of the TDM plan.

5.2.7. Vehicle Stacking Standards

Development shall provide stacking space for vehicles in accordance with the following:

A. DRIVE-THROUGH AND SIMILAR FACILITIES

1. Required Number of Stacking Spaces

Uses with drive through facilities and other auto-oriented uses where vehicles queue up to access a service facility shall provide at least the minimum number of stacking spaces established in Table 5-5: Minimum Stacking Spaces for Drive-Through and Similar Facilities, unless additional use standards are included for specific uses that modify minimum stacking requirements in Chapter 4 of this UDO Additional stacking spaces or lengths may be required based on specific site/ use based on TIA standards, studies, or other analysis to ensure stacked vehicles do not impact streets or travel ways.

TABLE 5-5: MINIMUM STACKING SPACES FOR DRIVE-THROUGH AND SIMILAR FACILITIES

Use or Activity	Minimum Number of Stacking Spaces	Measured From
Automobile Fuel Sales	1	Each end of the outermost gas pump island
Bank or Financial Institution, with drive-through facility; or ATM as an accessory use	3 per lane	Teller window or ATM machine
Drive-through Restaurant	15	Pickup window

TABLE 5-5: MINIMUM STACKING SPACES FOR DRIVE-THROUGH AND SIMILAR FACILITIES

Use or Activity	Minimum Number of Stacking Spaces	Measured From
Commercial Uses with a drive-through not otherwise listed	5 per lane	Agent window
Hospital or Nursing Home	3	Building Entrance
School (pre-K – 12) and Daycares	As determined necessary by the Planning Director following consultation with school regarding how it anticipates students will access school, or based on a parking demand study	
Vehicle-related use with oil change/lubrication use	3 per bay	Bay entrance
Vehicle Wash, automatic	4 per bay	Bay Entrance
Vehicle Wash, self-service	2 per bay	Bay entrance
Other	Determined by the Planning Director based on standards for comparable uses, or based on a parking demand study	

2. Stacking Space Standards

All required stacking spaces shall:

i. Be a minimum of ten feet wide and 25 feet long;

ii. Be contiguous;

iii. Not impede onsite or offsite vehicular traffic movements or movements into or out of off-street parking spaces;

iv. Not impede onsite or offsite bicycle or pedestrian traffic movements; and

v. Be separated from access aisles and other vehicular surface areas by raised medians, if necessary for traffic movement and safety.

5.2.8. Bicycle Parking Standards

A. MINIMUM BICYCLE PARKING REQUIRED

Table 5-6: Minimum Bicycle Parking Standards, establishes the minimum number of off-street parking spaces that development subject to the standards of this section is required to provide.

TABLE 5-6: MINIMUM BICYCLE PARKING STANDARDS

Use	Minimum Number of Bicycle Parking Spaces	
	TD, DE Districts	All Other Base Zoning Districts
Single-Family Detached, Duplex, and Attached Residential Uses	None required	None required

TABLE 5-6: MINIMUM BICYCLE PARKING STANDARDS

Use	Minimum Number of Bicycle Parking Spaces	
	TD, DE Districts	All Other Base Zoning Districts
Dormitory and Multi-Family Dwelling uses	1 per 5 dwelling units	1 per 15 vehicular parking spaces
All other uses	1 per 15 required vehicular parking spaces [1]	1 per 20 vehicular parking spaces

Notes

[1] For development in the TD district, which does not require any off-street vehicular parking, the required minimum bicycle parking is calculated by referring to the number of off-street vehicular parking spaces that would be required if the development were in the DE district.

B. GENERAL BICYCLE PARKING STANDARDS AND MAINTENANCE

All bicycle parking shall be located in accordance with the following standards:

1. A bicycle parking space must be located on a paved or similar hard, all-weather surface, having a slope not greater than three percent.
2. Lighting must be provided for bicycle parking spaces that are accessible after dark.
3. Outdoor bicycle parking must be visible from the main entrance of the building it serves unless the Planning Director determines that another location provides better security for users. If required bicycle parking is not clearly visible from the entrance to the building, a sign shall be posted at the primary entrances indicating the location of the parking.
4. The minimum dimensional requirements for a bicycle parking space are:
    a. For horizontal storage, six feet long by two feet wide;
    b. For vertical storage, four feet long by two feet wide by eight feet high;
    c. Each bicycle parking space must be accessible without moving another parked bicycle;
    d. Not more than 35 percent of required bicycle parking spaces may be vertical or wall-mounted parking unless bicycle parking and retrieval services are provided;
    e. Except as provided in this section, all areas used for bicycle parking shall be located within a certain maximum distance of the public entrance to the building for which the space is required, measured along the most direct pedestrian access route. For a development with a single use, the maximum distance is 75 feet; for a development with multiple uses, the maximum distance is 150 feet; and
    f. Long-term bicycle parking facilities shall be located within 500 feet of a public entrance to the building for which the space is required, measured along the most direct pedestrian access route.
5. A bicycle parking rack shall:
    a. Allow for the securing of the frame and at least one wheel of a bicycle in a bicycle parking space to the rack with an industry-standard U-shaped bicycle lock;
    b. Provide each bicycle parking space with support for a bicycle in a stable position with direct support to the bicycle frame;
    c. Be designed and located so it does not block pedestrian circulation systems and pedestrian movements; and
    d. Be separated from any abutting parking lot by at least three feet and a physical barrier, such as bollards, curbing, wheel stops, reflective wands, or a fence or wall.

6. Bicycle parking areas shall be maintained free of inoperable bicycles (such as bicycles with flat tires or missing parts) and debris. Bicycle parking racks shall be maintained in good repair, securely anchored, and free of rust.
7. For dormitory and multi-family dwelling uses, 80% of total bicycle spaces provided on-site shall meet the requirements for long-term bicycle parking. The remaining spaces shall meet the requirements for short-term bicycle parking.

Figure 5-7: Bicycle Parking Space and Rack Dimensional Standards Overhead View

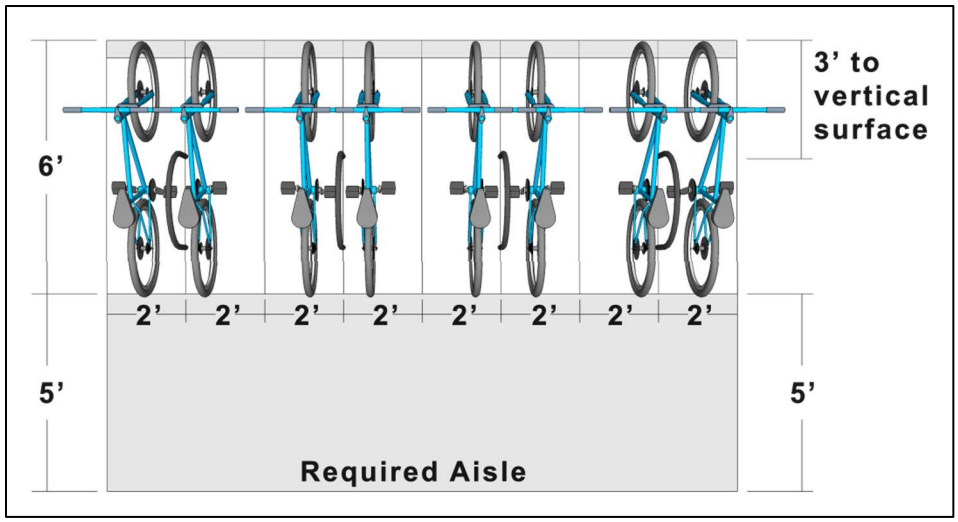
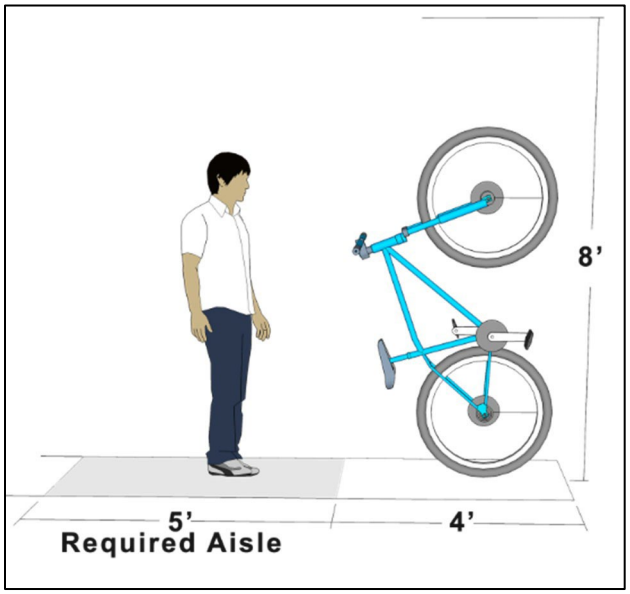


Figure 5-8: Vertical Bicycle Parking Dimensional Standards Context View



C. SHORT-TERM BICYCLE PARKING STANDARDS

1. Short-term bicycle parking shall be no more than 120 feet from an entrance to the building it is intended to serve, measured along the most direct pedestrian route.
2. Short-term bicycle parking may be located within the public right-of-way and/or within the required setback, provided that the short-term bicycle parking shall not obstruct required sidewalks or paths or movement from on-street parking to the required sidewalks or paths, and shall not impact the minimum planting area or spacing requirements for street trees or required landscaping or screening.

D. LONG-TERM BICYCLE PARKING STANDARDS

1. All long-term spaces shall be fully covered and offer protection from the elements. Long-term bicycle parking may consist of indoor parking, racks in garage structures, and/or bicycle lockers or other means which provide coverage of the bicycle.
2. Long-term bicycle parking shall be located either internal to the building or behind the building line along a frontage. Such parking may be restricted for the sole use of employees, tenants, residents, or others at the discretion of the property owner or management.
3. Spaces within dwelling units or on balconies do not count toward satisfying long-term bicycle parking requirements.

E. BICYCLE PARKING ALTERNATIVES

1. Development projects in the TD or DE zoning district required to provide more than 30 overall bicycle spaces may request from the Planning Director one of the following alternatives to on-site parking spaces, which shall be calculated on a one-for-one basis for some or all additional required bicycle spaces above the minimum 30 required on-site:
   a. A fee-in-lieu to cover the cost of bicycle parking spaces in other locations throughout the TD or DE zoning districts; or,
   b. The installation of additional bicycle parking spaces on Town-owned property or within public rights-of-way in the TD or DE zoning district, the final location of which to be determined by the Planning Director.

5.2.9. Off-Street Loading Standards

A. MINIMUM NUMBER OF OFF-STREET LOADING BERTHS

Development that involves the routine vehicular delivery or shipment of goods, supplies, or equipment to or from the development shall provide a sufficient number of off-street loading berths to accommodate the delivery and shipping operations of the development's uses in a safe and convenient manner which minimizes the impacts on pedestrian and vehicular circulation. Table 5-7: Minimum Number of Off-Street Loading Berths, establishes the minimum number of loading berths for the principal uses for which loading berths are required.

TABLE 5-7: MINIMUM NUMBER OF OFF-STREET LOADING BERTHS

Principal Use Classification or Category	Size (Number of Units or Gross Floor Area)	Minimum No. of Loading Berths
Multi-Family Dwelling use and Group Living	At least 100 and up to 300 dwelling units or rooms	1
	Each additional 200 dwelling units or rooms, or major fraction thereof	add 1
Health Care Facilities use, Hotel or Motel use, Business Services, Food and Beverage Services, Vehicle Sales and Service (outside of the TD zoning district)	At least 10,000 and up to 100,000 sf	1
	Each additional 100,000 sf	add 1
Retail Sales and Service (outside of the TD zoning district)	At least 5,000 but less than 20,000 sf	1
	At least 20,000 but less than 120,000 sf	2
	Each additional 80,000 sf	add 1
Warehouse/Wholesale Sales and Distribution	Less than 15,000 sf	1
	At least 15,000 but less than 50,000 sf	2
	At least 50,000 sf	3
	Each additional 50,000 sf	add 1
All Other Industrial Uses	Less than 50,000 sf	2
	At least 50,000 but less than 150,000 sf	4
	At least 150,000 but less than 250,000 sf	5
	At least 250,000 but less than 500,000 sf	6
	Each additional 100,000 sf	add 1

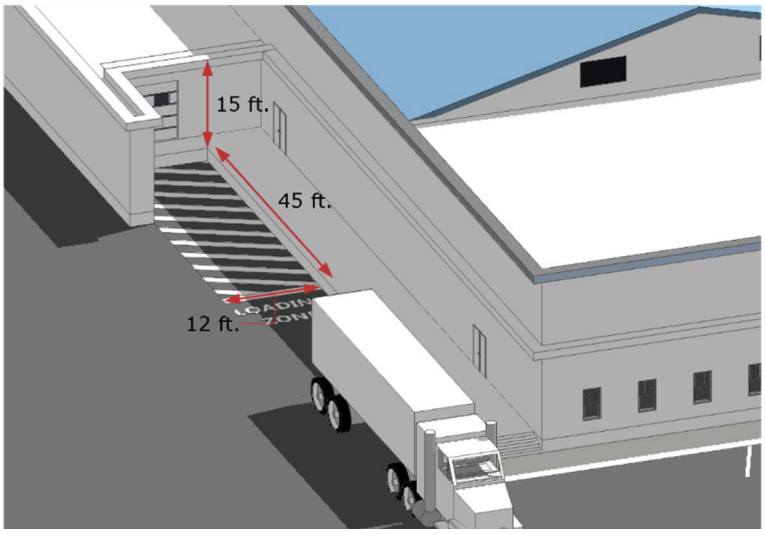
B. DIMENSIONAL STANDARDS FOR LOADING BERTHS

1. Each loading berth required by this section shall be of sufficient size to accommodate the types of vehicles likely to use the loading area. For Industrial uses, the minimum loading berth size that presumptively satisfies loading berth needs is at least 12 feet wide and 45 feet long. For all other uses, a berth as short as 33 feet may be allowed. The Planning Director may require an increase or allow reduction of the size of the required loading berth on determining that the characteristics of the particular development warrant such increase or reduction, and the general standard is met. (See Figure 5-12: Loading Area Configuration.)
2. Each loading berth shall have at least 15 feet of overheard clearance.

C. LOCATION AND ARRANGEMENT OF LOADING AREAS

1. To the maximum extent practicable, loading areas should be located to the rear of the use they serve (see Figure 5-9: Loading Area Configuration). Loading areas shall not be located in the front except for industrial uses, if demonstrated that loading is necessary in the front.
2. Each loading berth should be located adjacent to the building's loading doors, in an area that promotes its practical use, and be accessible from the interior of the building it serves.
3. Each loading berth shall be directly accessible from a street or alley without crossing or entering any other required off-street loading space.
4. Each loading berth shall be arranged so that all vehicle maneuvers for loading and unloading occur entirely within the property lines of the site or shared with an adjacent property, as long as permission is granted and a joint agreement obtained to share the loading areas.

Figure 5-9: Loading Area Configuration



5.3. LANDSCAPE AND BUFFER STANDARDS

5.3.1. Purpose

The purpose of this section is to promote and protect the public health, safety and general welfare by providing for the planting, maintenance, and preservation of trees, shrubs and other plants within the Town's urban forest. The intent of this section is to promote this purpose by:

1. Encouraging the planting, maintenance, restoration, and survival of trees, shrubs, and other plants, in appropriate locations;
2. Protecting community residents and visitors from personal injury and property damage, and the protection of the Town from property damage caused or threatened by the improper planting, maintenance, or removal of trees, shrubs or other plants;
3. Mitigating against erosion and sedimentation;
4. Reducing stormwater runoff and the costs associated it;
5. Preserving and protecting the water table and surface waters;
6. Maintaining and preserving tree canopy to provide shade, improve air quality, and moderate the effects of heat;
7. Restoring soils and land denuded as a result of construction and grading;
8. Providing perimeter buffers and visual screening, where appropriate, to mitigate the undesirable effects of incompatible uses;
9. Protecting and enhancing property values and aesthetic qualities; and
10. Improving the visual quality of the Town.

5.3.2. Applicability

A. NEW DEVELOPMENT

Unless expressly stated to the contrary, all new development shall comply with the standards of this section.

B. EXISTING DEVELOPMENT

An expansion of development shall comply with the standards of this section to the maximum extent practicable, as follows:

1. If an expansion of a structure increases the building's gross floor area by 25 percent or more when combined with the cumulative gross floor area of all expansions of the same structure during the preceding five-year period, the site shall comply with the standards of this section to the maximum extent practicable.

2. If the standalone expansion of an off-street parking or loading area increases the total impervious area of the parking area by 25 percent or more, the entire parking area shall comply with the Vehicular Use Area Landscaping Standards of this section.

5.3.3. General Requirements for Landscaping

A. LANDSCAPE PLAN

1. General

In order to ensure compliance with the standards of this section, a Landscape Plan that demonstrates how landscaping will be retained and/or planted on a development site shall be included with or as a part of a development application.

2. Minor Revisions

Minor revisions to an approved Landscape Plan may be necessary due to lack of plant availability, and may be approved by the Planning Director if:

i. There is no reduction in the quantity of plant material;

ii. The minimum standards for landscape plans of this UDO are met;

iii. There is no significant change in size or location of plant materials;

iv. All plants are all listed on the Mooresville Plant List; and

v. Revised plants are of the same general category (e.g., canopy tree, understory tree, evergreen tree, or shrub) and have the same general design characteristics (e.g., mature height, crown spread) as the materials being replaced.

B. EXISTING VEGETATION AND SITE FEATURES

1. General

To the maximum extent practicable, existing, healthy trees located on a site shall be preserved and credited toward standards for the type of landscaping required.

2. Maintenance

Existing vegetation and "natural" landscaped areas shall be maintained to ensure a neat and orderly appearance without negatively impacting the environmental benefit of these spaces.

3. Existing Vegetation Does Not Fully Comply

If existing vegetation and other site features do not fully comply with the standards for the type of landscaping required, then additional vegetation or site features shall be planted or installed within the required landscape area.

C. NEW PLANTING STANDARDS

New plantings shall comply with the following standards:

1. Minimum Size

a. Deciduous canopy trees shall have a minimum height of eight feet and be a minimum of two and one-half inches in caliper at the time of planting and be in compliance with the American Standard for Nursery Stock.

b. Understory trees shall have a minimum height of six feet and be a minimum of one-and-one-half inches in caliper at time of planting and be in compliance with the American Standard for Nursery Stock.

c. Evergreen trees shall have a minimum height of six feet and be a minimum of two and one-half inches in caliper at the time of planting.

d. Multi-stem trees shall have at least three stems, have an average of one and one-half inches in caliper (averaging the largest three stems), and be a minimum of eight feet in height above ground level at the time of planting.

e. Large shrubs shall be at least two feet in height at the time of planting and shall reach their required minimum performance height within five years of installation.

f. Small shrubs shall be at least one and a half feet in height at the time of planting and shall reach their required minimum performance height within five years of installation.

g. In cases where application of the requirements in this section result in a fraction in the number of shrubs to be provided, the minimum number of shrubs to be provided shall be rounded upwards to the next highest whole number.

2. Quality

a. All new plant material shall be of good quality, free from disease, and in good health, including being free from injury or improper pruning.

b. Trees that may be exposed to strong winds shall be properly guyed and staked at the time of planting.

c. All trees shall have mulch installed around them at time of planting that is no deeper than three inches and, if a mulch ring is used, to a distance of at least three feet in diameter.

d. All planting practices shall follow ANSI A300 standards.

e. The selection of plants, minimum height, root ball/ container size, number of branches, health, and width shall conform to the American Standard for Nursery Stock for that type of tree or shrub at the time of installation.

f. Plant material shall be of standard quality or better, true to name and type of species or variety.

g. The use of native and/or non-invasive, drought tolerant vegetation is encouraged to reduce dependency upon irrigation.

3. Plant Diversity

To curtail the spread of disease or insect infestation in a plant species, as well as ensure the urban forest remains healthy, new plantings shall comply with the following standards:

TABLE 5-8: PLANT DIVERSITY TABLE

Number of Required Trees to be Planted	Number of Different Overstory Tree Genera	Overstory Tree Max % of Single Genus	Number of Different Understory Tree Genera	Understory Tree Max % of Single Genus
0-25	3	40	2	70
26-100	4	25	3	50
101-250	5	20	4	40
251+	6	15	4	40

a. Required shrubs shall use the same plant diversity requirements.

b. Nothing in this section shall be construed to prevent the planting of a larger number of different genera than specified above.

4. Permitted Plant Species

The Mooresville Plant List contains trees and shrubs that are permitted and/or prohibited to be planted as part of landscape plans, is incorporated herein by reference, and is maintained and made available to the public by the Planning Director. Only those plants listed on the Mooresville Plant List shall be credited towards the requirements of this section unless otherwise approved by the Planning Director; however, the landowner or developer may submit other plant species for review and possible approval as part of an Alternative Landscape Plan, as long as they are not identified as being invasive.

5. Stabilization

a. All landscape planting areas shall be stabilized and maintained with ground covers, mulches, or other approved materials to prevent soil erosion and allow rainwater infiltration.

b. Trees shall not be planted on slopes exceeding a 3:1 horizontal-to-vertical distance; however, other vegetation, which may include shrubs and ground cover, shall be installed to prevent erosion. Required trees not planted due to topographical constraints shall be relocated to a more suitable location on the site.

6. Location of Plant Material

a. No required landscaping shall be planted within a sight distance triangle at an intersection or at driveway access points, unless an unobstructed view is maintained by keeping a clear area between 30 inches and six feet in height.

b. Landscaping shall be planted and maintained to ensure adequate clearances from fire protection equipment is maintained at all times.

c. In cases where overhead utility lines exist, understory or small maturing trees planted a maximum of 30 feet on-center may be substituted for canopy trees.

d. Landscaped areas within vehicular use areas shall be separated from parking spaces, driveways, and maneuvering areas by a standard curb or other appropriate technique. This standard shall not prohibit the use of planting areas as on-site stormwater management devices.

e. Tree shall be planted in the center of planting strips to ensure adequate room for growth and to minimize root impact on nearby infrastructure.

7. Berms

Except to reduce the perimeter buffer width in Sec. 5.3.6, Perimeter Buffers, berms shall only be utilized when the applicant can demonstrate that a traditional screening method would be insufficient or impractical, and only because of slope, soil conditions, sound mitigation, or other physical constraints. When authorized, all berms shall comply with the following standards:

i. The slope of all berms shall not exceed a two-to-one (2:1) ratio (horizontal-to-vertical), shall have a top width at least one-half the berm height, and a maximum height of six feet above the toe of the berm.

ii. All berms, regardless of size, shall be stabilized with a ground cover or other suitable vegetation.

iii. Berms proposed to be placed along street right-of-way shall be designed and constructed to provide adequate sight distances at intersections and along all other roads.

iv. Berms shall not be placed within a tree protection zone to prevent damage to the roots of existing healthy vegetation designated to be preserved.

v. Berms shall be clearly identified on the Landscaping Plan and shall include all information necessary to determine compliance with the standards in this section.

vi. Berms shall not count towards the open space set-aside standards (Sec. 5.6, Open Space Set-Aside Standards).

8. Easements

a. Landscaping shall not impede the ability of the easement holder to conduct maintenance activities within the easement.

b. Any landscaping installed in an easement shall be appropriately designed to prevent future conflicts on the use of the easement and the landscaping.

9. Irrigation

The use of irrigation is allowed in required landscaping areas in accordance with the following standards:

i. If automatic irrigation systems are permitted, moisture sensor regulators, soil moisture regulators, or drip irrigation shall be used that cutoff flow after 1.25 inches of rain;

ii. Irrigation must be installed in accordance with all Town, state, or federal regulations with regard to backflows;

iii. At no time may irrigation spray into public rights-of-way, unless specifically approved by the Planning Director for watering Town plant material; and

iv. The use of drought tolerant vegetation or xeriscape practices is encouraged to reduce dependency upon irrigation.

5.3.4. Site Landscaping

A. PURPOSE

Site landscape material is intended to replenish the tree canopy in developed areas, soften the visual impact of building foundations, and provide for the even dispersal of trees and shrubs across development sites.

B. GENERAL

For the purposes of this section, site landscaping is landscaping that is not:

a. Required vehicular use area landscaping (Sec 5.3.5);

b. Located within a required perimeter buffer (Sec. 5.3.6); or

c. Required screening (Sec. 5.3.8).

C. APPLICABILITY

Site landscaping is required for all new development except for single-family detached, manufactured home, and duplex developments.

D. SITE LANDSCAPING STANDARDS

1. General

For development subject to the requirements of this section, the trees and shrubs required to be planted shall be provided in the amounts identified in Table 5-12: Protected Tree Canopy Retention Standards, except in the TD zoning district. Properties in the TD zoning district are exempt from providing site landscaping, as long as street trees and parking lot landscaping are provided in accordance with this UDO.

TABLE 5-9: SITE LANDSCAPING STANDARDS

Use Type	Type of Landscaping Material		
	Minimum Number of Canopy Trees	Minimum Number of Understory Trees	Minimum Number of Large Shrubs
Single-family, Duplex, and Manufactured Home Uses	1/ lot	N/A	N/A
Attached Residential, Cottage Development, Manufactured home Parks, and Multi-Family Uses	4/acre	2/acre	1/every 6 feet of building façade
Institutional Uses	3/acre	3/acre	1/every 7 feet of building façade
Commercial Uses	2/acre	2/acre	1/every 8 feet of building façade
Industrial Uses	4/acre	2/acre	1/every 10 feet of building façade

2. Installation

a. Required plantings shall be located, as appropriate, to provide maximum screening from residential uses and public rights-of-way.

b. Large shrubs shall be placed around building foundations in locations that, to the maximum extent practicable, are visible from public rights-of-way and any shrubs not needed for foundation planting shall be either dispersed across the site or used to improve benefits to local wildlife and the ecosystem.

c. Planting areas shall be a minimum of six feet in width.

3. Alternative Landscaping Plan

In cases where the configuration or topographical constraints of a site make the placement of all required site landscaping impractical or there is a large portion of the existing landscaping that can be saved, the Planning Director may approve an Alternative Landscaping Plan (see Sec. 5.3.9, Alternative Landscaping Plan). The Alternative Landscaping Plan may include the placement of trees on nearby public lands.

5.3.5. Vehicular Use Area Landscaping

A. INTERIOR LANDSCAPING STANDARDS

1. Applicability

The standards in this section shall apply to the following development:

i. All new surface parking lots with six or more parking spaces; and

ii. To the maximum extent practicable, all surface parking lots of six or more spaces for buildings that are enlarged or expanded by 50 percent or more of their gross floor area, that existed on the effective date of this UDO.

2. Interior Landscaping Standards

a. All parking lots shall provide and maintain landscaped planting areas within the interior of the parking lot.

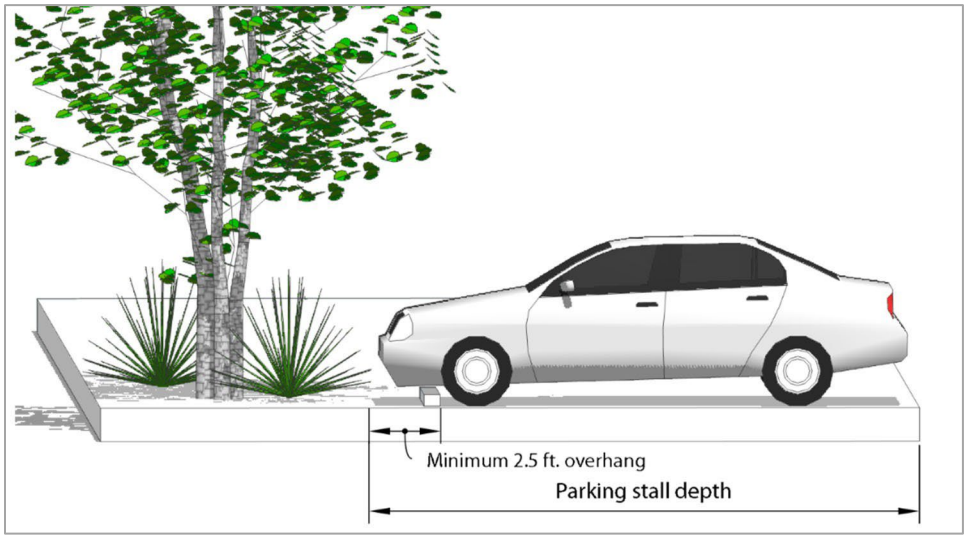
b. Interior landscaping standards shall not apply to parking structures; however, all perimeter landscaping shall be required.

c. Properties used for Personal Vehicle Sales or Commercial Vehicle Sales may relocate up to 50% of the required interior island plantings as part of an Alternative Landscape Plan; however, all perimeter landscaping shall be required.

3. Size

Each planting area shall contain minimum areas in accordance with this section, and in all instances, the planting area shall be adequate to accommodate the root growth of the plant material used. The placement of plant material shall accommodate a two-and-one-half (2½) foot bumper overhang of a vehicle over the face of the curb or, if used, wheel stops or other comparable devices. See Figure 5-10: Landscaping Accommodation for Vehicular Overhang.

Figure 5-10: Landscaping Accommodation for Vehicular Overhang



4. Design

a. Interior planting areas shall be configured to divide parking lots into separate bays or pods and designed within parking areas as islands located at the end of parking bays, with a minimum size of 135 square feet for single-loaded parking rows, and a minimum size of 270 square feet for double-loaded bays.

i. Islands located in-line, with a minimum of 180 square feet for single-loaded parking rows, and a minimum size of 360 square feet for double-loaded bays.

ii. Islands shall be located at the end of parking bays to separate parking spaces from the drive aisle.

b. Islands shall be located within parking bays so that no more than 10 parking spaces shall be located in a continuous row without being interrupted by a landscaped island.

c. Islands shall be used to visually separate parking areas and accommodate required pedestrian pathways in large parking lots where required.

d. Driveway medians shall have a minimum width of four feet for medians with shrubs, six feet for medians with shrubs and understory trees, and nine feet for medians with canopy or evergreen trees.

e. All landscaping areas shall be configured to maintain appropriate site distances within the parking lot and adjacent travel ways.

5. Planting Rates

Each interior planting area shall contain trees and shrubs at the following rates:

i. One canopy tree shall be required in each landscape island, except for locations directly under overhead utilities, where understory trees may be substituted for canopy trees (on a one-to-one basis);

ii. No parking space shall be separated from the trunk of a canopy tree by more than 50 feet or understory tree by more than 30 feet. Perimeter vehicular use area landscaping or other required landscaping may be used to meet this requirement; and

iii. Where practicable, trees and lights shall not be co-located in close proximity in any planting island.

6. Screened Topsoil Backfill

Soil utilized in parking lot islands, driveway medians, and other areas internal to a vehicular use area shall be clean topsoil that is screened prior to deposition in planting areas to a depth of twelve inches.

7. Distribution

Landscaped planting areas shall be distributed throughout the parking area for the purpose of maximizing the amount of canopy coverage over the parking lot.

B. PERIMETER LANDSCAPING STANDARDS

In addition to the interior vehicular use area landscape standards, parking lots shall also be screened from view of public streets and adjacent residential uses. Where a parking lot abuts a street right-of-way, vacant land within a Residential district, or existing residential development, the following standards shall apply:

1. Continuous Visual Screen

Perimeter landscaping for parking lots shall form a continuous vegetative screen, excluding required sight clearances at driveways.

2. Minimum Width

a. Within the Corridor Mixed Use (CM), Traditional Downtown (TD), and Downtown Extension (DE) districts, the perimeter landscaping strip shall have a minimum width of five feet.

b. For development in all other zoning districts, the minimum width for any perimeter landscaping strip shall be eight feet.

c. The perimeter landscaping strip shall be protected from vehicular intrusion by the installation of curbing, wheel stops, extra width in the buffer yard, or other comparable methods approved by the Planning Director.

3. Location

Perimeter landscape strips for screening parking lots shall be located on the same property on which the parking lot is located and shall be placed

to ensure visibility and safety of pedestrians on the public street, as well as those within the vehicular use area.

4. Required Materials

a. Shrubs shall be used to form the continuous visual screen in the perimeter landscaping strip. Perimeter landscape shrubs shall reach a mature height between three and five feet.

b. In addition to the shrub requirements, each perimeter landscaping strip shall include at least two canopy and two understory trees for every 100 linear feet of landscaping strip.

c. Evergreen trees and/or shrubs shall make up no less than 30% of the plant materials included in a buffer and shall be spread apart evenly or in a manner that provides the most effective screening.

5. Adjacent to Perimeter Buffers or Streetscape Landscaping Area

Perimeter landscape strips may be credited towards perimeter buffer standards or streetscape landscaping standards, provided that the minimum standards for each landscape category are maintained.

5.3.6. Perimeter Buffers

A. PURPOSE

The purpose of perimeter buffers is to protect land uses from the traffic, glare, activity, odor, visual disorder, and other harmful or noxious effects likely to be emitted by or associated with an adjacent, more intense land use.

B. APPLICABILITY

1. General

Unless exempted by this section, the standards in this section shall apply to:

i. All new development; and

ii. All expansion or enlargement of gross floor area of a building that existed on the effective date of this UDO, by more than 50 percent.

2. Exemptions

Development in the Traditional Downtown (TD) and Downtown Extension (DE) districts is exempted from the requirements of this section.

C. BUFFER OPTIONS

1. Perimeter Buffer Options

Table 5-10: Perimeter Buffer Options, defines four types of buffers based on their function, width, and minimum screening requirements.

2. Wall

a. Each buffer type includes two options for plantings and other screening. Several options provide for the reduction of the buffer width by including a wall, provided that where the width is reduced the Planning Director determines that the buffer is adequate to screen the incompatible uses.

b. The wall shall be between six and eight feet in height, shall be placed within the perimeter buffer, and shall have at least half of the plant materials installed on the outside of the wall. Fences shall not be permitted to reduce the buffer width requirement.

c. At no time shall a wall be installed within five feet of a public right-of-way.

TABLE 5-10: PERIMETER BUFFER OPTIONS

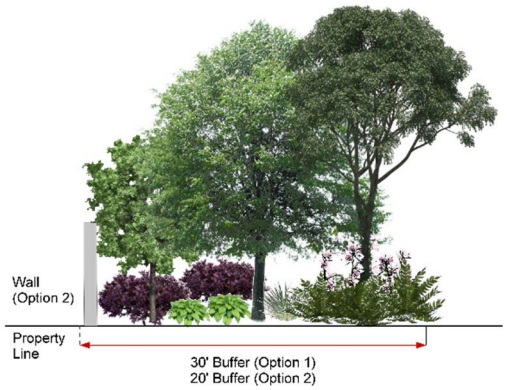
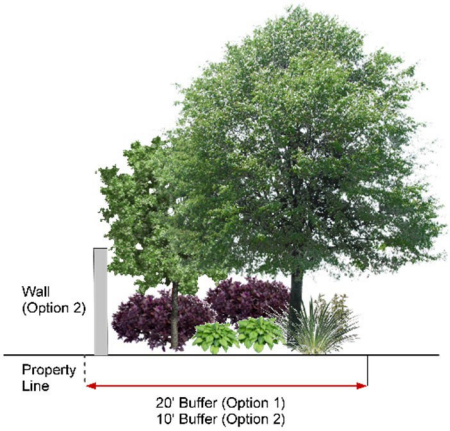
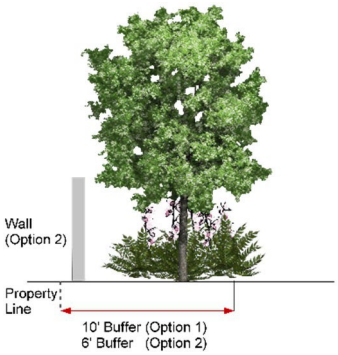
Buffer Type/Image	Description	Minimum Width and Screening	
		Option 1	Option 2
Type A: Opaque		50 ft	30 ft
	This buffer functions as an opaque screen from the ground to a height of at least 30-40 feet upon full maturity of the trees. This type of buffer prevents visual contact between uses and creates a strong separation.	4 canopy trees and 4 understory trees, and 90 large shrubs per 100 linear feet	5 canopy trees and 5 understory trees, and 90 shrubs per 100 linear feet, and a wall
Type B: Semi-Opaque		30 ft	20 ft
	This buffer functions as a semi-opaque screen from the ground to at least a height of 30-40 feet, upon maturity of the trees.	4 canopy trees and 4 understory trees, and 70 large shrubs per 100 linear feet	5 canopy trees and 5 understory trees, and 80 large shrubs per 100 linear feet, and a wall

TABLE 5-10: PERIMETER BUFFER OPTIONS

Buffer Type/Image	Description	Minimum Width and Screening	
		Option 1	Option 2
Type C: Aesthetic		20 ft	10 ft
	This buffer functions as an intermittent visual obstruction from the ground to 20 feet upon maturity of the trees and creates the impression of spatial separation without eliminating visual contact between uses.	2 canopy trees and 6 understory trees and 60 shrubs per 100 linear feet	2 canopy trees and 8 understory trees and 80 shrubs per 100 linear feet, and a wall
Type D: Basic		10 ft	6 ft
	This buffer functions as a basic edge demarcating individual properties with slight visual obstructions from the ground to a height of 15-20 feet.	2 canopy trees and 4 understory trees and 60 shrubs per 100 linear feet	5 understory trees and 80 shrubs per 100 linear feet, and a wall

D. PERIMETER BUFFER TYPES

The width of a buffer and the required quantity and type of plantings varies based on the nature of the potentially adjacent uses. Table 5-11: Buffer Types, establishes the type of perimeter buffer required between two adjacent land uses. The buffer types are described in Table 5-10: Perimeter Buffer Options. Where parking lot landscaping requirements overlap with these buffer requirements, they shall be counted toward the perimeter buffer requirements, if the minimum of both standards are met.

TABLE 5-11: BUFFER TYPES

Existing Use or Zoning District (if Vacant) of Adjacent Land	Proposed Use			
	Single-Family Detached, Duplex, Attached Residential, Live-Work, Manufactured Home, Cottage Development	**Multi-Family Dwellings, Continuing Care Retirement Community, Dormitory, Residential Care Facility, Manufactured Home Park, Institutional Uses (except Airports, Major Utilities, and Transit Hub or Station)**	**Commercial Uses (except Equestrian Center; Arena, Amphitheater, or Stadium), Mixed-Use Development, Athletic Fields, Transit Hub or Station, Industrial Services Uses, Waste and Recycling Services, Enclosed Environment Agriculture**	**Arena, Amphitheater, or Stadium; Equestrian Center; Industrial Uses (except Industrial Services and Waste and Recycling Services); Airports; Major Utilities**
Single-Family Detached Duplex, Attached Residential, Live-Work, Manufactured Home, Cottage Development Vacant Land - Zoning Districts: RC, RLS, RLI, RG, HMV, TN, Iredell/Rowan County agricultural or residential	N/A	C	A	A
Multi-Family Dwellings, Continuing Care Retirement Community, Dormitory, Residential Care Facility, Manufactured Home Park, Institutional Uses (except Airports, Major Utilities, and Transit Hub or Station) Vacant Land - Zoning Districts: CM	D	C	C	A

TABLE 5-11: BUFFER TYPES

Existing Use or Zoning District (if Vacant) of Adjacent Land	Proposed Use			
	Single-Family Detached, Duplex, Attached Residential, Live-Work, Manufactured Home, Cottage Development	**Multi-Family Dwellings, Continuing Care Retirement Community, Dormitory, Residential Care Facility, Manufactured Home Park, Institutional Uses (except Airports, Major Utilities, and Transit Hub or Station)**	**Commercial Uses (except Equestrian Center; Arena, Amphitheater, or Stadium), Mixed-Use Development, Athletic Fields, Transit Hub or Station, Industrial Services Uses, Waste and Recycling Services, Enclosed Environment Agriculture**	**Arena, Amphitheater, or Stadium; Equestrian Center; Industrial Uses (except Industrial Services and Waste and Recycling Services); Airports; Major Utilities**
Commercial Uses (except Equestrian Center; Arena, Amphitheater, or Stadium), Mixed-Use Development, Athletic Fields, Transit Hub or Station, Industrial Services Uses, Waste and Recycling Services, Enclosed Environment Agriculture Vacant Land - Zoning Districts: CC, HLI, Iredell/Rowan County commercial	D	D	N/A	B
All Industrial Uses except Industrial Services and Waste and Recycling Services; Airports; Major Utilities; Enclosed Environment Agriculture Vacant Land - Zoning Districts: IN, Iredell/Rowan County industrial	A	B	B	N/A
Interstate 77	A	A	A	A

E. RESPONSIBILITY FOR BUFFER INSTALLATION

1. Vacant Parcels

Where a developing parcel is adjacent to a vacant parcel, the developing parcel shall provide all of the perimeter buffer required adjacent to the vacant land.

2. Existing Land Uses

Where a developing parcel is adjacent to an existing use, the developing parcel shall provide the full perimeter buffer required adjacent to the existing use.

3. Location of Buffers

Perimeter buffers required by this section shall be located along the outer perimeter of the lot or site and shall extend to the lot boundary line or right-of-way line; however, the perimeter buffer may be located along shared access easements between parcels in nonresidential development.

F. DEVELOPMENT WITHIN REQUIRED PERIMETER BUFFERS

1. General

The required perimeter buffer shall not contain any development, impervious surfaces, or site features that do not function to meet the standards of this section or that require removal of existing vegetation, unless it is otherwise allowed under this UDO.

2. Sidewalks and Trails

Sidewalks and trails may be placed in perimeter buffers if damage to existing vegetation is minimized to the maximum extent practicable, as determined by the Planning Director.

3. Overhead and Underground Utilities

Overhead and underground utilities, if allowed by the Planning Director, are permitted in perimeter buffers, but shall minimize the impact to vegetation, to the maximum extent practicable. In cases where required landscaping material is damaged or removed due to utility activity within a required perimeter buffer, the landowner shall be responsible for replanting all damaged or removed vegetation necessary to ensure the perimeter buffer complies with the standards in this section.

4. Damage to Vegetation

In the event that perimeter buffer vegetation is damaged that results in the loss of intended purpose, the vegetation shall be replaced. Replanting vegetation outside of the initial buffer area may be required if the buffer is impacted enough to limit its effectiveness, as determined by the Planning Director.

G. OFF-SITE EASEMENTS FOR PERIMETER BUFFERS

Permanent off-site landscaping easements may be used in perpetuity to satisfy a portion of the perimeter buffer requirements in accordance with an Alternative Landscaping Plan (Sec. 5.3.9), provided the size or shape of the developing lot restricts the ability to develop the site while also meeting the requirements of this section. Such easements shall be recorded prior to or in conjunction with approval of a Site Plan or final plat, as appropriate.

5.3.7. Street Trees

A. WHERE REQUIRED

1. General Requirement

a. Street trees shall be planted in the right-of-way on both sides of every street, except alleys.

b. Street trees planted in accordance with this section shall be canopy trees, unless they would interfere with overhead utility wires or other similar public facilities, in which case understory trees shall be substituted for the canopy trees.

c. Planting in the right-of-way shall be the first preference; however, along NCDOT roadways, street trees may be planted outside of the right-of-way, as long as the trees are placed within 20 feet of the right-of-way, if NCDOT has safety concerns with trees in the right-of-way.

2. Alternative Landscaping Plan for Unique Conditions

In cases where street trees cannot be provided along a street due to overhead utilities, other utility locations, slope conditions, or other existing site conditions, the applicant may submit an Alternative Landscaping Plan for review that demonstrates where the street trees can be located elsewhere on the site in ways that serve the general purpose of street trees.

3. Planning Director Discretion

The Planning Director has discretion to determine the final spacing of street trees, planting location, use of tree wells, and width of planting strip (in all instances the planting strip should be a minimum of five feet in width) for the following reasons:

i. Ensure they are separated appropriately to allow for adequate growth and tree health;

ii. Avoid conflicts with utilities, sight distances or triangles, signage, traffic and pedestrian signals, and other site conditions;

iii. Ensure trees are pruned to provide a minimum of 14 feet of vertical clearance over adjacent roadways, following ANSI 300 standards;

iv. Ensure tree installation enhances the built environment and surrounding areas;

v. Ensure a more consistent appearance in relation to adjacent development or existing conditions of nearby areas;

vi. Meet specific transportation standards; or

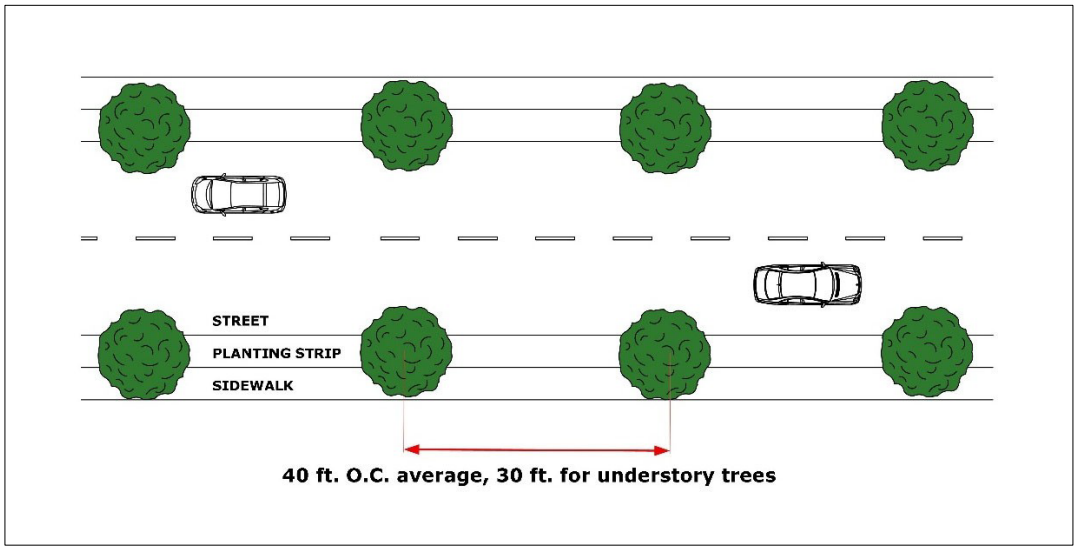
vii. Address unique topographic or other site conditions.

B. SPACING

1. Street trees shall have spacing that considers the location of driveways, streetlights, utility lines, street signs, sight triangles, and sight distances.

2. Street trees shall maintain an average on-center spacing of 40 feet (see Figure 5-11 below) or where understory trees are allowed an average on-center spacing of 30 feet, wherever possible.

Figure 5-11: Street Tree Placement in Residential Development



C. LOCATION

1. **Outside of Traditional Downtown, Downtown Extension, and Nodal Areas**
   For all development, a planting strip shall be provided with a minimum width of six feet between the back of the curb and the sidewalk. The street trees shall be planted within the planting strip.

2. **Inside of Traditional Downtown, Downtown Extension, and Nodal Areas**
   For all development, tree wells are preferred to be used in lieu of a planting strip to encourage a more urban development pattern. If a planting strip is used, it shall follow the standards for Outside of Traditional Downtown, Downtown Extension, and Nodal Areas. If tree wells are used, they shall contain a minimum soil volume of 350 cubic feet for canopy trees and 250 cubic feet for understory trees. Open tree pits may not exceed three feet by four feet without the use of a tree grate. Soil must contain amended on-site topsoil to a minimum depth of 18 inches. Tree wells shall be placed inside the right-of-way, behind the curb, and shall not obstruct the minimum required sidewalk width established for the zoning district.

3. **Redevelopment Sites**
   For all tree plantings required for site redevelopment, the minimum soil volume area shall be 200 cubic feet per tree.

4. **Distance from Light Poles and Transformers**
   Street trees shall be planted a minimum of eight feet from light poles and ten feet from electrical transformers to allow the safe servicing of these utilities.

5. Alternative Landscaping Plan

In unique cases, such as when the buildings are close to the street and street trees may not have adequate room for growth, the landowner or developer may submit an Alternative Landscaping Plan for review. The Alternative Landscaping Plan shall explain the situation and propose alternative locations on the site where an equal number of trees may be planted that serve the general intent and purpose of the street trees.

5.3.8. Screening

A. PURPOSE

The purpose of the screening standards is to conceal specific areas of negative visual or auditory impact from both on-site and off-site views. The areas to be screened shall be screened at all times, unless otherwise stated in this section, regardless of adjacent development, or the types and amount of landscaping material required to be placed on the development site from other requirements under this section.

B. TYPES OF DEVELOPMENT TO BE SCREENED

The following areas shall be completely screened from view in accordance with this section:

a. Large waste receptacles (dumpsters) and refuse collection points (including cardboard recycling containers);

b. Loading and service areas;

c. Outdoor storage areas (including storage tanks);

d. Including but not limited to ground level mechanical equipment, transformers, and utility meters;

e. Private sewer pump stations that can be seen from a public right-of-way;

f. Ground level small-scale solar energy systems; and

g. Large-scale solar energy systems, excluding roof-mounted systems.

C. SCREENING METHODS

The following screening methods shall be used for each type of development required to be screened.

1. Large Waste Receptacles (Dumpsters) and Refuse Collection Points

Large waste receptacles (dumpsters) and refuse collection points shall only be allowed in a side or rear yard and shall be screened with an opaque wall of masonry (which shall be constructed of brick, textured concrete masonry units, or stucco block), rot-resistant wood, composite material, or other comparable material. The wall shall be at least six feet in

height and at least one foot taller than the object to be screened. The TD district may have large waste receptacles on the non-primary front, as long as all screening as described herein is met.

2. **Large-Scale Solar Energy System**
   Large-scale solar energy systems shall be screened with a Type A buffer.

3. **Ground Level Small-Scale Solar Energy System**
   Ground-level small-scale energy systems shall be screened with a Type D buffer, except trees may be substituted for large shrubs to prevent shading of solar panels.

4. **Outdoor Storage Areas**

   Outdoor storage areas shall be screened with an opaque wall of masonry (which shall be constructed of brick, textured concrete masonry units, or stucco block), rot-resistant wood, composite material, or other comparable material. The wall shall be at least six feet in height and at least one foot taller than the object to be screened. Installation of a Type D buffer surrounding the storage area can be used in lieu of a wall for screening.

5. **Loading and Service Areas**
   Loading and service areas shall be screened with either an opaque wall of masonry (which shall be constructed of brick, textured concrete masonry units, or stucco block), rot-resistant wood, composite material, or other comparable material or with large evergreen shrubs. The wall shall be at least six feet in height. The shrubs shall be at least six feet in height at maturity.

6. **Ground Level Mechanical Equipment**
   Ground level mechanical equipment, as defined in Chapter 9, shall be screened with an opaque wooden fence, masonry wall, or evergreen shrubs. The screening shall extend a minimum of one foot above the ground level mechanical equipment. When wood is utilized, only treated wood or rot-resistant wood, such as cypress or redwood, shall be used.

5.3.9. Alternative Landscaping Plan

A. GENERAL

An Alternative Landscaping Plan may be requested by an applicant and reviewed and decided upon by the Planning Director where a modification from the landscaping or tree protection standards identified in this UDO is justified because of site or development conditions that make compliance with such standards impossible or impractical. An Alternative Landscaping Plan may also be requested to allow for exemplary design opportunities that would otherwise not be possible. Such conditions may include but are not limited to:

a. Natural conditions, such as lakes, ponds, or other natural features;

b. The likelihood that landscaping material would be ineffective at maturity due to placement, location, or other existing site conditions;

c. Lot size or configuration;

d. The presence of utility or other easements;

e. The potential for interference with public safety; or

f. Other situations where strict adherence to the landscaping or tree protection standards are determined to be impractical.

B. SUBMITTAL AND REVIEW

An applicant may submit an Alternative Landscaping Plan as part of an application for approval of a Concept Plan, Site Plan (major or minor), preliminary plat, final plat, or Zoning Permit, as appropriate. The Planning Director shall review and approve or deny an Alternative Landscaping Plan based on the standards of this UDO.

C. ALLOWABLE DEVIATIONS

Allowable deviations that can be approved in an Alternative Landscaping Plan from the landscaping standards in Section 5.3, Landscape and Buffer Standards, or the tree protection standards in Sec. 5.4, Tree Protection Standards, include, but are not limited to the following:

1. Reduced Planting Rates Due to Public Facilities

An adjustment to planting locations, spacing, or reduction in the type or total number of required trees or shrubs when underground or aboveground connections to public facilities or public utilities, public easements, or right-of-way, are located upon or in close proximity to the parcel, or whenever a fewer number or smaller size of trees would be more desirable in terms of good landscape practice.

2. Reduction in Standards Due to Size, Configuration, or General Nature of Parcel

A reduction in the planting locations, count, spacing, species diversity, or the total number of trees or shrubs if it is more desirable in terms of good landscape practice considering the size, configuration or general nature of the parcel and adjacent parcels.

3. Modifications Due to Topography or Other Natural Conditions

Modification of the planting locations, count, spacing, species diversity, or the total number of trees or shrubs due to topographic or other natural conditions of the development site.

4. **Modifications Due to Conditions Preventing Maturation of Landscape**
   Modification of the planting locations, count, spacing, species diversity, or the total number of trees or shrubs due to other site conditions which might make it unrealistic that the landscaping would properly mature.

5. **Modifications Due to Protection of Natural Features**
   Modification of the planting locations, count, spacing, species diversity, or the total number of trees or shrubs to enhance the protection of natural features on the site.

6. **Modifications Due to Urban Environment**
   For property located in the TD zoning district or a nodal area of the CM or CC zoning districts, the location and number of plants may be modified to encourage the urban environment.

7. **Modifications Due to Public Safety**
   Modification of the planting locations, count, spacing, species diversity, or the total number of trees or shrubs to ensure public safety.

8. **Tree Protection Standards**
   Modification to tree protection standards are only allowed if the modification is determined by the Planning Director to be as equivalent in effectiveness and meet the performance criteria and general purpose and intent of these standards as the standards identified in this UDO.

9. Modifications of Plant Location Due to Other Unique Site Conditions

a. Modification of the planting locations to off the development site, if it can be demonstrated the relocation is due to unique site conditions, and the relocated landscaping will serve the same purpose of the landscaping if it was located on the development site.

b. If landscaping is relocated off-site in accordance with this section, development approval shall be conditioned on the landowner ensuring to maintain the off-site landscaping, in perpetuity, in part by entering into an agreement with the Town to adequately preserve and maintain the off-site landscaping.

c. If appropriate locations cannot be determined, a fee-in-lieu payment may be accepted by the Planning Director that includes the costs of plant materials and installation. The Town shall use all fee-in-lieu payments for plantings on public property.

5.3.10. Installation Time and Permitted Delays

A. TIME LIMIT

All landscaping, mulching, and seeding shall be completed in accordance with this section prior to issuance of a certificate of occupancy for the property.

B. REQUEST FOR DELAY

1. Requests for a delay in complying with this section due to poor weather or planting conditions shall be considered in accordance with the requirements of this section.
2. A written request shall be provided to the Planning Director detailing the reasoning for the delay, what specific plantings are requesting to be installed at a later time, and the timeframe during which the planting shall be completed.
3. Extensions may be granted provided that the landowner or developer provides the Town with a performance guarantee in accordance with Sec. 2.5.26, Performance Guarantee, for the installation of the required landscape materials.
4. Extensions may also be granted for circumstances beyond the landowner's or developer's control, such as incomplete construction or utility work to occur in a proposed landscaped area within 30 days after expected site completion, as long as all other items in this section are met.
5. All street tree installation must be completed prior to streets being considered for public acceptance.

5.3.11. Maintenance

A. MAINTENANCE RESPONSIBILITY

The landowner shall be responsible for the maintenance of all landscaping areas not in the public right-of-way. Such areas shall be maintained in accordance with the approved Landscaping Plan or Alternative Landscaping Plan, as appropriate, and shall present a healthy and orderly appearance free from refuse and debris. All plant life shown on an approved Landscaping Plan or Alternative Landscaping Plan, as appropriate, shall be replaced if it dies, is in poor health, is seriously damaged, or removed. All landscaping areas shall be maintained so as to prevent debris from washing onto streets and sidewalks.

1. **Damage Due to Natural Occurrence**

In the event that any vegetation or physical element functioning to meet the standards of this section is severely damaged due to an unusual weather occurrence or natural catastrophe, or other natural occurrence such as damage by wild or domestic animals, the owner or developer shall be required to replant it if the landscaping standards are not being met. The landowner shall have one growing season to replace or replant. The Planning Director shall consider the type and location of the landscape buffer or required vegetation area as well as the propensity for natural re-

vegetation in making a determination on the extent of replanting requirements.

2. Protection During Operations

The landowner or developer shall take actions to protect trees and landscaping from unnecessary damage during all facility and site maintenance operations. Plants shall be maintained in a way that does not obstruct sight distances at roadway and driveway intersections, obstruct traffic signs or devices, or interfere with the use of sidewalks or pedestrian trails. Tree protection for trees on adjacent properties shall also be included to prevent damage while construction activities are taking place.

3. Maintain Shape

All required trees shall be maintained in their characteristic natural shape, and shall not be severely pruned, sheared, topped, or shaped as shrubs. Trees (including but not limited to crape myrtles) that have been severely pruned, sheared, topped, or shaped as shrubs that no longer serve the intended buffering, provide shade to the parking lot areas, or screening, as applicable, shall be considered as damaged vegetation in need of replacement in accordance with this section, and shall be replaced within one growing season.

4. Pruning

a. All pruning shall be accomplished according to good arboricultural standards and shall follow ANSI A300 and ANSI Z133 standards.

b. Trees shall be pruned only as necessary to promote healthy growth. Trees shall be allowed to attain their normal size and shall not be severely pruned in order to permanently maintain growth at a reduced height (see Figure 5-12). Severe pruning includes topping, tipping, lion's tailing, and other improper pruning techniques.

Figure 5-12: Examples of Improper Pruning



5. Watering of Planted Areas

All watering of planted areas shall be managed so as to:

i. Maintain healthy flora;

ii. Make plant material more drought tolerant;

iii. Avoid excessive turf growth;

iv. Stimulate deep root growth; and

v. Minimize leaching of fertilizer.

6. Maintenance of Natural Plant Communities

To the maximum extent practical, all sites shall be rid of invasive vegetation in order to encourage a more ecologically diverse and supportive environment.

7. Natural Death

The natural death of existing vegetation within any required landscaping area does not necessarily constitute a violation and would not require re-vegetation to replace the plant material unless the required landscaping area no longer achieves the required standards of this section. In no instance shall this provision be construed to prevent re-planting if, in the opinion of the Planning Director, the required performance standard of the landscaping is not being met.

8. Removal of Dead, Diseased, or Dangerous Trees or Shrubs

The landowner shall be responsible for the removal of any dead, diseased, or dangerous trees or shrubs, or parts thereof, which overhang or interfere with traffic control devices, public sidewalks, rights-of-way, or land owned by the Town. The Planning Director shall have the authority to order the removal of any such trees or shrubs.

9. Replacement of Distributed and Damaged Vegetation

The disturbance of any landscaping area or vegetation required by this UDO shall constitute a violation of these provisions. All disturbed landscaping areas and vegetation shall be replanted to comply with the standards of this section and the remedies for disturbance or destruction of vegetation in Chapter 8: Enforcement and Remedies.

10. Mulching

All vegetated areas shall include mulch that is between one and three inches in depth. At no time shall mulch be piled against the trunk of any tree.

5.4. TREE PROTECTION STANDARDS

5.4.1. Purpose

The purpose of this section is to provide for protection and maintenance of trees in the Town. The standards are intended to:

1. Prevent clear-cutting of sites;
2. Protect existing tree canopy;
3. Preserve the visual and aesthetic qualities of the Town;
4. Encourage site design techniques that preserve the natural environment and enhance the developed environment;
5. Improve slope stability, and control erosion and sediment runoff into streams and waterways;
6. Conserve energy by reducing heating and cooling costs;
7. Preserve and enhance air and water quality;
8. Reduce the heat island effect;
9. Maintain property values;
10. Minimize the impact of incompatible land uses;
11. Maintain and enhance the quality of life in the Town generally;
12. Preserve soil quality; and
13. Preserve the Town's sense of place as land development continues to take place.

5.4.2. Applicability

A. GENERAL

Unless exempted in this section, the standards in this section apply to:

1. All new development in the Town, including, but not limited to, residential subdivisions, commercial development, industrial development, and mixed-use development.
2. To the maximum extent practicable, any expansion of development that existed on the effective date of this UDO, if the expansion increases the building's gross floor area or impervious surface coverage by 50 percent or more.

B. EXEMPTIONS

The following activities are exempt from this section:

1. **Single-Family Detached Residential Lots**
   Single family detached and duplex residential subdivision lots that existed on the effective date of this UDO, or were created by a Minor Subdivision Plat, if the protected trees are not required by the approved Site Plan or existing record plat.

2. **Traditional Downtown District**
   Development in the Traditional Downtown (TD) District.

3. **Utility Operations**
   Tree removal by duly constituted communication, water, sewer, electrical, or other utility companies, or federal, state, county or Town agencies, or engineers or surveyors working under a contract with such utility companies or agencies, provided the tree removal is limited to those trees necessary for maintenance of existing utilities or for construction of new utility lines or facilities for providing utility service to its customers, and provided that the activity is within their utility easements and conducted in a way that avoids any unnecessary tree damage or removal.

4. **North Carolina Department of Transportation (NCDOT)**
   Tree trimming and removal by NCDOT within street right-of-way owned by the state.

5. **Maintenance by Town Crews**
   The planting, pruning, maintenance, and/or removal of trees, shrubs, and plants by Town staff on public lands, including rights-of-way, as necessary.

6. **Intersection Visibility**
   The selective and limited removal by the Town or NCDOT of trees or vegetation necessary to obtain clear visibility at driveways or intersections.

7. **Commercial Growers**
   Tree removal at commercial nurseries, botanical gardens, tree farms, and groves, if the trees removed were planted for silvicultural or agricultural purposes, or for the sale or intended sale in the ordinary course of business.

8. **Emergencies**
   Tree removal during emergencies caused by hurricanes, severe storms, flooding, or other natural disasters; however, required landscaping and urban forest infrastructure under this UDO will need to be replaced as part of disaster recovery efforts and reconstruction. Any required landscaping removed during an emergency shall be replaced within three years of the emergency declaration ending.

9. **Dead or Diseased Trees**
   The removal of dead, diseased, or naturally fallen trees, including specimen trees. Documentation shall be provided that the removed protected trees and other vegetation qualifies in accordance with this

section. Commercial properties, residential subdivision HOAs (and their common open space, associated buffers, screening, and berms) shall obtain written permission from the Planning Director before removing any trees or shrubs via a Tree Removal Permit.

10. **On-going Agricultural Operations**
    The removal and cutting of trees as part of an ongoing agricultural operation, including silvicultural operations conducted in accordance with the North Carlina Division of Forestry rules, regulations, and requirements.

11. **Pre-Clearing for Soil Testing Activities**
    The removal and/or trimming of trees on a site for which a complete Concept or Site Plan application has been filed, for the purposes of testing soils and related pre-development activities are only exempt provided that a minimally impactful route no wider than 20' through the site is selected, no Specimen Trees are removed as part of these activities, and no protected trees set aside for preservation on the associated Concept or Site Plan are damaged or removed. Should site development not commence within two years of these activities, the cleared areas shall be revegetated with comparable species.

5.4.3. Tree Removal Permit Required

A Tree Removal Permit shall be approved in accordance with the procedure and standards for Tree Removal Permits in Chapter 2: Administration, prior to removal of a tree protected by this section. An approved Site Plan that demonstrates compliance with this section can alternatively serve as a Tree Removal Permit.

5.4.4. Protected Trees Defined

For the purposes of this section, "protected tree" consists of

1. The crowns of all existing and healthy self-supporting canopy trees with a diameter at breast height (DBH) of ten inches or greater; and
2. The crowns of all existing and healthy self-supporting understory trees with a DBH of four inches or greater.

5.4.5. Retention and Preservation of Protected Trees

A. EXISTING TREE CANOPY INVENTORY REQUIRED

As part of tree removal approval and/or Site Plan approval and prior to any tree clearing, development work, or land disturbing activity, the landowner shall prepare and submit an inventory of existing trees on the development site, subject to the following:

1. **General**

   The inventory shall identify all existing specimen trees in the potential disturbed area and protected trees and specimen trees that are proposed to be preserved in accordance with these standards. Known dead or diseased trees shall also be identified, where practical. Groups of existing protected trees in close proximity (i.e., those whose canopies are within seven feet of each other) shall be designated as a cluster of trees, with the predominant species, estimated number, and average diameter indicated. Trees identified by the NC Invasive Plant Council as invasive in Iredell County are to be shown on the inventory but will not require protection or mitigation.

2. **Buffer Areas**

   Trees that are not used to meet regulatory requirements (i.e. forested areas that are not going to be disturbed) and located within mandatory protected areas, such as stream buffers and those with driplines outside of the limits of disturbance, may be surveyed using the tree sampling method outlined and made available to the public by the Planning Director.

3. **Professional Preparation of Survey**

   Tree inventories shall be prepared by a licensed landscape architect, surveyor, arborist, or registered forester for all projects that require a Major Site Plan or Major Subdivision Plat.

4. **Use of Aerial Photography**

   An aerial photograph or a print of equal quality may be substituted instead of the inventory for projects that require a Minor Site Plan.

B. PROTECTED TREE CANOPY RETENTION STANDARDS

1. Table 5-12: Protected Tree Canopy Retention Standards, establishes the minimum percentage of existing trees that are required to be retained and protected. This protected tree canopy is required to be retained on a development site, as long as the trees are located in a Priority Retention Area.

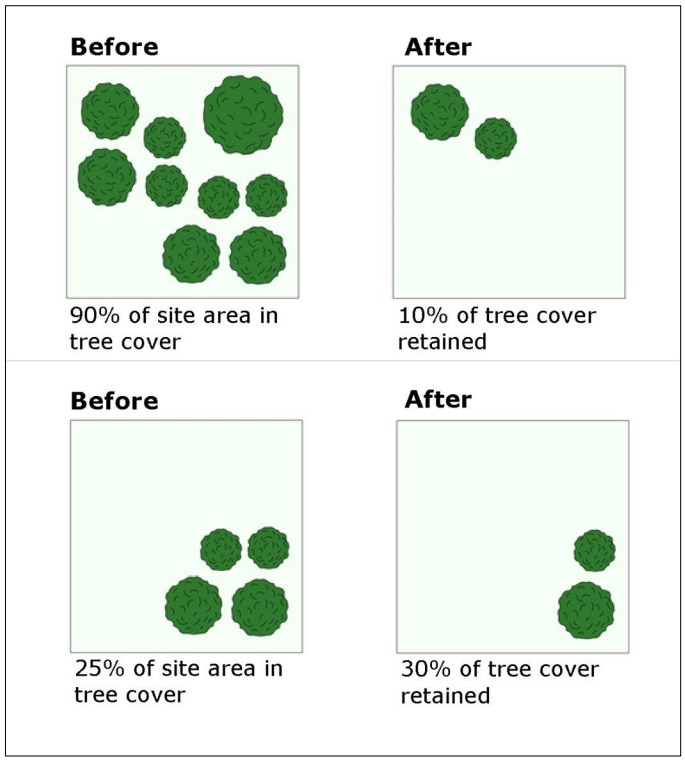
TABLE 5-12: PROTECTED TREE CANOPY RETENTION STANDARDS

Existing Protected Tree Canopy Cover (As a Percentage of Total Site Area)	Minimum Required Protected Tree Canopy Retention (As a Percentage of Total Pre-Development Protected Tree Canopy Cover), By District		
	RC, RLS, RLI, and RG Districts	HMV, TN, CM, and PD Districts	DE, CC, HLI, and IN Districts
80-100	25	10	10
60-80	30	15	10
40-60	35	20	15

TABLE 5-12: PROTECTED TREE CANOPY RETENTION STANDARDS

Existing Protected Tree Canopy Cover (As a Percentage of Total Site Area)	Minimum Required Protected Tree Canopy Retention (As a Percentage of Total Pre-Development Protected Tree Canopy Cover), By District		
	RC, RLS, RLI, and RG Districts	HMV, TN, CM, and PD Districts	DE, CC, HLI, and IN Districts
20-40	40	25	15
0-20	50	30	20

Figure 5-13: Example Tree Retention Percentages



2. **The Priority Retention Areas, in order of priority, are:**
   a. Specimen trees, and the area within their associated driplines;
   b. Existing protected trees located in riparian areas, along shorelines, in wetlands or wetland buffers or wetland protection areas, in flood hazard areas or floodplains;
   c. Protected tree canopy that is a part of wildlife habitat or other sensitive natural areas;
   d. Existing protected trees in areas with natural grades of 15 percent or more;
   e. Clusters of protected tree canopy; and
   f. Protected tree canopy that can be used for required landscaping (i.e., site landscaping, vehicular use area landscaping, perimeter buffers, and streetscapes).
3. **All trees being preserved on a property shall be cleared of invasive vines to help ensure long-term tree health.**

C. SITE DEVELOPMENT ALTERNATIVE

Protected trees (including specimen trees) that would otherwise be required to be retained by this section may be approved for removal as part of an Alternative Landscaping Plan from a development site, if after exploring other options for relief, the landowner demonstrates development on the site cannot be located and designed to allow for a reasonable use and submission if the removal of protected trees comply with the following:

1. **Replaced by Same or Comparable Species**
   The trees removed are replaced by the same species of tree or a comparable species. Three replacement trees shall be planted for each protected tree removed.
2. **Location for Planting of Replacement Trees**
   The replacement trees shall be clearly defined on the landscape plan and planted in appropriate areas of the development site and clustered to the maximum extent practicable, as a means of reestablishing existing tree canopy; and
3. **Sufficient Room for Future Growth**
   The replacement trees are planted with sufficient room to accommodate future growth.

5.4.6. Specimen Trees

In addition to the retention and preservation of the required percentage of protected trees, all development in the Town shall be required to protect

specimen trees on a development site in accordance with the following standards:

A. SPECIMEN TREE DEFINED

A specimen tree is

a. A canopy tree with a DBH of 24 inches or more; or

b. An understory tree with a DBH of ten inches or more.

B. REQUIREMENT

1. General

A specimen tree shall not be removed during development, except in accordance with this section.

2. No Cutting or Harm

A specimen tree shall not be cut, severely pruned, pushed over, killed, or otherwise harmed.

3. Root Damage Prohibited

Except when authorized by an approved Alternative Landscaping Plan, paving or compacting soil within the drip line of a specimen tree is prohibited. No more than ten percent of the area within the drip line of a specimen tree may be subject to paving or soil compaction and the paving or soil compaction cannot be within 12 feet of the tree trunk.

C. REMOVAL OF A SPECIMEN TREE

The Planning Director shall allow removal of a specimen tree if one of the following conditions is demonstrated:

1. Removal of a Healthy Specimen Tree

Except on lawfully established single-family detached dwelling lots, a healthy specimen tree shall only be removed upon issuance of a Tree Removal Permit if the landowner or developer demonstrates all of the following standards are met:

i. The trees are not within a recorded buffer, berm, or other tree save area;

ii. The landowner is otherwise in compliance with this section;

iii. The specimen tree is not located within a Tree Protection Zone;

iv. The specimen tree is not located in the right-of-way; and

v. Mitigation is provided in accordance with this section.

2. Removal of a Severely Diseased, High Risk, or Dying Tree

A specimen tree that is certified by an arborist or other qualified professional as severely diseased, high risk, or dying, may be removed, and is exempt from the requirements of this section. To be exempt, supporting

evidence shall be provided to the Planning Director prior to the removal of the subject tree.

3. Replacement/Mitigation of a Specimen Tree

The property owner removing a specimen tree in accordance with this section, shall be responsible for the following mitigation:

a. **Replacement Trees Required**

Each healthy specimen tree removed or destroyed shall be replaced with three replacement trees of the same or comparable species and shall be replanted within six months of the removal or destruction of the specimen tree, unless planting is deferred in accordance with Sec. 5.4.10, Deferral of Tree Replacement. If over 50 specimen trees are removed or destroyed as part of a site development, the Planning Director may allow each additional specimen tree removed or destroyed to be replaced with one replacement tree, or mitigated through a fee-in-lieu as described below.

b. **Location of Replacement Trees**

Replacement trees shall be either planted on the parcel of land from which the specimen tree was removed, if sufficient space is available, or placed on nearby public lands in accordance with Sec. 5.3.9, Alternative Landscaping Plan.

c. **Fee-in-Lieu**

For every specimen tree mitigated through a fee-in-lieu, the value of the tree shall be calculated as listed in the most recent edition of "The Guide for Plant Appraisal" published by The Council of Trees and Landscape Appraisers and the International Society of Arboriculture. Value shall be based upon the largest set of mitigated specimen trees, as measured by diameter breast height (DBH).

d. **Maintaining Required Landscaping**

The person responsible for mitigating and providing replacement trees for a removed specimen tree shall guarantee the survival and health of the replacement trees, and any associated replacement costs. If the replacement trees do not survive for three years, the person responsible for mitigating and providing replacement trees shall purchase and install new replacement trees.

5.4.7. Tree Protection Zone

A. TREE PROTECTION ZONE DEFINED

The Tree Protection Zone is the area of a development site to be retained and protected in accordance with this UDO that is the greater of the following:

a. **A radius of one-and-one-half (1½) feet for every one inch of the protected tree's diameter breast height (DBH); or**

b. **The area within a distance of six feet of a protected tree.**

Example: 24-inch tree would have a Tree Protection Zone with a radius of 36 feet or a diameter of 72 feet.

B. LOCATION ON DEVELOPMENT SITE

A Tree Protection Zone within a commercial subdivision, commercial lot, or residential subdivision, shall, to the maximum extent practicable, be located within common open space and not be part of a deeded subdivision lot. Additionally, greenways, berms, buffers, screening, or common open space shall not be part of a deeded residential subdivision lot.

C. DEPICTED ON DEVELOPMENT APPROVAL

The Tree Protection Zone shall be depicted on the Concept, Site, Preliminary Subdivision Plat, and Tree Removal Permit, as appropriate.

D. CREDIT TOWARDS OPEN SPACE SET-ASIDES AND LANDSCAPING STANDARDS

1. Credit Towards Open Space Set-Asides

The lands occupied by a Tree Protection Zone shall be credited towards the passive recreation open space standards in Sec. 5.6, Open-Space Set Aside Standards.

2. Credit Towards Landscaping Requirements

a. Protected trees that comply with the requirements for landscaping materials shall be credited towards the vehicular use area perimeter landscaping requirements.

b. Existing trees that comply with the requirements for landscaping materials and are located within a required perimeter buffer may be credited towards the planting requirements for a perimeter buffer.

c. Existing trees that comply with the requirements for landscaping materials and are located within a required streetscape may be credited towards the planting requirements for streetscapes.

E. REPLACEMENT AND MITIGATION OF PROTECTED TREES DAMAGED IN TREE PROTECTION ZONE

1. Accidental Damage

When development of a site causes accidental damage or disturbance to protected trees inside the Tree Protection Zone, the disturbed area shall be re-vegetated to preexisting conditions in one or more of the following ways, as approved by the Planning Director. Replacement trees and vegetation shall be in addition to all other landscape requirements.

a. **Replacement Timing**
Replacement of protected trees shall occur within six months of the tree removal, unless planting is deferred in accordance with Sec. 5.4.10, Deferral of Tree Replacement.

b. **Replacement Calculation**
For every inch of protected trees damaged or removed, one inch of replacement trees shall be planted. Example: removal of a 24-inch tree requires the installation of 24 inches of replacement trees, rounded up to a whole tree, which would equal ten trees that are 2-1/2" caliper in size.

c. **Location of Replacement Trees**
Replacement trees shall be either planted on site in a location that provides the most beneficial positive impact on the environment, Town, and site. Considerations for the location shall include opportunity to expand existing forested areas, increase buffers, support wildlife corridors, or further protect environmentally sensitive areas. If adequate space is not available on the development site, the Planning Director may, at his or her discretion, allow the trees to be planted on nearby public land.

2. Trees Die Within Three Years due to Construction Activities
In cases where protected trees located within a Tree Protection Zone die within three years following the completion of construction activities on a site or portion of a site (as determined by the date of certificate of occupancy issuance), and the death of the protected trees in the Tree Protection Zone can be linked to the construction activities, then replacement shall be required.

3. Damage/Removal in Violation of Tree Removal Permit and UDO
In cases where there is intentional damage to protected trees (including severe pruning or "topping"), tree clearing, development work, or land disturbance without a Site Plan Approval or a Tree Removal Permit, remedies shall be applied in accordance with this section and remedies for disturbance or destruction of vegetation in Chapter 8: Enforcement and Remedies.

5.4.8. Tree Protection During Construction

A. OWNER'S RESPONSIBILITY

During development, the landowner or developer shall be responsible for the erection of any and all barriers necessary to protect any existing protected trees or other vegetation from damage, both during and after construction. The tree protection fencing shall be clearly shown on the Site Plan or

subdivision preliminary and shall be maintained until the final site inspection for the certificate of occupancy.

B. TREE PROTECTION FENCING

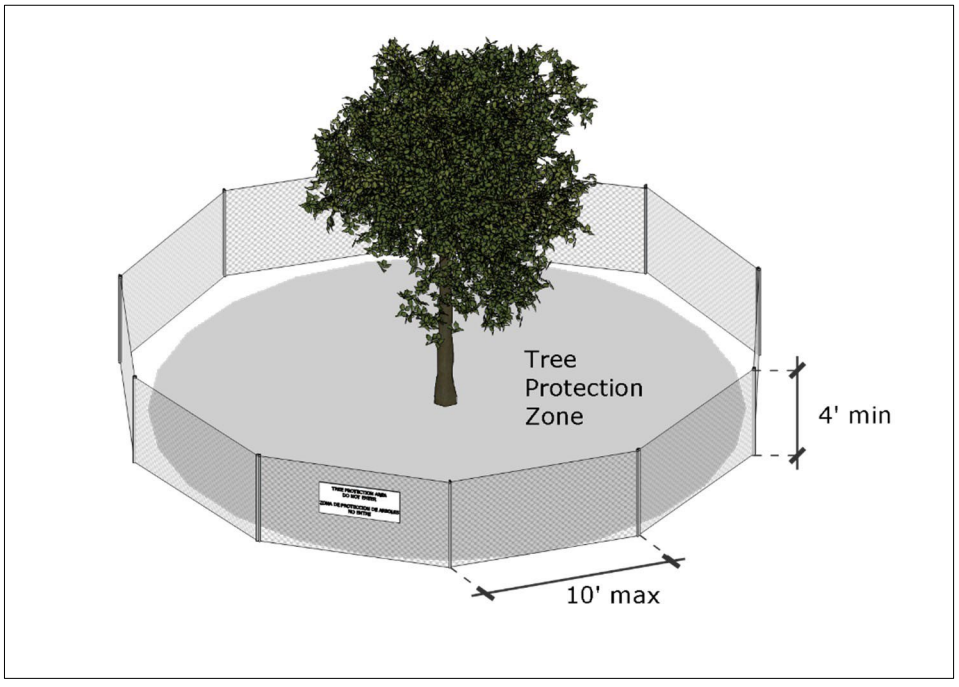
1. Where Required

Protected trees retained in a Tree Protection Zone (see Sec. 5.4.7, Tree Protection Zone), and other existing trees being used for credit towards landscaping requirements, shall be fenced with a visible fence that meets the standards of this section before site clearing, grading, or other development activity begins.

2. Type of Fencing

All fencing required by this section shall be a minimum four feet high. Posts shall be located no more than ten feet on-center and shall not be installed in a manner that damages tree roots. Chain link or wire fencing utilized as tree protection fencing shall not be required to be vinyl coated. (See Figure 5-14.)

Figure 5-14: Tree Protection Fencing



3. Signage

Signs shall be installed on the tree protection fence visible on all sides of the fenced-in area at a rate of at least one for every 150 linear feet. The size of each sign shall be a minimum of two feet by two feet and shall

contain the following language: "TREE PROTECTION AREA DO NOT ENTER" and "ZONA DE PROTECCIÓN DE ÁRBOLES NO ENTRE". (See Figure 5-15.)

Figure 5-15: Tree Protection Fencing Signage



4. Encroachment into a Tree Protection Zone

Encroachments into a Tree Protection Zone shall occur only when no other alternative exists, as determined by the Planning Director. If such an encroachment is anticipated, the area shall be temporarily mulched with a minimum four-inch layer of wood chips to mitigate temporary equipment passing through a Tree Protection Zone. Mulch shall be thinned to a maximum of three inches as soon as possible following the encroachment. At no times is this intended to allow regular encroachments through or storage within a Tree Protection Zone.

5. Silt Fencing and Grading

Installation of silt fencing shall not be permitted in the Tree Protection Zone. Grading or filling shall not be permitted in the Tree Protection Zone.

6. Chemical Contamination

Trees located within a Tree Protection Zone shall be protected from chemical contamination from liquids or other materials, including but not limited to paint, chemical solvents, gasoline, oil, diesel fuel, hydraulic fluid, concrete spoils, or rinse water from vehicle cleaning, including rinsing of concrete truck tanks and chutes.

5.4.9. Tree Preservation Incentives

A. TREE PRESERVATION CREDITS

To encourage the preservation of existing trees on a site, a tree preservation credit for the retention of existing, undisturbed, and structurally sound, healthy trees which are not otherwise required to be retained on a site shall be allowed in accordance with the following standards:

1. Credit Amount

A credit of one-to-one multiplied by the aggregate DBH of trees shall be credited and applied towards the other on-site landscaping standards and specimen or protected tree mitigation when the existing trees that are saved comply with the following minimum size standards:

i. Canopy trees that are six inches DBH, or greater; or

ii. Understory trees that are four inches DBH or greater.

2. Towards Required Plantings

The tree preservation credit may be applied to the aggregate tree caliper inch standards for any landscaping contained in this section. At no times shall this credit be applied to buffers or streetscape landscaping, unless retained trees are located within a buffer or streetscape landscaping location. In no case shall tree preservation credits substitute for more than 20 percent of the required landscaping material.

3. Reduction in the Minimum Number of Required Parking Spaces

Up to a five percent reduction in the number of off-street parking spaces required on the site may be allowed if the reduction in the amount of required pavement will preserve the root zones of existing healthy trees with a DBH of ten inches or greater. The amount of reduction can be determined only after taking into consideration any unique site conditions and the impact of the reduction on parking needs for the use and shall be agreed upon by both the applicant and the Planning Director.

5.4.10. Deferral of Tree Replacement

If the applicant can demonstrate that the market conditions are such that replacement trees are not readily available or the time of year is not suitable for planting, then compliance with this section may be deferred following the provisions set forth in section 5.3.10, Installation Time and Permitted Delays.

5.5. FLOOD DAMAGE PREVENTION

5.5.1. General Provisions

A. AUTHORITY

In addition to the authority referenced in Sec. 1.2, Authority, this section 5.5 is adopted in accordance with N.C.G.S. Chapter 143, Art. 21, Part 6; Ch. 153A, Art. 6; and Ch. 160A, Art. 8. and Ch. 160D, Art. 7,9, and 11 delegated to local governmental units the authority to adopt regulations designed to promote the public.

B. FINDINGS OF FACT

The Town of Mooresville finds that:

a. The flood prone areas within the Town's jurisdiction are subject to periodic inundation which may result in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

b. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

C. PURPOSE

The purpose of this section is to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

a. Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;

b. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;

c. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;

d. Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and

e. Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

D. OBJECTIVES

The objectives of this section are to:

a. Protect human life, safety, and health;

b. Minimize expenditure of public money for costly flood control projects;

c. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

d. Minimize prolonged business losses and interruptions;

e. Minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;

f. Minimize damage to private and public property due to flooding;

g. Make flood insurance available to the community through the National Flood Insurance Program;

h. Maintain the natural and beneficial functions of floodplains;

i. Help maintain a stable tax base by providing for the sound use and development of flood prone areas; and

j. Ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

5.5.2. Flood Damage Prevention Standards

A. APPLICABILITY

The requirements identified in this section shall apply to all areas within the Town's jurisdiction, including Extra-Territorial Jurisdictions (ETJs) as allowed by law.

B. BASIS FOR ESTABLISHING SPECIAL FLOOD HAZARD AREAS

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its FIS dated November 16, 2018, for Iredell County and associated DFIRM panels, including any digital data developed as part of the FIS, which are adopted by reference and declared a part of this UDO, as well as all revisions thereto.

C. PERMIT REQUIRED

A Floodplain Development Permit that complies with the standards of this UDO shall be required prior to the commencement of any development activities within a Special Flood Hazard Area.

D. COMPLIANCE

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this ordinance and other applicable regulations.

E. ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

F. INTERPRETATION

In the interpretation and application of this section, all provisions shall be:

a. Considered as minimum requirements;
b. Liberally construed in favor of the governing body; and
c. Deemed neither to limit nor repeal any other powers granted under State statutes.

G. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur and actual flood heights may be increased by man-made or natural causes. This section does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of the Town or by any its officers or employees for any flood damages that result from reliance on this UDO or any administrative decision lawfully made hereunder.

5.5.3. Administration

A. FLOODPLAIN ADMINISTRATOR

1. Designation

As described in Chapter 2, the Planning Director shall serve as the Floodplain Administrator and administer and implement the provisions of this UDO. In instances where the Floodplain Administrator receives assistance from others to complete tasks to administer and implement this ordinance, the Floodplain Administrator shall be responsible for the coordination and community's overall compliance with the National Flood Insurance Program and the provisions of this section.

B. FLOODPLAIN DEVELOPMENT APPLICATION REQUIREMENTS

Applications for a Floodplain Development Permit are described in Chapter 2 and shall include the following:

a. A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:

i. The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;

ii. The boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in this section for establishing Special Flood Hazard Areas, or a statement that the entire lot is within the Special Flood Hazard Area;

iii. Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map;

iv. The boundary of the floodway(s) or non-encroachment area(s);

v. The Base Flood Elevation (BFE) where provided;

vi. The old and new location of any watercourse that will be altered or relocated as a result of proposed development; and

vii. The certification of the plan by a registered land surveyor or professional engineer.

b. Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:

i. Elevation in relation to NAVD 1988 of the proposed reference level (including basement) of all structures;

ii. Elevation in relation to NAVD 1988 to which any non-residential structure in Zones A, AE, AH, AO, A99 will be floodproofed; and

iii. Elevation in relation to NAVD 1988 to which any proposed utility systems will be elevated or floodproofed.

c. If floodproofing, a Floodproofing Certificate (FF-206-FY-22-153) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.

d. A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this section are met. These details include but are not limited to:

i. The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls); and

ii. Openings to facilitate automatic equalization of hydrostatic flood forces on walls when solid foundation perimeter walls are used in Zones A, AE, AH, AO, A99.

e. Usage details of any enclosed areas below the lowest floor.

f. Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.

g. Certification that all other Local, State and Federal permits required prior to Floodplain Development Permit issuance have been received.

h. Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the standards of this UDO are met.

i. A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

C. FLOODPLAIN DEVELOPMENT PERMIT REQUIREMENTS

The Floodplain Development Permit shall include, but not be limited to:

a. A complete description of all the development to be permitted under the Floodplain Development Permit (e.g. house, garage, pool, septic, bulkhead, cabana, pier, bridge, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.).

b. The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in this section.

c. The Regulatory Flood Protection Elevation required for the reference level and all attendant utilities.

d. The Regulatory Flood Protection Elevation required for the protection of all public utilities.

e. All certification submittal requirements with timelines.

f. A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse unless the requirements of this section have been met.

g. The flood openings requirements.

h. Limitations of below BFE enclosure uses (if applicable). (i.e., parking, building access and limited storage only).

i. A statement, that all materials below BFE/RFPE must be flood resistant materials.

D. CERTIFICATION REQUIREMENTS

1. Elevation Certificate

a. An Elevation Certificate (FF-206-FY-22-152) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Planning Director a certification of the elevation of the reference level, in relation to NAVD 1988. Planning Director shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit.

b. An Elevation Certificate (FF-206-FY-22-153) is required after the reference level is established. Within seven days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Planning Director a certification of the elevation of the reference level, in relation to NAVD 1988. Any work done within the seven-day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Planning Director shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.

c. A final Finished Construction Elevation Certificate (FF-206-FY-22-153) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Planning Director a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Planning Director shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

2. Floodproofing Certificate

a. If non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Floodproofing Certificate (FF-206-FY-22-153), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Planning Director a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Planning Director shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

b. A final Finished Construction Floodproofing Certificate (FF-206-FY-22-153), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the issuance of a Certificate of Compliance/Occupancy. It shall be the duty of the permit holder to submit to the Planning Director a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certificate shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Planning Director shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to Certificate of Occupancy. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to deny a Certificate of Compliance/Occupancy.

3. Special Provisions for Manufactured Homes

If a manufactured home is placed within Zones A, AE, AH, AO, A99 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required.

Special Provisions for Watercourse Alterations or Relocations

If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a Floodplain Development Permit.

4. Certification Exemptions

The following structures, if located within Zones A, AE, AH, AO, A99, are exempt from the elevation/floodproofing certification requirements in this section:

i. Recreational Vehicles meeting placement requirements;

ii. Temporary Structures meeting temporary non-residential structure requirements; and

iii. Accessory Structures that are 150 square feet or cost $5,000 or less meeting accessory structure requirements.

E. DETERMINATIONS FOR EXISTING BUILDINGS AND STRUCTURES

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial

improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Planning Director, in coordination with the Building Official, shall:

a. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;

b. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

c. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and

d. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this section are required.

F. VARIANCE OPTIONS

1. Variances shall follow all standard Variance procedures identified in Chapter 2 and may be issued for:

a. The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the Variance is the minimum necessary to preserve the historic character and design of the structure;

b. Functionally dependent facilities if determined to meet the definition as stated in this section and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or

c. Any other type of development provided it meets the requirements of this section.

2. In passing upon Variances, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this section, as well as those identified for Variances in Chapter 2, including:

a. The danger that materials may be swept onto other lands to the injury of others;

b. The danger to life and property due to flooding or erosion damage;

c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

d. The importance of the services provided by the proposed facility to the community;

e. The necessity to the facility of a waterfront location as defined in this section as a functionally dependent facility, where applicable;

f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

g. The compatibility of the proposed use with existing and anticipated development;

h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

i. The safety of access to the property in times of flood for ordinary and emergency vehicles;

j. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

k. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

3. A written report addressing each of the factors in this section shall be submitted with the application for a Variance.

4. Upon consideration of the factors and the purposes of this UDO, conditions may be added to the granting of Variances as deemed deems necessary to further the purposes and objectives of this UDO.

5. Any applicant to whom a Variance is granted shall be given written notice specifying the difference between the BFE and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a Variance to construct a structure below the BFE may result in increased premium rates for flood insurance up to $25 per $100 of insurance coverage. Such notification shall be maintained with a record of all Variance actions, including justification for their issuance.

6. The Planning Director shall maintain the records of all appeal actions and report any Variances to the FEMA and the State of North Carolina upon notification.

7. The following conditions shall apply to Variances:

a. Variances shall not be issued when the Variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.

b. Variances shall not be issued within any designated floodway or non-encroachment area if the Variance would result in any increase in flood levels during the base flood discharge.

c. Variances shall only be issued upon a determination that the Variance is the minimum necessary, considering the flood hazard, to afford relief.

d. Variances shall only be issued prior to development permit approval.

e. Variances shall only be issued upon:

i. A showing of good and sufficient cause;

ii. A determination that failure to grant the Variance would result in exceptional hardship; and

iii. A determination that the granting of a Variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

8. A Variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met:

a. The use serves a critical need in the community.

b. No feasible location exists for the use outside the Special Flood Hazard Area.

c. The reference level of any structure is elevated or floodproofed to at least the Regulatory Flood Protection Elevation.

d. The use complies with all other applicable federal, state and local laws.

e. The Town has notified the Secretary of the North Carolina Department of Public Safety of its intention to hear a Variance at least 30 calendar days prior to hearing the Variance.

5.5.4. Provisions for Flood Hazard Reduction

A. GENERAL STANDARDS

In all Special Flood Hazard Areas, the following are required:

a. All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.

b. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage in accordance with the FEMA Technical Bulletin 2, Flood Damage-Resistant Materials Requirements.

c. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.

d. All new electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities must be located at or above the Regulatory Flood Protection Elevation (RFPE) and/or specially designed to prevent water from entering or accumulating within the components and installed to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the design flood elevation. Utility systems, equipment, and service facilities include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.

    i. Replacement part of a substantial improvement must also meet the above provisions.

    ii. Replacements that are for maintenance and not part of a substantial improvement, may be installed at the original location provided the addition and/or improvements only comply with the standards for new construction consistent with the code and requirements for the original structure.

e. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

f. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.

g. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

h. Nothing in this section shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this UDO and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the Regulatory Flood Protection Elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this section.

i. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by Variance as specified in this section. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the Regulatory Flood Protection Elevation and certified in accordance with the requirements of this section.

j. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.

k. All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

l. All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

m. All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

n. When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.

o. When a structure is located in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest BFE shall apply.

p. Buildings and structures that are located in more than one flood hazard area shall comply with the provisions associated with the most restrictive flood hazard area.

q. Fill is prohibited in the Special Flood Hazard Area, including construction of buildings on fill. This includes not approving Conditional Letters or Letters of Map Revision - Based on Fill (CLOMR-F or LOMR-F).

B. SPECIFIC STANDARDS

In all Special Flood Hazard Areas where BFE data has been provided the following provisions, in addition to the provisions in this section, are required:

1. Residential Construction

New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation.

2. Non-Residential Construction

New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation. Structures located in Zones A, AE, AH, AO, A99 may be floodproofed to the Regulatory Flood Protection Elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Regulatory Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with this section. A registered professional engineer shall certify that the floodproofing standards of this section are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in this section along with the operational plan and the inspection and maintenance plan.

3. Manufactured Homes

a. New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the Regulatory Flood Protection Elevation.

b. Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to N.C.G.S. 143-143.15. Additionally, when the elevation would be met by an elevation of the 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above 36 in height, an engineering certification is required.

c. All enclosures or skirting below the lowest floor shall meet the requirements of this section.

d. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved, or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management Coordinator.

4. Elevated Buildings

The fully enclosed area of new construction and substantially improved structures which is below the lowest floor:

i. Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;

ii. Shall not be temperature-controlled or conditioned;

iii. Shall be constructed entirely of flood resistant materials at least to the Regulatory Flood Protection Elevation; and

iv. Shall include flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:

(1) A minimum of two flood openings on different sides of each enclosed area subject to flooding;

(2) The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;

(3) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;

(4) The bottom of all required flood openings shall be no higher than one foot above the higher of the interior or exterior adjacent grade;

(5) Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and

(6) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings.

v. Fill for buildings is prohibited in the SFHA.

vi. Property owners shall be required to execute and record a non-conversion agreement prior to issuance of a building permit declaring that the area below the lowest floor shall not be improved, finished or otherwise converted to habitable space; the Planning Director will have the right to inspect the enclosed area. The Planning Director will conduct annual inspections. This agreement shall be recorded with Iredell County Register of Deeds and shall transfer with the property in perpetuity.

vii. Release of restrictive covenant. If a property which is bound by a non-conversion agreement is modified to remove enclosed areas below BFE, then the owner may request release of restrictive covenant after staff inspection and submittal of confirming documentation.

5. Additional Improvements

a. Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

i. Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.

ii. A substantial improvement, with modifications/rehabilitations/ improvements to the existing structure or the common wall is structurally modified more than installing a doorway, both the existing structure and the addition must comply with the standards for new construction.

b. Additions to pre-FIRM or post-FIRM structures that are a substantial improvement with no modifications/rehabilitations/improvements to the existing structure other than a standard door in the common wall, shall require only the addition to comply with the standards for new construction.

c. Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

i. Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction consistent with the code and requirements for the original structure.

ii. A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

d. Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a one-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure, the one-year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this UDO. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:

i. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions.

ii. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

6. Recreational Vehicles

Recreational vehicles parked in a Special Flood Hazard Area shall meet the following standards:

a. **Duration**
It will be on site for fewer than 180 consecutive days.

b. **Highway Use**
It is fully licensed and ready for highway use, defined as being on its wheels or jacking system, attached to the site only by quick disconnect type utilities, and has no permanently attached additions.

c. **Permanent Placement**
Recreational vehicles that do not meet the limitations of Temporary Placement shall meet all the requirements for new construction.

7. Temporary Non-Residential Structures

Prior to the issuance of a Floodplain Development Permit for a temporary structure, the applicant must submit to the Planning Director a plan for the removal of such structure(s) in the event of a hurricane, flash flood, or other type of flood warning notification. The following information shall be submitted in writing to the Planning Director for review and written approval, in addition to all other standards of this UDO:

i. A specified time period for which the temporary use will be permitted. Time specified may not exceed three months, renewable up to one year;

ii. The name, address, and phone number of the individual responsible for the removal of the temporary structure;

iii. The time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);

iv. A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and

v. Designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

8. Accessory Structures

When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

i. Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);

ii. Accessory structures shall not be temperature-controlled;

iii. Accessory structures shall be designed to have low flood damage potential;

iv. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

v. Accessory structures shall be firmly anchored in accordance with this section;

vi. All service facilities such as electrical shall be installed in accordance with this section; and

vii. Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Regulatory Flood Protection Elevation in conformance with this section.

9. Tanks

When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

a. **Underground Tanks**

Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic

and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

b. **Above-Ground Tanks, Elevated**
Above-ground tanks in flood hazard areas shall be elevated to or above the Regulatory Flood Protection Elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

c. **Above-Ground Tanks, Not Elevated**
Above-ground tanks that do not meet the elevation requirements described in this section shall only be permitted in flood hazard areas if the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.

d. **Tank Inlets and Vents**
Tank inlets, fill openings, outlets and vents shall be:

(1) At or above the Regulatory Flood Protection Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and

(2) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

10. Other Development

a. Fences in regulated floodways and NEAs that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of this section.

b. Retaining walls, sidewalks and driveways in regulated floodways and NEAs. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of this section.

c. Roads and watercourse crossings in regulated floodways and NEAs. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of this section.

d. Commercial storage facilities are not considered "limited storage" as noted in this section and shall be protected to the Regulatory Flood Protection Elevation as required for commercial structures.

e. A public greenway network and associated grading needed to accommodate ADA standards and best practices may be located within the floodplain, as long as the improvements result in no technically measurable increased in the BFE. A Floodplain Development Permit is required, and a No-Rise Certification may be required, as determined by the Planning Director.

f. Utility infrastructure (poles, sewer manholes, vent pipes, aerial lines, underground utilities, etc.), sign poles, non-solid or mesh fences, and other similar improvements may be allowed within the floodplain as long as the improvements result in no technically measurable increases in the BFE. A Floodplain Development Permit is required, and a No-Rise Certification may be required, as determined by the Planning Director.

C. STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS

Within the Special Flood Hazard Areas designated as Approximate Zone A, where no BFE data has been provided by FEMA, the following provisions, in addition to the General Standards, shall apply:

a. No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of 20 feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

b. The BFE used in determining the Regulatory Flood Protection Elevation shall be determined based on the following criteria:

i. When BFE data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this section and shall be elevated or floodproofed in accordance with the standards identified in the Provisions for Flood Hazard Reduction in this section.

ii. When floodway or non-encroachment data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway and non-encroachment areas shall also comply with the requirements below.

iii. All subdivision, manufactured home park and other development proposals shall provide BFE data if development is greater than five acres or has more than 50 lots/manufactured home sites. Such BFE data shall be adopted by reference and utilized in implementing this section.

iv. When BFE data is not available from a Federal, State, or other source, the reference level shall be elevated or floodproofed (nonresidential) to or above the Regulatory Flood Protection Elevation. All other applicable provisions of this section shall also apply.

D. STANDARDS FOR RIVERINE FLOODPLAINS WITH BASE FLOOD ELEVATIONS BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS

Along rivers and streams where BFE data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

a. Standards identified in the General Standards and Specific Standards subsections of this chapter; and

b. Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point.

E. FLOODWAYS AND NON-ENCROACHMENT AREAS

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in the General Standards and Specific Standards subsections of this chapter, shall apply to all development within such areas:

a. No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:

i. It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood discharge, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of Floodplain Development Permit; or

ii. A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained within six months of completion of the proposed encroachment.

b. All development shall comply with all applicable flood hazard reduction provisions of this section.

c. Manufactured homes may be permitted provided the following provisions are met:

i. The anchoring and the elevation standards; and

ii. The encroachment standards.

F. STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AO)

Located within the Special Flood Hazard Areas are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel

does not exist and where the path of flooding is unpredictable and indeterminate. In addition to other requirements in this section, all new construction and substantial improvements shall meet the following requirements:

a. The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM) in feet, plus a freeboard of four feet, above the highest adjacent grade; or at least four feet above the highest adjacent grade if no depth number is specified.

b. Non-residential structures may, in lieu of elevation, be floodproofed to the same level so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with this section.

c. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

G. STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AO)

Located within the Special Flood Hazard Areas are areas designated as shallow flooding areas. These areas are subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are one to three feet. Base Flood Elevations are derived from detailed hydraulic analyses are shown in this zone. In addition to meeting all requirements of the General Standards and Specific Standards, all new construction and substantial improvements shall provide adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

5.5.5. Legal Status

A. EFFECT ON RIGHTS AND LIABILITIES UNDER THE EXISTING FLOOD DAMAGE PREVENTION ORDINANCE

1. This section in part comes forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted December 15, 1977, as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance enacted on December 15, 1977, as amended, which are not reenacted herein are repealed.
2. The date of the initial flood damage prevention ordinance for the unincorporated areas of Iredell County is April 7,1987.

5.5.6 Definitions

Unless specifically defined below, words or phrases used in this section shall be interpreted so as to give them the meaning they have in common usage and to give this section it's most reasonable application.

Accessory Structure (Appurtenant Structure) means a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds, and the like qualify as accessory structures on farms and may or may not be located on the same parcel as the farm dwelling or shop building.

Addition (to an existing building) means an extension or increase in the floor area or height of a building or structure.

Alteration of a watercourse means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

Area of Shallow Flooding means a designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of Special Flood Hazard see **Special Flood Hazard Area (SFHA)**.

Area of Future-Conditions Flood Hazard means the land area that would be inundated by the 1-percent-annual-chance (100- year) flood based on future-conditions hydrology.

Base Flood means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE) means a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a "Special Flood Hazard Area", it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the "Freeboard", establishes the "Regulatory Flood Protection Elevation".

Basement means any area of the building having its floor subgrade (below ground level) on all sides.

Building see **Structure**.

Chemical Storage Facility means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

Design Flood See **Regulatory Flood Protection Elevation**.

Development means 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.

Development Activity means any activity defined as Development which will necessitate a Floodplain Development Permit. This includes buildings,

structures, and non-structural items, including (but not limited to) fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures.

Digital Flood Insurance Rate Map (DFIRM) means the digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

Disposal means, as defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

Elevated Building means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Encroachment means the advance or infringement of uses, fill, excavation, buildings, structures or development into a special flood hazard area, which may impede or alter the flow capacity of a floodplain.

Existing building and existing structure means any building and/or structure for which the "start of construction" commenced before the effective date of the floodplain management regulations adopted by a community, dated May 1, 1980.

Existing Manufactured Home Park or Manufactured Home Subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community, dated May 1, 1980.

Flood or **Flooding** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

a. The overflow of inland or tidal waters; and/or
b. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Boundary and Floodway Map (FBFM) means an official map of a community, issued by the FEMA, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

Flood Hazard Boundary Map (FHBM) means an official map of a community, issued by the FEMA, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

Flood Insurance means the insurance coverage provided under the National Flood Insurance Program.

Flood Insurance Rate Map (FIRM) means an official map of a community, issued by the FEMA, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated. (see also DFIRM)

Flood Insurance Study (FIS) means an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the FEMA. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

Flood Prone Area see **Floodplain**

Flood Zone means a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

Floodplain means any land area susceptible to being inundated by water from any source.

Floodplain Administrator is the individual appointed to administer and enforce the floodplain management regulations.

Floodplain Development Permit means any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.

Floodplain Management means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain,

including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain Management Regulations means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

Floodproofing means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

Flood-resistant material means any building product [material, component or system] capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbers are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, and available from the FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

Floodway means the channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Floodway encroachment analysis means an engineering analysis of the impact that a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries and flood levels during the occurrence of the base flood discharge. The evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and hydraulic models meeting the minimum requirements of the National Flood Insurance Program.

Freeboard means the height added to the BFE to account for the many unknown factors that could contribute to flood heights greater than the height

calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, precipitation exceeding the base flood, and the hydrological effect of urbanization of the watershed. The BFE plus the freeboard establishes the "Regulatory Flood Protection Elevation".

Functionally Dependent Facility means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

Hazardous Waste Management Facility means, as defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

Highest Adjacent Grade (HAG) means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

Historic Structure means any structure that is:

a. Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register.

b. Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.

c. Individually listed on a local inventory of historic landmarks in communities with a "Certified Local Government (CLG) Program" or

d. Certified as contributing to the historical significance of a historic district designated by a community with a "Certified Local Government (CLG) Program."

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department

of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

Letter of Map Change (LOMC) means an official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

a. Letter of Map Amendment (LOMA): An official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

b. Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

c. Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

d. Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision

may be issued by FEMA to revise the effective FIRM.

Light Duty Truck means any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less as defined in 40 CFR 86.082-2 and is:

a. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or

b. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or

c. Available with special features enabling off-street or off-highway operation and use.

Lowest Adjacent Grade (LAG) means the lowest elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

Lowest Floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

Manufactured Home means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured Home Park or Subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Map Repository means the location of the official flood hazard data to be applied for floodplain management. It is a central location in which flood data is stored and managed; in North Carolina, FEMA has recognized that the application of digital flood hazard data products have the same authority as hard copy products. Therefore, the NCEM's Floodplain Mapping Program websites house current and historical flood hazard data. For effective flood hazard data the NC FRIS website (http://FRIS.NC.GOV/FRIS) is the map

repository, and for historical flood hazard data the FloodNC website (http://FLOODNC.GOV/NCFLOOD) is the map repository.

Market Value means the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

New Construction means 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.

Non-Conversion Agreement means a document stating that the owner will not convert or alter what has been constructed and approved. Violation of the agreement is considered a violation of the ordinance and, therefore, subject to the same enforcement procedures and penalties. The agreement must be filed with the recorded deed for the property. The agreement must show the clerk's or recorder's stamps and/or notations that the filing has been completed.

Non-Encroachment Area (NEA) means the channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

Post-FIRM means construction or other development for which the "start of construction" occurred on or after May 1, 1980.

Pre-FIRM means construction or other development for which the "start of construction" occurred before May 1, 1980.

Principally Above Ground means that at least 51% of the actual cash value of the structure is above ground.

Public Safety and/or **Nuisance** means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Recreational Vehicle (RV) means a vehicle, which is a vehicle that is built on a single chassis, fully licensed and ready for highway use, and either self-propelled or towed behind a passenger vehicle that provides a place for temporary stay (sleep) while on a trip or vacation. This type of vehicle is 400 square feet or less when measured at the largest horizontal projection. The definition shall also include such terms as travel trailer, fifth wheel, pop-up, and self-contained trailer. Also referred to as "RV". For the purpose of this UDO, "Tiny Homes/Houses" and "Park Models" that do
not meet the items listed above are not considered Recreational Vehicles and should meet the standards of and be permitted as Residential Structures.

Reference Level is the top of the lowest floor for structures within Special Flood Hazard Areas designated as Zones A, AE, AH, AO, A99. The reference level is the bottom of the lowest horizontal structural member of the lowest floor for structures within Special Flood Hazard Areas designated as Zone VE.

Regulatory Flood Protection Elevation means the "Base Flood Elevation" plus the "Freeboard". In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus four (4) feet freeboard.

Regulatory Flood Protection Elevation means the "Base Flood Elevation" plus the "Freeboard". In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE *plus* four (4) feet freeboar*d*. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least four (4) feet [Four (4) feet above the highest adjacent grade.

Remedy a Violation means to bring the structure or other development into compliance with state and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Salvage Yard means any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

Solid Waste Disposal Facility means any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).

Solid Waste Disposal Site means, as defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

Special Flood Hazard Area (SFHA) means the land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in 5.5.2.B of this section.

Start of Construction includes substantial improvement and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

Structure means a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

Substantial Damage means damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of "substantial improvement".

Substantial Improvement means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial

damage", regardless of the actual repair work performed. The term does not, however, include either:

a. Any correction of existing violations of state or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or

b. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to 5.5.3.F of this Section.

Technical Bulletin and Technical Fact Sheet means a FEMA publication that provides guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U.S. Code of Federal Regulations at Section 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations; rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations.

It should be noted that Technical Bulletins and Technical Fact Sheets provide guidance on the minimum requirements of the NFIP regulations. State or community requirements that exceed those of the NFIP take precedence. Design professionals should contact the Town to determine whether more restrictive State or local regulations apply to the building or site in question. All applicable standards of the State or local building code must also be met for any building in a flood hazard area.

Temperature Controlled means having the temperature regulated by a heating and/or cooling system, built-in or appliance.

Variance is a grant of relief from the requirements of this section.

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other

certifications, or other evidence of compliance required Section 5.5.4 is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation (WSE) means the height, in relation to NAVD 1988, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

Watercourse means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

5.6. OPEN-SPACE SET ASIDE STANDARDS

5.6.1. Purpose and Intent

Open space set-asides are intended for the use and enjoyment of a development's residents, employees, or users. Open space set-asides serve numerous purposes, including preserving natural resources, ensuring access to open areas and facilities for active recreation, reducing the heat island effect of developed areas, providing civic and meeting spaces, enhancing stormwater management, and providing other public health benefits. To this end, the standards in this section establish minimum requirements for open space set-asides in new development, identify areas and features that will be credited toward meeting the minimum requirements, and specify the required location, configuration, design, maintenance, and ownership of open space set-asides.

5.6.2. Applicability

A. GENERAL

Unless exempted in accordance with this section, all new development shall comply with the standards in this section. The landowner shall be responsible for completing all required improvements within open space set-asides in accordance with this section.

B. EXEMPT DEVELOPMENT

The following development is exempt from the standards in this section:

a. Development limited to an individual single-family detached, duplex, or multi-family dwelling not exceeding four units on a single lot, that is not part of a larger common plan of development.

b. Development in the TD district that is one acre or less, if enhanced streetscape features are provided on the development's street frontage. Such enhanced features shall include covered bicycle parking, decorative bicycle racks, or bicycle lockers, decorative planters, outdoor seating areas or furniture, art or fountains, and building entrances distinguished by overhangs, canopies, porticos, columns, or other architectural elements;

c. Agricultural uses that are located in the RC district;

d. Utility uses;

e. Development consisting of fewer than 20 single-family detached or duplex dwellings, where all dwellings are located within one quarter (1/4) mile walking distance (measured along sidewalks or other pedestrianways) of an existing public park having an area equal to or greater than the total open space set-aside area required by Table 5-13: Minimum Required Open Space Set-Asides, and where pedestrian access to the park from all lots in the development is provided by sidewalks or other pedestrianways; and,

f. Lots created by a Minor Subdivision Plat, provided they are not part of a larger common plan of development or another application type that otherwise requires open space dedication.

5.6.3. Minimum Required Open Space Set-Asides

Development subject to the standards in this section shall provide the minimum amounts of open space set-asides identified in Table 5-13: Minimum Required Open Space Set-Asides, based on the proposed use and the zoning district where the development is proposed.

TABLE 5-13: MINIMUM REQUIRED OPEN SPACE SET-ASIDES

Use Classification	Minimum Open Space Set-Aside (As a Percentage of Total Development Site Area)		
	Residential Districts	Mixed-Use and Nonresidential Districts	Planned Development Districts
Residential	25	15	25
Mixed-Use	25	20	25
Institutional	20	10	15
Commercial	15	10	15
Industrial	N/A	5	10

5.6.4. Open Space Set-Aside Areas and Features

A. DESCRIPTIONS AND SPECIFIC DESIGN AND MAINTENANCE REQUIREMENTS

The features and areas identified in Table 5-14: Types of Open Space Set-Asides, shall be credited towards compliance with the minimum open space set-aside standards in Table 5-13: Minimum Required Open Space Set-Asides.

TABLE 5-14: TYPES OF OPEN SPACE SET-ASIDES

	**Natural Features and Tree Protection Zones** **Description:** Natural features (including lakes, ponds, rivers, streams, bays, shorelines, wetlands, drainageways, and other riparian areas), riparian buffers, flood hazard areas, steep slopes (15 percent or more), wildlife habitat, other natural conservation areas, and tree protection zones. **Design and Maintenance Requirements:** Preservation of any existing natural features shall have highest priority for locating open space set-asides. Maintenance is limited to the minimum removal and avoidance of hazards, nuisances, and unhealthy conditions. See the tree protection standards in this chapter.
	**Landscape Areas** **Description:** Areas occupied by required landscaping and buffers. **Design and Maintenance Requirements:** See the landscape and buffer standards in this chapter.
	**Active Recreational Areas** **Description:** Land occupied by areas and facilities used for active recreational purposes, such as ballfields, playgrounds, tennis courts, pools, jogging trails, and community buildings and clubhouses, and land dedicated for parks. **Design and Maintenance Requirements:** Active recreational areas shall be compact and contiguous, to the maximum extent practicable, unless used to link or continue existing or public open space lands.

TABLE 5-14: TYPES OF OPEN SPACE SET-ASIDES

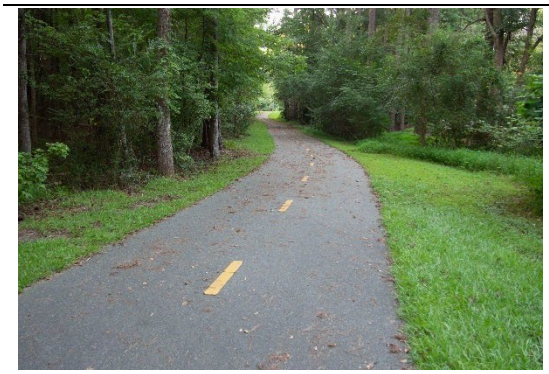
	**Passive Recreational Areas (Including Plantings and Gardens)** **Description:** Formally planned and regularly maintained open areas that provide passive recreation opportunities, including arranged plantings, gardens (including community gardens and rooftop gardens with walking paths or gathering areas), gazebos, and similar structures. **Design and Maintenance Requirements:** Passive recreation, other than rooftop gardens, shall have direct access to a public street or right-of-way. Rooftop gardens shall be accessible to the occupants and users of the building, as appropriate, during daylight hours.
	**Squares, Forecourts, and Plazas** **Description:** Squares, forecourts, plazas, and civic greens that provide active gathering places and opportunities to create special places. **Design and Maintenance Requirements:** The minimum contiguous area shall be 500 square feet. Such features shall have direct access to a street or sidewalk or pedestrian way that connects to a street and shall be designed to accommodate people sitting and gathering, incorporating benches, tables, fountains, or other similar amenities. Surrounding buildings shall be oriented toward the square, forecourt, or plaza when possible, and a connection shall be made to surrounding development.
	**Public Access Easements with Paths or Trails** **Description:** Public access easements that combine utility easements with paths or trails that are available for passive recreational activities such as walking, running, and biking. Greenways provided to comply with other requirements of this UDO shall count toward the minimum open space set-aside requirements in this section. **Design and Maintenance Requirements:** Such public access easements shall include at least one improved access from a public street, sidewalk, or trail that includes signage designating the access point.

TABLE 5-14: TYPES OF OPEN SPACE SET-ASIDES



Stormwater Management Areas Treated as Site Amenities

Description: Use of stormwater management areas as active open space (including retention, detention ponds, and other bioretention devices) is only permitted for commercial, multi-family, or mixed-use developments. All other stormwater management areas may serve as required passive/preserved open space.

Design and Maintenance Requirements: Stormwater management facilities treated as an active open space site amenity shall support recreation uses by providing access, gentle slopes (less than 3:1), vegetative landscaping, and pedestrian elements such as gazebos, paths, and benches. Educational signage shall also be installed about the importance of stormwater management. Stormwater management facilities shall be subject to a maintenance agreement approved by the operating authority or agency having regulatory authority over the facility. No amenities are allowed within the stormwater management area for solely single family detached, duplex, or attached residential developments located in residential zoning districts.

B. AREAS NOT COUNTED AS OPEN SPACE

The following areas shall not be counted as open space set-asides:

a. Front, side, or rear yards that are not subject to an open space or conservation easement;

b. Street right-of-way or private access easements, including sidewalks located within those right-of-way or easements;

c. Vehicular parking areas or lots (excluding the landscaped areas);

d. Driveways for dwellings;

e. Land covered by structures not designated for active recreational uses;

f. Designated outdoor storage areas; and

g. Stormwater management facilities and ponds, except as otherwise provided in Table 5-14: Types of Open Space Set-Asides.

5.6.5. General Design and Configuration

A. AREAS AND FEATURES PRIORITIZED

To the maximum extent practicable, and in accordance with Section 5.4.E, Areas Counted as Open Space Set-Asides, open space set-asides shall be

located and organized to include, protect, and enhance as many of the following open areas and features as possible, in the following general order of priority:

a. Areas that accommodate multiple compatible open space set-aside uses rather than a single use;

b. Natural features such as riparian areas, riparian buffers, shorelines, flood hazard areas, floodplains, wetlands, steep slopes, and wildlife habitat and corridors;

c. Water features such as rivers, bays, lakes, creeks, canals, natural ponds, wetlands, and retention and detention ponds;

d. Protected trees and other mature trees;

e. Parks and trails (regardless of public or private ownership);

f. Gathering places such as squares, forecourts, and plazas; and

g. Lands with active agricultural uses and activities.

B. LOCATION AND CONFIGURATION

1. Open space shall be located to be readily accessible and useable by occupants and users of the development, as appropriate.

2. In residential subdivisions, open space set-asides shall be provided within one quarter mile of all lots, measured in a straight line from the nearest point on the lot boundary to the nearest access point to the open space area. Where possible, a portion of the open space set-aside should provide focal points for the development through prominent placement or easy visual access from streets.

3. The location and configuration of open space shall conform with all adopted Town plans addressing open space, greenways, and similar features.

4. If the development site is adjacent to existing or planned public trails, greenways, parks, or other public open space area land, the open space set-asides shall, to the maximum extent practicable, be located to adjoin, extend, connect, and enlarge the trail, park, or other public land.

5. Open space set-asides shall be compact and contiguous unless a different configuration is needed to continue an existing trail or greenway or to accommodate preservation of natural resources. With the exception of greenways, the minimum width for any required open space shall be 30 feet.

6. Greenways to be accepted by the Town for public use shall comply the Town's standards for width, surfacing, and construction. Linear open space (greenways, nature trails, mountain biking trails, etc.) that will be privately maintained shall have an improved surface width of between five and 14 feet and shall be constructed out of material appropriate for the anticipated use of the open space. Where linear open space is provided, only the area of the open space feature and five feet on either side of the feature shall be counted towards the required minimum open space set-asides.
7. Pedestrian access to open space set-asides shall be provided from sidewalks or other pedestrianways within the development. Unless limited by topography or other physical site characteristics, all entrance or access ways to open space features and main paved pedestrianways within open space set-asides shall comply with the ADA.
8. Except in conservation subdivisions, at least 35 percent of the total open space set-aside area within each residential development that is located within a Residential district shall consist of active recreational areas. At least 50 percent of the total open space set-aside area for mixed-use development shall consist of active recreational areas. If the development dedicates greater than 100 percent of the minimum required open space for the district, the additional open space dedicated above 100 percent is not required to count in calculating the minimum active recreational areas.
9. At least 25 percent or 500 square feet, whichever is greater, of the total open space set-aside area of each development within the TD or DE district shall be a square, forecourt, or plaza.
10. Development adjacent to Lake Norman shall provide open space along at least 50 percent of the shoreline. Such open space areas shall be designed to provide public waterfront access in the form of a dock, boat ramp, kayak/canoe launch, swim beach, fishing areas, or overlooks that allow residents the opportunity to connect with the water physically, visually, or both.

C. DEVELOPMENT IN OPEN SPACE SET-ASIDES

Development within open space set-asides shall be limited to that appropriate to the purposes of the type(s) of open space set-asides. Where appropriate, such development may include, but is not limited to, walking, jogging, and biking paths or trails; benches or other seating areas; meeting areas; tables, shelters, grills, trash receptacles, and other picnic facilities; docks and other facilities for fishing; environmental education guides and exhibits; historic interpretive signage; gazebos and other decorative structures; fountains or other water features; play structures for children; gardens or seasonal planting areas; pools; and athletic fields and courts and associated clubhouses.

D. COMMUNITY MAILBOX LOCATION

1. Mailbox clusters or community mailboxes shall be located in an area of common open space, with ample parking and area for vehicle maneuvering (such as at the edge of the parking lot for an amenity center), and shall be lighted with exterior lighting.
2. Mailbox clusters or community mailboxes may be placed inside of buildings that are open to residents at all times.
3. The United States Postal Service shall approve all mailbox cluster or community mailbox locations prior to installation and evidence of the approval shall be provided as part of a Site Plan application.

5.6.6. Timing of Improvements

A. A certificate of occupancy may be issued for a development that is subject to the open space set-aside requirements in this section prior to the completion of all improvements necessary for full access to and use of required open space set-asides, up to a maximum of 60 percent of all residential units and 60 percent of all gross floor area of nonresidential uses identified as part of the original plan approval. Certificates of occupancy for additional units or gross floor area above 60 percent shall not be issued until all improvements necessary for full access to and use of required open space set-asides are complete.

B. If a development consists of multiple phases, each phase shall include, at a minimum, a proportional share of open space set-asides, based on the number of dwelling units and the amount of gross floor area in the phase and the total number of dwelling units and gross floor area in all phases of the development. This section shall apply to the proportional share of open space set-asides in the first phase of the development. In each subsequent phase of the development, no certificate of occupancy shall be issued for the phase until all improvements necessary for full access to and use of the proportional share of open space set-asides for the phase are completed.

5.6.7. Ownership and Maintenance

A. Open space set-asides required by this UDO shall be managed and maintained in compliance with an open space provision and maintenance plan and all applicable provisions of local and state law. Such open space set-asides shall be managed and maintained as permanent open space through one or more of the following options:

1. Conveyance of open space set-aside areas to a property owners' or homeowners' association that holds the land in common ownership and will be responsible for managing and maintaining the land for its intended open space purposes, in perpetuity;
2. Establishment of easements on those parts of individually owned lots including open space set-aside areas that require the areas to be managed consistent with the land's intended open space purposes and prohibit any inconsistent future development, in perpetuity;
3. Conveyance of open space set-aside areas to a third-party beneficiary such as an environmental, historical, or civic organization, or a government entity, that is organized for, capable of, and willing to accept responsibility for managing and maintaining the land for its intended open space purposes, in perpetuity; or
4. If public stormwater management facilities are treated as site amenities, through stormwater management easements.

B. All options involving private ownership of open space set-aside areas shall include deed restrictions, covenants, or other legal instruments that ensure continued use of the land for its intended open space set-aside purposes, in perpetuity, and provide for the continued and effective management, operation, and maintenance of the land and facilities.

C. Responsibility for managing and maintaining open space set-asides rests with the owner of the land of the open space set-asides. Failure to maintain open space set-asides in accordance with this section and the development approval or permit shall be a violation of this UDO.

5.7. FENCE AND WALL STANDARDS

5.7.1. Purpose

The intent of this section is to regulate the location, height, and appearance of fences and walls to:

1. Maintain visual harmony within neighborhoods and throughout the Town;
2. Protect adjacent lands from the indiscriminate placement and unsightliness of fences and walls;
3. Ensure the safety, security, and privacy of land; and
4. Ensure that fences and walls are subject to timely maintenance, as needed.

5.7.2. Applicability

A. GENERAL

The provisions of this section shall apply to all new construction, redevelopment, or replacement of fences or walls. If there is a conflict between a provision of this section and a screening requirement in the landscaping standards, the screening requirement shall govern.

B. EXEMPT FENCES AND WALLS

The following are exempt from all standards in this section:

a. Temporary fencing on an active construction site, provided it complies with the construction requirements of the Town, and fence wraps displaying signage when affixed to perimeter fencing at an active construction site, to the extent required by state law, including tree protection, erosion and sediment control, and general construction fencing;

b. Walls less than 48 inches in height, as measured from the lowest adjacent elevation;

c. Noise attenuation walls installed by a public entity along a public roadway; and

d. Specialized fences used for protecting livestock or for other similar agricultural activities in the RC district.

5.7.3. Installation and Maintenance

A. Fences and walls shall be installed so as not to limit disturbance or damage to existing vegetation or installed plant material.

B. All fences and walls shall be maintained in good repair and in a safe and attractive condition. Maintenance of fences and walls shall include, but not be limited to, the replacement of missing, decayed, or broken structural or decorative elements and the repair of deteriorated fence materials, such as weathered surfaces visible from the public right-of-way, sagging sections, and posts that lean more than ten degrees from vertical.

5.7.4. Location on Lot

A. GENERAL

Except as otherwise provided in this section, fences may be located anywhere on a lot, if they comply with the standards in this section.

B. PROHIBITED LOCATIONS

1. Fences and walls are prohibited in utility easements. The Town shall not be responsible for damage to, or the repair or replacement of fences that must be removed to access such easements. In no instance shall this provision be construed to prevent fencing around stormwater retention or detention facilities or utility infrastructure, such as substations or pump stations.
2. No fence shall be installed so as to block or divert a natural drainage flow onto or off of any other land.
3. In Mixed-Use and Nonresidential districts, fences and walls are prohibited in required minimum front setbacks.
4. Fences and walls are prohibited in areas that impede sight lines and/or sight triangles as defined in Chapter 9: Definitions, Rules of Measurement and Interpretation.

5.7.5. Maximum Height

A. GENERAL

Except as otherwise provided in this section, fences and walls shall comply with the maximum height established in Table 5-15: Maximum Height of Fence or Wall, based on the location of the fence or wall on the lot.

TABLE 5-15: MAXIMUM HEIGHT OF FENCE OR WALL

Location on Lot		Maximum Height of Fence or Wall (in feet)	
		Residential Districts	Mixed-Use and Nonresidential Districts
Front yard	Within minimum front setback	Fence: 4 Wall: 3	Not applicable
	All other locations in yard	Fence: 4 Wall: 3	4
Side or rear yard	Within 20 feet of public right-of-way	6	6
	All other locations in yard	6	8

B. EXEMPTIONS FROM HEIGHT STANDARDS

The following are exempt from the maximum height standards in Table 5-15:

a. Fencing provided in accordance with the screening requirements in the landscaping standards in this chapter; and

b. Customary fencing provided as a part of a permitted tennis court, athletic field, pools, or other recreational facility.

5.7.6. Materials and Design

A. GENERAL

1. Except on a lot containing a single-family detached dwelling, fences and walls shall be constructed only of one or more of the following materials, subject to the requirements for screening materials in the landscaping standards in this chapter:

a. Solid wood;

b. Vinyl;

c. Masonry or stone;

d. Composite materials designed to appear as wood, metal, or masonry;

e. Wrought iron;

f. Decorative metal;

g. In the LI and IN district and in all other districts when located outside the front yard, vinyl coated chain link that is colored dark green, brown, or black; and

h. Any material demonstrated by the applicant to have a similar or equal appearance and durability as a material listed in this section.

2. All fencing or wall segments located along a single lot side shall be composed of a uniform material and shall be of a uniform color. Where a fence or wall faces and is within 20 feet of a public right-of-way, it shall:

a. Be located outside any required streetscape landscaping (see the landscaping standards in this chapter); and

b. Include at least one break in the wall plane for an access gate that is at least three feet in width.

3. Where a fence or wall is provided along the perimeter of a subdivision or development, it shall be of a uniform, approved style that complies with the standards of this section.

4. Wherever a fence or wall is visible from off-site locations, if one side of the fence or wall has visible support framing and the other does not, or one side of a wall has a more finished surface than the other, then the side of the fence without support framing and/or with a more finished surface must face the exterior of the lot (see Figure 5-16).

Figure 5-16: Fence with Finished Side Out



5. Gates shall not swing outward into the right-of-way or in a manner that obstructs a pedestrian way or vehicle travel lane.

B. PROHIBITED MATERIALS

The following materials are prohibited for use in fences and walls:

a. Chain link, except as expressly allowed in this section;

b. Exposed smooth-faced concrete block as an outward facing material;

c. Razor wire;

d. Chicken wire, corrugated metal, sheet metal, plywood, rolled plastic, fabric materials, debris, junk, or waste materials; and

e. Barbed wire or above ground wires or other components carrying electrical current, except to restrict the movement of animals as part of an Agricultural use in the RC or RLS district. Underground electric fences designed for control of domestic animals are permitted.

5.7.7. Security Exemption

A. A LANDOWNER IN NEED OF HEIGHTENED SECURITY MAY SUBMIT TO THE PLANNING DIRECTOR A SECURITY EXEMPTION PLAN PROPOSING A FENCE OR WALL TALLER THAN THE HEIGHT PERMITTED BY THIS SECTION OR PROPOSING THE USE OF BARBED AND/OR RAZOR WIRE OR ELECTRIC WIRE ATOP A FENCE OR WALL FOR SECURITY REASONS.

B. THE PLANNING DIRECTOR MAY APPROVE, OR APPROVE WITH CONDITIONS, THE SECURITY EXEMPTION PLAN UPON FINDING THE CONDITION, LOCATION, OR USE OF THE LAND, OR THE HISTORY OF ACTIVITY IN THE AREA, INDICATES THE LAND OR ANY MATERIALS STORED OR USED ON IT ARE IN SIGNIFICANTLY GREATER DANGER OF THEFT OR DAMAGE THAN SURROUNDING LAND, OR REPRESENT A SIGNIFICANT HAZARD TO PUBLIC SAFETY WITHOUT:

1. A taller fence or wall; or

2. Use of barbed wire.

C. IF THE PLANNING DIRECTOR FINDS THE APPLICANT FAILS TO DEMONSTRATE COMPLIANCE WITH THIS SECTION, THE SECURITY EXEMPTION PLAN SHALL NOT BE APPROVED.

D. ELECTRIC FENCING MAY BE PERMITTED IN ACCORDANCE WITH THE FOLLOWING:

1. Electrification: The energizer for electric fences must be driven by a commercial storage battery, not to exceed 12 volts DC.

2. Perimeter fence or wall & height: No electric fence shall be installed or used, unless it is completely surrounded by a non-electrical fence or wall that is not less than six feet in height. In no case shall the non-electrical fence or wall exceed the maximum height allowed in the underlying zoning district for non-electrical fences. Electric fences shall not exceed the height of the surrounding non-electrical fence or wall by more than two feet.
3. Warning signs: Electric fences shall be clearly identified with warning signs that read "Warning-Electric Fence", in both the English and Spanish language, at intervals of not less than 60 feet.
4. Accessibility: If required by the Fire Department, a Knox Box shall be required and installed to support emergency access to properties contained within electric fences.
5. Location: Above ground electric fences are prohibited in all residential districts and within 150' of schools, daycares, or residences. A special use permit is required for above ground electric fences in non-residential districts. Electric fences shall be limited to enclosing permitted outdoor storage areas or warehouse-type uses. or upon determination of site-specific characteristics, such as compatibility with adjacent uses, preponderance of criminal activity, site design issues, such as isolated location or easy access to building entry, or criminally targeted uses involving indoor storage of chemicals, pharmaceuticals and similar materials that require the specialized protection of an electric fence. All other standards in the section shall be met.
6. Hold harmless agreement: The owner of the electric fence shall enter into an indemnification and hold harmless agreement with the Town of Mooresville prior to approval for installation.
7. Exception: Underground electric fences designed for control of domestic animals are allowed and are exempt from the provisions of this section.

5.8. EXTERIOR LIGHTING STANDARDS

5.8.1. Purpose

The purpose of this section is to ensure that development provides lighting that is adequate to maintain safety and security but is not excessive. In particular, the intent of this section is to:

1. Control light spillover and ensure that light and glare are not directed at adjacent property, neighboring areas, and motorists;
2. Preserve the ability to view the night sky and reduce sky glow by curtailing light pollution;
3. Conserve energy and resources to the greatest extent possible; and
4. Provide security for persons and property.

5.8.2. Applicability

A. GENERAL

Except as otherwise provided by this section, the standards in this section apply to all new exterior lighting installed on a site associated with the following:

a. All new development;

b. Any individual expansion of a building if the expansion increases the building's floor area by 50 percent or more, and

C. Any individual expansion of an off-street parking, stacking, and/or loading area that increases the total impervious area by 25 percent or greater.

B. EXEMPT LIGHTING

The following types of lighting are exempt from the standards of this section:

a. Lighting exempt under state or federal law;

b. FAA-mandated lighting associated with a tall structure or airport;

c. Lighting for public monuments and statuary;

d. Lighting solely for signage, provided that the lighting does not create unsafe glare on street rights-of-way or neighboring properties;

e. Temporary lighting for circuses, fairs, carnivals, and theatrical and other performance areas, provided such lighting is discontinued upon completion of the performance;

f. Temporary lighting of construction sites, provided such lighting is discontinued upon completion of the construction activity, provided that the light is directed down and away from adjacent properties or uses;

g. Temporary lighting for emergency situations, provided such lighting is discontinued upon abatement of the emergency situation;

h. Security lighting controlled and activated by motion sensor devices for a duration of 15 minutes or less; provided that the lighting is directed down and not to adjacent properties or uses.

i. Underwater lighting in swimming pools, fountains, and other water features;

j. Holiday or festive lighting, provided such lighting does not create unsafe glare on street rights-of-way or neighboring properties;

k. Lighting on single-family detached, duplex, or attached residential properties that is operated by the household occupant, provided that the light does not create unsafe glare on street rights-of-way; and

l. Streetlights owned, operated, or maintained by the Town that are located within a street right-of-way or other easement granted to the Town.

5.8.3. Lighting Plan Required

As part of any development or redevelopment project that requires a Site Plan (See Chapter 2: Site Plan), a lighting plan that meets the following shall be required:

1. To ensure compliance with the standards of this section, a photometric plan demonstrating how exterior lighting will comply with the standards of this section and containing the information required by the Planning Director shall be included as part of the application in which these standards are reviewed and approved.
2. Where appropriate, the photometric plan shall include street lighting and include the location of each light and the size of the luminaires in watts or lumens.
3. In addition to the photometric plan, a proposed development that includes outdoor sports areas, athletic fields, and performance areas (such as amphitheaters) shall provide detailed information demonstrating the impact of proposed exterior lighting on nearby properties and evaluate opportunities for reducing the impact through reconfiguration of the site or reorientation of the area being illuminated.

5.8.4. General Standards

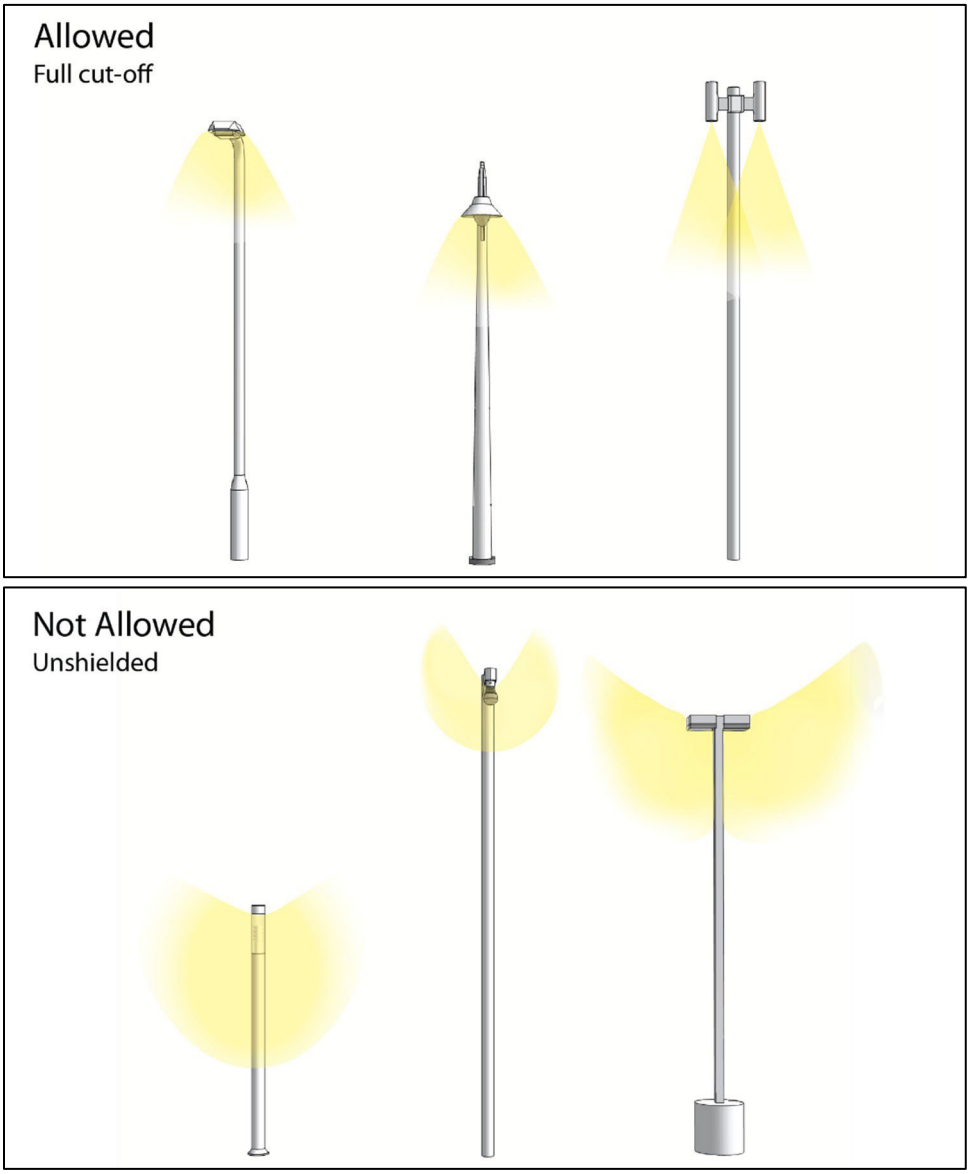
A. COLOR STANDARDS

All outdoor lighting fixtures shall have a correlated color temperature no greater than 3,000K. Light sources shall be color-correct types such as Halogen, LED, or metal halide.

B. FULL CUT-OFF FIXTURES REQUIRED

All exterior luminaries, including security lighting, shall be full cut-off fixtures that direct light downward, consistent with Figure 5-17: Full Cut-Off Fixture Examples. In no case shall lighting be directed at or above a horizontal place through the lighting fixture. Sports or Performance Venue lighting shall be exempt from the full cut-off requirements, as long as they are designed to minimize glare and offsite light trespass to the maximum extent practicable.

Figure 5-17: Full Cut-Off Fixture Examples



C. MAXIMUM HEIGHT

Except as provided in Sec. 5.8.5.A, Sports or Performance Venue and for street lighting, the height of exterior light fixtures shall not exceed the standards in Table 5-16: Maximum Height for Exterior Lighting.

TABLE 5-16: MAXIMUM HEIGHT FOR EXTERIOR LIGHTING

Zone District	Maximum Height (ft.)
Residential Base and TD Districts	20
TD, DE, CC, CM, and PD Districts	25
All Districts- Pedestrian Scale Lighting	12

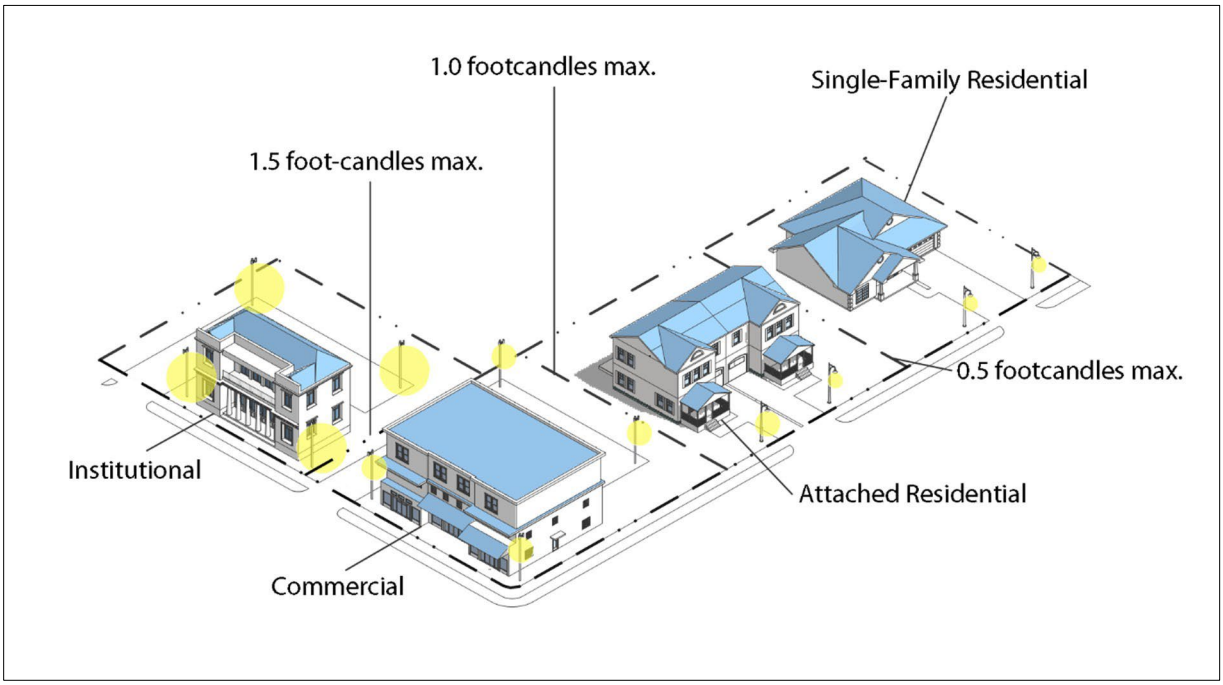
D. MAXIMUM ILLUMINATION

1. Except for street lighting, all exterior lighting and fixtures, and indoor lighting and fixtures that are visible from outside, shall be designed, located, and directed so that the maximum illumination measured in foot-candles at ground level on a lot line does not exceed the standards in Table 5-17: Maximum Illumination Levels. (See Figure 5-18.)

TABLE 5-17: MAXIMUM ILLUMINATION LEVELS

Use of the Adjacent Property	Maximum Illumination Level at Lot Line (foot-candles)
Household Living uses in the Residential base districts, except for the residential uses listed below	0.5
The following Residential uses: Attached Residential Dwelling; Upper Floor Residential Dwelling; Multi-family Residential Dwelling All Group Living uses All Institutional uses, except for institutional uses listed below	1.0
The following Institutional uses: Airport, Hospital, Parking Lot, Parking Structures, and Major Utility uses All Commercial uses	1.5
All Industrial uses	2.0

Figure 5-18: Maximum Illumination at Lot Line



2. Outdoor recreation uses shall provide maximum maintained illumination as set forth in Table 5-18: Maximum Sports Field Illumination Level. The Planning Director shall require that the lighting for the outdoor recreation use demonstrate compliance with the standards of this paragraph and Table 5-18: before the lighting may be used.

TABLE 5-18: MAXIMUM SPORTS FIELD ILLUMINATION LEVEL

Sport Facility Use	Maximum Maintained Illumination Level (foot-candles)
Baseball/Softball (infield)	80
Baseball/Softball (outfield)	60
Football, Soccer, Lacrosse, Track & Field	70
Basketball/volleyball	50
Go-Kart Tracks	50
Other uses not listed	Determined by Planning Director based on IESNA standards illumination classifications

E. LOCATION

Except for light fixtures at outdoor sports areas, athletic fields, and performance areas, which shall be at least 30 feet from any lot line and out of any required perimeter buffer, all light fixtures shall be located at least ten feet from side and rear lot lines and outside of required perimeter buffers.

F. UNIFORMITY

The ratio of maximum to minimum lighting levels on a given site or parcel of land as measured in foot candles at ground level, shall not exceed fifteen-to-one (15:1) for Residential uses excluding Multi-family Dwellings, or ten-to-one (10:1) for Multi-family Dwelling uses and all nonresidential and mixed-use developments. In the cases of a mixed-use development, the uniformity ratios for nonresidential development shall apply. All exterior lighting on site shall be included on the plan (building and free-standing light fixtures). Landscape areas and natural areas are exempt from this standard.

G. ENERGY EFFICIENT FIXTURES

1. All outdoor light fixtures and light elements shall be energy efficient. The Planning Director may allow exceptions to this requirement if the applicant demonstrates any of the following:
    a. An energy efficient fixture or light element is not reasonably available that meets the necessary functional requirements;
    b. Available energy efficient fixtures or light elements are not cost-effective over the life of the product, taking energy cost savings into account; or
    c. The use of an energy efficient fixture or light element is unreasonable or impractical for other reasons.
2. For purposes of this section, an energy efficient light fixture or light element shall meet one of the following criteria:
    a. Is in the upper 25 percent of efficiency for all similar products as designated by the U.S. Department of Energy's Federal Energy Management Program; or
    b. Meets Department of Energy and Environmental Protection Agency criteria for use of the Energy Star trademark label.

H. DIRECTION

Light fixtures shall not be directed upwards, except that decorative lighting intended to enhance the appearance of a building, monument, and/or landscaping may cast light upward against a surface or landscape feature but not towards the sky. Any such decorative lighting shall not exceed 1,600 lumens for any single fixture.

5.8.5. Standards for Specific Uses and Site Features

A. SPORTS OR PERFORMANCE VENUE

1. Lighting fixtures for outdoor sports areas, athletic fields, and performance areas (such as amphitheaters) shall be equipped with a glare control package (e.g., louvers, shields, or similar devices) and aimed so that their beams are directed and fall within the primary playing or performance area.
2. Notwithstanding any other standards of this section, lighting for outdoor recreational uses such as ball diamonds, football fields, soccer fields, other playing fields, tennis courts, and similar uses shall:
    a. Be up to 30 feet in height, except at ball diamonds, football fields, and other playing fields, where they can be up to 80 feet in height. In no case may the lights be any taller than necessary to achieve adequate lighting for the use.
    b. Have maximum illumination from such lighting at the property line not to exceed 1.0 foot-candles; and
    c. Be extinguished no later than 10:00 p.m. except to complete an activity that is in progress prior to 10:00 p.m. or as specifically approved by the Planning Director.

B. WALL PACK LIGHTS

Wall packs on the exterior of the building shall be fully shielded (e.g., true cut-off type bulb or light source not visible from off-site) to direct the light vertically downward.

C. AWNINGS

Awnings used for building accents over doors and windows shall not be internally illuminated (i.e., from underneath or behind the awning).

D. CANOPIES

Areas under a canopy shall be designed so as not to create glare off-site. Acceptable methods to address this include one or both of the following:

a. A recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface (ceiling) of the canopy that provides a full cutoff or fully shielded light distribution; or

b. A surface-mounted fixture incorporating a flat glass that provides a full cutoff or fully shielded light distribution.

E. PEDESTRIAN LIGHTING

Pedestrian light fixtures shall comply with the following if an applicant chooses to include such lighting as part of a project:

a. Light fixtures for sidewalks, walkways, trails, and bicycle paths shall provide at least 1.2 foot candles of illumination, but not exceed 2.0 foot candles.

b. Pedestrian bollard lamps shall be mounted no higher than four feet above grade and shall not exceed 900 lumens for any single lamp. (See Figure 5-19).

Figure 5-19: Examples of Pedestrian Bollard Lamps



5.8.6. Streetlights

All streetlights shall comply with the following:

1. Street lighting shall be installed by an applicant/developer, who shall consult with the appropriate utility provider in the development of proposed street lighting plans. Street lighting for public streets or streets to be dedicated to the public shall be pre-paid or purchased prior to installation.
2. All streetlights shall be LED.
3. Streetlight placement shall be in accordance with all Town and NCDOT requirements, as appropriate.
4. Streetlight spacing shall be determined on the illumination level of the street in order to provide adequate lighting and ensure a safe nighttime environment. At no time shall streetlights be more 250 feet apart depending on the location of property lines, with the ideal light spacing between 220 and 250 feet apart.
5. Streetlights shall be located at all public street intersections and at the end of cul-de-sac and dead-end streets.
6. Where possible, all streetlights that are not located at an intersection shall be located on or adjacent to a property corner.
7. Streetlights shall alternate on both sides of the street.
8. In unique situations, alternative streetlighting location and spacing may be approved by the Planning Director to ensure a uniform and logical lighting design.

5.8.7. Illumination Measurement

A. If illumination is measured, the measurement shall be made at the lot line of the land upon which light is to be measured. If measurement on private property is not possible or practical, light level measurements may be made at the boundary of the public street right-of-way that adjoins the land. Measurements shall be made at finished grade (ground level), with the light-registering portion of the meter held parallel to the ground.

B. Illumination measurements shall be taken with a light meter that has been calibrated within the previous two years.

5.8.8. Prohibited Lighting

The following exterior lighting is prohibited:

1. Light fixtures that imitate an official highway or traffic control light or sign;
2. Light fixtures that have a flashing or intermittent pattern of illumination,
3. Floodlights or spotlights, except when used by Federal, State or local authorities, or where they are used to illuminate alleys, parking garages and working (maintenance) areas, so long as they are shielded and aimed so that they do not result in lighting on any adjacent lot or public right-of-way exceeding two footcandles; and
4. Light types of limited spectral emission, such as low-pressure sodium or mercury vapor lights.

5.8.9. Exemptions for Safety Reasons

A. A landowner may submit a security plan, as part of the lighting plan, during the site plan or commercial upfit application process to the planning director proposing exterior lighting that deviates from the standards in this section. The planning director shall approve or approve with conditions the security plan and its proposed deviation from the standards, upon finding that:

1. The proposed deviation from the standards is necessary for the adequate protection of the subject land, development, or the public;
2. The condition, location, or use of the land, or the history of activity in the area, indicates the land or any materials stored or used on it are in significantly greater danger of theft or damage, or members of the public are at greater risk for harm than on surrounding land without the additional lighting; and
3. The proposed deviation from the standards is the minimum necessary and will not have a significant adverse effect on neighboring lands.

B. If the planning director finds the applicant fails to demonstrate compliance with this section, the security plan shall be disapproved.

5.9. FORM AND DESIGN STANDARDS

5.9.1. Purpose and Intent

The purpose and intent of these form and design standards is to ensure a minimum quality of form and design for multifamily and attached residential, commercial, and industrial development, in a way that results in greater predictability during the development review process. More specifically, the purposes of this section are to:

1. Establish a minimum level of site and building design quality for multifamily and attached residential, commercial, mixed-use, and industrial development;
2. Encourage a more pedestrian-friendly environment that provides a stronger sense of place through attention to human-scale building form and design, limiting large, bulky buildings with few architectural details, and requiring building configurations and orientations that support multiple modes of travel;
3. Promote greater compatibility between adjacent development;
4. Maintain a high-quality appearance for buildings in the Town; and
5. Provide landowners, developers, architects, builders, business owners, and others with a clear and equitable set of parameters for developing land.

5.9.2. Applicability

A. GENERAL

1. The form and design standards in this section include four sets of standards. The applicability of the standards depends on the type and extent of proposed development. If there is a conflict between a more generally applicable standard and a more specific standard (e.g., general form and design standards versus small-scale apartment homes standards), the more specific standard shall control.
2. Structures located in the Historic Preservation Overlay district or are listed on or identified as contributing to a national or local historic district or local landmark are exempt from the standards in this section, as long as building design follows Town-adopted architectural guidelines or standards or Secretary of Interior Standards for historic properties. In no way is this exemption intended to allow for modern development/ architectural design to be exempt from these regulations.

B. NEW DEVELOPMENT

1. All new multi-family, continuing care retirement community, dormitory, or residential care facility development shall comply with the general form and design standards and the multi-family form and design standards in this section, unless otherwise provided by this UDO. In addition, where new multi-family development is required by Chapter 4: Use Regulations, to comply with the small-scale apartment homes standards, it shall comply with the standards for small-scale apartment homes in this section.

2. All new commercial or mixed-use development shall comply with the general form and design standards and the commercial and mixed-use form and design standards in this section, unless otherwise provided by this UDO. In addition:

a. Where new commercial development is required by Chapter 4: Use Regulations, to comply with the shopfront form and design standards, it shall comply with the standards for shopfronts in this section; and

b. Where new commercial development includes combination retail establishments and single-tenant buildings that have a gross floor area of 60,000 square feet or more and devote 60 percent or more of the total floor area to retail sales activities, it shall comply with standards for large retail buildings in this section.

3. All new industrial development shall comply with the general form and design standards and the industrial form and design standards in this section, unless otherwise provided by this UDO.

4. For purposes of this section only, new development shall include any addition of a new building to be co-located on a site with buildings existing on the effective date of this UDO.

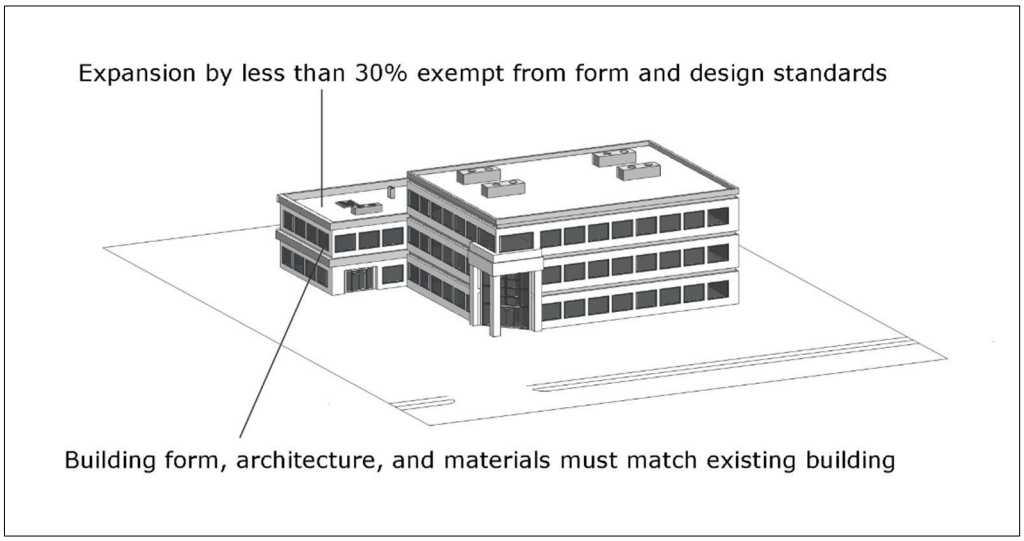
C. CHANGE OF USE

Unless it involves an expansion or alteration that would require compliance with the standards in this section, a change of use of a building existing on the effective date of this UDO is exempt from the standards in this section.

D. EXPANSION OF EXISTING BUILDING BY LESS THAN 30 PERCENT

An expansion of a building existing on the effective date of this UDO that increases the building's floor area by 30 percent or less, considered cumulatively with all expansions over the five years prior to the submission of an application, is exempt from the standards in this section, as long as the expansion building form, architecture, and materials match the existing building (see Figure 5-20).

Figure 5-20: Expansion of Existing Building by Less Than 30 Percent



E. EXPANSION OF EXISTING BUILDING BY BETWEEN 30 AND 60 PERCENT

An expansion of a building existing on the effective date of this UDO that increases the building's floor area by more than 30 percent but less than 60 percent, considered cumulatively with all expansions over the five years prior to the submission of an application, shall comply with the standards in this section as set out below.

1. Multi-Family or Attached Residential Development

a. If the expansion is to the rear of the building or to the side of the building and not visible from a right-of-way, it is exempt from the standards in this section, as long as the building form, architecture, and materials match the existing building.

b. If the expansion is to the front of the building or to the side of the structure and visible from a right-of-way, it shall comply with the following standards, to maximum extent practicable:

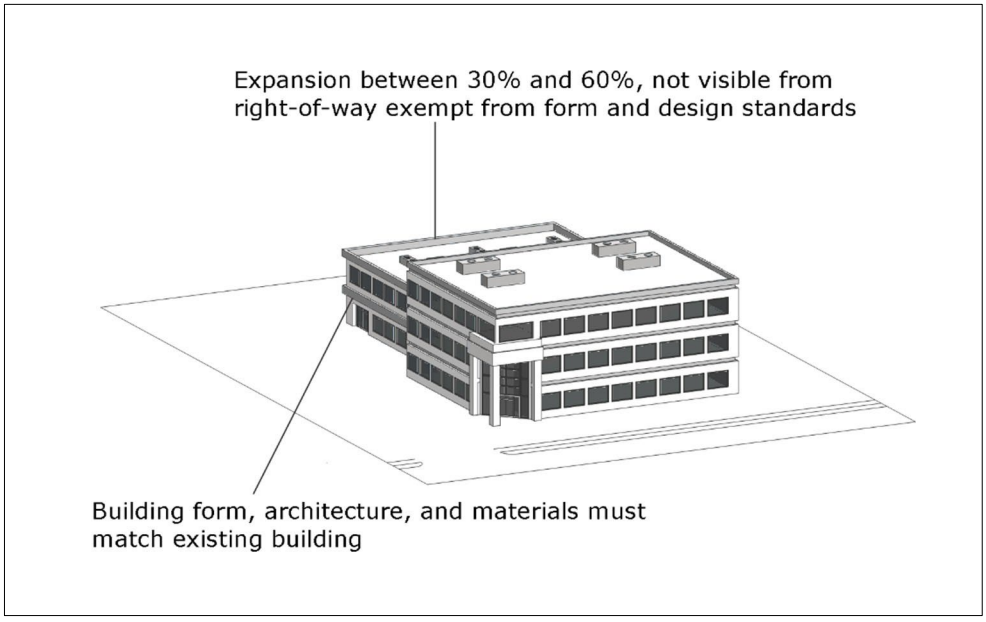
i. General form and design standards, only with respect to the expansion; and

ii. The off-street parking and garage, building façade, and roof standards in the multi-family and attached residential form and design standards, only with respect to the expansion.

2. Commercial or Mixed-Use Development

a. If the expansion is to the rear of the building or to the side of the building and not visible from a right-of-way, it is exempt from the standards in this section, as long as the building form, architecture, and materials match the existing building (see Figure 5-21).

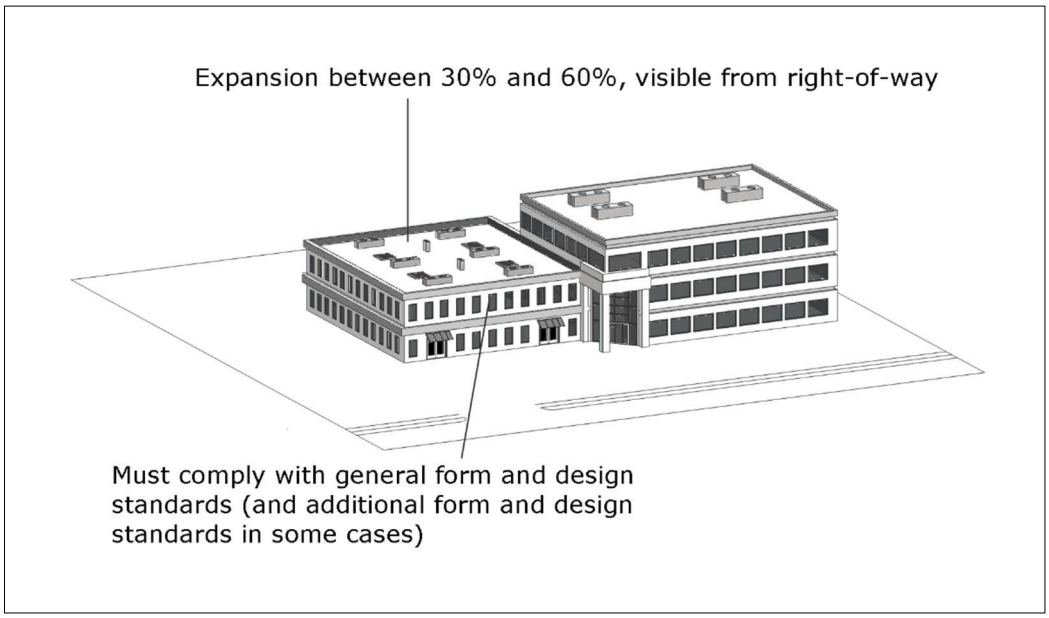
Figure 5-21: Expansion Between 30 and 60 Percent Not Visible from Right-of-Way



b. If the expansion is to the front of the building or to the side of the structure and visible from a right-of-way or from abutting parcels, it shall comply with the following standards, to maximum extent practicable:

i. *General form and design standards, only with respect to the expansion (see Figure 5-22); and*

Figure 5-22: Expansion Between 30 and 60 Percent Visible from Right-of-Way



ii. The outparcel development (if the development occurs on an outparcel), off-street parking, building entrance, building façade, roof, and loading and service area standards in the commercial and mixed-use form and design standards, only with respect to the expansion.

c. If the building is required by Chapter 4: Use Regulations, to comply with the shopfront standards in this section, it shall comply with the retail uses, building façade, and roof standards in the shopfront standards, only with respect to the expansion, in addition to the other standards in this section.

d. If the building includes combination retail establishments or single-tenant buildings that have a gross floor area of 60,000 square feet or more and devote 60 percent or more of the total floor area to retail sales activities, it shall comply with the building entrances, and façades and massing standards in the large retail buildings standards in this section, only with respect to the expansion, in addition to the other standards in this section.

3. Industrial Mixed-Use Development

a. If the expansion is to the rear of the building or to the side of the building and not visible from a right-of-way, it is exempt from the standards in this section.

b. If the expansion is to the front of the building or to the side of the structure and visible from a right-of-way or from abutting parcels not classified in the IN district, it shall comply with the following standards, to maximum extent practicable:

i. General form and design standards, only with respect to the expansion; and

ii. The building façade materials, articulation, and doors standards; roof standards; and loading and service area standards, only with respect to the expansion.

F. EXPANSION OF EXISTING BUILDING BY MORE THAN 60 PERCENT

An expansion of a building existing on the effective date of this UDO that increases the building's floor area by more than 60 percent, considered cumulatively with all expansions over the five years prior to the submission of an application, shall comply with the standards in this section as set out below.

a. If the building is a multi-family or attached residential dwelling, the entire building shall comply with the general form and design standards and the multi-family and attached residential form and design standards in this section. In addition, if the building is required by Chapter 4: Use Regulations, to comply with the small-scale apartment homes standards, the entire building shall comply with the standards for small-scale apartment homes in this section.

b. If the building is a commercial or mixed-use building, the entire building shall comply with the general form and design standards and the commercial and mixed-use form and design standards in this section. In addition:

i. If the building is required by Chapter 4: Use Regulations, to comply with the shopfront form and design standards, the entire building shall comply with the standards for shopfronts in this section; and

ii. If the building includes combination retail establishments or a single tenant having a gross floor area of 60,000 square feet or more and devotes 60 percent or more of the total floor area to retail sales activities, the building shall comply with standards for large retail buildings in this section.

c. If the building houses an industrial use, the entire building shall comply with the general form and design standards and the industrial form and design standards in this section.

G. MODIFICATION OF STANDARDS

Standards in this section may be modified in accordance with the Modification of Architectural Standards procedure in Chapter 2: Administration.

5.9.3. General Form and Design Standards

A. ARCHITECTURAL FRONT

1. Development Consisting of One Principal Building

In development consisting of only one principal building, the building shall have its primary entrance and architectural front on the façade facing either the street from which it derives its street address or the street nearest the building.

2. Development Consisting of Multiple Principal Buildings

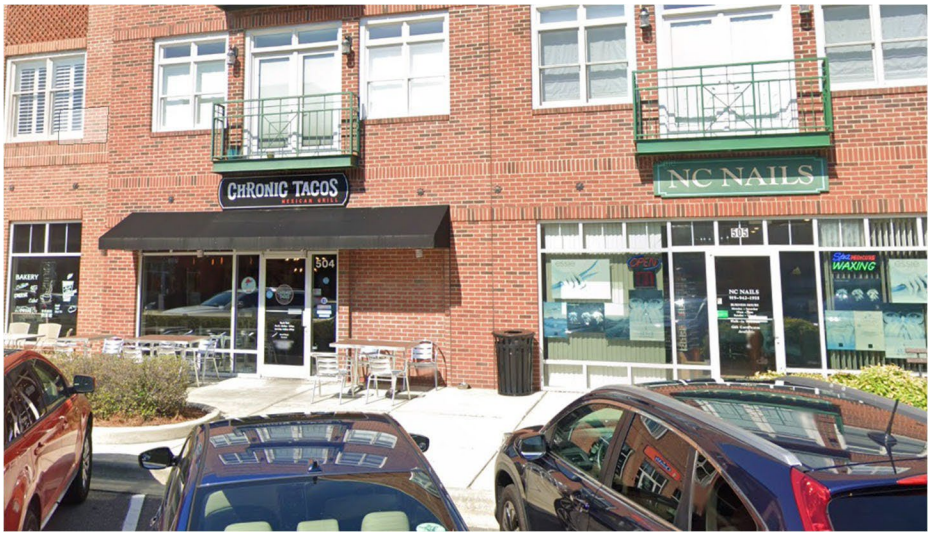
In development consisting of more than one principal building, each building shall have its primary entrance and architectural front on a façade facing one of the following:

i. The street from which it derives its street address or the street nearest the building;

ii. A private drive interior to the development if the building is not adjacent to the street (see Figure 5-23; or

iii. A courtyard, plaza, or central green.

Figure 5-23: Development with Multiple Buildings with Entrance Facing Private Drive



B. WINDOWS

Doors and windows on front building façades shall be vertically oriented (i.e., the vertical dimension is greater than the horizontal dimension) and vertically aligned between floors.

C. ARRANGEMENT OF MATERIALS

1. Where two or more materials are proposed to be combined on a façade, the heavier and more massive material shall be located below the lighter material (i.e., brick below siding).
2. Material changes shall occur along a horizontal line or where two forms meet, except material changes may occur as accents around windows, doors, cornices, at corners, or as a repetitive pattern.
3. Primary façade materials shall not change at outside building corners and shall continue along any side façade visible from a street right-of-way; materials may change where side or rear wings meet the main body of a structure.

D. ACCESSORY STRUCTURES

Accessory structures shall be of the same or complementary materials as the principal building(s) and the architectural style of the accessory structure shall be compatible or complementary to that of the principal building(s).

E. PARKING DECK DESIGN

1. Parking decks shall be wrapped with or hidden by an architectural façade or an active use on all sides that are visible from public rights-of-way. Parking.
2. Parking decks that contain more than 250 spaces shall have at least two entrances/exits.
3. Parking decks may be gated and may contain reserved spaces that count towards overall parking requirements.

F. BUILDINGS INSIDE THE HISTORIC PRESERVATION OVERLAY DISTRICT

1. Massing, scale, and orientation of new buildings, including single-family, attached residential, and duplex properties, shall be done in a manner that complements the existing historic resources of the HPO and the surrounding areas.
2. Architecture for all new buildings or renovations/ expansions/ modifications of existing structures, including single-family, attached residential, and duplex properties, shall follow the requirements of the HPO standards and this UDO.

5.9.4. Multi-family Residential Form and Design Standards

A. GENERAL

Multi-family residential dwellings are subject to use specific standards in Chapter 4: Use Regulations.

B. ACCESSORY PARKING STRUCTURES

1. Detached garages or carports shall be located to the side or rear of the building(s) containing the dwellings (see Figure 5-24).

Figure 5-24: Garage Location and Orientation



2. Freestanding garages or carports visible from public streets outside the development shall be oriented perpendicular to the street, or the façade facing the street shall be configured to comply with the required wall offsets and façade design features in this section.
3. The exterior materials, design features, and roof form of a detached garage or carport shall be the same as the building it serves.

C. COMMON OUTDOOR ACTIVITY AREAS

Ground-level outdoor activity areas, porches, decks, vending areas, and other similar site attributes shall be screened from adjacent single-family detached or duplex residential dwellings.

D. BUILDING ORIENTATION

1. The primary entrance and architectural front of individual buildings within a multi-building development shall be oriented towards the following (listed in priority order) and not toward off-street parking lots, garages, or carports:
   a. Perimeter streets;
   b. Primary internal streets;
   c. Open space set-asides; and
   d. Secondary internal streets.
2. Buildings shall be oriented so that architectural fronts of buildings across the street from each other face each other, so as to avoid the front façade of one building facing a side or rear façade of another building.
3. Ground-level utilities, such as meters, HVAC, vault boxes, electrical boxes, and other similar items shall be located so as not to be visible from a right-of-way. In no case shall these items be located on the front of a building or in the front yard. All ground-level utilities shall be screened with landscaping.

E. BUILDING FAÇADES

1. **Materials**
   Exterior building walls shall be wood clapboard, cementitious fiber board, wood shingle, wood drop siding, primed board, wood board and batten, brick, stone, stucco, vinyl, or similar material.
2. **Fenestration/Transparency**
   The following minimum percentages of the street-facing façade area of the ground-level floor of principal buildings (as measured from 18 inches above the grade to the underside of the eave, top of the parapet, or the story line denoting the second floor) shall be occupied by windows or doorways:
   i. In the TC and DE districts, and within nodal CM and CC district areas: 25 percent; and
   ii. In all other locations: 15 percent.
3. **Offsets**
   Building façades that face a street shall incorporate wall offsets, in the form of projections or recesses in the façade plane at least two feet in depth, spaced no more than 50 feet apart (see Figure 5-25: Façade Offsets and Design Features).

Figure 5-25: Façade Offsets and Design Features



4. Design Features

Front façades shall provide a minimum of three of the following design features for each residential unit fronting onto a public street (see Figure 5-25: Façade Offsets and Design Features):

i. One or more dormer windows or cupolas;

ii. A recessed entrance;

iii. A covered porch;

iv. Pillars, posts, or columns next to the doorway;

v. One or more bay windows projecting at least twelve inches from the façade plane;

vi. Eaves projecting at least six inches from the façade plane;

vii. Raised corniced parapets over the entrance door;

viii. Multiple windows with a minimum four-inch-wide trim;

ix. Integrated planters that incorporate landscaped areas or places for sitting; or

x. Roof form and line changes consistent with the façade offsets.

5. Maximum Building Length

The maximum length of a multi-family dwelling shall be 90 linear feet in the RG district and 250 linear feet in all other districts.

F. ROOFS

Multi-family dwellings shall comply with the following standards:

a. Sloped roofs on buildings over 100 feet in length shall include two or more different sloping roof planes, each with a minimum pitch between 4:12 and 12:12.

b. Flat roofs shall be concealed by parapet walls that extend at least three feet above the roof level and have three-dimensional cornice treatments that project at least eight inches outward from the parapet façade plane.

c. Alternative roof forms or pitches may be allowed for small roof sections over porches, entryways, or similar features.

d. Roofs shall be clad in wood shingles, standing seam metal, slate, asphalt shingles or similar material or combination of materials.

e. All roof-based mechanical equipment, as well as vents, pipes, antennas, satellite dishes, and other roof penetrations (except chimneys), shall be located on the rear elevations or otherwise be configured and screened (if necessary) to have a minimal visual impact as seen from a right-of-way. No large mechanical equipment shall be visible from a right-of-way or an adjacent parcel.

G. SMALL-SCALE APARTMENT HOMES

1. Number of Dwellings

No more than one multi-family dwelling is allowed on a lot.

2. Number of Units

The maximum number of dwelling units in each multi-family dwelling shall be six.

3. Maximum Building Length

The maximum building length is 90 feet.

4. Building Orientation

The building shall be oriented with its longer axis running parallel to the street frontage.

5. Primary Entrance

Regardless of the number of dwelling units, the multi-family dwelling shall include at least one single primary entrance on the front façade. Nothing in this section shall limit the ability of each dwelling unit to have a secondary form of ingress or egress on side or rear façades.

6. Building Façades

a. All sides of the multi-family dwelling visible from lands occupied by or designated for single-family detached residential uses, an existing public street right-of-way, or other public lands shall display a similar level of quality and architectural detailing.

b. All building details on the multi-family dwelling, including roof forms, siding materials, windows, doors, and trim shall reflect a consistent architectural style.

c. Regardless of the number of dwelling units, the multi-family dwelling shall include at least one single primary entrance on the front façade. Nothing in this section shall limit the ability of each dwelling unit to have a secondary form of ingress or egress on side or rear façades.

7. Roof

Each roof surface shall have a minimum pitch of 4:12.

8. Garages

All street-facing garages shall be recessed behind the front façade of the dwelling and shall not visually or architecturally dominate the front façade elevation.

9. Meter and Equipment Placement

To the maximum extent practicable, wall-mounted and ground-based equipment (e.g., electric meters, telephone/cable switches, gas packs, condensers, etc.) serving a mansion apartment structure shall:

i. Be fully screened from view and located to the sides or rear of the structure they serve; and

ii. Be placed in close proximity to one another.

10. Driveways and Off-Street Parking Areas

a. Except on corner lots, the multi-family dwelling shall be served by a single driveway and off-street parking area. Buildings on corner lots may have up to two individual driveways provided each driveway is accessed by a different street.

b. No off-street parking area shall be located between the multi-family dwelling and the street it fronts, except for front-loaded garages, where applicable.

5.9.5. Commercial and Mixed-Use Form and Design Standards

A. BUILDING ORIENTATION

1. To the maximum extent practicable, development consisting of a single principal building shall be configured with the long axis of the building parallel to the street it fronts or have a different building configuration that is consistent with existing adjacent development patterns.

2. If a development is composed of multiple buildings having a cumulative gross floor area of 100,000 or more square feet, the buildings in the development shall be configured to accomplish any one or combination of the following:

a. Break up the site into a series of smaller "blocks" defined by streets, private drives, pedestrian walkways, or other circulation routes;

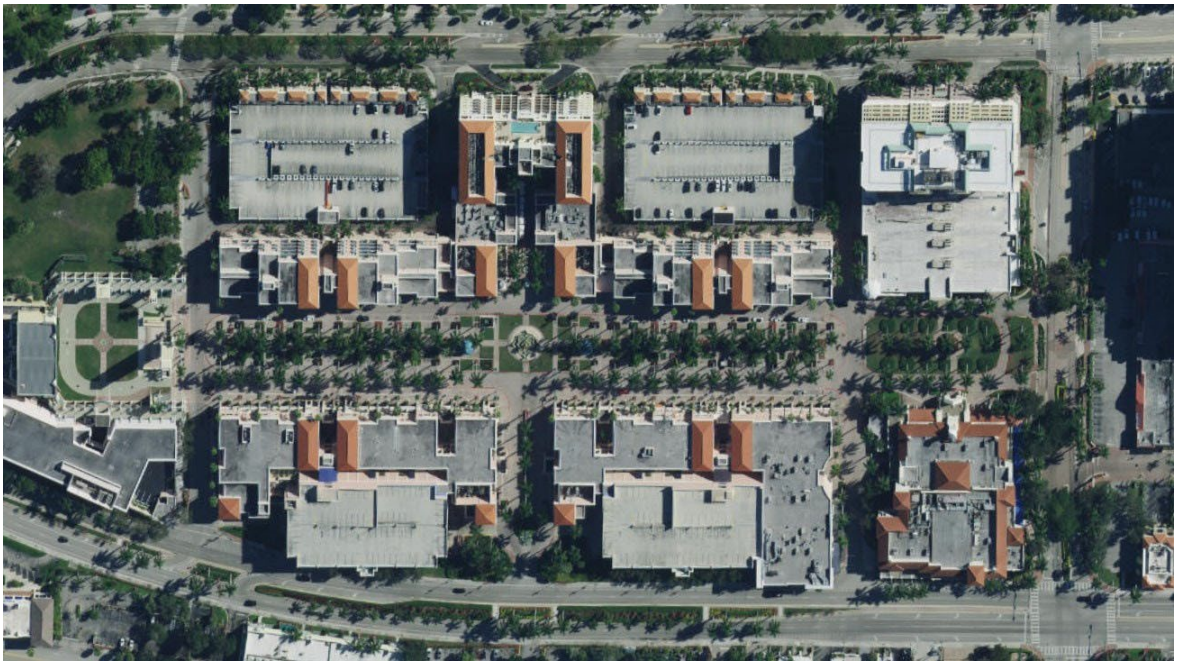
b. Frame the corner of an adjacent street intersection or entry point to the development;

Figure 5-26: Buildings Framing Corner and Entry Point



c. Frame and enclose a "main street" multi-modal access corridor within the development site, if appropriate (see Figure 5-27);

Figure 5-27: Buildings Framing Multi-Modal Access Corridor



d. Frame and enclose on at least three sides parking areas, public spaces, or other site amenities; or

e. Frame and enclose outdoor dining or gathering spaces for pedestrians between buildings.

B. OUTPARCEL DEVELOPMENT

1. To the maximum extent practicable, outparcels and their buildings shall be configured and located to define street edges, development entry points, and spaces for gathering or seating between buildings.

2. Spaces between buildings on outparcels shall be configured with small scale pedestrian amenities such as plazas, seating areas, pedestrian connections, and gathering spaces (see Figure 5-28).

Figure 5-28: Pedestrian Amenities Between Outparcel Buildings



3. Outbuildings located in front of other buildings within the same development shall include a consistent level of façade articulation and architectural detail on all sides of the building, as well as exterior materials and colors that are compatible with the primary building in the development.

C. BUILDING ENTRANCES

1. All buildings shall have a pedestrian entrance for access into the building as the main building access point. Drive-thru only buildings are prohibited.
2. Primary building entrances shall be designed to be visually prominent through the use of a combination of two or more of the following features:
   a. A canopy, portico, archway, arcade, or similar overhang that provides architectural interest and pedestrian protection (see Figure 5-29);

Figure 5-29: Commercial or Mixed-Use Building Entrance Features



b. Peaked roof forms;

c. Raised corniced parapets over the door;

d. Outdoor pedestrian features such as seat walls and landscaping, or permanent landscape planters with integrated benches (see Figure 5-29); or

e. Architectural detailing such as tile work and moldings integrated into the building structure.

D. BUILDING FAÇADES

1. Materials

a. Building façades shall be constructed primarily of brick, cast concrete, stone, marble, cementitious fiber board, or other materials similar in appearance and durability.

b. The use of aluminum siding, vinyl siding, corrugated metal siding, or other metal cladding is prohibited on any façade visible from a street right-of-way.

c. Regular or decorative concrete block and EIFS-type stucco float finish may be used on building walls not visible from a street or as an accent material only.

d. Nothing shall limit the use of decorative metal as a building accent material.

2. Fenestration/Transparency

a. All street-level windows shall be visually permeable and shall not use mirrored or heavily tinted glass. Windows shall be set to the inside of the building face wall.

b. Front façade walls shall include a window or functional general access doorway a minimum of:

i. Every 24 feet for structures having a gross floor area of 40,000 square feet or less; and

ii. Every 32 feet for structures have a gross floor area of more than 40,000 square feet.

c. Unless more restrictive requirements are established by another provision of this UDO, the following minimum percentages of the street-facing façade area of the ground-level floor of principal buildings shall be occupied by windows or doorways:

i. In the TD and DE districts and within nodal CM and CC district areas: 40 percent; and

ii. In all other locations: 25 percent.

3. Offsets

a. Except as otherwise provided in this section, street-facing front building façades that are greater than 60 feet wide shall be articulated with wall offsets (e.g., projections or recesses in the façade plane) that are at least two feet deep, at least ten feet wide, and spaced no more than 50 feet apart (see Figure 5-30: Front Façade Offsets).

Figure 5-30: Front Façade Offsets



b. The following techniques may be used (alone or in combination with other techniques and/or wall offsets) as an alternative to required front facade offsets:

i. Changes in façade material that follow the same dimensional standards as the offset requirements;

ii. Columns or pilasters that are at least eight inches deep and at least eight inches wide, and have a height equal to at least 80 percent of the façade's height; or

iii. Roofline changes that vertically align with a corresponding wall offset or change in façade color or material, including changes in roof planes and changes in the height of a parapet wall (such as extending the top of pilasters above the top of the parapet wall).

iv. The street-facing side façades of buildings shall be articulated with the same façade details as provided on the building's front façade, or be screened from off-site views through fences, walls, or landscaping (which shall be at least eight feet high).

4. Canopies and Awnings

A building canopy, awning, arcade, or similar weather protection feature projecting at least four feet from the ground level façade shall be provided along all storefronts.

5. Maximum Building Length

For mixed-use buildings the maximum length shall be 250 linear feet, unless architectural means are used to break up the street facing façade so that the mass of the building resembles at least two separate buildings. At a minimum, a 20-foot wide and deep street façade off set shall be established near the middle of the building that extends the full height of the building including the roofline.

E. ROOFS

1. Pitched roofs on principal buildings over 100 feet in length shall include two or more different sloping roof planes, each with a minimum pitch between 3:12 and 12:12. Pitched roofs shall be clad in wood shingles, standing seam metal, corrugated metal, slate, asphalt shingles or similar material.
2. Flat roofs on principal buildings shall be concealed by parapet walls that extend at least three feet above the roof level and have three-dimensional cornice treatments that project at least eight inches outward from the parapet façade plane.
3. All roof-based mechanical equipment, as well as vents, pipes, antennas, satellite dishes, and other roof penetrations (except chimneys), shall be located on the rear elevations or otherwise be configured, to the maximum extent practicable, to have a minimal visual impact as seen from a right-of-way. No large mechanical equipment shall be visible from a right-of-way or an adjacent parcel.

F. LOADING AND SERVICE AREAS

1. Loading, service, and equipment areas shall be located in a manner that minimizes their visibility from off-site areas, to the maximum extent practicable, with the first preference being at the rear of the building. No loading, service, or equipment areas may be located in the front yard or on the primary façade facing a right-of-way.
2. Loading, service, and equipment areas that are associated with an outparcel building shall be screened through the use of structural elements that are attached to and integrated with the building and that use materials that are similar in appearance, quality, and durability to the building's materials.

G. SHOPFRONTS

1. **Retail Uses**

   Retail uses within a shopfront building shall be located only on the ground floor.

2. **Off-Street Parking**

   Off-street surface parking is prohibited in any front yard abutting the right-of-way.

3. Orientation and Entrances

a. All buildings shall have a pedestrian entrance for access into the building as the main building access point. Drive-thru only buildings are prohibited.

b. A shopfront building shall have its architectural front and primary entrance oriented toward the primary street it fronts. Buildings on corner lots shall locate the architectural front on the building corner closest to the adjacent street intersection and include the primary entrance at that corner or include a primary entrance facing each street. A secondary entrance may be oriented towards off-street surface parking.

4. Building Façades

a. **Materials**

i. Building façades shall be constructed primarily of brick, cast concrete, stone, marble, or other materials similar in appearance and durability.

ii. Regular or decorative concrete block, float finish stucco, EIFS-type stucco, cementitious fiber board, or wood clapboard may be used as an accent material or trim but shall not be a primary material.

b. **Base and Top**

Each building façade visible from the street shall have:

(1) A base course consisting of one or more of the following: thicker walls, ledges or sills; integrally textured materials such as stone or other masonry; integrally colored and patterned materials such as smooth finished stone or tile; bulkheads; lighter or darker colored materials, mullions, or panels; or planters; and

(2) A top course consisting of one or more of the following: cornice treatments, other than colored stripes or bands, with textured materials such as stone or other masonry or differently colored materials; sloping or gable roof with overhangs and brackets; stepped parapets; or a cornice capping the top of a building wall.

c. **Fenestration**

At least 40 percent of the street-facing façade area of the ground-level floor of buildings (as measured from 18 inches above the grade to the underside of the eave, top of the parapet, or the story line denoting the second floor) shall be occupied by windows or doorways

5. Roofs

a. All pitched roofs shall be clad in wood shingles, standing seam metal, corrugated metal, slate, asphalt shingles, or similar material.

b. All rooftop equipment shall be screened from view from adjacent streets.

H. LARGE RETAIL BUILDINGS

1. Building Entrances

a. Buildings shall have a pedestrian entrance for access into the building as the main building access point. Drive-thru only buildings are prohibited.

b. Buildings shall have clearly defined, highly visible customer entrances featuring no less than three of the following (see Figure 5-31):

i. Canopies or porticos above the entrance;

ii. Roof overhangs above the entrance;

iii. Entry recesses or projections;

iv. Arcades that are physically integrated with the entrance;

v. Raised corniced parapets above the entrance;

vi. Gabled roof forms or arches above the entrance;

vii. Outdoor patios or plazas next to the entrance;

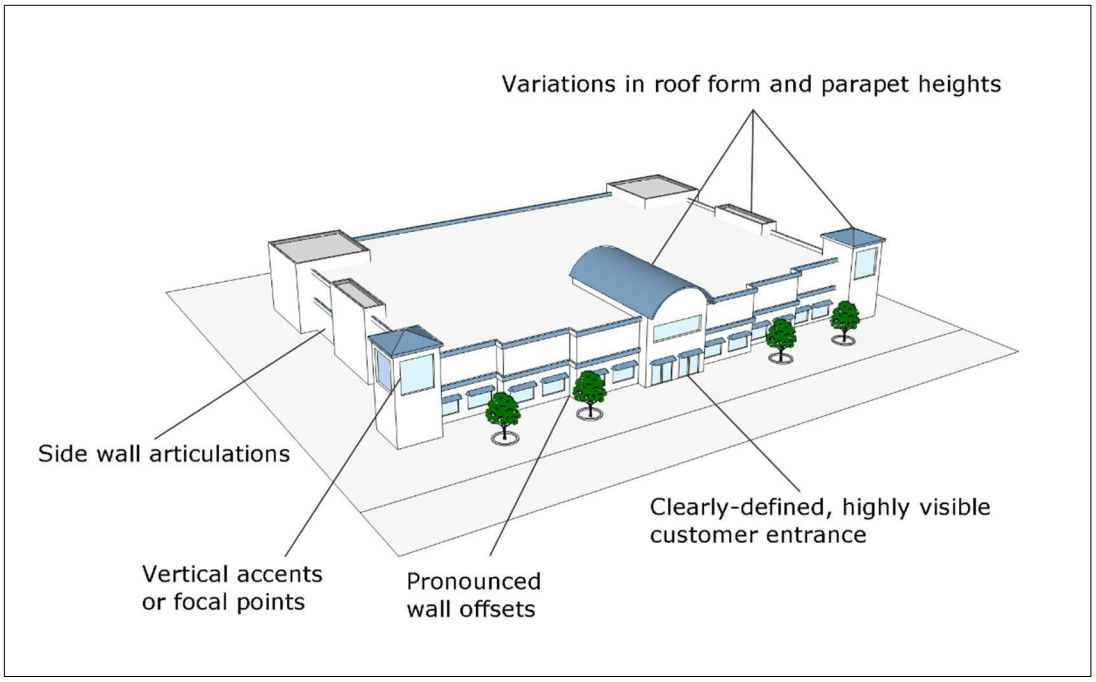
viii. Display windows that are directly next to the entrance;

ix. Architectural details, such as tile work and moldings, that are integrated into the building structure and design and are above or next to the entrance; or

x. Integral planters or wing walls that incorporate landscaped areas or seating areas.

c. All portions of buildings designed to appear as customer entrances shall be functional customer entrances.

Figure 5-31: Large Retail Building Form and Design


Variations in roof form and parapet heights
Side wall articulations
Vertical accents or focal points
Pronounced wall offsets
Clearly-defined, highly visible customer entrance

2. Façades and Massing

a. To reduce their perceived mass and scale, buildings shall incorporate three or more of the following design elements on each façade facing a right-of-way (see Figure 5-31):

i. Variations in roof form and parapet heights;

ii. Pronounced wall offsets that are at least two feet deep;

iii. Distinct changes in texture and color of wall surfaces;

iv. Ground level arcades and second floor galleries or balconies;

v. Protected and recessed entries; and

vi. Vertical accents or focal points.

b. Side building walls that do not face a right-of-way and exceed 30 feet in length shall have façade-articulating elements such as columns and/or changes in plane, texture, or masonry pattern (see Figure 5-31).

c. Rear building walls that do not face a right-of-way may be unarticulated.

5.9.6. Industrial Form and Design Standards

A. BUILDING ORIENTATION

1. A development composed of multiple buildings shall locate and configure the buildings to conceal operations and loading areas from off-site views, to the maximum extent practicable.

2. Accessory uses and structures shall not be located in a front yard, shall not front a right-of-way, and shall be located in a manner that minimizes their impacts on adjacent development.

B. PRIMARY ENTRANCE

1. Each principal building shall have at least one clearly defined, highly visible primary entrance for occupants and patrons that incorporates at least two of the following design features to emphasize the importance of the entrance:

a. Canopy or portico;

b. Roof overhang;

c. Horizontal recess or projection (see Figure 5-32);

Figure 5-32: Industrial Building Entrance Features



d. Arcade or arch;

e. Peaked roof form;

f. Outside patio;

g. Display window;

h. Architectural tile work or moldings integrated into the design of the building façade;

i. Integrated planters or wing walls that incorporate landscaped area or seating areas; or

j. Similar architectural features not found on the remainder of the building façade.

C. BUILDING FAÇADES

1. Architectural Front

The architectural front of a building shall be clearly distinguished through signage, lighting, landscaping, architectural elements, or other features providing variety of detail to break up large walls and enhance visual quality.

2. Materials

a. The primary façade and any façade visible from a right-of-way or an adjacent non-industrial use shall include a majority of brick, cast concrete, stone, marble, or other materials similar in appearance and durability.

b. The use of corrugated metal siding or any other similar metal siding, unfinished or untreated tilt-up concrete panels, or standard single- or double-tee concrete systems as a primary exterior façade material shall be limited to those portions of rear and side building façades that are not visible from the public right-of-way or an adjacent non-industrial use.

c. Exterior building materials shall be continued to the finished grade on any elevation.

3. Articulation

a. **Horizontal Articulation**
Each street-facing building façade greater than 100 feet in width shall be articulated with wall offsets (e.g., projections or recesses in the façade plane), changes in façade color or material, or similar features that visually interrupt the wall plane horizontally such that the width of uninterrupted façade does not exceed 60 feet in width (see Figure 5-33).

Figure 5-33: Articulation of Building Façades



b. **Vertical Articulation**
Each street-facing building façade greater than 30 feet in height shall incorporate a change in the wall surface plane or in façade color or material that visually interrupts the wall plane vertically such that the height of the uninterrupted façade does not exceed 30 feet in height (see Figure 5-33).

D. LOADING AND SERVICE AREAS

Loading and service areas shall be separated from customer parking, pedestrian areas, and main drive aisles, and be configured to avoid disruption

of primary vehicular access and circulation. In the TD, DE, CM, and CC districts, loading and service areas shall be located to the side or rear of the building.

5.10. NEIGHBORHOOD COMPATIBILITY STANDARDS

5.10.1. Purpose

The purpose of these neighborhood compatibility standards is to provide a proper transition from and ensure compatibility between potentially incompatible land uses or zoning districts. More specifically, it is the intent of these standards to:

1. Protect the character of existing neighborhoods characterized by single-family detached dwellings or duplexes from potentially adverse impacts resulting from more intense and incompatible adjacent forms of development;
2. Use development form and design treatments as alternatives to large, vegetated buffers; and
3. Establish and maintain vibrant pedestrian-oriented areas where multiple uses can operate in close proximity to one another.

5.10.2. Applicability

A. GENERAL

1. Unless exempted in this section, the standards in this section apply to:
   a. New multifamily, nonresidential, and mixed-use development when located on land adjacent to, or across a street or alley from a single-family residential lot; and
   b. Any expansion of an existing multifamily, nonresidential, or mixed-use development when located on land adjacent to, or across a street or alley from a single-family residential lot, if the expansion increases the building's floor area by 50 percent or more.
2. For the purposes of this section, multifamily, nonresidential, and mixed-use development includes the following:
   a. Multifamily dwellings;
   b. Attached residential dwellings;
   c. Uses in the Group Living use category;
   d. Uses in the Institutional, Commercial, and Industrial use classifications; and
   e. Any building containing both a dwelling as principal use and a nonresidential principal use.
3. For the purposes of this section, single-family residential lots include:
   a. Lots where an existing single-family detached dwelling or duplex is located; and
   b. Undeveloped lots in Residential districts.

B. EXEMPT DEVELOPMENT

The following are exempt from the standards in this section:

a. New development that would be subject to the standards in this section only because it is across the street from a single-family residential lot, if the street has four or more lanes of travel or a right-of-way width of 75 feet or more;

b. New development that would be subject to the standards in this section only because it is adjacent to, or across a street or alley from a lot where a single-family detached dwelling or duplex is located if the lot is not in a Residential district;

c. Properties in the Traditional Downtown (TD) zoning district;

d. Uses in the Community Services, Education, and Utilities, Transportation, and Communication use categories.

5.10.3. Site Design

A. BUILDING ORIENTATION AND PLACEMENT

1. Multifamily, nonresidential, and mixed-use development shall be oriented to face similar forms of development on adjacent or opposing lots to the maximum extent practicable.

2. A multi-building development that includes varying use and/or development intensities in different buildings shall locate buildings with the least intense use and/or development nearest to adjacent single-family detached or duplex residential lots.

B. PARKING AND DRIVEWAY AREAS

1. The total amount of off-street parking shall be sufficient to park onsite and any reduction from the required minimum parking spaces through an alternative parking plan shall demonstrate that the reduction will not have an adverse impact on the adjacent single-family detached or duplex residential lots.

2. When required, off-street parking shall be established in the side or rear yard of one or more of the following locations, listed in priority order:

a. Adjacent to lot lines abutting nonresidential development;

b. Adjacent to lot lines abutting mixed-use development;

c. Adjacent to lot lines abutting multi-family or attached residential development; or

d. Adjacent to lot lines abutting single-family detached or duplex residential lots.

3. Off-street surface parking areas located adjacent to single-family detached or duplex residential lots shall be screened by a Type B perimeter buffer, in addition to all other required parking lot landscaping.

C. LOADING AND REFUSE STORAGE AREAS

All loading, service, and refuse collection areas shall be:

1. Located to the side or rear of the building away from adjacent single-family residential lots, screened with walls and/or landscaping, and provided with access that is integrated with parking areas and the vehicular circulation network;
2. Screened from view of single-family detached or duplex residential lots, to the maximum extent practicable; or
3. Incorporated into the overall site so that the impacts of these functions are fully contained within an enclosure or are otherwise out of view from adjacent single-family detached or duplex residential lots.

D. DRIVE-THROUGHS

1. Drive-through or pick-up windows shall not be located:
   a. On a building façade that faces a single-family detached or duplex residential lot; or
   b. Within 100 feet of any single-family detached or duplex residential lot.
2. Order boxes associated with a drive-through or pick-up window shall not be located within 150 feet of any single-family detached or duplex residential lot.

E. OUTDOOR DINING AREAS

Outdoor dining areas shall not be located between a building and a lot line abutting a single-family detached or duplex residential lot unless a Type B perimeter buffer is provided.

F. OPEN SPACE SET-ASIDES

1. Required open space set-asides shall be located between a proposed development and an adjacent single-family detached or duplex residential lot, to the maximum extent practicable.
2. Outdoor recreation features such as swimming pools, tennis courts, playgrounds, and similar features shall be in the side or rear yard and at least 100 feet from all lot lines abutting a single-family detached or duplex residential lot.

5.10.4. Building Design

A. HEIGHT

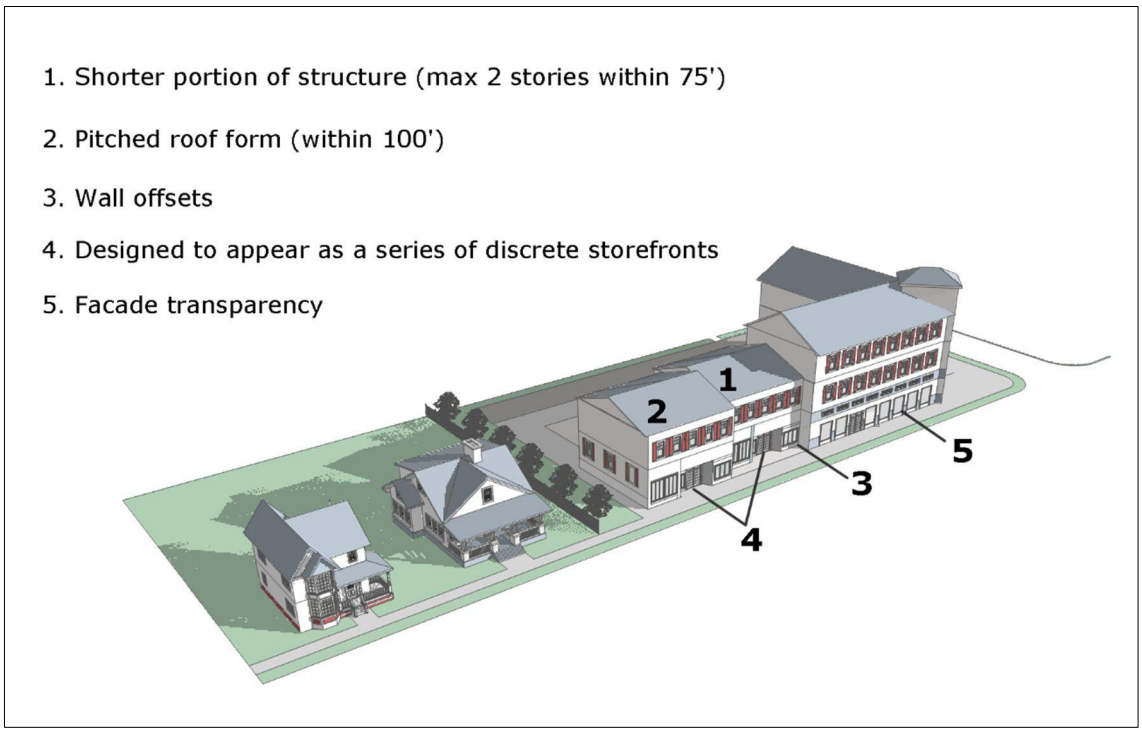
1. Building height shall not exceed the height established in Table 5-19: Maximum Building Height, as shown below.
2. Distances from single-family detached or duplex residential lot shall be measured from the closest portion of the dwelling on the adjacent lot or, if the property is vacant, from the nearest property line.

TABLE 5-19: MAXIMUM BUILDING HEIGHT

Distance from Single-Family Dwelling or Residential Lot	Maximum Height
Less than 75 feet	2 stories
75 to 125 feet	3 stories
More than 125 feet	Applicable zoning district maximum height

3. Buildings that are three or more stories in height shall be broken up into modules or wings with the smaller and shorter portions of the structure located adjacent to the single-family detached or duplex residential lot (see Figure 5-34).

Figure 5-34: Building Design Standards



B. ROOF

1. A pitched roof form is required on any portion of a building that is within 100 feet of a single-family detached or duplex residential lot (see Figure 5-34).
2. All roof-mounted equipment shall be configured to avoid or minimize its view from adjacent streets and single-family detached or duplex residential lots.

C. MASSING AND SCALE

1. Buildings shall use similarly sized and patterned wall offsets and other building articulations found on adjacent single-family detached or duplex dwellings.
2. Retail commercial building façades that face single-family detached or duplex residential lots shall be designed to appear as a series of discrete storefronts, with no single storefront occupying more than 50 percent of the total façade width of the building.

D. FAÇADES

Façades facing single-family detached or duplex residential lots shall comply with the following façade standards:

a. Plywood, concrete block, and corrugated metal are prohibited as exterior materials;

b. Split-face masonry unit and vinyl siding shall not exceed 25 percent of a building façade; and

c. If the ground floor of the building houses a nonresidential use, the façade shall have the minimum percentage of transparency of the ground floor, second floor, and third and higher floor façade area in Table 5-20: Façade Transparency Standards (see Figure 5-34).

TABLE 5-20: FAÇADE TRANSPARENCY STANDARDS

Building Story	Minimum Façade Area Percentage to be Transparent (percent)
Ground Floor	40
Second Floor	15
Third Floor or Higher	10

NOTES

[1] The façade area shall be measured from two feet above the grade to the underside of the eaves, or from story line to story line on upper building stories.

E. PRIMARY ENTRANCE

Subject to the building orientation standard, the primary entrance of a new building shall face the street from which the building obtains its street address or mailing address.

F. PORCHES AND BALCONIES

All porches and balconies shall be oriented away from adjacent single-family detached or duplex residential lots, to the maximum extent practicable.

5.10.5. Exterior Lighting

A. EXTERIOR LIGHTING SHALL HAVE A MAXIMUM HEIGHT OF 15 FEET WITHIN 100 FEET OF A SINGLE-FAMILY DETACHED OR DUPLEX RESIDENTIAL LOT.

B. ILLUMINATION FROM EXTERIOR LIGHTING SHALL NOT EXCEED 0.5 FOOT-CANDLES AT ALL LOT LINES ABUTTING A SINGLE-FAMILY RESIDENTIAL LOT.

5.10.6. Signage

To the maximum extent practicable, signage shall be located a minimum of 75 feet from all lot lines abutting a single-family detached or duplex residential lot.

5.11. SIGN STANDARDS

5.11.1. Purpose and Intent

The purpose and intent of this section is to support and complement the various land uses allowed in the Town and its Extraterritorial Jurisdiction through appropriate, acceptable types of signs for business and event needs. Guidelines within this section are intended to ensure consistency in style, scale, visibility, readability, and clarity as well as location and quantity, while allowing for a varied, exciting, and interesting visual landscape. More specifically, the purpose of this section is to:

1. Encourage the effective use of signs as a means of communication in the Town;
2. Protect the public welfare and Town property values by preserving the aesthetic and environmental qualities of the Town;
3. Protect pedestrians and motorists of the Town from damage or injury caused or partially attributed to the distractions caused by improper size, location, or upkeep of signs;
4. Achieve signage that is consistent with and complimentary to the overall design of the buildings being served, in terms of size, color, shape, texture, and lighting;
5. Maintain the economic viability of businesses in our community through the availability of appropriate signage; and
6. Promote public safety, health, welfare, convenience, and enjoyment of travel and the free flow of travel within the Town.

5.11.2. Applicability

A. GENERAL

1. Compliance Required

Unless exempted by this section, a sign shall not be constructed, erected, moved, enlarged, illuminated, altered, maintained, or displayed except in accordance with this section.

2. Sign Permit

Anyone proposing to construct, erect, move, enlarge, illuminate, alter, or display a sign shall first obtain a Sign Permit for the proposed activity in accordance with the Sign Permit procedure in Chapter 2: Administration.

3. Displays

Displays and decorations shall not be installed on rooftops of buildings used for non-residential purposes, even if the display or decoration does

not advertise a service or item for sale, except between November 1st and January 31st.

4. Sign Plan

Each development application proposing to construct, erect, move, enlarge, illuminate, alter, or display a sign shall include a sign plan showing how the proposed signage will comply with the standards in this section.

5. Common Sign Plan

An application for a planned development shall include a common sign plan for the entire development. The common sign plan shall specify the maximum total sign area and number of signs allowed on the site by sign type, as well as the location and sign area of all attached signs and the location, height, type, sign area, materials, and architectural features of all freestanding signs, in accordance with the standards in this section. If the development application is approved, all subsequent development on the site shall comply with the approved common sign plan.

6. Alternative Sign Plan

a. An alternative sign plan may be used where an impractical situation would result from application of the standards in this section that apply to permanent signage due to topography, utility easements, lot configuration or subdivision, or location and size or pre-existing development. An alternative sign plan may propose alternative locations, sizes, or quantities of signs that deviate from the standards in this section.

b. The alternative sign plan shall be approved if the Planning Director determines the applicant demonstrates the following conditions are met:

i. Materials, colors, shapes, and sizes of proposed signs are architecturally compatible with the buildings and the surrounding area of their location;

ii. Proposed signs will not be the dominant feature of the site and are scaled in accordance with the size of the conforming signs on adjacent and nearby properties;

iii. Proposed signs will not be located in a manner that impairs traffic visibility;

iv. Installation of signage in accordance with the standards in this section would put the site in direct violation of other Town ordinances or state or Federal regulations; and

v. The use(s) and/or architectural elements proposed for the site (as already approved by the Planning Director) are such that a standard sign plan under this UDO would be inconsistent with the purposes of these standards.

B. EXEMPT SIGNS

1. Exempt from the Sign Standards

The following are exempt from the standards in this section:

i. Signs erected by, on behalf of, or pursuant to the authorization of a governmental body, including traffic, directional, and regulatory signs and legal notices; and

ii. Any sign the Town is prohibited from regulating by state or federal law, to the extent of the prohibition.

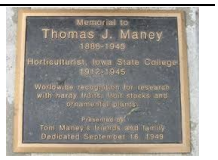
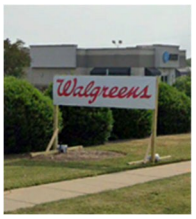
2. Exempt from Requirement to Obtain Sign Permit

Signs identified in Table 5-21: below, shall comply with the standards in this section, but do not require a Sign Permit if they comply with the standards, as long as they are not used, built, or located in a manner that would constitute a Prohibited Sign, as identified in Table 5-21:.

TABLE 5-21: SIGNS NOT REQUIRING A SIGN PERMIT

Sign Description and Standards	Example Photograph
Sandwich board signs in the TN, CM, CC, TD, DE, HLI, PD districts. • A maximum of one sandwich board sign is allowed per establishment. • The maximum sign area is 12 square feet. • The maximum height is four feet. • Must be located so as to maintain at least four feet of clearance for pedestrian travel on sidewalk. • Must be removed each evening following the close of the business it serves.	
Election Signs in any zoning district. • The maximum sign area is 8 square feet. • Must be located so as to maintain sight distances and sight triangles at intersections. • May be allowed in the right-of-way, except for right-of-way immediately adjacent to Town-owned property. • May be installed up to 30 days prior to early voting. • Shall be removed within 10 days after the election.	
Directional Wayfinding in any zoning district. • To be used for providing directions for visitors around a property (i.e. signs directing the flow of traffic to a drive-through lane). • The maximum sign area is 6 square feet. • The maximum height of ground-mounted signs is 3 feet. • May be internally or externally lighted.	
Temporary real estate signs in any zoning district. • One such sign is allowed on each street frontage of a property being actively marketed for sale, rent, or lease. • The maximum sign area is 12 square feet in a Residential district and 32 square feet in any other base zoning district. • All such signs shall be removed within ten days after the property is sold, rented, or leased.	

TABLE 5-21: SIGNS NOT REQUIRING A SIGN PERMIT

Sign Description and Standards	Example Photograph
Temporary construction sign in any zoning district. • One such sign is allowed for each site where construction activity is taking place in accordance with an approved building permit. • The maximum sign area is 50 square feet on a lot less than one acre and 100 square feet on a lot one acre or greater. • The sign must be set back at least ten feet from the right-of-way. • The maximum height of the sign is 15 feet. • The sign shall be removed no later than seven days after the completion of all construction activities in accordance with approved building permits.	
Historic or public interest sign in any zoning district. • Up to two signs are allowed per site. • A wall-mounted or decorative post mounted sign shall not exceed six square feet in area.	
Sign in conjunction with a stadium, amphitheater, or athletic field in any zoning district. • Any number of signs directed internally toward the playing field or spectator area. • Signs shall be displayed in the interior of an outdoor recreation area, such, but not limited to, advertisements hanging on a baseball outfield wall.	
Temporary signage for roadway projects for any nonresidential use. • Allowed where a funded public road and/or infrastructure project has required the removal of permanent freestanding signage. • Up to one sign allowed per road frontage. • The maximum sign area is 50 square feet. • The maximum height of the sign is 15 feet. • The sign shall be removed after the associated road improvement project is completed, or before a new permanent freestanding sign is erected, whichever occurs first.	
Street number sign in any zoning district. • May have up to 4 signs depicting the assigned street number for a building. • Total maximum size of combined signs shall not exceed 16 square feet.	
Sign affixed to a vending machine in any zoning district. • Signs shall be limited to those that are within the vending machine or mounted flush on its surface (i.e., not extending or projecting from the main surface of the machine).	

5.11.3. General Provisions

A. SIGN AREA AND HEIGHT

Sign area and height are based on the zoning district, sign type, and façade on which the sign is being located and shall be measured in accordance with Chapter 9: Definitions, Rules of Measurement and Interpretation.

B. ORNAMENTATION HEIGHT

Ornamentation such as caps, spires, and finials shall not extend more than one foot from the top of the sign.

C. BERMS OR RAISED LANDSCAPE

The use of berms or raised landscape area shall not be used to increase a sign height, except that they are permitted to raise the base of the sign to the mean elevation of the fronting street.

D. SIGHT TRIANGLES

No part of a sign or its supporting structure shall be located in a sight triangle.

E. ILLUMINATION

1. External Illumination

a. All external lighting shall comply with the standards in this chapter and shall be included in required photometric plans.

b. The source of illumination shall be aimed and shielded so that direct illumination is focused exclusively on the sign face, is not visible from any adjoining lots or right-of-way and does not shine into the sky creating light pollution.

c. The light source shall not be visible from or cast into the right-of-way, or cause glare hazards to pedestrians, motorists, or adjacent properties.

d. Only one external light shall be permitted per sign face having a sign area of 16 square feet or less, and two external lights for sign faces that have a sign area of more than 16 square feet.

2. Internal Illumination

a. No more than one attached sign and one freestanding sign using internal illumination shall be permitted on a site, except for sites that allow multiple wall signs, as all wall signs may use internal illumination.

b. The luminance of a sign shall not exceed 3,000 Nits during daylight hours or 150 Nits at all other times. The applicant shall provide certification from the manufacturer or installer that the proposed sign is designed to comply with the maximum luminance standards in this section.

c. Signs incorporating displays that use light emitting diodes (LEDs), charge coupling devices (CCDs), plasma, or functionally equivalent technologies shall be equipped with automatic dimming technology and certified by the manufacturer or a qualified professional to be compliant with the maximum luminance standards in this section.

3. Neon

a. Neon lighting is only allowed for use on wall signs or projecting signs.

b. No more than one sign using neon lighting per building is permitted.

c. A maximum neon sign area of one-half of a square foot per one linear foot of wall space or 15 square feet, whichever is smaller, is allowed per building.

d. Any additional signage on a property allowed by this section must be non-illuminated.

F. CHANGEABLE COPY

1. Maximum Sign Face Percentage

100 percent of the sign face area may consist of changeable copy.

2. Electronic Message Signs

a. Electronic message signs may be utilized in any signage that allows for interior illumination in lieu of a traditional changeable copy face, as long as the maximum area follows the changeable copy provisions.

b. Electronic message signs shall not be added to non-conforming signs.

c. Sign display must remain static for a minimum of 10 seconds and shall not scroll, change content continuously, or flash.

3. Canopy Signs

Electronic message signs located on canopies shall not exceed five square feet.

G. MAINTENANCE

All signs and all components thereof, including supports, braces, anchors, etc., shall be kept in a good state of repair in compliance with applicable building and electrical codes, and in accordance with the requirements of this UDO. Any sign which is determined by the Planning Director to be insecure, in danger of falling, or otherwise endangering the public safety shall be immediately removed by its owner unless it is repaired and made to otherwise comply with the requirements of this UDO.

H. REMOVAL AFTER VACATION OF SITE

If a business discontinues the use of a site, all signs used by the business shall be fully removed within 60 days of vacation of the site. It shall be the responsibility of the landowner to ensure all signage is removed. Existing sign structures may be re-used by a new business occupying the site only if they are considered conforming by this UDO.

I. PROHIBITED SIGNS

The following signs are prohibited, unless explicitly stated otherwise in this UDO:

a. Any sign that obstructs the view of bicyclists or motorists using any street or interferes with the effectiveness of, or obscures, any traffic sign, device, or signal as determined by the Planning Department;

b. Any sign placed on any curb, sidewalk, post, pole, hydrant, bridge, tree, or other surface located on, over, or across any street or right-of-way, or on publicly owned property, unless otherwise permitted;

c. Any sign that interferes with access along sidewalks or obstructs any window, door, or other opening intended as a mean of ingress or egress;

d. Any sign located in such a way as to intentionally deny visual access to another existing sign;

e. Any sign installed or displayed without a permit, unless specifically exempted by this UDO;

f. Signs which contain lights, rotating disks, words, and other devices not erected by a public authority which may be erroneously construed as regulatory signs or emergency warning signs (see Figure 5-35);

Figure 5-35: Sign May be Mistaken as Regulatory Sign



g. Signs that include any flashing, reflections, changes, or movement, which may be visually distracting to passersby, as determined by the Planning Director;

h. Any sign that is inflatable, is filled with air to float (such as a blimp), or any balloon used as a sign;

i. Portable signs not affixed to a permanent foundation, such as signs attached to a vehicle or trailer (see Figure 5-36). Vehicles used several days per week used to transport persons or property for business are exempt, provided that the vehicle's primary function is as a vehicle and not a sign;

Figure 5-36: Sign Attached to Parked Trailer



j. Parked vehicles with messages where the primary purpose of the vehicle is to advertise a product or service. Vehicles used several days per week used to transport persons or property for business are exempt, provided that the vehicle is parked in a designated parking space;

k. Signs that project above the peak of a roof or above the top of an awning or canopy on which it is erected;

l. Signs that emit a sound, odor, or visible matter;

m. Abandoned, hazardous, or dilapidated signs;

n. Banner or pennant flags of any type, size, color, or composition (see Figure 5-37); and

Figure 5-37: Banner or Pennant Flags



o. Feather signs of any type, size, color, or composition.

5.11.4. Allowed Signs

Table 5-22: below, identifies what types of attached and freestanding signs are allowed in each zoning district. Sign types are defined in Chapter 9: Definitions, Rules of Measurement and Interpretation. The right-most column of Table 5-22: references standards specific to each type of sign.

TABLE 5-22: ALLOWED ATTACHED AND FREESTANDING SIGNS

= maximum sign face square footage permitted in district
% = maximum percentage of building façade or awning, canopy, or window area
- = sign type not permitted in district

Type of Sign	Residential Districts						Mixed-Use & Nonresidential Districts						Plan Dev. Districts	Specific Sign Type Standards
	RC	RLS	RLI	RG	HMV	TN	TD	DE	CM	CC	HLI	IN	PD	
Attached Signs														
Awning Sign (%)	-	-	-	-	-	40	40	40	40	40	40	40	40	5.11.5.B
Canopy Sign (%)	-	-	-	-	-	-	10	10	10	10	10	10	10	5.11.5.C

TABLE 5-22: ALLOWED ATTACHED AND FREESTANDING SIGNS

= maximum sign face square footage permitted in district
% = maximum percentage of building façade or awning, canopy, or window area
- = sign type not permitted in district

Type of Sign	Residential Districts						Mixed-Use & Nonresidential Districts						Plan Dev. Districts	Specific Sign Type Standards
	RC	RLS	RLI	RG	HMV	TN	TD	DE	CM	CC	HLI	IN	PD	
Hanging Sign (sf)	-	-	-	-	-	6	6	6	6	6	6		6	5.11.5.D
Projecting Sign (sf)	-	-	-	-	-	10	10/ 40	10	10	10	10	10	10	5.11.5.E
Wall Sign (%)	5	5	5	5	5	5	5	5	10	10	10	5	10	5.11.5.F
Window Sign (%)	-	-	-	-	-	-	50	50	50	50	50	50	50	5.11.5.G
Arm Sign (sf)	12	12	12	12	12	12	16	16	16	16	16	16	16	5.11.6.B
Freestanding Signs														
Drive-Through Sign (sf)	-	-	-	-	-	-	-	32	32	32	32	32	32	5.11.6.C
Ground-Mounted Sign (sf)	-	-	-	-	-	-	24	36	36	50	50	50	50	5.11.6.D
Monument Sign (sf)	24	24	24	24	24	36	36	50	50	75	75	75	50	5.11.6.E
Interstate Sign (sf)	-	-	-	-	-	-	-	-	380	380	380	-	-	5.11.6.F

5.11.5. Attached Signs

A. GENERAL

1. Allowed Attached Signs

Any combination of the following types of signs is allowed to be affixed to the wall of a structure in accordance with the standards in this section:

i. Awning signs;

ii. Canopy signs;

iii. Hanging signs;

iv. Projecting signs;

v. Wall signs; and

vi. Window signs.

2. Maximum Number

Except as otherwise provided below, a maximum of three attached signs, excluding Window signs and hanging signs may be affixed to each exterior wall of a structure or storefront of a multi-tenant structure visible from a right-of-way or parking lot.

B. AWNING SIGNS

1. Awning signs shall be limited to awnings on the ground floor of the building.
2. Percentage of sign allowance is based on awning area.
3. Sign text and graphics shall not be within 6 inches of the awning corners.
4. Illumination shall be by spot lighting only, directed onto the sign from above the awning.

C. CANOPY SIGNS

1. A maximum of one sign may be attached to each side of the canopy.
2. Percentage of sign allowance is based on canopy fascia area.
3. The sign shall not extend beyond the top, bottom, or sides of the canopy.
4. Illumination of fuel canopy signs may be done by spot lighting or internal illumination.

D. HANGING SIGNS

1. A maximum of one hanging sign per principal entrance is allowed.
2. The sign shall maintain a minimum seven and one-half feet of clearance from the bottom of the sign to the sidewalk.
3. The sign shall not extend past canopy, awnings, balconies or other appurtenances.
4. Illumination shall be by spot lighting only.

E. PROJECTING SIGNS

1. A maximum of one projecting sign per establishment is allowed.
2. If mounted at least thirty feet from the ground, as measured in accordance with building height measurement in Chapter 9, a projecting sign shall not exceed forty square feet. It shall be no more than ten feet in height, measured in a vertical line from its lowest point to its highest point, nor project more than four feet from the building wall.
3. If mounted less than thirty feet from the ground, as measured in accordance with building height measurement in Chapter 9, or if located outside of the TD District a projecting sign shall not exceed ten square feet. It shall project no more than four feet from the building wall.
4. The sign shall not extend lower than the top of the primary entrance door casing or above the top of the wall.
5. Illumination shall be by spot lighting or internal lighting.

F. WALL SIGNS

1. **Except as otherwise provided by this section, wall signs attached to a building shall be limited to:**
   a. **RC, RLS, RLI, RG, and HMV districts: Wall signs shall only be permitted on publicly owned property in these districts. One wall sign attached to the front façade;**
   b. **TN, TD, DE, and PD districts: two wall signs attached to the front façade and one wall sign attached to each side façade that is visible from a street; and**
   c. **CM, CC, HLI, and IN districts: four wall signs attached to the front façade and three wall signs attached to each side façade visible from a street.**
2. **The following wall signs are allowed, regardless of the maximum number of wall signs and maximum area identified in Table 5-23;**
   a. **One wall sign is allowed above each primary building entrance used exclusively by a single tenant in a multi-tenant building.**
   b. **One wall sign is allowed for each tenant in a multi-tenant building as long each sign is not more than eight square feet or 5% or 10% of the tenant space façade (based on Table 5-23 standards), whichever is larger.**
   c. **Wall signs are allowed at service bay entry doors and other non-primary entrances. A maximum of one such sign shall be allowed per entrance. Such signs shall not count toward the maximum total number of wall signs for the building to which they are attached but shall count toward the maximum total area of wall signs allowable for the building to which they are attached.**
3. **Wall signs shall not extend above the roofline of the building to which they are attached.**
4. **No wall sign or its supporting structure may cover any portion of a window or door.**
5. **Illumination of the sign shall be by spot lighting, back lighting, or internal lighting.**

G. WINDOW SIGNS

1. **Window signs shall not count toward the maximum total sign area and number of attached signs.**
2. **The maximum sign area of a window sign is 50 percent of the total window area.**

5.11.6. Freestanding Signs

A. GENERAL

1. Allowed Freestanding Signs

The following types of signs are allowed to be erected on a site in accordance with the standards in this section:

i. *Arm sign;*

ii. *Drive-through sign;*

iii. *Ground-mounted sign;*

iv. *Monument sign; and*

v. *Interstate sign.*

2. Maximum Number

Except as otherwise provided below, a maximum of one freestanding sign is allowed on each development site, unless the site fronts two or more roads, then one freestanding sign per road frontage is permitted. A property that has more than 500 linear feet of road frontage on a street that is a minimum of four travel lanes wide is allowed a maximum of two freestanding signs along the road.

3. Minimum Setbacks

Except as otherwise provided below, freestanding signs shall be set back at least ten feet from the right-of-way and at least fifteen feet from all other abutting properties. If a development includes a private right-of-way that serves the development, a freestanding sign may be installed within a landscape median as long as sight triangles and all other standards of this UDO can be met.

B. ARM SIGN

1. An arm sign shall not exceed six feet in height.
2. Illumination of the sign shall be by spot lighting only.

C. DRIVE-THROUGH SIGN

1. A maximum of two drive-through signs are allowed for each drive-through lane.
2. The maximum sign area of drive-through signs is 32 square feet for one primary drive-through sign and 16 square feet for an additional drive-through sign.
3. Drive-through signs shall not be visible from the right-of-way.
4. Illumination of the sign shall be by spot lighting or internal lighting.

D. GROUND-MOUNTED SIGN

1. In Residential districts, ground mounted signs shall have a maximum height of six feet.
2. In all other districts, ground-mounted signs shall have a maximum height of eight feet, except those properties along streets that are at least four travel lanes wide, which shall have a maximum height of fifteen feet.
3. Illumination of the sign shall be by spot lighting or internal lighting.

E. MONUMENT SIGN

1. Except for a multi-tenant center, the maximum height of each monument sign shall be:
   a. RC, RLS, RLI, RG, and HMV districts: four feet maximum height (signs on public property may be increased to six feet in height);
   b. TD, TN, CM, DE, and PD districts: six feet maximum height; and
   c. CC, HLI, and IN districts: eight feet maximum height.
2. In a multi-tenant center, the following standards supersede maximum size, number, and height for monument signage, in order to allow for consolidated signage:
   a. One primary sign and one secondary sign are allowed per each street frontage of the site;
   b. Each primary sign shall have a maximum sign area of 100 square feet and a maximum height of ten feet; and
   c. Each secondary signs shall have a maximum sign area of 50 square feet and a maximum of eight feet.

3. **Illumination of monument signs is permitted as follows:**
    a. **RC, RLS, RLI, RG, HMV, and TD: spot lighting (Publicly owned property may have internal lighting regardless of zoning district)**
    b. **All other districts: spot lighting or internal lighting**

F. INTERSTATE SIGNS

Interstate signs shall be limited to the following:

a. **Within 100 linear feet of the Interstate-77 (I-77) right-of-way, interstate signs are allowed, if they comply with the following standards:**

i. *The sign shall include an electronic/digital face.*

ii. *Sign structure shall be in the form of one pole that is wrapped or otherwise covered with a decorative façade, such as stacked stone, brick, or other similar material.*

iii. *No more than one sign may be placed on each side of the interstate between each interchange that serves the Town of Mooresville (Exits 31, 33, 35, and 36). For example, one sign may be placed on the eastern side of I-77 and one sign on the western side of I-77 between Exit 31 and Exit 33.*

iv. *The sign must be at least 2,500 feet from any existing static billboard along I-77 and have a minimum spacing of 5,000 feet between interstate signs.*

v. *Maximum illumination shall be 7,500 nits during daylight hours and a maximum illumination of 500 nits between dusk to dawn as measured from the sign's face at maximum brightness.*

vi. *The sign shall not cause a glare or create a safety hazard for motorists.*

vii. *The sign shall not be located within a required property buffer unless the buffer is increased to accommodate the area disturbed by the sign.*

viii. *The sign may be the prominent feature of the property and may be located on a vacant parcel or its own parcel.*

ix. *The sign shall not be located within 300 feet of a Residential zoned property and shall be a minimum of 15 feet from all property lines.*

x. *The sign shall not be visible from the surface waters of Lake Norman.*

xi. *The sign may be single-sided or double-sided in a back-to-back or a V configuration with a maximum of 45 degree spread.*

xii. *The sign shall have a maximum height of 60 feet.*

xiii. *Electronic messages shall change no more frequently than once every 10 seconds.*

b. **An outdoor advertising company may choose to exchange 5 existing, static billboards in the Town of Mooresville's corporate limits for one interstate sign, as long as the minimum spacing between interstate signs and existing static billboards is not less than 2,500 feet and no more than two interstate signs are installed between interchanges on the same side of the interstate. If so chosen, the company shall commit to removal of the static billboards prior to construction of the interstate sign, once the interstate sign has been approved.**

5.11.7. Temporary Signs

Pennants, signs, flags, inflatables, and streamers associated with outdoor seasonal sales, a special event, or a temporary market may be permitted in accordance with the following requirements:

1. **A complete signage Site Plan that includes all proposed signage shall be submitted with the sign plan application. Signage not shown on the approved signage Site Plan shall not be installed without a revised plan submitted to and approved by the Town.**
2. **Temporary signage shall be limited to the site where the special event or temporary use is conducted.**
3. **Temporary signage shall not be placed in a right-of-way or on public property.**
4. **Temporary signage may be permitted for a total of 60 days in a calendar year, counted as total aggregate days in any combination of durations but not more than 30 consecutive days at a time.**
5. **Temporary signs shall be limited to a maximum cumulative area of 50 square feet and shall be either attached to primary façade of a principal structure or are completely and securely affixed to decorative poles. Banners shall not be attached to a roof structure or fence.**
6. **All temporary signage shall be removed within two days of the conclusion of the special event or temporary use.**
7. **Properties located in a Residential zoning district may have one yard sign that does not exceed 8 square feet as long as no permanent sign exists on the property.**

5.12. ATTAINABLE HOUSING INCENTIVES

5.12.1. Purpose

The purpose of these incentives is to encourage the provision of attainable housing for low to moderate income households. Attainable housing is

necessary to help maintain a diverse housing stock and to allow all residents to have better access to affordable places to live in the Town.

5.12.2. Incentives for the Construction of Attainable Housing Units

The following incentives shall be provided for the provision of attainable housing units:

1. **In the RG, TN, CM, DE, and CC districts, one additional market rate residential unit shall be allowed to be constructed for each attainable housing unit constructed, if it complies with the requirements below and the additional requirements in this section.**
   a. **The market rate unit and the attainable housing unit shall be the same type of residential unit (attached residential, duplex, or multi-family), of comparable size and design, have the same number of bedrooms, and be of the same quality.**
   b. **The market rate unit and attainable housing unit shall be within the same development and constructed within one year of each other.**
   c. **No more than four additional units total above what would otherwise be allowed in the zoning district shall be allowed, per acre, in all districts except within a node as defined in Chapter 4: Use Regulations, in the CM or CC districts. Within a node in the CM or CC districts, no more than six additional units per acre are allowed.**
   d. **In the RG and TN districts, when the attainable units that are proposed are single-family detached dwellings, the minimum lot area may be reduced to no less than 65 percent of the minimum lot area allowed in the district in which the units are proposed.**
2. **In the DE, CM, and CC districts, the height limit may be increased by one story (but not more than 12 feet) for the purpose of constructing attainable housing units as part of a mixed-use development, if the development complies with the requirements of this section.**
   a. **Up to 50 percent of the increased housing units may be market-rate.**
   b. **Additional unit limitations follow section 1 above.**
   c. **The attainable housing units shall be constructed at the same time as the retail sales and services establishment, office, or bank or financial institution use.**
   d. **The attainable housing units shall be scattered throughout the building and not concentrated on one floor or on one side of the building.**
3. In the TN district, the minimum lot width at front setback line may be reduced to 30' for single family detached dwellings, if the development complies with the requirements below and the additional requirements in this section.
   a. Up to 50 percent of the total housing units in a development utilizing this option may be market-rate.
   b. If the market-rate units are also constructed, the attainable housing units shall be scattered throughout the development, and not concentrated in one location.

4. In the TD, DE or TN zoning district, flag lots may be developed with multiple duplex, triplex, or quadplex dwellings, if the development complies with the requirements below and the additional requirements in this section.
   a. No less than 1/3 of the units constructed are considered "attainable" for low to moderate income households.
   b. Development shall not exceed a total of 8 residential units on the site.
   c. Development may not use the option for fee in lieu of construction.

5.12.3. Review

A request for these attainable housing incentives shall be included with a development application for a conditional zoning, planned development, or a Site Plan, as appropriate. The request shall be reviewed and approved, approved with conditions, or denied by the same decision-making board deciding the application with which the request is submitted.

5.12.4. Additional Requirements

In addition to the requirements in this section, to earn an incentive for the construction of attainable housing units, the attainable housing unit(s) shall also comply with the following standards:

1. **The affordable and any bonus market rate unit(s) shall be comparable and representative of the overall development in which they are located.**
2. **The attainable unit(s) shall be deed restricted for a minimum of 7 years, to be sold or rented at prices that are attainable for households at or below 150 percent of Area Median Income. The deed restriction shall be reviewed and approved by the Planning Director and recorded in the property records of Iredell County.**
3. **The attainable and any bonus market rate units shall comply with all other standards in this UDO.**
4. **The attainable and any bonus market rate units shall not be included in density calculations in the development in which they are located, unless as required in the Watershed Protection Overlay district.**
5. **A fee-in-lieu of construction payment may be made in accordance with the most recently adopted Town Fee Schedule. Any payments collected shall be used solely for Town Community Development initiatives designed to assist with retaining or increasing attainable housing in the Town.**
6. **An attainable housing agreement shall be jointly agreed upon by the property owner/ developer and the Planning Director. The agreement shall include information about the number of units, sales/rent price, location of units, fee-in-lieu payments (if applicable), and other pertinent details to ensure the standards of this UDO are met.**

5.13. TRANSPORTATION INFRASTRUCTURE SUFFICIENCY

5.13.1. Purpose

A. To lessen congestion in the streets and to facilitate the efficient and adequate provision of transportation, every site plan shall be subject to a determination of the sufficiency of transportation infrastructure, as defined below according to the established levels of service in this Section.

B. Transportation infrastructure shall be considered sufficient where it is demonstrated that a level of service C or better is maintained or will be maintained with planned improvements within the next 3 years to accommodate the demand generated by the proposed development, as well as other approved developments.

C. In order to avoid undue hardship, the applicant may propose to construct the necessary improvements to offset the impacts from the proposed development and not further degrade the adopted level of service. In such case, the applicant has the option to resolve all issues identified in the TIA by following options where applicable: as a condition of development through a conditional zoning approval; through a planned development district approval; through an approved development agreement authorized by G.S. Chapter 160D; through a driveway permit authorized by the Town of Mooresville or NCDOT (for applicable elements); or some combination thereof.

5.13.2. Exceptions

A. Site plans that do not require a Traffic Impact Analysis (TIA) are not subject to the provisions of this subsection.

B. Site plans consistent with a conditional zoning approval, where a condition was included requiring a TIA and/or mitigation measures, and those mitigation measures are being implemented per the Mitigation Measure Agreement, are not subject to the provisions of this subsection.

C. Site plans consistent with a planned development district approval, where a condition was included requiring a TIA and/or mitigation measures, and those mitigation measures are being implemented per the Mitigation Measure Agreement, are not subject to the provisions of this subsection.

5.13.3. Determination of Sufficiency

A. The Planning Director shall review a TIA to determine if adequate transportation infrastructure is sufficient to support proposed development.

B. Adequate transportation infrastructure shall be sufficient provided a level of service C or better is maintained for each study intersection or approach.

C. Required street capacity shall be measured based on the methodology of the Highway Capacity Manual.

D. The impact of proposed development shall be measured by AM and PM peak trips based on the methodology of the Institute of Transportation Engineers (ITE).

E. Where a TIA demonstrates a degradation of overall intersection or approach below the adopted level of service or the existing level of service is already below the adequate level of service, the proposed site plan approval shall not be granted unless appropriate mitigation measures are provided as outlined in this section.

F. If appropriate mitigation measures are required, a site plan approval shall not be granted until the commitment for construction of mitigation measures identified in the TIA are provided for by one of the following:

i. a condition of development through a conditional zoning approval, or

ii. through a planned development district approval, or

iii. through a driveway permit authorized by NCDOT or the Town (for applicable elements), or

iv. through an approved development agreement authorized by G.S. Chapter 160D, or

v. some combination of the above.

5.14. TRANSPORTATION IMPACT ANALYSIS STANDARDS

5.14.1. Purpose

A. In order to better serve the public, the Town of Mooresville has adopted a set of minimum standards and a policy for Transportation Impact Analysis (TIA). This section provides guidance to ensure consistency, to make findings more accurate and to maximize confidence in the results.

B. The purpose of a TIA is:

i. To provide reliable guidance on short and long-range planning of site access and off-site improvements;

ii. To assist developers and property owners in making critical land use decisions regarding vehicular traffic and other multi-modal transportation needs;

iii. To provide government review agencies with recommendations for achieving responsive and consistent transportation and access policies.

C. Development plans and rezoning cases have a burden to prove that the expected increase in trips will not create unsafe or inefficient traffic conditions. If the expected increase in trips does create unsafe or inefficient traffic conditions, the developer must mitigate the traffic impacts. Mitigation is required when the future "Build" condition exceeds the future "No-Build" conditions by any of the following minimum thresholds:

1. Capacity Analysis

a) the average delay at an intersection or individual approach increases by 25% or greater, or

b) the over all intersection level of service for signalized intersections, or level of service for the critical movement of unsignalized intersections degrades by at least one level, or

c) the overall intersection level of service for signalized intersections, or level of service for the critical movement of unsignalized intersections is "F".

2. Queuing Analysis

a) there is an increase of 50 feet or more in queue length, or

b) left-turn and/or right-turn lane warrants (NCDOT's Policy on Street and Driveway Access to North Carolina Highway) are identified, or

c) future "Build with Capacity Improvements" queue exceeds existing storage length.

D. Trip generation calculations are based on the current edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual.

5.14.2. Exemptions

A. Property that is zoned Traditional Downtown and below the NCDOT minimum thresholds as described in the latest edition of the NCDOT Policy on Street and Driveway Access is exempt from these standards.

5.14.3. Applicability

A. A Transportation Impact Analysis (TIA) is required for any proposed development project under any of the following circumstances:

i. The development project creates 500 or more trips for residential use or 750 or more trips for non-residential uses in a 24-hour period or 100 trips or more (entering/exiting combined) during either the adjacent road's peak hour(s) or the development's peak hour(s). ITE Trip Generation rates for age-targeted and/or age-restricted housing developments (or communities) will assume single-family (detached) or single-family (attached) land use codes when estimating site vehicular trips, not senior adult housing land use codes.

ii. For redevelopment projects, including changes of use, trip generation shall be defined as the number of net new trips anticipated to be generated by the proposed development project over and above the number of trips generated by the current use of the site. Due to the variety of special circumstances associated with redevelopment, expansion, upfits, ad/or change of use applications, Town staff will determine the appropriate TIA trip generation threshold calculation method for each case.

iii. Traffic safety issues exist at intersections or streets that would serve the proposed new development.

iv. The amount or character of traffic (existing or proposed) is significantly different from an earlier approved study and more than 24 months have passed since completion of the previous transportation study.

v. It creates the fourth leg of an existing signalized intersection or adds an additional connection to a roundabout.

vi. It modifies one or more legs of an existing signalized intersection or roundabout.

vii. The development impacts an existing railroad crossing, emergency access, or school access.

5.14.4. Procedures

A. Procedures and guidelines for TIA are provided in the Town of Mooresville TIA Policy. The guidelines assign capacity and queuing thresholds at which the development will have to mitigate. Mitigation alternatives are evaluated through the TIA.

5.14.5. Mitigation Measures

A. Mitigation measures are drafted by Town staff and based on the combined recommendations from the TIA, Town, and NCDOT comments. Mitigations are not limited to vehicular improvements and may include multi-modal transportation enhancements. The Planning Director has the authority to determine whether the mitigation measures developed adequately address the impacts created by the proposed development. The mitigation measures will be memorialized in a proposed mitigation measures agreement and adopted through one or more of the following related approvals;

i. a condition of development through a conditional zoning approval, or

ii. through a planned development district approval, or

iii. through a driveway permit authorized by NCDOT or the Town (for applicable elements), or

iv. through an approved development agreement authorized by G.S. Chapter 160D, or

v. some combination of the above.

5.15. DRIVEWAY PERMIT

5.15.1. Purpose

A. In order to ensure safe and efficient operations of public streets, the Town of Mooresville regulates vehicles entering and exiting public streets, in accordance with NC General Statutes.

B. The Town of Mooresville recognizes the legal rights of abutting property owners to have access to their property; however, the Town must also consider the right of other public street users to travel with relative safety and freedom from interference. Since these rights are, at times, in conflict, it is the Town's responsibility to reconcile and, to the extent feasible, satisfy the needs and desires of all public street users.

C. The safety and efficiency of a street is impacted by the number and type of interference experienced by the motorists, cyclists, pedestrians, and other users on the street. The major source of interference is from vehicles and users entering, leaving, or crossing the street at intersecting driveways and streets. To reduce interference with traffic flow, minimize crashes, and ensure the best overall utilization of the public street by the public, it is necessary to regulate connections to public streets.

D. In order to help ensure public streets function in a safe and efficient manner, the critical areas of driveway location, design, and operation must be addressed. The Town has established standards for location and design of driveways providing access from public streets to developments on abutting property in order to provide the following:

1. Maximum safety and protection to the public through the regulation of vehicles entering and existing public streets and rights-of-way/access easements; and
2. Uniform standards and requirements for the design, location, operation, and construction of driveways throughout the Town; and
3. Owners of abutting property with the maximum service feasible, consistent with the safe and efficient use of public streets.

E. The Town's intent is to further increase safety and decrease congestion along public streets. Goals to help achieve this intent include:

1. To prohibit driveways within a certain distance of intersecting streets, unless alternate access is not available; and
2. To decrease the number of driveways along boulevards and collectors; and
3. To encourage shared connections along all public streets; and
4. To increase the distance between adjacent driveways along boulevards and collectors.

5.15.2. Applicability

A. This section shall apply to all driveways or access points planned to connect to a Town owned and/or maintained street and/or right-of-way. These provisions shall regulate only that portion of a private driveway that connects to a public street and extends to the edge of the public right-of-way or access easement, as applicable.

B. No person, firm, or corporation shall remove, alter, or construction any curb, driveway approach, gutter, pavement, or perform any other improvements in any public street or any other property owned by, dedicated to, or maintained by the Town without first obtaining a permit in accordance with this UDO.

C. A driveway permit is required prior to the issuance of a grading permit, site plan approval, or building permit for new construction, additions, or changes of use.

D. Existing driveways shall not be altered within the right-of-way or access easement until a driveway permit is issued. The maintenance of driveways located in or on the right-of-way or access easement shall be the responsibility of the property owner.

E. Whenever any person, firm, or corporation undertakes any modifications to a public street, sidewalk, sidepath, or greenway, it shall be the duty of such person, firm, or corporation to protect from harm and damage all persons or vehicles/bicycles which may be using any public right-of-way or access easement where such work is in progress. To that end, suitable barricades, signs, lights, flares, and other appropriate warning devices at the proper locations where such work is in progress in accordance with the current policy and regulations for street construction and maintenance operations within the Town of Mooresville and in accordance with the Manual on Uniform Traffic Control Devices for Street and Highways shall be erected and maintained.

F. In unusual circumstances, as determined by the Planning Director, minor variations of the minimum requirements may be permitted, based on sound traffic engineering principles; however, no variation in the number and/or width of driveways shall be permitted.

5.15.3. Design Standards

A. Driveway Width

The width, in feet, of a driveway approach and curb return flare or radius shall be within the minimum and maximum limits as specified below, measured from face of curb to face of curb:

Land Use/Driveway Type	Driveway Width, Ft		Flare/Radius, Ft	
	Minimum	Maximum	Minimum	Maximum
Residential, Single Family	15	30	5	5
Residential, Attached	9	30	5	5
Commercial	20	*	5	5
Industrial	24	*	30**	30**

* maximum determined during review process

** radius only

B. Number and Spacing of Driveway Approaches

1. Driveways shall be allocated and spaced as outlined below, provided all other requirements of this section are met.

Road Classifications	Minimum Separation Between Driveways	Minimum Separation Between Driveways & Intersection Streets
Local Streets	50 feet	50 feet
Collector Streets	200 feet	200 feet
Boulevard Streets	400 feet	250 feet

2. Access separation between driveways shall be measured from inside edge to inside edge of the driveway. Access separation between a driveway and intersecting street shall be measured from the nearest edge of the driveway to the back of curb or edge of pavement, whichever is closer. The maximum number of driveways allowed for any parcel prior to subdivision of property shall be three and shall meet the minimum spacing requirements of this UDO.
3. Single-family homes, duplexes, and attached residential units on individual lots of record shall be exempt from these standards; however, driveways associated with these uses shall not be located within any sight triangles.

C. Driveway Design

1. All driveway approaches shall be a concrete apron section ("ramp" type), except that street type driveway entrances may be required for public or private developments that have parking spaces for one hundred (100) or more vehicles or when special conditions exist as determined by the Planning Director. The concrete apron shall be installed to the right-of-way line or at least 10 feet from the edge of the roadway and/or back of curb.
2. Medians or islands may be permitted for street type driveways and private street entrances only, upon approval of the Planning Director and subject to the following conditions:
    i. The raised median or island shall be constructed on private property to the rear of the right-of-way line;
    ii. The minimum width of the median or island as measured nearest the right-of-way line (excluding the nose) shall be six (6) feet or as required by the Planning Director;
    iii. The minimum length shall be twenty (20) feet for single family residences and fifty (50) feet for nonresidential uses unless otherwise determined during Site Plan review and/or Traffic Impact Analysis recommendations, if applicable;
    iv. For street type driveways with a median or island, the combined width of pavement of the separated driveway segments shall not exceed forty-eight (48) feet; and
    v. Medians and islands shall not be permitted for ramp-type driveways.

3. Ramp type driveway approaches may use either a standard drop curb opening or curb radius from the street curb to the inside sidewalk line. If a curb radius is used, the top elevation of the curb radius must be held level with the elevation of the street curb, and the driveway apron must be raised to meet the elevation of the curb line at the inside sidewalk line.
4. Driveway approaches shall cross the sidewalk area at the sidewalk grade established by the Planning Director. The sidewalk shall be constructed separately from the driveway apron. The driveway angle shall be ninety (90) degrees, unless engineering considerations dictate otherwise, as approved by the Planning Director.
5. Where special pedestrian or vehicular hazards may be encountered, driveway approaches may be restricted to one-way operation. Such driveways shall be clearly signed and marked as one-way driveways using pavement arrows and directional signs.

D. Location of Driveway Approaches

1. All driveway approaches shall have a minimum side clearance as specified below:

Land Use	Minimum Side Clearance
Single Family Residential	5 feet
All others	10 feet

2. All driveway approaches shall have a minimum corner clearance of sixty (60) feet. Driveways located in the Traditional Downtown zoning district may be approved to deviate from minimum corner clearance requirements to ensure an appropriate urban fabric can be achieved.
3. At street intersections where the radius is sixty (60) feet or more, driveway approaches may encroach upon either end of the radius for a distance up to five (5) percent of the total length of the arc of the curb radius, thereby leaving at least ninety-five (95) percent of the arc length of the radius free from driveway encroachment, provided that all other requirements of this section are met.
4. No driveway approach shall be permitted to encompass any municipal facility, including but not limited to traffic signal standards, catch basins, fire hydrants, crosswalks, loading zones, utility poles, fire alarm supports, meter boxes, and/or sewer cleanouts. The driveway approach must be located a minimum of 3 feet from any such facility.
5. Landowners of adjacent property, may, by written mutual agreement, construct a joint driveway to service both properties provided that all other requirements of this section are met with the exception of the side clearance restriction.

E. Existing Driveway Approaches

1. Existing driveway approaches shall not be relocated, altered, or reconstructed without a permit approving the relocation, alteration, or reconstruction and such driveway approaches shall be subject to the provisions of this article.
2. When the use or layout of any property is changed, making any portion or all of the driveway approach unnecessary, or when the driveway is nonconforming, the owner of the abutting property shall, at his expense, replace all necessary curbs, gutters, and sidewalks, or correct all nonconforming features within thirty (30) days after written notice from the Planning Director.

F. Turn Lanes, Tapers, Deceleration Lanes

1. Turn lanes, tapers, and/or deceleration lanes may be required by the Planning Director where it is anticipated that the volume of traffic using the proposed driveway(s) or street(s) may significantly interfere with the flow of traffic on the abutting public street. Request for turn lanes, deceleration lanes, and/or transition tapers shall be considered as part of the driveway permitting process and must be shown on the submitted Site Plan, in addition to any other required elements.
2. Dedication and construction of turning lanes to serve one or more entrances into a development may be required in any Conditional Zoning, Special Use Permit, driveway permit, or subdivision approval for a use or development which is adjacent to a two-lane public street with average daily traffic (ADT) exceeding five thousand (5,000) vehicles per day, or a four-lane or larger public street with ADT exceeding ten thousand (10,000) vehicles per day, if any one of the following conditions are also present:

   a. The use or development requires Fifty (50) or more off-street parking spaces.

b. The use or development will generate more than (100) trips during the peak hours of 7-9 AM, 11AM-1PM, and 4-6PM. 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 as affected by any restrictions imposed by any Special Use Permit or other legally enforceable restriction.

c. The use of development, as it may be affected by such restrictions, is reasonably expected to generate more than twenty-five (25) truck (more than 13,000 G.V.W.) trips per day through a single driveway.

d. The use or development, as it may be affected by such restrictions, creates special safety or traffic conditions due to limited sight distance and/or posted speeds in excess of twenty-five (25) miles per hour along the adjacent public street. Such conditions shall be determined in writing by the Planning Director.

3. The use of development consists of at least fifty (50) attached or (40) detached residential dwelling units.
4. If a TIA Is required, all TIA requirements shall be followed to determine specifics for when and how turn lanes, tapers, and deceleration lanes are needed, as well as their design requirements.
5. Additional side clearance to accommodate the required turn lanes, deceleration lanes, and/or tapers may be required.
6. The cost of all required turn lanes, deceleration lanes, and transition tapers shall be paid for by the property owners. Property owners shall not be entitled to any claims or reimbursement for expenditures involved in construction on public rights-of-way or in public access easements. All construction improvements required herein shall become the property of the Town of Mooresville upon verification that improvements meet all Town requirements.

G. Standards for Directional Signs and Pavement Markings for Designated Entrances and Existing Driveways

1. This section imposes strict limitations on the number, location, and spacing of driveways on designated boulevards; however, it allows for two one-way driveway approaches to be considered as a single driveway approach provided that the approaches are clearly signed and marked using directional signs and pavement arrows. Other provisions of the UDO require signs and markings where special pedestrian or vehicular hazards necessitate the one-way operation of driveways. The following standards apply to all instructional or directional signs and pavement markings used to designate private driveways as entrance and exits.
2. Pavement Arrows
   a. Location: A sufficient number of pavement arrows designating the appropriate direction of traffic shall be installed in the driveway approach and driveway so that they are clearly visible from the street.
   b. Size: Pavement arrows shall be a minimum of 8 feet in length and shall conform in size and proportion to the standards set forth in the Manual on Uniform Traffic Control Devices.
3. Control Devices

   All signs and markings shall be installed and maintained by the property owner.

H. Specifications

All work done and all materials used in the construction of driveway approaches shall conform to the current Town of Mooresville Land Development Standards Manual.

5.15.4. Drainage Requirements

A. Modifications to or installation of new drainage systems, including curb/gutter, ditches, pipes, and other techniques, are required to be adequately sized, designed, and constructed to meet all Town stormwater standards and fit within the context of the area.

B. All drainage modifications or installations located along or in a public street, right-of-way, or access easement shall be permitted in conjunction with a driveway permit.

C. All materials, grates, slopes, pipe sizing, pipe cover, inlet boxes, and other design/construction requirements for drainage shall meet the Town's Land Development Standards Manual and stormwater ordinance. All projects shall include hydraulic calculations and be designed/sealed by an engineer licensed in NC to ensure it meets all Town, state, and federal requirements, as well as best practices.

5.15.5. Street and Utility Repairs

A. Operations requiring the cutting and removal of roadway, sidewalk, sidepath, and/or greenway surfaces or operations interfering with the normal flow of users shall be subject to the guidelines set forth in Part VI of the Manual of Uniform Traffic Control Devices Handbook.

B. Prior to cutting of a street, sidewalk, sidepath, and/or greenway, an encroachment permit is required to be obtained from the Town.

CHAPTER 6: SUBDIVISION STANDARDS

6.1. GENERAL PROVISIONS

6.1.1. Purpose

The purpose of this chapter is to establish standards for the subdivision of land within the Town's zoning jurisdiction. More specifically, this chapter is intended to:

1. Provide for the orderly growth and development of the Town and its extraterritorial areas;
2. Foster the distribution of population and traffic in a manner that will mitigate congestion and overcrowding;
3. Maintain conditions essential to the public's health, safety, and general welfare;
4. Facilitate adequate provision of public services;
5. Allow for clustered development to maximize preservation of common open space; and
6. Facilitate the further re-subdivision of larger tracts into smaller parcels of land.

6.1.2. Applicability

This chapter applies to all subdivisions in accordance with the subdivision procedures in Chapter 2: Administration.

6.2. GENERAL SUBDIVISION STANDARDS

6.2.1. Lots

A. GENERAL STANDARDS

1. All lots shall comply with the minimum standards established for the applicable zoning district(s) in which it is located, including minimum lot area, minimum lot width, and setback requirements, and shall be designed to accommodate potential uses.
2. The size, shape, and location of lots shall be established with due regard to topographic conditions, environmental constraints, allowed uses, and the established character of the surrounding area.
3. To the maximum extent practicable, side lot lines shall be at right angles to straight street lines and radial to curved street lines. Lot lines at street intersections shall be rounded with a minimum radius to accommodate the appropriate street right-of-way.

B. THROUGH LOTS (DOUBLE FRONTAGE)

Through lots are prohibited for single family detached, duplex, and attached residential uses except when the rear yard abuts a collector or higher street classification. Driveway access shall be prohibited onto the collector or higher street classification. A strip of land less than 30' between the proposed lot and the right-of-way is not an acceptable means of preventing a through lot from being created.

C. FLAG LOTS

1. General

Flag lots are permitted only if necessary to:

i. Provide vehicular and emergency service access when alternative frontage is not available;

ii. Eliminate or restrict access onto boulevard or collector streets; or

iii. Allow for a single family detached, duplex, or a manufactured home to be built on a property that would otherwise be undevelopable. Additional development of a flag lot is permitted as an attainable housing incentive per Chapter 5.12.

2. Flag Dimensional Requirements

A flag lot shall:

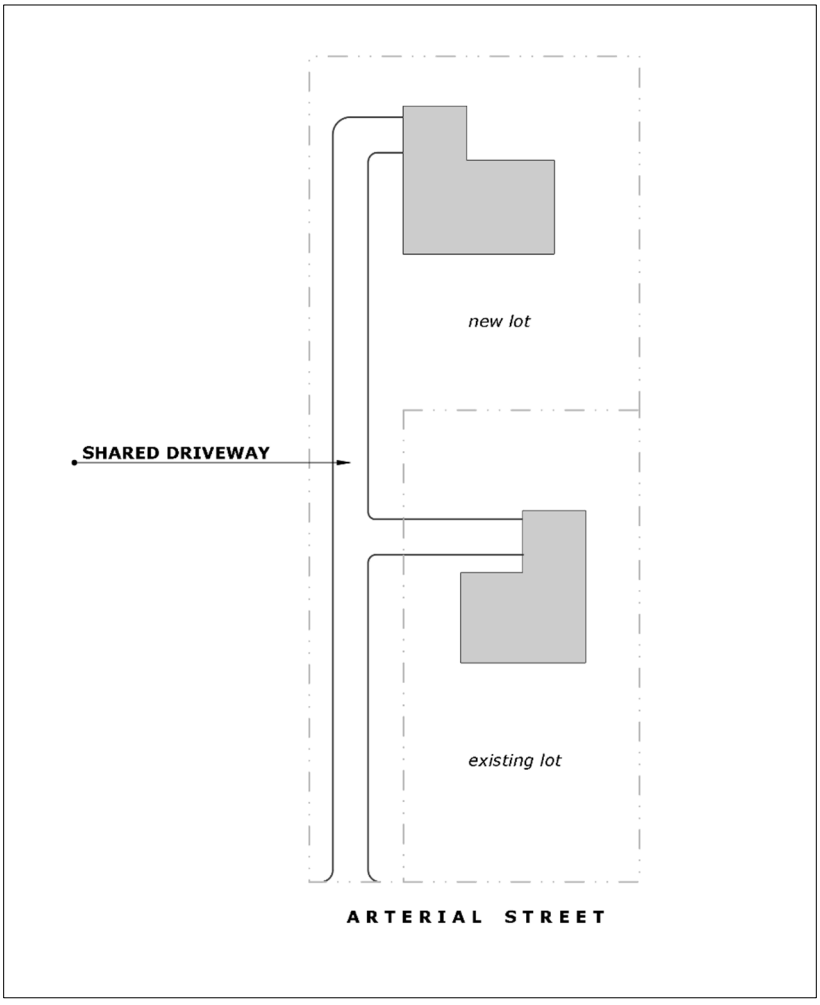
i. Have a minimum width of 20 feet; and

ii. Have a maximum length of its flagpole portion of 300 feet, measured from the edge of the street right-of-way.

3. Access

Access to a flag lot shall be by a private driveway owned by the flag lot owner or by a shared driveway over which the flag lot owner is guaranteed access by a recorded access easement. Access to a flag lot is encouraged to be consolidated with access to adjoining lots to create shared driveways in order to reduce the number of vehicle access points onto a street (see Figure 6-1).

Figure 6-1: Shared Access to Flag Lot



D. STREET FRONTAGE REQUIREMENT

Except for lots created for minor utility, telecommunication facility, greenways, or open space uses that contain no habitable structures, every lot shall front or

abut a public or private street that meets the standards of this UDO. An exception can be made for lots that are designed to front on active open space, such as a formal green, that is connected to public streets, as long as each lot has access through an easement or alley in accordance with the standards of this UDO.

E. SPLIT JURISDICTION AND ZONING ON LOTS

1. A lot shall not be divided by the Town's corporate limits.
2. A lot shall not be divided by a zoning district.

6.2.2. Monuments

A. ALL LOT CORNERS, STREET CORNERS, AND POINTS OF CHANGE OF DIRECTIONS IN EXTERIOR BOUNDARIES OF A DEVELOPMENT SHALL BE MARKED WITH A METAL ROD AT LEAST 24 INCHES LONG WITH AN OUTSIDE DIAMETER OF ONE-HALF (½) INCH DRIVEN TO WITHIN FOUR INCHES ABOVE THE FINISHED GRADE, OR FLUSH, AS CONDITIONS REQUIRE.

B. MONUMENTS IDENTIFYING INDIVIDUAL LOT CORNERS SHALL REMAIN IN PLACE UNTIL THE STRUCTURE ON THE LOT HAS RECEIVED A CERTIFICATE OF OCCUPANCY.

C. ALL NEW MAJOR SUBDIVISIONS THAT ARE PLATTED AFTER THE EFFECTIVE DATE OF THIS UDO SHALL HAVE TWO CONTROL CORNERS.

D. UNLESS OTHERWISE SPECIFIED BY THIS UDO, THE STANDARDS OF PRACTICE FOR LAND SURVEYING AS ADOPTED BY THE N.C. BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS AND STATE LAW SHALL APPLY.

6.2.3. Blocks

Blocks in a subdivision shall comply with the standards for the arrangement of blocks and streets in the access and connectivity standards in Chapter 5 of this UDO.

6.2.4. Easements

Easements for utility, drainage, greenway, bicycle facility, and pedestrian facility purposes shall be provided in accordance with the following standards:

A. UTILITY EASEMENTS

1. Easements for potable water and sanitary sewer shall be located along the edge of the property lines, to the maximum extent practicable, except for instances where sewer easements need to follow certain topographic features. Shared use easements may be used that follow a creek or other topographic features of property that may not be located along the property's edge.
2. Easements for transmission electrical lines shall be located along the edge of the property lines, to the maximum extent practicable.
3. The following standards apply to utility easements:
   a. Utility easements for public water and sanitary sewer mains shall be dedicated to the Town.
   b. Utility easements shall be a minimum of 25 feet in width. If a shared use easement is used, a larger easement may be required.
   c. Provisions shall be included to allow the use of such easements for public sidewalks, shared path, greenways, or other public access.
4. No private structure, permanent equipment, permanent retaining wall, or impoundment shall be placed within a public utility easement dedicated to the Town, except fences and landscaping may be permitted with the understanding that any damage to them that may occur from utility work will not be repaired and no compensation will be provided if damage occurs.
5. Water and sewer easements shall not be placed in an alley.

B. WATERCOURSE AND DRAINAGE EASEMENTS

1. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, a stormwater or drainage easement shall be provided that substantially conforms with the lines of such watercourse. The width of the stormwater or drainage easement shall be adequate to convey expected storm flows or stormwater drainage facilities.
2. All stormwater management structures shall be located in recorded drainage easements and shall have recorded access easements to the nearest public right-of-way. These easements shall be granted in favor of the party responsible for operating and maintaining the stormwater management structures.
3. The Town shall not accept responsibility to maintain any storm drainage structures, except for those lying within a public right-of-way or traversing Town-owned land.

C. GREENWAY, BICYCLE FACILITY, AND PEDESTRIAN FACILITY EASEMENTS

1. Easements for public greenway, bicycle facilities, and/or pedestrian facilities shall be dedicated to the Town.
2. Easements shall be a minimum of 20 feet in width.

6.2.5. Functional Fire Protection

Development shall include functional fire protection, including but not limited to adequate street access and water supplies for fire-fighting equipment prior to commencing construction of structures as part of an approved plan.

6.3. REQUIRED IMPROVEMENTS

A. STREETS

1. General Street Standards

Streets shall be laid out, designed, and constructed in accordance with the access and connectivity standards in Chapter 5: Development Standards.

2. Curb and Gutter

All streets shall contain curb and gutter, with the exception of streets located in a conservation subdivision and alleys, as follows:

i. In the RC and RLS districts, a valley curb and gutter is permitted;

ii. In all other zoning districts, a standard curb and gutter is required; and

iii. In unique situations where additional flexibility is needed to provide for a higher quality design and pedestrian experience, a flush curb and gutter may be permitted, as long as site features are used to provide pedestrian safety. The proposed development shall demonstrate to the Planning Director how the use of flush curb and gutter is necessary to achieve the desired outcomes without creating safety or stormwater issues.

3. Access to Collector or More Intense Roads

Within a subdivision that involves the creation of three or more lots to be used as single-family detached dwelling, duplex, or attached residential uses, and any of the lots have frontage along a collector or more intense street classification, no direct private driveway access shall be provided from the individual lots within the subdivision onto the street that is a collector or more intense street classification. The subdivider shall provide one of the following access alternatives:

i. A limited access street generally parallel to the collector or more intense street and that provides ingress and egress to the more intense street at two separate locations. The provided ingress and egress locations for this street shall be spaced a minimum of 200 feet apart and 100 feet from any other street intersection, to the maximum extent practicable;

ii. An interior local street;

iii. A rear alley that connects either to the limited access street or to a local street; or

iv. For subdivisions in which no more than four lots have frontage along a collector or more intense street classification, a shared driveway configuration that results in no more than two driveway access points along the street.

Access for such developments shall include easement(s) along with an agreement defining maintenance responsibilities of landowners. These documents shall be recorded with the Iredell County Register of Deeds.

B. STORMWATER

All storm drainage improvements shall be constructed in accordance with the standards in this UDO and the Town's stormwater ordinance and associated requirements.

C. UTILITIES

1. Underground Utilities Required

All utilities within a subdivision or development shall be installed underground. Power lines shall be installed underground except where exempted by state law. All water and sewer service lines shall be extended to the property line of each lot before any streets are paved. If curbs and gutters are installed, the location of service lines shall be stamped on the curbs.

2. Connections Required

The subdivider shall connect, at the subdivider's expense, each lot in all new subdivisions within the Town's corporate limits to the Town's water and sanitary sewer systems, unless a specific waiver for connecting to water and/or sanitary sewer systems is approved in accordance with Town water and sewer policies and standards.

3. Design Standards

All water and sanitary sewer line connections and equipment shall be in accordance with all standards of the Town of Mooresville.

4. Conformance with Town Plans

All utilities and related utility infrastructure shall be in conformance with appliable Town plans, including, but not limited to, the most recently adopted water and sewer master plan. Installation of oversized utilities may be required by the Town in accordance with Town policies in order to support the extension of utilities to adjacent property when it is in the interest of future development.

6.4. CONSERVATION SUBDIVISIONS

6.4.1. Purpose

The purpose of this section is to establish procedures and standards for conservation subdivisions in order to preserve the character of rural areas within the Town through clustering of development while preserving large tracts of open space for conservation or agricultural uses. In particular, this section is intended to:

1. Support the conservation of important site features in rural areas, such as agricultural uses, open spaces, and preserved wooded areas;
2. Protect the character of rural areas in accordance with the Comprehensive Plan;
3. Prioritize site characteristics for conservation; and
4. Provide additional development flexibility to allow single-family residential development on smaller lots in exchange for the preservation of agricultural activities, natural features, or both.

6.4.2. Applicability

Lands in the RC zoning districts may be subdivided and developed in accordance with these conservation subdivision standards.

6.4.3. Conservation Subdivision Procedure

A. A CONSERVATION SUBDIVISION SHALL BE APPROVED AND DECIDED IN ACCORDANCE WITH THE SUBDIVISION PROCEDURES IN CHAPTER 2: ADMINISTRATION, AS MODIFIED BY THESE CONSERVATION SUBDIVISION STANDARDS.

B. PRIOR TO REVIEW OF AN APPLICATION FOR A PRELIMINARY PLAT, THE APPLICANT SHALL PREPARE, FOR REVIEW AND APPROVAL BY THE PLANNING DIRECTOR, A CONSERVATION AND DEVELOPMENT PLAN IN ACCORDANCE WITH REQUIREMENTS IN THIS SECTION.

C. UPON RECEIPT OF A CONSERVATION AND DEVELOPMENT PLAN, THE PLANNING DIRECTOR SHALL REVIEW AND MAKE A DECISION IN ACCORDANCE WITH CHAPTER 2: ADMINISTRATION. THE PLANNING DIRECTOR WILL APPROVE THE CONSERVATION AND DEVELOPMENT PLAN, OR APPROVE IT SUBJECT TO CONDITIONS, ON FINDING THAT IT COMPLIES WITH THE REQUIREMENTS FOR CONSERVATION AND DEVELOPMENT PLANS IN THIS SECTION AND WITH ALL OTHER REQUIREMENTS FOR APPROVAL IN THIS UDO. APPROVAL OF THE CONSERVATION AND DEVELOPMENT PLAN WILL REMAIN VALID FOR ONE YEAR FROM THE DATE OF APPROVAL.

D. FOLLOWING REVIEW AND APPROVAL (OR APPROVAL SUBJECT TO CONDITIONS) OF A CONSERVATION AND DEVELOPMENT PLAN, THE APPLICANT MAY SUBMIT AN APPLICATION FOR A PRELIMINARY PLAT IN ACCORDANCE WITH THE PRELIMINARY PLAT PROCEDURES IN CHAPTER 2: ADMINISTRATION. THE PLANNING DIRECTOR WILL APPROVE A PRELIMINARY PLAT OR PLAT OF A CONSERVATION SUBDIVISION ONLY ON FINDING THE PLAT SUBSTANTIALLY CONFORMS WITH AN APPROVED AND VALID CONSERVATION AND DEVELOPMENT PLAN AND COMPLIES WITH THE STANDARDS FOR PRELIMINARY PLAT APPROVAL IN CHAPTER 2: ADMINISTRATION.

6.4.4. Conservation and Development Plan

The Conservation and Development Plan shall be prepared by completing the four steps below in the order listed:

A. STEP 1: SITE ANALYSIS MAP

The applicant shall prepare a site analysis map, which shall include information about existing site conditions and provide an initial designation of the portions of the site that are primary conservation areas (such as floodplains and wetlands), the portions that are secondary conservation areas (such as agricultural land and natural resources), and areas that would be developed.

The map shall incorporate natural resource data, which may include information obtained from local, state, or federal sources or from site-specific explorations by certified professionals. The site analysis map shall identify the following:

a. Existing grades at two-foot contours (may be from sources other than a field survey, such as GIS or Lidar);

b. Any stream, wetland, or other natural feature that is regulated by this UDO, the state, or the federal government;

c. Any existing easements or development on the stie;

d. Areas and features identified for preservation; and

e. Areas designated to be developed.

B. STEP 2: SITE INSPECTION

After submission of the site analysis map, the Planning Director will schedule a site inspection of the land. The applicant or a representative is required to attend the site inspection with the Planning Director. The purpose of the site inspection is to:

a. Familiarize the Planning Director with the existing site conditions and natural and historic features of the site;

b. Identify features omitted from the site analysis map and other potential site development issues;

c. Identify and evaluate potential scenic view sheds; and

d. Provide an opportunity for the applicant and Planning Director to discuss site development concepts, including the general layout of conservation areas and potential locations for proposed structures, utilities, streets, and other development features. Any comments made by the Planning Director during the site inspection shall be non-binding, as the site inspection is for information purposes only.

C. STEP 3: UPDATES TO THE SITE ANALYSIS MAP

Based on the site analysis map and the information gathered during the site inspection, the applicant shall make any necessary revisions and updates to the site analysis map that clearly identifies the areas proposed to be conserved and developed on the site, in accordance with these conservation subdivision standards.

D. STEP 4: CONSERVATION AND DEVELOPMENT PLAN

The applicant shall prepare a Conservation and Development Plan that includes the site analysis map, information gathered during the site inspection, and an exhibit showing the conservation and development areas. The Plan

shall be submitted to the Planning Director and shall include the specific items established by the Planning Director:

a. A site analysis map;

b. An exhibit clearly depicting the conservation and development areas; and

c. A preliminary site improvements plan showing proposed site development, including, but not limited to:

i. Areas proposed for conservation;

ii. Conceptual locations for proposed roads, greenways, and trails;

iii. Conceptual locations for lot lines, setbacks, and proposed dwellings within designated areas;

iv. Utility easement locations; and

v. Areas for stormwater management facilities, if any, and the type of facility proposed.

6.4.5. Conservation Subdivision Standards

A. MINIMUM CONSERVATION AREA

A minimum of 50 percent of the gross land area in a conservation subdivision utilizing clustering shall be set aside as conservation area, in accordance with the standards of this section.

B. DIMENSIONAL STANDARDS

The dimensional standards in the "Within Conservation Subdivision" column of Table 3-3: RC Intensity and Dimensional Standards apply to lots within a conservation subdivision.

C. CONSERVATION AREA STANDARDS

1. Areas and Features to Be Preserved

The areas and features identified below will be credited toward compliance with the minimum conservation area required by this section. To the maximum extent practicable, conservation areas shall be located and organized to include, protect, and enhance as many of the following areas and features as possible, in the following general order of priority:

i. Riparian areas;

ii. Mature woodland areas;

iii. Wildlife habitat and corridors;

iv. Historic resources;

v. Groundwater recharge areas;

vi. Lands with active agricultural uses and activities;

vii. Scenic resources including view sheds;

viii. Large rock outcroppings; and

ix. Other unique natural, scenic, or historic features on the site.

2. Conservation Area Delineation

The following principles apply to the delineation of conservation areas in a cluster subdivision:

i. The area of the site required for a conservation area shall be determined based on the priorities established in the review of the Conservation and Development Plan and may include areas of the site not otherwise specifically identified in this section.

ii. The conservation area shall be contiguous and not divided among parcels, to the maximum extent practicable. Fragmentation of the conservation area into small, irregularly shaped pieces is prohibited.

iii. Conservation areas shall connect with existing and potential conservation areas on abutting sites, to the maximum extent practicable, to encourage corridors of compatible site characteristics, unless it is found to be impractical due to topography, spacing, existing natural barriers, or the prioritization of the lands indicated in the conservation area.

iv. Naturally contiguous conservation areas shall not be divided for the sole purposes of obtaining allowable density.

v. The layout and location of lots shall be designed to minimize potential adverse impacts on existing farm operations.

vi. Septic systems, drainfields, and/or repair areas shall not be located on the same parcel as a conservation area.

vii. Stormwater management facilities may be located on the same parcel as a conservation area maintained by a homeowners' association if there is no adverse impact to the character of that area of land and in accordance with the following:

(1) Acceptable stormwater facilities include farm ponds, bioretention ponds, naturally contoured ponds, and wet ponds with wetland edges and no visible structures.

(2) Stormwater facilities shall not include typical dry ponds with associated steep slopes, dams, mowed areas, fencing, or prominent overflow structures.

3. Allowable Uses

Only the following uses are permitted in conservation areas:

i. Agricultural uses;

ii. Trails, walkways, and boardwalks;

iii. Trailhead, trail parking, and related items;

iv. Docks or boat launches;

v. Above-ground and below-ground public utilities and associated easements, provided no feasible alternative exists;

vi. Streets that provide access to the conservation subdivision; and

vii. Street or driveway crossings, provided they are kept to a minimum.

4. Ownership and Maintenance of Conservation Areas

Conservation areas shall be owned, controlled, and maintained by an individual, homeowner's association, public or private organization, land trust, or corporation, in accordance with a recorded easement agreement that is referenced on the final plat and meets the standards of this section.

5. Easement

a. Prior to approval of the final plat, the easement agreement shall be recorded in the office of the Iredell County Register of Deeds for each conservation area. The agreement shall be approved by the Planning Director as to form, and it will run with the land, be in full force and effect in perpetuity, and include the following:

i. Details of the location, size, and purpose of the conservation area;

ii. Information about existing improvements on the conservation area; and

iii. Provisions that:

(1) Prohibit future development of the conservation area;

(2) Prohibit future subdivision of the conservation area;

(3) Provide for maintenance and ownership of the conservation area;

(4) Assign responsibility for enforcement of the easement; and

(5) Provide for succession to the Town, State, or a non-profit conservation organization in the event that one of the parties to the easement should be dissolved.

b. Regardless of who owns a conservation area, at least one of the following shall be a party to the easement in addition to the landowner:

i. A property owners' association that comprises owners of property in the subdivision;

ii. A land conservation organization that is certified and qualified to manage conservation easements; or

iii. The Town of Mooresville.

D. DEVELOPMENT AREA STANDARDS

1. General Development Area Standards

a. The standards in Chapter 5: Development Standards, apply to development in conservation subdivisions.

b. Except as otherwise provided in these conservation subdivision standards, all individual residential lots, dwellings, recreational facilities, utilities, easements (other than the conservation easements), and streets serving individual lots and recreational facilities shall be located in the development areas.

2. Subdivision Layout Standards

a. Lots designated as buildable lots for dwellings and dwellings on those lots:

i. Shall be accessed from streets interior to the subdivision;

ii. Shall be located a minimum of 40 feet from any environmentally significant area, including woodland conservation areas;

iii. Shall be arranged and sufficiently set back to preserve views of the site characteristics from streets and abutting lands; and

iv. Shall not be located in the center of open fields or on a ridgeline, unless topographic, environmental, or other conditions necessitate that they be located there.

b. Individual streets shall be designed to maintain the existing grade, to the maximum extent practicable.

c. Dwellings and streets shall be located at the edges of woodlands and situated in a manner that will maximize the amount of contiguous wooded area left intact.

d. Except to provide access to the conservation subdivision, proposed street and driveway crossings through wetlands, floodplains, and steep slopes are prohibited unless the crossing will provide a more efficient lot and street layout that provides less net disturbance of these features than an alternative layout.

e. Trees on ridgelines shall be preserved, to the maximum extent practicable.

f. Street sections are not required to have curbing and may include a ditch for stormwater runoff conveyance. Streets utilizing curbing may include a roll curb and gutter or standard curb and gutter.

3. Lot Design Standards

a. Buildings and driveways shall be sited to maintain the existing grade as much as possible.

b. Dwellings shall be sited to avoid the rear of the dwelling being oriented toward the front of other dwellings or streets external to the subdivision without a buffer in place. A landscape plan may be required to provide for the buffer of views of the rear and sides of dwellings from all streets and easements, and the fronts of other dwellings.

c. Direct driveway access for individual lots onto perimeter streets shall be avoided unless necessary for safety reasons, environmental preservation, or similar benefit.

d. Large expanses of driveways and parking areas shall not be visible from streets external to the subdivision or from abutting lands.

4. Stormwater Management Standards

To the maximum extent practicable, low-impact stormwater management designs shall be used to satisfy the stormwater management requirements. Low-impact stormwater management includes the use of existing hydrological site features; the reduction of impervious surfaces such as streets, curbs, and gutters; decreasing the use of storm drain piping, inlet structures; and eliminating or decreasing the size of stormwater ponds. Such integrated management practices may include bioretention, dry wells, filter buffer, infiltration trenches, techniques similar to these, and other practices acceptable to the Town.

CHAPTER 7: NONCONFORMITIES

7.1. GENERAL PROVISIONS

7.1.1. Purpose and Scope

A. Nonconformities are uses of land, structures, lots of record, and signs that were lawfully established before this udo was adopted or amended and that now do not conform to its terms and requirements. This chapter regulates and limits the continued existence of those uses, structures, lots of record, and signs.

B. The purpose and intent of this chapter is to recognize the interests of the landowner in continuing to use the land where a nonconformity exists, but to limit the alteration, expansion, reconstruction, and reestablishment of nonconformities to ensure that the nonconformity does not increase and the purposes of this udo are achieved.

7.1.2. Authority to Continue

Nonconformities are allowed to continue in accordance with the requirements of this chapter. Where a lot includes more than one nonconformity (e.g., nonconforming structure and nonconforming use), each nonconformity may be continued in accordance with the requirements of this chapter. Temporary uses may be considered nonconforming during the life of a valid permit; however, once the permit allowing the temporary use has expired or the temporary use ceases operations for more than five (5) days, it shall not be considered nonconforming.

7.1.3. Determination of Nonconformity Status

In all cases, the burden of establishing that a nonconformity lawfully exists shall be the responsibility of the owner of the land on which the alleged nonconformity is located.

7.1.4. Routine Repair and Maintenance

No provision of this UDO shall be construed to prohibit the routine repair and maintenance of structures, signs, and other uses of land, in order to keep the structure, sign, or other use of land in the same condition as when the nonconformity was established; to accomplish modifications necessary for compliance with stormwater management regulations or the ADA; or to bring

to a safe condition any structure declared to be unsafe by any official charged with protecting the public safety, health, or welfare.

Replacement of HVAC and other utility equipment that is visible from any adjacent property or public right-of-way shall not be considered repair and maintenance and shall meet all standards of this UDO, to the extent practicable.

7.2. NONCONFORMING USES

7.2.1. General

Nonconforming uses are declared generally incompatible with the permitted uses in the district in which they are located and with the purposes of this UDO. Nonconforming uses may continue only in accordance with the general provisions of this chapter and the requirements in this section.

7.2.2. Discontinuance or Change of Use

A nonconforming use shall not be changed to any other nonconforming use. Once a nonconforming use has ceased to operate or been discontinued for a period of 180 days or longer, it may not be reestablished and it shall only be replaced with a conforming use. A nonconforming use is presumed to be discontinued if any basic utility has been disconnected for 180 consecutive days or longer or activity has ceased on the property.

7.2.3. Expansion or Enlargement

A nonconforming use shall not be enlarged, expanded in area occupied, or intensified, except for manufacturing uses in the TD district. Manufacturing uses in the TD district may be enlarged, expanded in areas occupied, or intensified by no more than 10% as measured over a 10-year period.

7.2.4. Reconstruction after Damage

A. DAMAGE OF 50 PERCENT OR LESS OF VALUE

In the event a structure housing a nonconforming use is damaged or destroyed, by any means, to an extent of 50 percent or less of its structural replacement cost at the time of damage or destruction, the nonconforming use may be re-established to its previous form only if

a. A Zoning Permit and Building Permit for such repair or restoration is obtained within 90 days of the casualty damage;

b. Repair or restoration is actually begun within six months after the date of such damage or destruction and is diligently pursued to completion; and

c. The repair or restoration does not increase the degree of nonconformity.

B. DESTRUCTION OR DAMAGE BEYOND 50 PERCENT OF VALUE

In the event a structure housing a nonconforming use is damaged or destroyed, by any means, to an extent more than 50 percent of its structural replacement cost at the time of damage or destruction, the nonconforming use shall only be re-established in a manner that conforms with the provisions of this UDO.

7.2.5. Accessory Uses

Once a nonconforming principal use is discontinued, all associated accessory uses shall cease operations within 30 days.

7.3. NONCONFORMING STRUCTURES

7.3.1. General

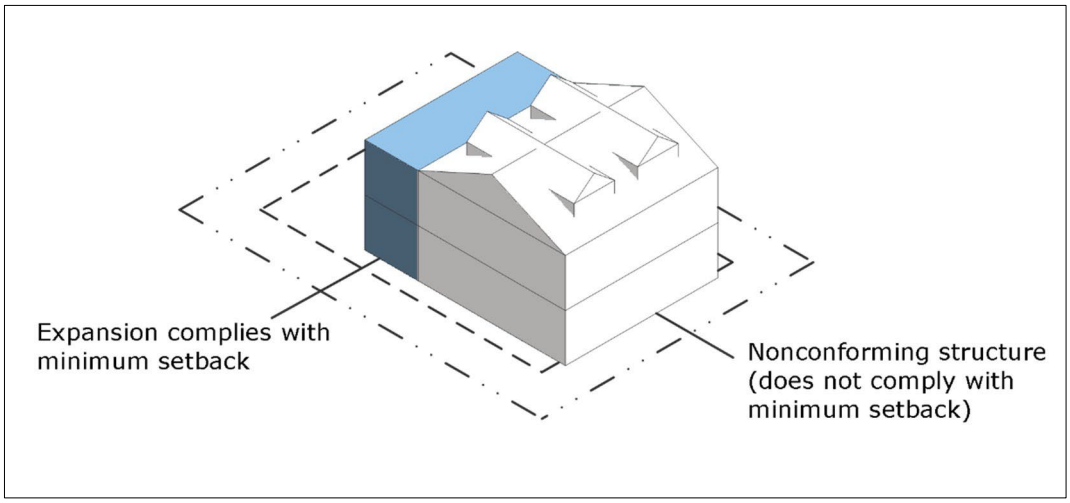
A. Continued use of nonconforming structures is allowed in accordance with the general provisions of this chapter and the requirements in this section.

B. A nonconforming structure housing a nonconforming use shall comply with the requirements for nonconforming structures in this section and with the requirements for nonconforming uses in this chapter.

7.3.2. Enlargement

A nonconforming structure shall not be enlarged or expanded in any way that increases the degree of nonconformity. (For example, a structure that has a five-foot side yard setback where the UDO requires a ten-foot side yard setback cannot be enlarged so as to further encroach into the side yard setback.) Expansion of a nonconforming structure in a way that complies with applicable dimensional standards or that decreases the degree of its nonconformity is permitted (see Figure 7-1).

Figure 7-1: Enlargement of Nonconforming Structure



7.3.3. Relocation

A nonconforming structure shall not be moved, in whole or in part, to another location on or off the parcel of land on which it is located, unless upon relocation it conforms to the requirements of this UDO.

7.3.4. Nonconforming Manufactured Homes

A. REPLACEMENT ON INDIVIDUAL LOT

Outside of the TD and DE Districts, a nonconforming manufactured home used as a principal structure may be replaced by another manufactured home if the replacement manufactured home complies with the use-specific standards for manufactured homes and the lot standards identified in this UDO. Manufactured homes shall not be replaced in the TD and DE Districts.

B. REPLACEMENT IN MANUFACTURED HOME PARK

1. A nonconforming manufactured home within a manufactured home park may be replaced by another manufactured home if:
   a. Hard surface parking is provided for two motor vehicles;
   b. One canopy tree meeting the new planting requirements in Chapter 5: Development Standards, is planted on the lot; and
   c. The replacement manufactured home complies with the use-specific standards for manufactured homes in Chapter 4: Use Regulations.
   d. Manufactured home park is outside the TD or DE district.
2. If more than 25 percent of the manufactured homes in a manufactured home park are replaced within a five-year period, the following items shall also be brought into compliance with the standards of this UDO:
   a. Paved main driveway; and
   b. Perimeter landscaping.
3. If more than 50 percent of the manufactured homes in a manufactured home park are replaced within a five-year period, in addition to the upgrades required for replacement of the manufactured homes already referenced in this section, open space shall be provided in the manufactured home park in accordance with the standards of this UDO.

7.3.5. Reconstruction after Damage

A. DAMAGE OF 50 PERCENT OR LESS OF VALUE

In the event a nonconforming structure is damaged or destroyed, by any means, to an extent of 50 percent or less of its structural replacement cost at the time of damage or destruction, it may be rebuilt to its previous form only if

a. A Zoning Permit and Building Permit for such repair or restoration is obtained within 90 days of the casualty damage;

b. Repair or restoration is actually begun within six months after the date of such damage or destruction and is diligently pursued to completion; and

c. The repair or restoration does not increase the degree of nonconformity.

B. DESTRUCTION OR DAMAGE BEYOND 50 PERCENT OF VALUE

1. In the event a nonconforming structure is damaged or destroyed, by any means, to an extent more than 50 percent of its structural replacement cost at the time of damage or destruction, it may be restored only in accordance with the provisions of this UDO.

2. All new construction in accordance with this section (including the establishment of off-street parking, landscaping, signage, and other site features) shall be in accordance with the requirements of this UDO.

7.3.6. Removal of Accessory Structures if Principal Structure Removed

In the event a nonconforming principal structure is removed from a lot, any accessory structures (including signage) shall also be removed within 30 days, unless permits are obtained to rebuild the principal structure within 60 days of its removal.

7.4. NONCONFORMING LOTS OF RECORD

7.4.1. General

A. No use or structure shall be established on a nonconforming lot of record except in accordance with the standards in this section.

B. Nonconforming structures lawfully established on a nonconforming lot may be continued, enlarged, or redeveloped only in accordance with the requirements for nonconforming lots in this section and the requirements for nonconforming structures in this chapter.

7.4.2. Continuation of Conforming Structures

Conforming structures legally established on a nonconforming lot prior to the effective date of this UDO may be continued, enlarged, extended,

reconstructed, or structurally altered in any way that is in conformance with the standards of this UDO.

7.4.3. Development of Vacant Nonconforming Lots

A. RECOMBINATION REQUIRED

In the event that a vacant nonconforming lot abuts a lot under the same ownership that exceeds the minimum lot area requirements of the district in which it is located, a lot line adjustment or recombination of the abutting lots under the same ownership shall be required to bring the vacant lot closer into conformity with the requirements of the zoning district in which it is located, to the maximum extent practicable, as a condition of approval for development on the vacant nonconforming lot.

B. NEW DEVELOPMENT ON NONCONFORMING LOTS

Lots of record that do not meet the dimensional requirements of this UDO can still be developed, if such development is in conformance with all other applicable regulations.

C. REDEVELOPMENT ON NONCONFORMING LOTS OF RECORD PLAT SETBACKS

Development or redevelopment on lots of record that were platted with setbacks from a previous ordinance, that no longer align with the setback requirements of this UDO, may adhere to the original setbacks listed on the record plat. If a lot of record is further subdivided or recombined after the effective date of this UDO, development or redevelopment must adhere to the setback standards listed for the applicable UDO district.

7.4.4. Increase in Area or Width

A nonconforming lot may be increased in area, width, or both, through a lot line adjustment in accordance with the applicable subdivision procedures to make the lot less nonconforming or bring the lot into conformance.

7.5. NONCONFORMING SIGNS

7.5.1. General

No nonconforming sign shall be used, erected, altered, repaired, or relocated except in accordance with general provisions of this chapter and the requirements in this section. Any sign that was lawfully erected prior to the effective date of this UDO and has one or more nonconforming features, as defined in this UDO, may remain in use, subject to the requirements of this chapter.

7.5.2. Increase of Nonconformity Prohibited

No activity that increases the extent or degree of nonconformity shall be permitted, including, but not limited to, adding electronic message center, adding lighting, or increasing/modifying height or size.

7.5.3. Replacement or Relocation

A. Except as otherwise provided in this section, a nonconforming sign shall not be moved or replaced except to bring the sign into complete conformity with this udo. Once a nonconforming sign is removed from the premises or otherwise taken down or moved, the sign may only be replaced with a sign which is in conformance with this udo.

B. If governmental acquisition of a portion of a property results in the need to move or relocate an existing non-conforming sign for a legally established use, such sign may be moved to a conforming location and reinstalled provided that the dimensions of such sign are not changed or altered in any way. This provision is not intended to supersede the requirements in this chapter that apply to nonconforming signs where there is a change of occupancy.

C. Removal of nonconforming signs is allowed for normal cleaning and/or maintenance if such sign is restored to the location from which it was removed within 30 days.

7.5.4. Routine Repairs and Maintenance

A. Onsite repairs and maintenance of nonconforming signs, such as repainting and electrical repairs, shall be permitted, provided such activities are completed in accordance with the sign standards in chapter 5: development standards, and provided that the cost of repairs does not exceed 50 percent of the sign's value.

B. If a nonconforming sign is determined to represent a danger to the public health or safety as determined by the planning director, it shall be immediately replaced or removed and all replacement signage shall comply with all requirements of this udo.

7.5.5. Change of Occupancy

In the event there is a change in use or occupancy to an existing building (except multi-tenant buildings), and there are one or more nonconforming signs that the previous business was utilizing on the property, the existing, non-conforming signs shall be removed.

7.5.6. Repair after Damage or Destruction

A. DAMAGE OF 50 PERCENT OR LESS OF VALUE

In the event a nonconforming sign is damaged to an extent equal to or less than 50 percent of the sign's value, the sign may be repaired in accordance with the requirements of this chapter.

B. DAMAGE OR DESTRUCTION BEYOND 50 PERCENT OF VALUE

In the event that a nonconforming sign is subject to damage or destruction from by any means to an extent that exceeds 50 percent of the sign's value, then the sign may be restored, repaired, or reconstructed if the restored, repaired, or reconstructed sign complies with the sign standards in Chapter 5: Development Standards. In no instance shall any remnants of the former nonconforming sign structure remain on the site.

7.5.7. Abandonment

If a nonconforming sign is not utilized for its intended purpose for a continuous period of 180 days, that sign shall be deemed abandoned and shall, within 30 days after such abandonment, be brought into compliance with this UDO or be removed by the sign owner, the owner of the land where the sign is located, or another person having control over the sign. For purposes of this requirement, a sign shall be deemed "not utilized" if:

1. It advertises a business, service, commodity, accommodations, attraction, or other enterprise or activity that is no longer operating or being offered or conducted; or
2. The advertising message it displays becomes illegible in whole or substantial part.

7.6. NONCONFORMING SITE FEATURES

7.6.1. Landscaping

A. GENERAL

Except as otherwise required by this section, landscaping that complied with the Town's regulations at the time it was established on a site but which was rendered nonconforming by the adoption of this UDO may continue, provided it is maintained in accordance with the maintenance requirements of the landscape and buffer standards in Chapter 5: Development Standards.

B. EXPANSION OF EXISTING STRUCTURE

If an existing structure on a lot is expanded to increase its gross floor area by at least 25 percent, when combined with all expansions of the same structure

during the preceding five-year period, all landscaping on the lot shall be brought into full compliance with all applicable standards in this UDO. All tree preservation requirements in this UDO shall apply.

C. EXPANSION OF PARKING AREA

If the total impervious area of parking and loading areas on a lot is increased by 25 percent or more, all nonconforming landscaping in and around the existing parking and loading areas shall be brought into full compliance with the vehicular use area landscaping standards and screening standards. All tree preservation requirements in this UDO shall apply.

7.6.2. Off-Street Parking

A. GENERAL

Except as otherwise required by this section, an off-street parking area that complied with the Town's regulations at the time it was established on a lot but which was rendered nonconforming by the adoption of this UDO may continue, provided it complies with the surfacing and maintenance provisions in the general parking and loading area standards in Chapter 5: Development Standards. Nonconforming landscaping and screening in and around off-street parking areas shall comply with the landscaping provisions in this chapter.

B. EXPANSION OF EXISTING STRUCTURE

If an existing structure on a lot is expanded to increase its gross floor area, nonconforming off-street parking shall be brought into compliance with the requirements of this UDO as follows:

1. Expansion and Change of Use

If there is a change of use of a lot where there is nonconforming parking that involves an expansion of an existing structure and that would increase the number of required parking spaces by 50 percent or more over the number of parking spaces required prior to the change of use, the lot shall be brought into compliance with the off-street parking, bicycle parking, sidewalk, and loading standards in Chapter 5: Development Standards, including the minimum off-street parking standards, to the maximum extent practicable.

2. Expansion of Between 25 Percent and 50 percent

Except as otherwise provided in this section, if an expansion of a structure increases the structure's gross floor area by at least 25 percent and not more than 50 percent, when combined with the cumulative gross floor area of all expansions of the same structure during the preceding five-year period, the site shall comply with the following off-street parking and bicycle parking standards in Chapter 5: Development Standards, to the maximum extent practicable:

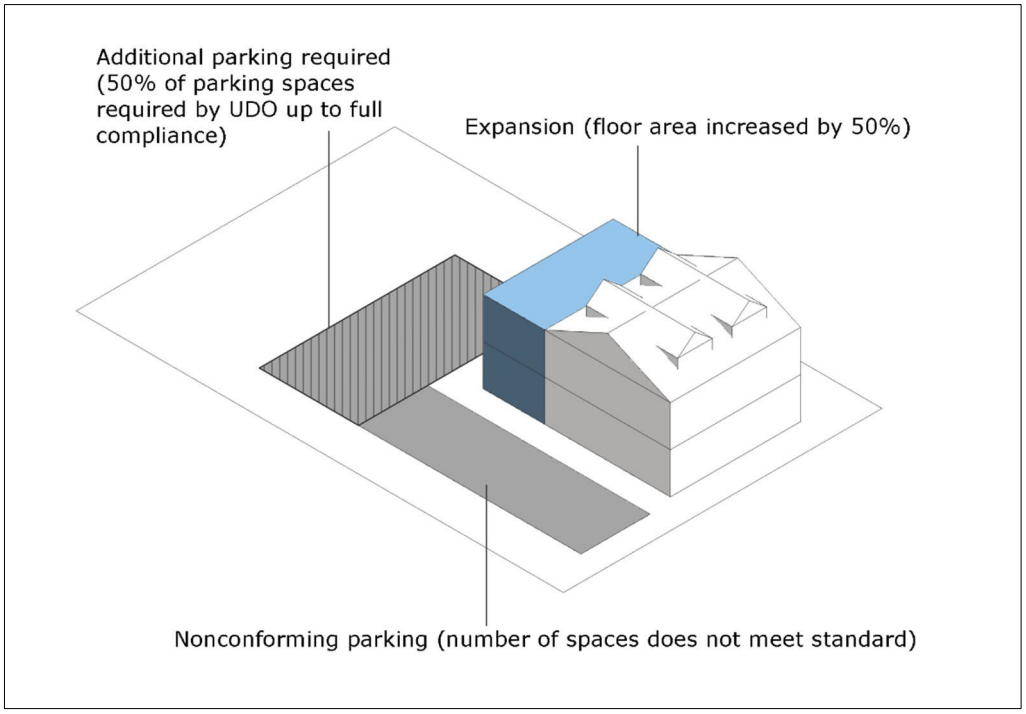
i. General parking and loading standards;

ii. Vehicle stacking standards;

iii. Bicycle parking standards; and

iv. Minimum off-street parking standards, except the required minimum number of additional parking spaces shall be the percentage minimum off-street parking spaces required by this UDO equal to the percentage increase in gross floor area, not to exceed full compliance (see Figure 7-2). For example, if the gross floor area of the structure is increased by 50 percent and the number of required parking spaces required for the expanded structure is 80, then a maximum of 40 additional parking spaces would be required.

Figure 7-2: Building Expansion with Nonconforming Parking



3. Expansion Greater than 50 percent

If an expansion of a structure increases the structure's gross floor area by more than 50 percent, when combined with the cumulative gross floor area of all expansions of the same structure during the preceding five-year period, all off-street parking areas on the parcel shall be brought into full compliance with all applicable standards in this UDO.

CHAPTER 8: ENFORCEMENT AND REMEDIES

8.1. GENERAL PROVISIONS

This chapter establishes procedures through which the Town seeks to ensure compliance with the provisions of this UDO and obtain corrections for violations. It also sets forth the remedies and penalties that apply to violations of this UDO. The provisions of this chapter are intended to encourage the voluntary correction of violations, where possible.

8.2. COMPLIANCE REQUIRED

Compliance with all the procedures, standards, and other provisions of this UDO is required by all persons owning, developing, managing, using, or occupying land or structures in the Town's zoning jurisdiction.

8.3. VIOLATIONS

8.3.1. Violations Generally

Any failure to comply with a standard, requirement, prohibition, or limitation imposed by this UDO or the terms or conditions of any permit or other development approval or authorization granted in accordance with this UDO, shall constitute a violation of this UDO and shall be subject to the remedies and penalties as provided in this chapter or permitted by law.

8.3.2. Specific Violations

It shall be a violation of this UDO to undertake any development or subdivision contrary to the provisions of this UDO, including but not limited to any of the following activities:

1. Develop land or a structure without first obtaining the appropriate development approval or permit;
2. Occupy or use land or a structure without first obtaining the appropriate development approval or permit;
3. Develop land or a structure without complying with the terms or conditions of the development approval or permit required to engage in development;
4. Occupy or use land or a structure in violation of the terms or conditions of the development approval or permit;
5. Subdivide land without first obtaining the appropriate development approvals or permits required to engage in subdivision;
6. Subdivide land without complying with the terms or conditions of the development approval or permit required to engage in development;
7. Transfer or sell land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved and recorded in accordance with this UDO;
8. Excavate, grade, cut, clear, or undertake any land disturbing activity without first obtaining all appropriate permits and permit approvals, and complying with their terms and conditions;
9. Remove existing trees from a site or parcel of land without first obtaining appropriate development approvals and permits, and complying with their terms and conditions;
10. Install, create, erect, alter, or maintain any sign without first obtaining the appropriate development approval or permit;
11. Fail to remove any sign installed, created, erected, or maintained in violation of this UDO, or for which the permit has lapsed;
12. Create, expand, replace, or change any nonconformity except in compliance with this UDO;
13. Reduce or diminish the requirements for development, design, or dimensional standards below the minimum required by this UDO;
14. Increase the intensity or density of development, except in accordance with the standards of this UDO;
15. Fail to properly maintain vehicular, bicycle, and/or pedestrian signage and/or pavement in access or parking areas; or
16. Through any act or omission, fail to comply with any other provisions, procedures, or standards as required by this UDO.

8.4. RESPONSIBLE PERSONS

Any person who violates this UDO shall be subject to the remedies and penalties set forth in this chapter. Ultimately, the property owner is responsible for ensuring his/her property is following all requirements of this UDO.

8.5. ENFORCEMENT GENERALLY

8.5.1. Responsibility for Enforcement

The Planning Director shall be responsible for enforcing the provisions of this UDO in accordance with state law.

8.5.2. Complaints Regarding Violations

Whenever a violation of this UDO occurs, or is alleged to have occurred, any person may file a complaint with the Planning Director. The complaint shall state the cause and basis of the complaint. The Planning Director shall properly record each such complaint, investigate, and take appropriate action.

8.5.3. Inspections

The Planning Director is authorized to inspect at all reasonable times all land and structures that are subject to this UDO, upon presentation of proper credentials, in order to determine compliance or noncompliance with the requirements of this UDO. For the inspection of areas not open to the public, appropriate, consent must be obtained in written form. If consent is not given, an administrative warrant may be secured to complete the inspection.

8.5.4. Enforcement Procedure

A. COURTESY LETTER

The Planning Director may choose to provide a courtesy notice for alleged violations and in cases where violations are not severe in nature or causing a threat to public safety. A courtesy notice may be provided at least two weeks prior to beginning the notice of violation process. The courtesy notice shall

contain information regarding the alleged violation and options to remedy the violation.

B. NOTICE OF VIOLATION

1. When a violation of this UDO has been found, the Planning Director shall issue a written notice of violation to the development approval holder/permit holder and property owner that is in violation of this UDO. Multiple violations may be included in one notice of violation. The notice of violation shall:
   a. State the nature of the violation(s);
   b. Identify the necessary action(s) to abate the violation(s);
   c. Provide a deadline for the correction of the violation(s); and
   d. Advise the violator(s) of their right to appeal the notice of violation to the Board of Adjustment within 30 days of the date the notice of violation was issued
2. The notice of violation shall be delivered to the landowner of the property involved and to the holder of any development approval that has created the violation. The delivery shall be made by personal delivery, electronic delivery, or first-class mail. The notice of violation may be provided by similar means to the occupant of the property or any person undertaking any work or activity giving rise to the violation. The notice of violation may also be posted on the property.
3. The Planning Director shall certify that the notice was provided and this certification of violation shall be deemed conclusive in the absence of fraud.
4. Deadlines, except those pertaining to the time to appeal, may be extended by the Planning Director upon acceptance of a written or verbal plan of action on behalf of the person responsible. Upon the granting of the extension, all parties involved in the violation will receive written notice of the corrected deadline.
5. A final notice of violation, which may be the initial notice of violation or a subsequent notice of violation, shall state what course of action is intended if the violation is not corrected within the allotted time from the date the final notice of violation was issued.
6. Except as otherwise provided by state law, a notice of violation or final notice of violation may be appealed to the Board of Adjustment in accordance with the procedure for Appeal of Administrative Decisions in Chapter 2: Administration.

C. APPLICATION OF REMEDIES AND PENALTIES

If the owner of the property where a violation has occurred fails to comply with the final notice of violation from which no appeal has been taken within 30 days, as provided in the notification, the Planning Director shall take appropriate action, as provided in this chapter, to correct and abate the violation and to ensure compliance with this UDO.

8.6. REMEDIES AND PENALTIES

8.6.1. General Provisions

A. Any of the following remedies and enforcement powers may be used to administer and enforce this udo following a final notice of violation issued in accordance with this chapter, from which no appeal has been taken or from which all appeals have been denied.

B. The remedies provided for violations of this udo, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order. While the town may exercise any of the following remedies or penalties in any order, they are listed in their general order or sequence of application.

C. In addressing repeat violations by the same offender over any two-year period, the town may commence the application of remedies or penalties at the stage in the process where the previous violation was resolved.

8.6.2. Civil Penalties

A. In addition to the other remedies cited in this udo for the enforcement of its provisions, and pursuant to state law, the standards in this udo may be enforced through the issuance of civil penalties by the planning director. Penalties shall be assessed per violation.

B. Multiple violations may be included in one letter that acts as the official civil citation notification. Each violation identified in the notification shall be considered distinct and separate from one another, even if included in one letter.

C. Unless the offender has completed an appeal to the actions of the planning director in accordance with the procedures in chapter 2, the planning director may issue subsequent citations for the same violation if the offender does not remedy the violation. Once a citation is issued, each day's continuing violation shall be a separate and distinct offense for which the planning director may issue additional citations to the violator. A subsequent citation of a violation may contain the fines covering a period for which the violation continued between the prior citation and the subsequent citation. The fee associated with the subsequent citation as shown in table 8-1 shall begin on the date of the subsequent citation and be the daily applicable penalty until another citation is issued.

D. Civil penalties are established in table 8-1: civil Penalties. TABLE

8-1: CIVIL PENALTIES

Violation	Civil Penalty Amount
Warning	None
First Citation	$100.00
Second Citation	$250.00
Third and Subsequent Citations (for the Same Offence)	$500.00

E. If the offender fails to pay the civil penalties within 15 days after having been cited, the town may recover the penalties in a civil action in the nature of debt.

8.6.3. Stop Work Order Issuance

A. Whenever any work or activity subject to this udo is ongoing and found to be in substantial violation of any state law, local law, or this udo or to be conducted in a manner that endangers life or property, the planning director may order the specific part of the work or activity that is in violation or presents such a hazard to be immediately stopped by issuing a stop work order. The stop work order shall:

1. Be in writing;
2. Be directed to the person doing the work or activity; and
3. State the specific work or activity to be stopped, the specific reasons for cessation, and the action(s) necessary to lawfully resume work.

B. A copy of the stop work order shall be delivered to the holder of the development approval and to the owner of the property involved (if that person is not the holder of the development approval) by personal delivery, electronic delivery, or first-class mail.

C. The planning director shall certify that the stop work order was delivered and this certification shall be deemed conclusive in the absence of fraud.

D. Violation of a stop work order is a class 1 misdemeanor, punishable in accordance with state law.

E. A stop work order due to violation of a local development regulation under this udo may be appealed pursuant to n.C.G.S. § 160d-405 within 30 days. If the stop work order relates to the minimum housing code, then appeal must be taken within 10 days from the issuance thereof. If the stop work order relates to a violation of the state building code or any approved local modification thereof, it may be appealed to the north carolina commissioner of insurance within five days of the order's issuance. No further work or activity shall take place in violation of a stop work order pending a ruling on the appeal.

8.6.4. Revocation of Approved Permit

The Planning Director may revoke any administratively approved development approval or permit when a violation of this UDO has occurred. To revoke an administratively approved development approval or permit, the Planning Director shall first provide written notification to the development approval or permit holder stating the reason for the revocation. Following written notification, the Planning Director shall follow the same development review and approval process required for issuance of the development approval, including any required notice or hearing, before the development approval may be revoked.

Permits issued or approved by a board, commission, or other body may only be revoked through the same process as was used for approval of the original permit. Development approvals or permits may be revoked if any of the following occur:

1. False statements or misrepresentations were made in securing the approval or permit;
2. Work is being or has been done in substantial departure from the approved application or plan;
3. There has been a failure to comply with the requirements of this UDO; or
4. A development approval or permit has been mistakenly issued in violation of this UDO.

8.6.5. Equitable Remedies

A. The town may apply to a court of law for any appropriate equitable remedy to enforce the provisions of this udo. The fact that other remedies are provided under general law or this udo shall not be used by a violator as a defense to the town's application for equitable relief.

B. When a violation occurs, the town may, either before or after the initiation of other authorized actions, apply to the appropriate court for a mandatory or prohibitory injunction ordering the offender to correct the unlawful condition or cease the unlawful use of the land in question or the unlawful subdivision, transfer, conveyance, or sale of land.

8.6.6. Execute Order of Abatement

The Planning Director may execute an order of abatement in accordance with state and local law or through execution of court decisions.

8.6.7. Deny or Withhold Permits

The Planning Director may deny or withhold authorization to use or develop any land, structure, or improvements until an alleged violation and associated civil penalty related to such land, use, or development is corrected.

8.6.8. Flood Damage Prevention Violations

Violation of the provisions of the Flood Damage Prevention Standards or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of Variance or Special Use Permits, shall constitute a Class 1 misdemeanor in accordance with to N.C.G.S. § 143-215.58. Any person who violates the flood damage prevention requirements in Chapter 5: Development Standards, or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than $100.00 or imprisoned for not more than 30 days, or both. Each day such

violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town from taking such other lawful action as is necessary to prevent or remedy any violation.

8.6.9. Remedies for Disturbance or Destruction of Vegetation

A. The disturbance, damage, or removal of any landscaped area, vegetation, or trees required to be installed, maintained, or protected by this udo shall constitute a violation of this udo. These types of violation shall be subject to any one or all of the combination of the penalties authorized and detailed in this section.

B. If a person, company, development approval holder/permit holder, or property owner continues to fail to comply with a particular provision, the person, company, or property owner shall continue to remain subject to the penalties prescribed by this section for the continued violation of the particular provision.

C. Penalties assessed under this section are in addition to, and not in lieu of, compliance requirements of this udo. The town may employ any of the remedies authorized for a municipality pursuant to state law. Civil penalties for violation of this udo shall be as follows:

1. If an equitable settlement has not been reached within 45 days after the violation notice has been made, the matter shall begin the civil penalty proceedings in accordance with state law.

2. If required plantings cannot physically fit on a property and allow for natural, healthy tree growth, the Planning Director may approve trees or shrubs to be planted on nearby public property or accept a fee-in-lieu for the cost of purchasing and installing the trees, which will be used for public tree planting and/or maintenance.

3. Any act constituting a violation of this section resulting in the destruction, excessive trimming/pruning, damage, or removal of vegetation or landscape areas without approval from the Planning Director shall subject the offender and/or property owner to a civil penalty of $2.50 per square foot for the area damaged or destroyed, not to exceed $100,000.

4. Destruction, excessive trimming/pruning, damage, or removal of trees greater than 4 inches DBH without the approval of the Planning Director shall incur the following penalties:

a. A civil penalty equal to the amount of the value of the tree as listed in the most recent addition of "The Guide for Plant Appraisal" published by The Council of Trees and Landscape Appraisers and the International Society of Arboriculture, plus a $100 administrative fee per tree; or

b. Replacement trees to be installed at 1:1 caliper inch ratio. For example, 24" inches (DBH) of existing trees were removed, requiring 24" inches (caliper) of new trees are to be replanted. All replacement trees shall be a minimum of 2.5" caliper; or

c. A combination of a and b, as determined by the Planning Director.

5. In cases where the total inches (DBH) of trees removed in violation of this UDO cannot be determined, it shall be assumed the site consisted of ten protected canopy trees per acre, each with a DBH of 16 inches.

6. In cases where repeat offenses occur on the same property (more than twice in 5 years), in addition to all penalties identified above, the Planning Director shall also incur an additional $100 administrative fee per tree.

CHAPTER 9: DEFINITIONS, RULES OF MEASUREMENT AND INTERPRETATION

9.1. RULES OF INTERPRETATION

The rules in this section shall apply for construing or interpreting the terms and provisions of this UDO.

9.1.1. Meanings and Intent

All provisions, terms, phrases, and expressions contained in this UDO shall be interpreted in accordance with the general purposes set forth in Chapter 1 and all applicable specific purpose statements set forth throughout this UDO. When a specific section of this UDO gives a different meaning than the general definition provided in this chapter the specific section's meaning and application of the term shall control.

9.1.2. Headings, Illustrations, and Text

In the event of a conflict or inconsistency between the text of this UDO and any heading, caption, figure, illustration, table, or map, the text shall control. Graphics and other illustrations are provided for informational purposes only and should not be relied upon as a complete and accurate description of all applicable regulations or requirements.

9.1.3. Tenses and Plurals

Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender are intended to be gender neutral.

9.1.4. Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

1. "And" indicates that all connected items, conditions, provisions, or events apply; and
2. "Or" indicates that one or more of the connected items, conditions, provisions, or events apply.

9.1.5. Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms like "for example," "Including," such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

9.1.6. Mandatory and Discretionary Terms

The words "shall," "must," and "will" are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words "may" and "should" are permissive in nature.

9.1.7. Computation of Time

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the Town, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the Town. References to days are calendar days unless otherwise stated.

9.1.8. Rounding

Partial whole numbers shall be rounded as follows:

A. LANDSCAPING

When measuring the required number of plants, partial whole numbers shall be measured up to the next whole number to ensure more plants are planted.

B. PARKING SPACES

When measuring the required number of parking spaces (including bicycle parking), partial whole numbers shall be rounded down to the next whole number to ensure less parking is required.

C. HEIGHT

When measuring height, partial whole numbers shall be rounded up to the next whole number to ensure heights are minimized.

D. ALL OTHER MEASUREMENTS

When measuring all other measurements, partial whole numbers shall be rounded down to the next whole number, except density which shall be

measured to the tenth place (i.e. 5.4 dwelling units per acre) and rounded according to the rules of mathematics.

9.1.9. References to Other Regulations/Publications

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation, resolution, ordinance, statute, regulation, or document.

9.1.10. Public Officials and Agencies

All public officials, bodies, and agencies to which references are made are those of the Town of Mooresville, unless otherwise indicated.

9.1.11. Technical and Nontechnical Terms

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in planning, land development, and/or law shall be construed and understood according to such meaning.

9.1.12. Term Not Defined

In the event there is a term used in this UDO that is not defined in this Chapter, the Planning Director shall have the authority to provide a definition through the Interpretation procedure based upon the definitions used in accepted sources, including but not limited to The Planners Dictionary, A Glossary of Zoning, Development, and Planning Terms, and A Survey of Zoning Definitions, published by the American Planning Association.

9.2. RULES OF MEASUREMENT, EXCEPTIONS, AND VARIATIONS

9.2.1. Rules of Measurement

A. LOTS AND YARDS

1. Lot

A parcel of land or any combination of several parcels of land occupied or intended to be occupied by a principal use or structure, together with any accessory structures or uses and such accessways, parking area, yards, and open spaces required in this UDO.

a. **Corner Lot**

A lot located at the intersection of two or more streets. Structures on corner lots shall be considered to have two front yards and shall utilize

the required minimum front setback or build-to zone boundary for each façade facing a street right-of-way.

b. **Double Frontage Lot**
A lot other than a corner lot with frontage on more than one street. Also called a Through Lot.

c. **Flag Lot**
A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway.

d. **Infill Lot**
A lot of record with or without an existing use that is two acres in size or less.

e. **Interior Lot**
A lot other than a corner lot with only one frontage on a street.

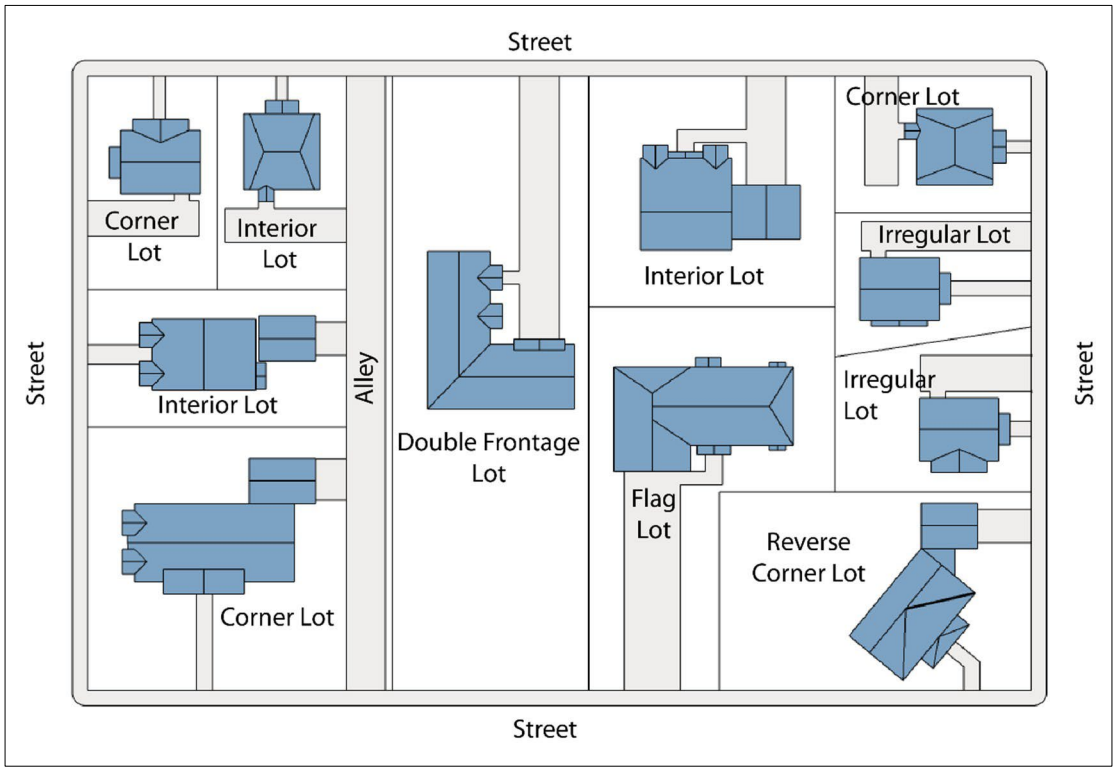
f. **Irregularly Shaped Lot**
A lot with three sides, more than four sides, or with corner angles greater or less than 90 degrees. The front yard of such lots shall be determined with respect to adjacent homes and street vistas. The location of required front, side, and rear yards on irregularly shaped lots shall be determined by the Planning Director (See "Rules of Interpretation"). The determination will be based on the spirit and intent of this UDO to achieve an appropriate spacing and location of buildings and structures on individual lots.

g. **Reverse Corner Lot**
A corner lot on which the front of the principal building faces the corner and is not located parallel to a street.

h. **Single-Family Lot**
A lot that is located within a zoning district that allows single-family dwelling units, including accessory dwelling units, and that does not include covenants, restrictions, or conditions of approval that prohibit the construction of a single-family dwelling unit on the lot.

i. **Single-Tier Lot**
A lot which backs up to a limited access highway, railroad, water body, physical barrier, or other type of use other than another lot.

Figure 9-1: Types of Lots



2. Lot Line

The lines bounding a lot as established by ownership. Specific lot lines include the following:

a. **Front Lot Line**

On any lot other than corner lot, the lot line connecting the two side lot lines along the edge of the lot abutting the right-of-way of the street that provides the lot's street address. On a corner lot, any lot line along the edge of the lot abutting the right-of-way.

b. **Rear Lot Line**

On any lot other than a corner lot or an irregular lot, the lot line connecting the two side lot lines along the edge of the lot opposite from the front lot line. On a corner lot, the lot line connecting the side lot line and the front lot line, along the edge of the lot opposite from the front lot line abutting the street that provides the lot's street address. On an irregular lot the rear lot line shall be that lot line or collection of lot lines that are most opposite the front lot line.

c. **Side Lot Line**

Any lot line that is not a front lot line or a rear lot line.

3. Yard

Open space that lies between the principal structure(s) and the nearest lot line. The minimum required yard is unoccupied and unobstructed from the ground upward except as may be specifically provided in this UDO. Yards are further classified as front, rear, and side. Uses and structures that may be permitted in required yards include accessory structures, patios, decks and open porches, bay windows, open steps, driveways, fences, and permitted signs, underground utilities, existing vegetation, required landscaping, and lighting. Every part of every required yard, as defined by the minimum setbacks, shall remain unoccupied and unobstructed by a structure or portion of a structure, except as expressly permitted by this UDO, summarized below.

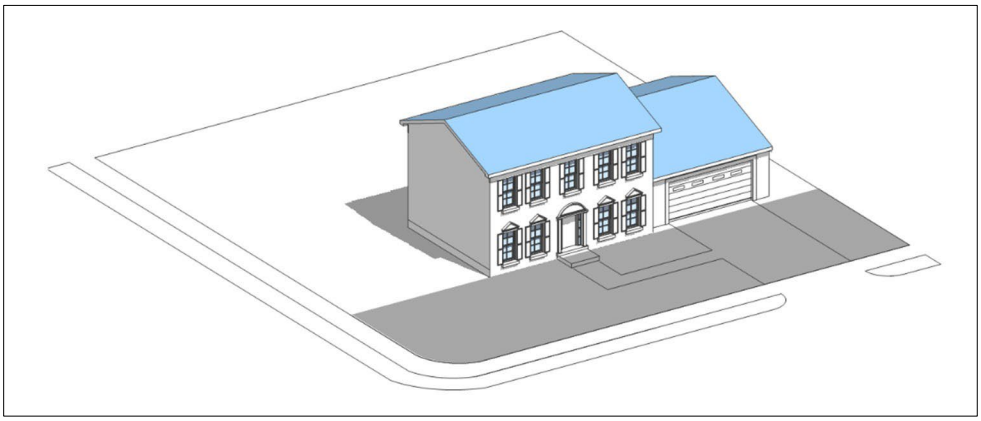
TABLE 9-1: PERMITTED ENCROACHMENTS

Feature	Extent of Allowed Encroachment
Balconies, stoops, eaves, gutters open front porches, bay windows, steps, mechanical units, and raised doorways	May extend five feet into any required yard, except 1) first-floor encroachments shall not extend into the right-of-way, and 2) side-yard encroachments shall not extend closer than five feet from a lot line for all districts and/or uses with an established minimum side setback.
Attached and unheated enclosed, covered, or uncovered decks/patios serving a single-family residential use	May extend into rear seatback no closer than 15 feet from rear lot line
Accessory structure with less than 200 square feet of GFA, not connected to a principal structure	May extend in or be located in any required rear or side yard at least five feet from side or rear lot line

a. Front Yard

A space extending the full width of the lot between the front façade of a building and the front lot line or the fronting street right-of-way measured perpendicular to the building at the closest point to the front lot line. Typically, this yard is required to remain open and unoccupied, with the exception of certain encroachments such as porches, bay windows, porticos, arcades, stoops, sidewalks, street trees, street furniture, fences, walls, and landscaping, as defined by the Planning Director.

Figure 9-2: Illustration of Front Yard



B. LOT-RELATED MEASUREMENTS

1. **Density, Gross**
   The number of dwelling units on the entire area of a tract or lot.

2. **Impervious Coverage**
   The percentage of a lot's area which is covered with impervious materials such as buildings, , patios, sidewalks, driveways, or other developed areas. Unless used as or on a roof, solar panels shall not be included in any calculation of impervious coverage.

3. **Lot Area**
   The size of a lot measured within the lot lines.

4. **Lot Depth**
   The horizontal distance between the midpoints of straight lines connecting the front lot line opposite the rear lot line and the rear lot line.

5. **Lot Frontage**
   The length of the lot line measured at the street right-of-way line.

6. **Lot Width**
   The distance between the side lot lines, or, on a corner lot, between the side lot line and the opposite front lot line, measured along the minimum front setback line, or the distance measured between the side lot lines along the street right-of-way if no minimum front setback is established.

7. **Minimum Lot Area**
   The minimum amount of land area, measured horizontally, included within the lines of a lot as required by this UDO. Lands located within any private easements shall be included within the lot size.

8. **Setback**
   The shortest horizontal distance from the property line or, for a setback adjacent to a right-of-way, the right-of-way or future right-of-way (if

dedication is required in accordance to Chapter 1 of this UDO), to the nearest point (leading edge) of the structure or its supporting member, whichever is nearest to the property line or right-of-way, as applicable.

a. **Minimum setback line**
A line in the interior of a lot running parallel to the front, side, or rear lot line at a horizontal distance from the side or rear lot line, or, for a front minimum setback line, from the right-of-way, equal to the minimum front, side, or rear setback, respectively.

C. STRUCTURE-RELATED MEASUREMENTS

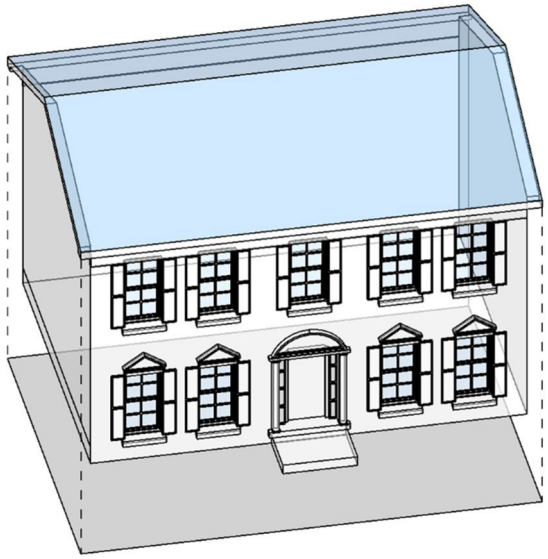
1. Building Envelope

The three-dimensional space within which a structure is permitted to be built on a lot and that is measured by maximum height regulations, minimum setbacks, required buffers, easements, or other applicable regulations that place limitations on where a building may be located on a lot.

2. Building Footprint

The area of land included within the surrounding exterior walls and/or outermost projection of the roof of a building or portion of a building, exclusive of courtyards.

Figure 9-3: Determining Building Footprint

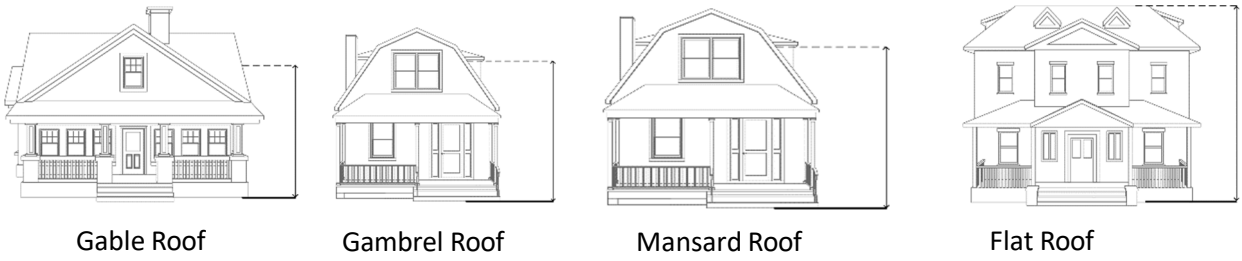


3. Building Height

The vertical distance measured from the main level of the finished grade along the front of a building to the highest point of the roof surface of a

flat roof, to the deck line of a mansard roof, or to the average height level between eaves and ridge of gable, hip, cone, gambrel, or shed roofs. Building height is measured from the lowest point along the entire front of the building.

Figure 9-4: Building Height Measurement



4. Building Mass

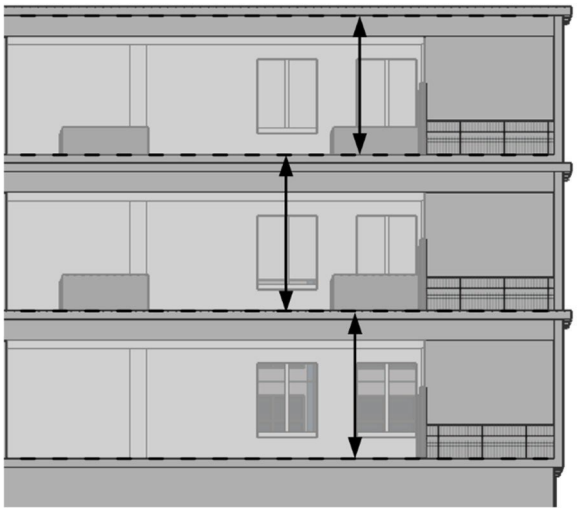
The height, width, and depth of a structure.

5. Building Story

The space between the surface of any floor and the surface of the next floor above it; or if there is no floor above it, the space between the floor surface and the top of the ceiling joists or roof rafters above it (see Figure 9-5). The maximum story height in a residential structure shall be 12 feet, and the maximum story height in an office or mixed-use structure shall be 15 feet. This limitation does not apply to the ground floor or to atriums, lobbies, ballrooms, auditoriums, or similar features. Half-story spaces are less than 12 feet in height in a residential structure and 15 feet in height in a nonresidential structure, typically with some or all of the space no greater than six feet in height.

Building story does not include rooftop decks, bars, and/or amenities as long as no more than 1,000 square feet of space is enclosed, and no residential uses occur.

Figure 9-5: Building Stories



6. Floor Area, Gross (GFA)

The sum of the gross horizontal areas of each floor of all principal buildings and any accessory buildings or structures on a lot, measured in square feet from the exterior walls or from the center line of party walls. The term does not include:

a. Any area used exclusively for the surface parking of motor vehicles;

b. Any area used for building or equipment access, such as stairs, elevator shafts, and maintenance crawl space;

c. Attic areas with a headroom of less than seven feet; or

d. Basement space where the ceiling is not more than 48 inches above the general finished and graded level of the adjacent part of the lot.

7. Opacity

A measurement indicating the degree of obscuration of light or visibility.

8. Other Structures

Height of other structures, such as tanks, industrial storage, and non-occupiable spaces (not including other uses and heights defined in this UDO such as telecommunication towers) are measured as 15 feet per story and limited to the number of stories according to the zoning district in which the structure is located.

D. TREE-RELATED MEASUREMENTS

1. Caliper

The circumference of a tree or shrub taken six inches above the root flare and can include dimensions less than 4.5 inches. For trees larger than 4 inches and up to 10 inches in caliper, the trunk is measured at 12 inches

above the ground. Trees larger than ten inches in caliper shall be measured using diameter at breast height (DBH)

2. Critical Root Zone

The area of soil extending laterally in all directions from the tree trunk to a distance of 1.5 feet for every inch of tree diameter (DBH) where roots required for future health and survival are located, typically within the top 48 inches of soil. See also "Tree Protection Zone."

3. Diameter at Breast Height (DBH)

The measurement of the diameter of a tree trunk over ten inches in diameter taken at a height of four and one-half feet above the highest ground level adjacent to the tree trunk. Trees with multiple trunks is found by adding the measurements together and dividing by the number of trunks (i.e. (4+6+8)/3=6).

E. LIGHTING-RELATED MEASUREMENTS

1. Foot-Candle (FC)

A quantitative unit measuring the amount of light cast onto a given point, measured as one lumen per square foot.

2. Uniformity Ratio

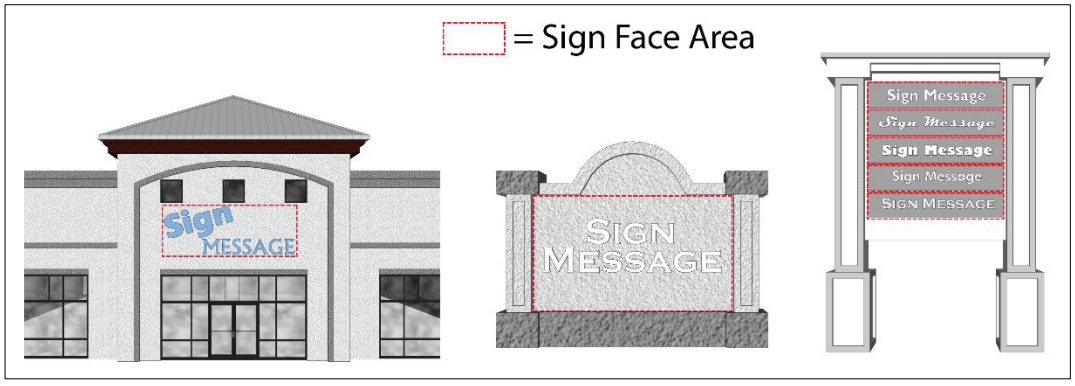
A measurement of the relative difference in illumination values, at ground level, between differing exterior lighting sources on a single parcel of land.

F. SIGN RELATED MEASUREMENTS

1. Sign Area

The sum of all sign face areas on a sign; however, if sign faces are mounted back-to-back, the area of only one of the back-to-back sign faces shall be included in the sign area. Sign faces are considered mounted back-to-back if the angle between the planes within which the sign faces lie is 45 degrees or less, or in the case of a sign located at a corner, 90 degrees or less. See Figure 9-6.

Figure 9-6: Measuring Sign Area



2. Sign Face Area

The area of a sign face is the area of the smallest rectangle that will encompass the limits of the writing, 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, base, bracing, or decorative fence or wall that is clearly incidental to the display itself. In the case of freestanding signs, the sign face consists of the smallest rectangle that will encompass the entire surface area of the sign designed for the placement of sign copy, whether or not it actually contains sign copy. See Figure 9-6 above.

3. Sign Height

The vertical distance measured at the highest point of the sign to the elevation of the principal grade of the road or street to which the sign is oriented.

G. OTHER MEASUREMENTS

1. Build Out

Development of land to its full potential or theoretical capacity as permitted under current zoning district in which the land is located.

2. Built-Upon Area

Includes the portion of a development project that is covered by impervious surface, including but not limited to buildings, pavement, gravel areas (e.g., roads, parking lots, paths) and recreational facilities (e.g., tennis courts, basketball courts). Slatted decks and the water area of swimming pools are considered pervious.

3. Grade

The elevation of the land or land level at a specific point.

4. Sight Triangle

The triangular area computed based on the visibility at an intersection, within which visual obstructions are prohibited, assuming eye level at three and one-half feet to six feet from a distance of 15 feet from the edge of the pavement. Sight triangles of 35 feet x 35 feet shall be preserved at all intersections, unless specifically exempted in this UDO. Additional sight distance triangles shall follow American Association of State Highway and Transportation Officials (AASHTO) standards based on street speeds to ensure adequate sight distance for safe turning movements.

5. Street Grade

The height of the top of the curb or, if no curb exists, the height of the edge of pavement in the lane of travel.

9.3. USE CATEGORIES

9.3.1. Use Definitions

Accessory Dwelling Unit

A residential dwelling unit that is located on the same lot as, and clearly incidental and subordinate to, a detached single-family dwelling, either within the same building as the detached single-family dwelling or in a separate, detached building.

Accessory Structure

A structure located on the same parcel of property as the principal structure and the use of which is incidental and subordinate in use and square footage to the use of the principal structure. Garages, carports and storage sheds are common accessory structures.

Accessory Structure Sales

An establishment primarily engaged in the sale of accessory structures.

Agritourism

Agritourism Events and activities conducted on a working farm offered to the public or to invited groups for the purpose of recreation, education, or active involvement in the farm operation, and that are related to agriculture or natural resources and directly associated with on-going agricultural activity on-site. Agritourism activities include, but are not limited to, natural activities and attractions, farm tours, harvest-your-own activities, hayrides, corn mazes, petting zoos, classes related to agricultural products or skills, farm-to-table dining, hunting, fishing, and picnic and party facilities offer in conjunction with such activities.

Airport

Any area of land or water designed and set aside for the landing and take-off of aircraft, including facilities associated with the housing and maintenance of aircraft and to accommodate pilots, employees, and passengers such as terminal and dining facilities. This use includes heliports.

Alternative Lending Establishment

An establishment that provides short-term lending services, such as payday or title loans or lending on security of personal property, but that does not accept customers' deposits and does not meet the definition of a bank or financial institution.

Animal Keeping

The keeping of animals outside a dwelling as accessory to the dwelling. Examples include beekeeping, keeping poultry for household use, and stables (non-commercial).

Animal Shelter
A facility for the purpose of collecting and impounding stray, wild, seized, confiscated, and/or unclaimed animals. Also includes what may be called an animal rescue shelter.

Arena, Amphitheater, or Stadium
A building or structure, other than a racetrack, designed and used for spectator sports, entertainment events, expositions, and other public gatherings. This use may include lighting facilities for illuminating the field or stage area, concessions, parking facilities, and maintenance areas. This includes sports fields without a school or other principal use occurring on the property, but does not include a public park owned by the Town or County which may or may not have sports fields.

Artisanal Production
Small-scale fabrication, preparation, or production of arts, crafts, foods, and beverages by an artist, artisan, or craftsperson on the premises, by hand or with minimal automation, and which may include direct sales to consumers. Examples include small-scale welding and sculpting or arts and crafts, small scale 3D printing, firing of pottery or sculpture in kilns, and local, small-batch bakeries, candy shops, and cheese shops. Accessory uses include retail teaching of these skills to others in the course of fabrication, preparation, or production. This use does not include a farm, agritourism, or a brewery, distillery, or winery or other eating establishment.

Attached Residential Dwelling
A residential building consisting of three or more single-family dwelling units, each located on a separate lot and having a separate outdoor entrance, that are attached by vertical party walls and are arranged in a side-by-side configuration. This use includes dwellings commonly referred to as "townhouses."

Automated Teller Machine
An automated teller machine (ATM) is an electronic banking machine that dispenses cash or performs other banking services without the aid of a branch representative or teller.

Automotive Country Club
Automotive Country Club are gated, climate-controlled, secure spaces, for sale or lease, used primarily for storing, maintaining, and enjoying being around vehicles, boats, and their owners. Automotive Country Clubs also usually have space for lounging, entertaining, and general private usage, including but not limited to storage spaces, room for personal mechanical work to take place, bathrooms, kitchenettes, lounge and relaxing areas, and/or small gathering spaces. All residential uses are excluded, including overnight stays.

Bank or Financial Institution
An establishment that provides retail banking services, mortgage lending, or similar financial services to individuals and businesses. This use does not include non-depository lending establishments.

Bed and Breakfast Inn
A private residence, generally a single-family detached dwelling located in a residential district, engaged in renting one or more dwelling rooms on a daily basis with provision of meals limited to guests. Stays are limited to less than 30 days at a time. Ancillary uses may include event spaces and small gathering areas.

Boarding School
An establishment that provides educational instruction meeting state requirements for a school, and that also provides lodging or dwellings for the students while the school is in session and may provide lodging for faculty.

Boat or RV Sales and Service
An establishment for the display, sale, rental, repair, or maintenance of new or used boats, personal watercraft, marine engines, marine equipment, or recreational vehicles.

Boat or RV Storage Yard
A facility designated for the storage of recreational vehicles or for the on-land storage of boats or other watercraft in open or enclosed structures or on trailers, cradles, or boat stands. Accessory uses may include cleaning of and minor maintenance work on recreational vehicles or boats being stored on the property.

Brewery, Distillery, or Winery
An establishment that produces ales, beers, meads, distilled drinks, wines, or similar beverages on site and serves those beverages on site. Off-site sales are permitted as an accessory use.

Broadcasting Studio
A building or portion of a building used as a place to record and broadcast music, videos, television, and other oral and visual related media and which may include transmission devices like antennas, and broadcasting dishes, and related facilities. Examples include radio and television broadcasting and receiving stations and studios.

Bus Stop
A location on a transit route designated for passengers to board or exit a transit vehicle, and which may include posted information on routes, seating, shelter, trash receptacles, and similar amenities.

Catering Establishment
An establishment primarily engaged in preparing food on-site and then transporting and serving the food off-site, and which does not include any retail sale of food or beverages for on-site consumption.

CBD, Vape and/or Tobacco Shop
Primary Use
A business that devotes any sale or display area of tobacco, vaping products, CBD oils or other consumable hemp derived commodities that are permitted under state law including the sale or display of paraphernalia or accessories related to the use of the aforementioned products. For purposes of this section, the term paraphernalia shall mean items, objects, equipment, products, and materials of any kind which are used, intended for use or designed for use in preparing, producing, concealing, storing or consuming tobacco, vaping, CBD or hemp products. For the purpose of illustration and not limitation, paraphernalia may include pipes of any material, water pipes, hookahs, stash boxes, atomizers, cigarette/cigar/cigarillo holders, cases, humidors, baggies, e-liquid bottles, cutters, vape pens, ashtrays, scales, e-liquid chargers, pod systems, e-cigarettes, cartridges, bubblers, and coils.

In determining whether common items with other uses should be considered paraphernalia for purposes of this section, such as lighters, rolling papers, cases, storage boxes, vials, scales, and pouches, the Chief Building Officer may consider reasonable factors in his/her determination as follows: (i) the proximity and/or sale of tobacco, hemp or other vaping products; (ii) the amount of sales area devoted to the sale of tobacco, hemp or other vaping products; (iii) the amount of sales area devoted to the sale of other paraphernalia as defined in this section; (iv) the manner of display or advertising of the product; (v) any descriptive materials explaining the use or depicting the use

Accessory Use
When the sale of gasoline is the primary use no more than 5% of the gross sales area may be devoted to the sale of tobacco, vaping products, CBD oils or other consumable hemp derived commodities that are permitted under state law, including the sale or display of paraphernalia or accessories related to the use of the aforementioned products. Grocery Stores and supermarkets, where the primary use is the retail sale of food and household goods, may sell tobacco, vaping products, CBD oils or other consumable hemp derived commodities that are permitted under state law, including the sale or display of paraphernalia or accessories related to the use of the aforementioned products, provided such products remain incidental to the primary grocery use and do not constitute a primary or principal business activity and are limited to no more than 5% of the gross sales area

Cemetery
Land used or intended to be used for the burial of the dead and dedicated for such purposes. This use includes columbaria, crematoria, mausolea, and mortuaries when operated in conjunction with and within the boundaries of the premises.

College or University
An institution authorized to provide post-secondary courses of study and grant degrees, certificates, and diplomas.

Commercial Vehicle Repair and Maintenance
An establishment, excluding automotive painting and body shops, that repairs, installs, or maintains the mechanical components or the bodies of large trucks (gross vehicle weight over 10,000 pounds), mass transit vehicles, or commercial boats. This use does not include repair and maintenance of large construction or agricultural equipment, aircraft, or railway vehicles, which is considered heavy equipment sales, rental, or repair.

Commercial Vehicle Sales and Rental
An establishment engaged in the sale or rental of large trucks (gross vehicle weight over 10,000 pounds), mass transit vehicles, or other similar vehicles. This use does not include sales of large construction or agricultural equipment or railway vehicles, which is considered heavy equipment sales, rental, or repair.

Common Recreation Facility
A facility owned or operated by a homeowners' association or other entity intended for a place of meeting, social, cultural, educational, or recreational purposes, to which residency in a specific development or neighborhood is generally required for use of the facility. This use includes facilities commonly referred to as "clubhouses".

Community Center
A facility owned or operated by a government entity, non-profit organization, or religious, charitable, or philanthropic institution and providing social, recreational, or benevolent services or programs, which may be designed to accommodate and serve significant segments of the community. This use may include meeting rooms, game rooms, clubhouses, swimming pools, courts, exercise equipment, snack bars, kitchens, and similar facilities. Examples of this use include senior centers, youth centers, recreation centers, union halls, social clubs, fraternal organizations, and veteran's organizations. This use does not include private facilities or uses categorized under Recreation and Entertainment.

Community Garden
Privately or publicly owned land devoted to the cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person, household, family, or non-profit organization for personal or group use, consumption, or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

Composting Facility
A facility where organic matter, such as plant trimmings and food waste, derived primarily from off-site sources is made subject to decomposition processes to produce compost. Activities may include management, collection, transportation, staging, composting, curing, storage, marketing, or use of compost.

Conference, Training, or Event Center
A facility used for conferences, seminars, product displays, banquets, weddings, and similar events. Auxiliary uses may include temporary outdoor displays and food and beverage preparation and service for on–premise consumption.

Continuing Care Retirement Community
An integrated group of facilities that provides retirement-age persons a continuum of accommodations and care. This use typically encompasses a full range of living arrangements from independent living, congregate housing, residential care, assisted living, and skilled nursing and sometimes hospice care that allow residents to obtain higher levels of care and service as they age without moving to another facility. Ancillary facilities and services typically include health care, meals within common dining facilities, physical therapy, education, recreation, and other social and cultural activities.

Contractor Office
A building or portion of a building used by a building, heating, plumbing, electrical, or other professional contractor both as an office and for the storage of materials, supplies, and equipment.

Cottage Development
A residential development of at least five, clustered, single-family detached dwellings, each containing 1,100 square feet or less of gross floor area, that meets the standards in this Ordinance for orientation and configuration of buildings, shared access and parking, and common spaces and facilities. The residents of the development may agree to share in the provision of communal services such as cooking meals, maintenance of grounds, and childcare. This use can include homes on individual lots, homes owned as condominiums, or leased homes. This use does not include manufactured home parks or campgrounds.

Country Club
A membership club catering primarily to its members that provides recreational and social activities such as golf, swimming, tennis and other racquet courts, riding, outdoor recreation, club house, locker room, and pro shop. County Clubs may also provide on-site dining facilities for its members and guests.

Cultural Facility
A facility owned or operated by a government entity, non-profit organization, or religious, charitable, or philanthropic institution, that is designed and used for displaying

or preserving objects of interest, for providing facilities for one or more of the arts or sciences to the public, or for storing and making available for public use literary, historical, scientific, musical, artistic, or other reference material. Examples of this use include libraries, museums, and art galleries.

Daycare
A facility providing childcare as defined in NCGS § 110-86, or providing care, protection, and supervision to adults on a regular basis away from their primary residence for less than 24 hours per day.

Data Center
A facility containing one or more large-scale computer systems used for data storage and processing for off-site users. Typical supporting equipment includes back-up batteries and power generators, cooling units, and enhanced security features.

Donation Box
A container where donated goods are dropped off for resale or reuse by a charitable or other non-profit organization.

Dormitory
A building associated with an educational or religious institution providing housing for a number of unrelated persons and utilizing common entrances and hallways, single or group sleeping accommodations, and shared bath and toilet facilities. Shared eating and cooking areas may also be provided.

Drive-Through Facility
A facility used to provide products or services to customers who remain in their vehicles, whether through a window or door in a building, a machine in a building or detached structure (e.g., ATM), or via a mechanical device (e.g., a pneumatic tube system). In addition to a pick-up window or door, drive-through service facilities may also include remote menu boards and ordering stations. Uses that commonly have drive-through facilities include banks, restaurants, and pharmacies.

Drive-Through Restaurant
An establishment where food and drink are prepared and served to customers and that includes a drive-through facility.

Duplex
A residential building which is not physically attached to any other principal structure and which contains exactly two dwelling units, each with a separate outdoor entrance, that are attached by a vertical party wall and arranged in a side-by-side configuration. May be situated on one shared lot (two units on one parcel) or on individual lots (one unit per parcel).

Electronic Gaming Business
A business where persons utilize electronic machines (including but not limited to

computers and gaming terminals) to conduct games of chance or sweepstakes, and where cash, merchandise or anything else of value is redeemed or otherwise distributed or placed on an account or other record, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. Electronic gaming operations may include, but are not limited to, internet cafes, internet sweepstakes, electronic gaming machines/operations, cybercafés, business centers, or by whatever other terminology such establishment might be known. Electronic gaming operation does not include any lottery-related activity approved by the State of North Carolina.

Enclosed Environment Agriculture

An establishment engaged in the production of plants or marine animals, and the processing of those plants, animals, and byproducts, occurring entirely within a building and using mechanical systems to control the growing environment. Plant production typically requires the use of artificial light. There are no on-site retail sales. Examples of this use include hydroponics, aquaculture, and aquaponics.

Equestrian Center

A facility designed and intended for the keeping or boarding of horses or the teaching and display of equestrian skills such as show jumping and dressage, and the hosting of events, competitions, exhibitions, or other displays of equestrian skills. Accessory uses include the caring for, breeding, boarding, dealing, selling, renting, riding, or training of equines. This includes barns, stables, rings, paddocks, or other related structures.

Event Venue
A facility and/or location where an event is happening that is not open to the public on a daily basis and does not have a permanent bar.

Family Care Home
A home with support and supervisory personnel that provide room and board, personal care and habilitation services in a family environment for not more than six resident persons with disabilities as defined in N.C.G.S. §160D-907(b)(2), but not including mentally ill persons who are dangerous to others as defined in N.C.G.S. §122C-3(11)b.

Farm
The production of livestock, dairy animals, dairy products, poultry or poultry products, fur-bearing animals, fruit, vegetables, forage, grains, or bees and apiary products. This use does not include home gardens, community gardens, controlled environment agriculture, plant nurseries, feed lots, swine farm, or processing or distribution plants for agricultural products and supplies.

Farmers Market
An enclosed or outdoor site used by vendors for the sale to the general public of goods prepared by the vendors, including canned, preserved foods or agricultural and horticultural products.

Food Truck Court
An area, generally outdoors, configured and used for regular operation of two or more food trucks and which may include eating areas, restrooms, and other ancillary facilities.

Fuel Oil/Bottled Gas Distributor
An establishment that sells and distributes fuel oil or bottled gases such as propane or liquid petroleum.

Funeral Facility
An establishment for the care, preparation, or disposition of the deceased for burial and arrangement for the display of the deceased and rituals, in conjunction with death, burial, and/or cremation.

Gas Station
A place where fuel is sold for motor vehicles, typically includes a small retail store, and may include other commonly associated elements.

Golf Course, Public

A publicly-owned tract of land laid out with at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards. This use may include a clubhouse with dining facilities, shelters, a driving range, putting green, maintenance facilities, and outdoor storage of materials and equipment.

Government Services Facility
An office or other facility of a governmental agency that provides administrative or direct services to the public. Examples of this use include employment offices, public assistance offices, and motor vehicle licensing and registration services. This use does not include animal shelters, cultural facilities, public safety facilities, or any other principal use defined in this section.

Heavy Equipment Sales, Rental, or Repair
An establishment engaged in the display, sale, leasing, rental, or repair of specialized heavy equipment such as large construction or agricultural equipment, aircraft, or railway vehicles.

Home Occupation
An occupation, profession or trade customarily and commonly carried out by an occupant in a dwelling unit as a secondary use which is clearly incidental and subordinate to the residential character of the dwelling unit and that does not adversely affect the surrounding area.

Hospice
An establishment which provides in-patient care for persons suffering from a terminal illness in a residential-type setting, often replicating the look and feel of a home. This use may include offices for medical practitioners and pharmacies.

Hospital
An institution providing health services and medical or surgical care, primarily for temporary inpatients, to persons suffering from mental or physical illness, disease, injury, or disability. This use often includes ambulance bays, emergency heliports, laboratories, outpatient facilities, central service facilities, staff offices, or training facilities.

Hotel or Motel
An establishment in which sleeping units are offered to the public and intended primarily for use by transient persons or tourists on an overnight or short-term lodging basis. Guest units may include kitchenettes, microwaves, refrigerators, and similar amenities. Hotels and motels are considered synonymous uses. Accessory uses may include conference and meeting rooms, restaurants, bars, swimming pools, exercise facilities, and gift shops. Stays are limited to less than 30 days at a time. This use does not include bed and breakfast inns or any Adult Entertainment use.

Indoor Recreation and Entertainment Not Listed Elsewhere
An establishment that is not a use defined elsewhere in this section providing recreation activities where all activities take place within enclosed structures. Examples include bowling alleys; trampoline centers; movie theaters; video arcades; fitness centers; performing arts centers; recreation centers; indoor swimming pools; indoor tennis, basketball, volleyball and other hard-surfaced courts; and paintball/laser tag centers.

Indoor Shooting Range
A facility for practice or competition with firearms occurring entirely within a building.

Kennel and Pet Boarding
An establishment primarily engaged in boarding, keeping, training, breeding, or handling dogs, cats, birds, or other small domestic animals for a fee.

Manufacturing, General
An establishment primarily engaged in printing, production, processing, assembling, manufacturing, compounding, or preparing of goods or products for sale to the wholesale or retail markets or directly to consumers and which does not meet the definition of artisan manufacturing or heavy manufacturing. This use is wholly confined within an enclosed building, does not include processing of hazardous gases and chemicals, and does not generate off-site noise, odor, vibration, dust, or hazard. Examples include assembly of prefabricated parts, manufacture of electric, electronic, or optical instruments or devices; manufacture and assembly of artificial limbs, dentures, hearing aids, and surgical instruments; manufacturing, processing, and packing of cosmetics and drugs; and manufacturing of components, jewelry, clothing, trimming decorations, and similar items.

Manufacturing, Heavy
An establishment engaged in manufacturing and production activities that may result in substantial off-site noise, odor, vibration, dust, or hazard. Examples include the manufacture or assembly of machinery, vehicles, and appliances; the smelting or reduction of ores; oil refining; stockyards, slaughterhouses, and rendering facilities; the manufacture (including bulk storage) of petroleum products, explosives, cement, lime, gypsum, plaster-of-paris, fertilizer, corrosive acid, insecticides, radioactive materials, and plastic and synthetic resins; lumber mills; pulp and paper mills; the manufacture, processing, and packing of food products; and electric power generation plants.

Manufactured Home
A structure, transportable in one or more sections, which, in the traveling mode, is eight feet or more in width or is 40 feet or more in length, or when erected on site, is 320 or more square feet, 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. This use includes any structure that meets all of the above

requirements except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. § 5401, et seq.

Manufactured Home Park
Any property or properties used to accommodate three or more manufactured homes for living or sleeping purposes, including any accessory buildings, structures, vehicles, or enclosures used or intended for use as part of the manufactured home park that are under common ownership or designed to function as a common development.

Manufactured Home Sales
An establishment primarily engaged in the sale of manufactured homes.

Marina
A waterfront facility which, for a fee, provides for the berthing, mooring, or water storage of boats and personal watercraft. It may include such facilities as major and minor boat repair; boat docks, piers, and slips; boat fueling; dry land boat maintenance and storage; pump-out stations boat rentals; fishing piers; beaches; erosion control devices; boat ramps, lifts, and launching facilities; boat and boat part sales; restaurants; ship's store; sale of ice; car and boat trailer parking; laundromat; locker rooms; cabanas; bathhouse; public showers; outdoor playing courts; and picnic areas.

Medical Treatment Facility
A facility, other than a medical office, where medical examination, treatment, lab work, and similar medical services are provided to individuals on an outpatient basis, or overnight where such stay is integral to the services provided (such as a sleep assessment center). Examples of this use include urgent care facilities, centers for donating blood or blood products, and same-day surgery centers.

Mini-Warehouse
An establishment primarily engaged in providing separate storage spaces that may be accessed from individual exterior doors, for rent as individual units for the storage of household or business goods. A mini-warehouse is designed to allow renters to load and unload goods from a vehicle parked in front of the storage space. This use may also include the rental of designated outdoor storage areas for the storage of boats or recreational vehicles

Mining and Extraction
The development or extraction of mineral deposits from their natural occurrences on affected land. This use includes quarries, borrow pits, sand and gravel operations, mining, and soil mining. This use does not include grading and removal of dirt in

accordance with a development approval or permit granted in accordance with this Ordinance.

Model Home Sales/Leasing Office
A dwelling, dwelling unit, or other marketable unit of a new development that is used for real estate sales or leasing activities associated with the development pending construction of the development and the initial sales of homes or units in the development.

Modular Classroom
A compensatory education modular classroom which is used exclusively for the purpose of providing educational services to private school students.

Multi-Family Residential Dwelling
A building containing two or more dwelling units in a single structure, with shared vertical walls and/or horizontal floors and ceilings on a single lot. This use does not include duplexes, attached residential dwellings, accessory residential units, or any Group Living uses, as those may occur on individual lots.

Nightclub
An establishment providing alcoholic beverage service and that also may provide entertainment activities such as live performances, dancing, or billiards. Food service is not provided. This does not include any Adult Entertainment use.

Nursing Home
An establishment licensed by the state that provides long-term care for chronic or convalescent patients who require regular medical and nursing care but not the high level of services provided by a hospital. This use may also include ancillary dining facilities primarily intended for occupants and staff of the nursing home, and infirmary facilities for intermediate or skilled nursing care to be used by the facility's occupants.

Office
An establishment that provides executive, management, administrative, or professional services, or medical or dental services in an office-like setting, but not involving the sale of merchandise except as incidental to a permitted use. Examples of this use include real estate, insurance, property management, financial management/investment, employment, travel, advertising, law, architecture, design, engineering, accounting, medical, dental, and similar offices. Accessory uses may include cafeterias, health facilities, game or activity areas, parking, or other amenities primarily for the use of employees in the firm or building. This use does not include medical treatment facilities.

Open-Air Agricultural Market

A predominantly open-air site used primarily for the sale of agricultural products (examples include vegetables, fruits, dairy products, meat, seafood, nuts, and plants) and prepared food products (examples include breads, baked goods, canned foods, preserved foods, candy) on a permanent or temporary basis. Re-sale, sale, and consignment of agricultural products and prepared food products are allowed and may be prepared onsite or offsite.

Outdoor Display/Sales

The placement of goods, equipment, or materials for sale, rental, or lease outside of a building housing a Commercial use. Examples of this use include outdoor yard/garden supply areas, vehicle display pads, vending machines, ice machines, and propane tank racks.

Outdoor Recreation and Entertainment Not listed Elsewhere

A commercial facility not defined elsewhere in this section devoted to passive or active recreation where activities predominately take place outdoors. Examples include outdoor tracks, miniature golf, amusement parks, water slides, tennis and other racquet courts, basketball and volleyball courts, go-kart tracks, and outdoor swimming pools.

Outdoor Seasonal Sales

A temporary business enterprise that is conducted primarily outdoors and offers for retail sale decorative items that are, by their nature, in particular demand during a relatively short peak season, including, but not limited to, Christmas trees, pumpkins, flowers, and fireworks.

Outdoor Shooting Range

A facility for practice or competition with firearms not occurring entirely within a building.

Outdoor Storage

An open shelter or unroofed area that is an accessory use to an Institutional Commercial, or Industrial use and that is used for the storage of goods, materials, merchandise, or equipment in the same place for more than 24 hours. This use does not include parking lots, parking structures, or a salvage or junk yard.

Park

Outdoor areas designed and used for public recreation, exercise, sports, education, rehabilitation, or similar activities, or a land area intended to enhance the enjoyment of natural features or natural beauty, specifically excluding commercially operated amusement parks. This may include paved greenways, natural surface trails, open fields, arboreta, botanical gardens, sports fields, dog parks, skate parks, plazas, splash pads, playgrounds, picnic areas, and similar amenities.

Parking Facility
A structure or area outside the street that is used for the temporary storage of operable motor vehicles, bicycles, scooters, or similar land-based vehicles. Examples of this use include bicycle parking racks, bicycle or scooter share stations, electric vehicle charging stations, park and ride facilities, parking lots, and parking structures. This use does not include vehicle storage as defined in this section; heavy equipment sales, rental, or repair; or the storage of vehicles in the inventory of a use categorized as Vehicle Sales and Services.

Bicycle Parking Rack
A stationary fixture to which a bicycle can be supported upright and be securely attached (typically using a bicycle lock) to prevent theft.

Bicycle or Scooter Share Station
A facility for storing and making available bicycles or scooters that are part of a service in which they are made available for shared use to individuals on a very short-term basis (less than one day) at designated locations.

Electric Vehicle Charging Station
A vehicle parking space served by an electrical component assembly or cluster of components assemblies (battery charging station) designed to transfer electric energy by conductive or inductive means from the electric grid or other off-board electrical source to a battery or other energy storage device within a vehicle that operates, partially or exclusively, on electric energy.

Garage or Carport
A structure that is accessory to a single-family detached, duplex, attached, or multi-family residential principal use and is used for the storage of one or more vehicles and attached or detached from the principal building on the site. A garage is generally enclosed on all sides except where the vehicle exits and enters while a carport is generally open on at least two sides.

Park and Ride Facility
An off-street parking facility designed or intended to provide peripheral collection and storage of motor vehicles and bicycles to accommodate commuter traffic into or out of the community via a transit station located on-site or within convenient walking distance. This use may include passenger shelters and similar amenities.

Parking Lot
An off-street, hard-surfaced, ground level area that is used exclusively for the temporary storage of motor vehicles.

Parking Structure

A structure or portion of a structure composed of one or more levels or floors that is used exclusively for the temporary storage of motor vehicles, including any appurtenant spaces, aisles, and driveways. A parking structure may be totally below grade or partially or totally above grade, with levels either being open to the sides (deck) or enclosed (garage).

Personal Vehicle Repair and Maintenance
A facility primarily engaged in service or repair of automobiles, motorcycles, and light trucks, including the sale, installation, maintenance, and servicing of installation and parts and the accessory storage or parking of vehicles that are awaiting service or pick-up, but excluding the storage of junk vehicles.

Personal Vehicle Sales and Rental
An establishment that is licensed to sell, lease, or rent light motor vehicles, including automobiles, vans, light trucks, light trailers, boats, or ATVs.

Pet Grooming
An establishment, other than a kennel or veterinary clinic, for a household pet to be cleaned, clipped, styled, or otherwise have its appearance maintained.

Plant Nursery
An establishment primarily engaged in the cultivation of horticultural specialties such as flowers, shrubs, and trees, intended for sale for ornamental or landscaping purposes.

Portable Storage Unit
A transportable unit designed and used primarily for temporary storage of building materials, household goods, personal items, and other materials, and uniquely designed for ease of loading to and from a transport vehicle.

Public Safety Facility
A facility used to provide police, fire, or emergency medical services to the surrounding community.

Recycling Collection Station
A site designed for the general public to leave recyclable materials and for those materials to be stored until they are transported to a recycling facility.

Recycling Facility
A facility where recyclable material is sorted and processed and where it may be treated to a condition in which it may be used again in new products.

Religious Assembly

A building containing a hall, auditorium, or other suitable room or rooms used for the purpose of conducting religious or other services or meetings of the occupants of such structure. Accessory uses may include caretaker's housing, pastor's housing, daycare, summer youth programs, graveyards, and columbaria. Examples of this use include churches, temples, synagogues, and mosques.

Research and Development Facility

A facility primarily engaged in conducting scientific research, experimental design, and prototype development of devices or products in the physical, engineering, or life sciences, such as agriculture, electronics, biology, biotechnology, chemistry, geology, medicine, pharmacy, veterinary, and other allied subjects. This use does not include the manufacturing, servicing or sale of consumer products.

Residential Care Facility

A facility that provides services for seven or more persons residing in the facility who may have a range of physical and mental health problems, including chronic and debilitating conditions requiring assistance with daily activities, but who do not require continuous skilled nursing care.

Restaurant/Bar

An establishment where food and drink are prepared and served to customers for consumption on the premises or to be carried out for consumption off premises, and that does not include a drive-through facility. Accessory uses may include outdoor seating and/or dining areas and walk-up service.

Retail Sales and Services Establishment, Large

An establishment with more than 50,000 square feet of gross floor area engaged in the provision of commercial services and/or the sale of goods and merchandise to the general public for personal or household consumption. Examples include pharmacies, newsstands, specialty food stores, hardware stores, garden supply stores, furniture stores, florists, department stores, auto parts stores, grocery stores, sports equipment stores, beauty salons and barbershops, laundromats, and repair shops for personal or household goods.

Retail Sales and Services Establishment, Medium

An establishment with at least 15,000 square feet but no more than 50,000 square feet of gross floor area engaged in the provision of commercial services and/or the sale of goods and merchandise to the general public for personal or household consumption. Examples include pharmacies, newsstands, specialty food stores, hardware stores, garden supply stores, furniture stores, florists, department stores, auto parts stores, grocery stores, sports equipment stores, beauty salons and barbershops, laundromats, and repair shops for personal or household goods.

Retail Sales and Services Establishment, Small

An establishment with less than 15,000 square feet of gross floor area engaged in the provision of commercial services and/or the sale of goods and merchandise to the general public for personal or household consumption. Examples include pharmacies, newsstands, specialty food stores, hardware stores, garden supply stores, furniture stores, florists, department stores, auto parts stores, grocery stores, sports equipment stores, beauty salons and barbershops, laundromats, and repair shops for personal or household goods.

Salvage or Junkyard

An establishment engaged in the storage and/or sale of inoperable, disused, dismantled, or wrecked vehicles, equipment or machinery or in the storage or processing of scrap metal, wastepaper, rags, wastes, construction wastes, industrial wastes, or other scrap, salvage, waste, or junk materials.

School (preK-12)

An establishment offering general, technical, or alternative instruction at the pre-school, elementary, middle, and/or secondary school levels. This includes public schools, charter schools, and private schools.

Self-Service Storage

An office-like building in which separate storage spaces that are accessed from inside the building are rented as individual units for the storage of household or business goods.

Sexually Oriented Business

An establishment that means and includes any adult bookstore, adult live entertainment business, adult mini motion picture theatre, adult motion picture theatre, or clothing modeling studio as defined in Article VI, Chapter 6 of the Town Code.

Shoreline Structure

A water-related structure, other than a marina, which is required to be located at the water's edge to fulfill its basic purpose. Examples include boat ramps, docks, floats, marine railways, piers, kayak launches, and bulkheads/sea walls. This use does not include boat houses.

Silviculture

The planting, growing, cultivating, cutting, and harvesting of trees growing on a site, and the loading, unloading, and sorting of trees on a site where they were grown.

Single-Family Detached Dwelling

A residential building which is not physically attached to any other principal structure and contains exactly one dwelling unit intended to be occupied by one family. Only one dwelling unit per lot is permitted, with the exception of an accessory dwelling unit.

Solar Energy System

A facility consisting of solar panels, modules, and related equipment (e.g., heat exchanger, pipes, inverter, wiring, storage) that collects solar radiation and transfers it as heat to a carrier fluid for use in hot water heating or space heating and cooling, or that collects solar energy and converts it into electricity. A large-scale system is usually designed to meet demands for a large area and is typically mounted on the ground. A small-scale system is usually designed to meet demands on the same property but may also include incidental sale of electricity to a public utility. A small-scale system is typically mounted on the roof(s) of principal or accessory structures, but may be mounted on other parts of structures, or on the ground.

Swimming Pool/Hot Tub

A man-made enclosure that is filled with water and used for swimming and/or heated and used for bathing, and that is accessory to a principal use.

Tattoo or Body Piercing Establishment

An establishment where permanent marks, scars, or designs are made on the skin by a process of pricking and ingraining an indelible pigment or by raising scars, or in which other bodily decorations, such as piercing, are provided.

Telecommunications Facility, Co-location

Any placement, installation, modification, or construction of a structure or co-location of a wireless facility on an existing structure that is an eligible facility request or is the installation of a small wireless facility as defined in NCGS § 160D-931. This definition does not include routine maintenance or the replacement of wireless facilities or wireless support structures within a six-foot perimeter with wireless facilities or wireless support structures that are substantially similar or the same size or smaller, as those activities are exempt.

Telecommunications Facility, Free-Standing

A structure built for the sole or primary purpose of supporting any Federal Communications Commission-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

Therapeutic Massage Facility

An establishment or institution which is operated for the purpose of providing massage therapy in which the only persons providing such services are those holding current credentials as massage and bodywork therapists licensed by the state Board of

Massage and Bodywork Therapy. This does not include uses such as hospitals, barber shops or beauty salons, educational, cultural, recreational or athletic facilities, and other similar establishments for which the limited administering of massages may be accessory to their normal operation.

Transit Hub or Station

Any structure or transit facility that is primarily used as part of a public transit system for the purpose of loading, unloading, or transferring of passengers or accommodating the movement of passengers from one mode of transportation to another. This does not include bus stops and bus shelters, which are classified as a separate use.

Truck or Freight Terminal

An area or building where cargo is stored and where trucks, including tractors and trailer units, load and unload cargo on a regular basis, or where semitrailers, including tractors or trailer units, are parked or stored. This use includes facilities commonly referred to as "freight logistics."

Upper Floor Residential Dwelling

A dwelling unit that is attached and contained in the same building as a ground floor nonresidential use, in which at least 50 percent of the total gross floor area of the building is occupied by the nonresidential use(s). Dwellings located in mixed use buildings that do not meet this definition shall be considered "Multifamily Residential Dwellings."

Utility, Major

A structure or facility that is a relatively major component of an infrastructure system providing community- or region-wide utility services. Examples of major utility facilities include potable water treatment plants, wastewater treatment plants, solid waste facilities, gas compressor stations, and electrical substations. This use does not include telecommunications facilities or towers.

Utility, Minor

A structure or facility that by itself is a relatively minor component of an infrastructure system providing community- or region-wide utility services and that needs to be in or near the neighborhood or use type where the service is provided. Examples of minor utility facilities include water and sewage pipes and pump stations, stormwater pipes and retention/detention facilities, telephone lines and local exchanges, electric lines and transformers, gas transmission pipes and valves, broadband lines, and water towers.

Vehicle Storage

A site used primarily for the storage of operable fleet vehicles, operable vehicles in the inventory of a personal vehicle sales and rental establishment, or short-term storage of vehicles towed to the site. This use does not include a salvage or junkyard.

Vehicle Wash
A facility for washing passenger vehicles, recreational vehicles, boats, personal watercraft, or other light duty equipment and which may include drying and waxing, vacuum cleaner machines, and detailing services. A vehicle wash may be self-service or full service and may be automated using a conveyor through a system of rollers, strips, nozzles, and/or brushes.

Veterinary Hospital or Clinic
A facility used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured animals and preventive care for healthy animals. Accessory uses may include animal grooming services, short-term boarding that is incidental to medical care or treatment, and limited retail sales of pet-related merchandise.

Vocational or Trade School
An establishment, other than a college or university, that provides specialized on-site training and education beyond the high school level, principally in business, commercial, or trade skills, and that has programs typically resulting in the awarding of a certificate.

Warehouse and Wholesale Operations
An establishment primarily engaged in the storage of manufactured products, supplies, and equipment, excluding bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive. This does not include mini-warehouses or self-service storage.

Waste Disposal Facility
A facility for the disposal of non-hazardous refuse using incinerators, waste treatment plants, landfills, or other means of disposal.

Waste Transfer Station
A facility at which non-hazardous refuse awaiting transportation to a disposal facility is transferred from one type of collection vehicle to another. Refuse may be sorted and repackaged at a transfer station.

Wind Energy System
A facility consisting of one or more rotating wind turbines and related equipment that converts the kinetic energy in wind into mechanical energy. A large-scale system has a rated capacity exceeding 100 kilowatts (kW) and is intended primarily for generation of electricity to be distributed through the electrical grid for off-site use. A small-scale system has a rated capacity of 100 kilowatts (kW) or less and is intended to primarily reduce on-site consumption of utility power for a home, business, or farm.

9.4. GENERAL TERMS DEFINED

9.4.1. Definitions

A

Abutting
The condition of two adjoining lots having a common property line or boundary, but not including cases where adjoining lots are separated by a street or alley.

Access
Ingress and egress to property bordering on public streets.

Accessory Use
A use or structure that is located on the same lot as the principal use that is incidental and subordinate in size and purpose to the principal use.

ADA
The Americans with Disabilities Act

Addition (to an Existing Building)
An extension or increase in the floor area or height of an existing building or structure.

Adjacent
Parcels of land that share all or part of a common lot line or boundary, including those parcels that are directly across a street, alley, railroad, other transportation corridor, or body of water.

Aggrieved Party
A person with a legally recognized interest (i.e., fee simple ownership) and standing to appeal, who is injuriously affected by a decision from any decision-making body of the Town, including any officer or agent of the Town.

Alteration
Any change in the size, design, configuration, or location of a structure, lot, waterbody or floodplain, sign, or approved plan.

Alteration of a Watercourse
A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard, or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

American Standard for Nursery Stock

A nursery standards specification manual written and published by the American Horticultural Industry Association, Washington D.C. Also known as ANSI Z60.1.

ANSI A300 Standards

A set of standards developed by the American National Standards Institute (ANSI) for the management of trees, shrubs, and other woody landscape plants.

Appeal

A request for a review of a written interpretation or decision made by the Planning Director in the course of enforcing this UDO.

Applicant

The owner of land, or the authorized representative of the landowner, applying for an approval, decision, interpretation, or permit.

Application

The completed form or forms and all accompanying documents, exhibits, and fees required of an applicant by the appropriate Town Department, Board, or Commission.

Apron

The paved area between the gutter flow line of the street and the sidewalk section.

Arborist

A professional who is certified by the International Society of Arboriculture

Architectural Front

The façade of a building distinguished by entrances, windows, surface texture, building materials, roof shape, awnings, arcades, pilasters, cornices, wall offsets, or other architectural features as the building's primary façade.

Area Median Income (AMI)

The midpoint of a metropolitan area's income distribution with half of the households earning more than the AMI and half earning less, adjusted for family size, and established by the US Department of Housing and Urban Development (HUD).

Area of Shallow Flooding

A designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one to three feet. These areas are located where a clearly defined channel does not exist, where the

path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of Special Flood Hazard

See Special Flood Hazard Area (SFHA).

Attainable Housing

Residential development with a recorded restriction that requires the housing unit for a minimum number of years which is defined in the agreement to be owned or rented by qualified low to moderate income households, as defined by the Town Board of Commissioners.

Awning

A cover constructed of fabric, plastic, or a similar lightweight material that is entirely supported by the building to which it is attached and has the purpose of shielding a doorway, window, porch, terrace, or platform from the elements. This term does not include a marquee or a canopy.

B

Base Flood

The flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the 100-year flood.

Base Flood Elevation (BFE)

The water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a "Special Flood Hazard Area", it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the "Freeboard", establishes the "Regulatory Flood Protection Elevation".

Basement

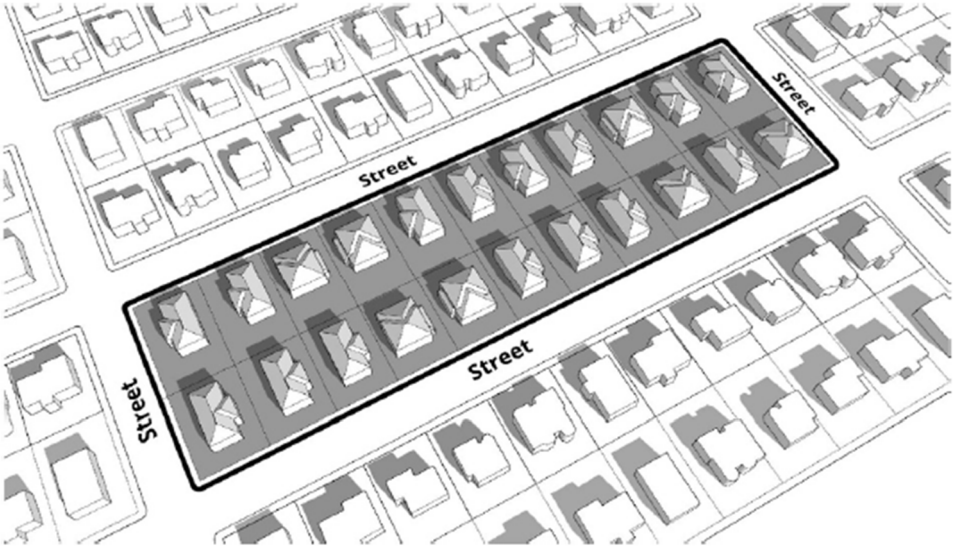
Any area of the building having its floor subgrade (below ground level) on all sides.

Berm

A man-made landscape feature generally consisting of a linear, raised mound of soil covered with grass lawn or other permanent, living ground cover typically designed or constructed on a site to separate, screen, or buffer adjacent uses. Temporary soil stockpiles and retaining walls are not berms.

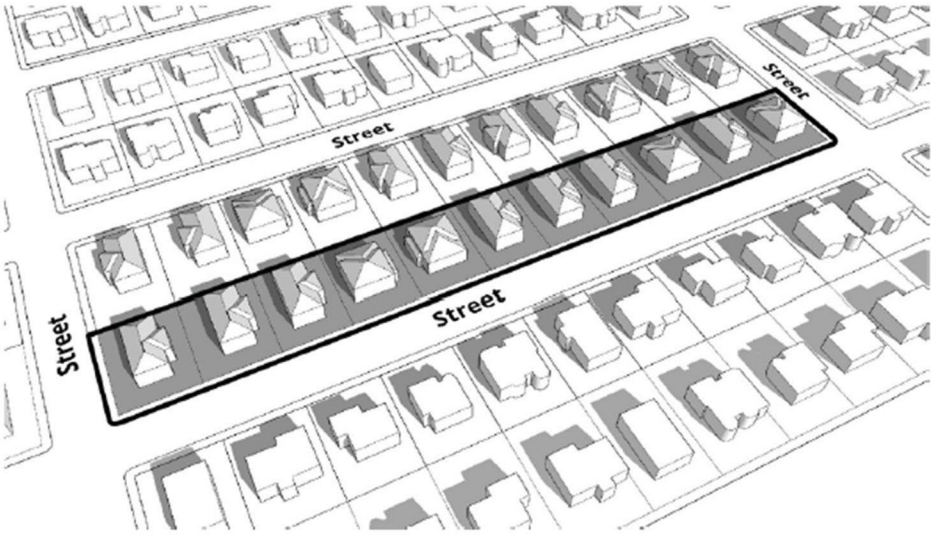
Block

A tract of land bounded by streets, railroad rights of way, municipal boundaries, or a combination thereof.



Block Face

The portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting streets, railroad right-of-way, watercourse, municipal boundaries, or un-subdivided land.



Buffer, Perimeter

A portion of property designated to mitigate impacts between land uses or transportation routes, or to protect water features from negative impacts such as heat and sedimentation.

Buffer, Riparian (Watershed)

The area of natural or planted vegetation adjacent to a natural watercourse as measured landward from the normal pool elevation of impounded

structures and from the bank of each side of streams, rivers, lakes, ponds, or wetlands and which is intended to remain undisturbed.

Building

See Structure.

Building Line

The horizontal line along a lot where the building's façade is located.

Building Permit

An official document issued by the building department for the Town of Mooresville in conformance with the North Carolina Building Code authorizing the erection, construction, reconstruction, restoration, alteration, enlargement, conversion, remodeling, demolition, moving, or repair of a building or structure.

C

Camper

See "Recreational Vehicle".

Canopy

A permanent but not completely enclosed structure that may be attached or adjacent to a building designed for protection from the weather or as a decorative feature on a building wall. This is an accessory use listed on the Accessory Use Table in Chapter 4.

Canopy Tree

See "Tree, Canopy"

Cementitious Fiber Board

A type of exterior building siding composed of wooden or other fibers in a cement matrix (also referred to as cement fiber board or "Hardi-plank").

Certificate of Occupancy (CO)

A document issued by the building department for the Town of Mooresville allowing the occupancy or use of a building and certifying that the structure has been constructed in compliance with this UDO and all other applicable regulations.

Changeable Copy

That portion of a sign that allows for a message to be changed.

Change of Use

Modification of a property to a Specific Use different than the current Specific Use or the Specific Use for which the property was approved.

Chemical Storage Facility
A building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

Citation
An administrative action that contains written documentation of one or more violation(s) to this UDO. Multiple violations may be listed on a single citation for the purpose of increasing efficiency.

Commercial Driveway
A driveway providing vehicular access to property used for purposes other than single-family, duplex, or townhome residential uses.

Common Open Space
Portion of a proposed development required for reservation as permanent open space by Section 5.6, Open-Space Set Aside Standards.

Connectivity
The degree of safe, accessible connection between streets, sidewalks, greenways, bicycle lanes, public transit or other means of travel.

Contiguous
Abutting directly or immediately adjacent to a boundary or separated only by a street, railroad, stream/river, or public utility right-of-way.

Corner Clearance
The distance measured along the right-of-way line from the intersection of the projected right-of-way lines to the nearest edge of the driveway approach.

Curb Line
The inside face of curb and gutter.

Curb Return
That section of radius or flare on a driveway between the gutter flow line and the abutting property.

D

Deck
A roofless structural platform intended for outdoor lounging and entertainment. An attached deck is a deck that is attached to the principal

structure; a detached deck is not attached to the principal structure. The term deck can be interchangeable with patio and porch.

Design Flood

See "Regulatory Flood Protection Elevation"

Detention

The temporary on-site restraining of stormwater in a pond or other receptacle.

Developer

A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

Development

Any of the following:

- The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
- The excavation, grading, filling, clearing, or alteration of land.
- The subdivision of land.
- The initiation or substantial change in the use of land or the intensity of use of land.
- This definition does not alter the scope of regulatory authority granted by state statue.

Digital Flood Insurance Rate Map (DFIRM)

The digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

Disposal

As defined in N.C.G.S. 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

Dripline

A vertical line that extends from the outermost branches of a tree's canopy to the ground around the circumference of the tree.

Driveway
An area on private property providing access for motor vehicles to a public right-of-way.

Driveway Angle
The acute angle between the driveway centerline and the curb line.

Driveway Approach
The improved area between the roadway of a public street and private property intended to provide access for motor vehicles to a well-defined area on private property.

Driveway Width
The width of the driveway measured at the right-of-way parallel with the roadway centerline.

Dwelling
Any building, structure, manufactured home, or mobile home, or part thereof, used and occupied, or intended to be used, for human habitation, including any outhouses and appurtenances belonging to it or usually enjoyed with it. This does not include recreational vehicles or campers, as those vehicles are not meant for permanent habitation.

Dwelling Unit
A building or portion thereof that provides complete and permanent living facilities for one family. This term shall not apply to a hotel, motel, guesthouse, or other structures designed for transient residence.

E

Easement
Authorization by an owner for the use, by others for a specific purpose, of a designated part of their property.

Elevated Building
A non-basement structure which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Emergency Communication Tower
A communications tower, antenna, or other similar facility owned or operated by a public entity or agency for the sole purpose of public safety or communication.

Encroachment

Any portion of a structure or appurtenance extending beyond a designated zoning setback, easement, property line, special flood hazard area, or public right-of-way.

Evergreen

A plant that retains its foliage throughout the year.

F

Family

An individual, or two or more persons related by blood, marriage, or adoption living together as a single housekeeping unit; or a group of not more than six persons not related by blood, marriage, or adoption living together as a single housekeeping unit, as in a family care home.

Feather Sign

Any sign temporarily mounted along its edge on a single, flexible pole, and which generally resembles the shape of a feather, sail, bow, teardrop, or other shape.



Fence or Wall

A structure used to delineate a boundary or act as a barrier or means of protection, confinement, or screening. This is an accessory use listed on the Accessory Use Table in Chapter 4.

FEMA

Federal Emergency Management Agency

Flag

A piece of material used as a symbol, decoration, or message that is attached on only one of its sides to a staff or pole.

Flood

A general and temporary condition of partial or complete inundation of normally dry floodplain areas from:

- The overflow of inland or tidal waters; or
- The unusual and rapid accumulation or runoff of surface waters from any source; or
- Mudslides; or
- Collapse or subsidence of shoreline.

Flood Hazard Boundary Map (FHBM)

An official map of a community, issued by FEMA, where the boundaries of the Special Flood Hazard Areas have been designated.

Flood Insurance

The insurance coverage provided under the National Flood Insurance Program.

Flood Insurance Rate Map (FIRM)

An official map of a community, issued by FEMA, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated. See also DFIRM.

Flood Insurance Study (FIS)

A report published by FEMA for a community issued along with the community's Flood Insurance Rate Map (FIRM). The study contains such background data as the base flood discharges and water surface elevations that were used to prepare the FIRM.

Floodplain

Any land area susceptible to being inundated by water from any source.

Floodplain Development Permit

Any type of permit that is required in conformance with the provisions of this UDO, prior to the commencement of any development activity.

Floodplain Management

The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing natural resources in and function of the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain Management Regulations

This UDO, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

Floodproofing

Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents as allowed by the NFIP.

Floodway

The channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must remain open to permit passage of the base flood without cumulatively increasing the water surface elevation more than one foot.

Floodway Encroachment Review

An analysis to determine if a project will increase flood heights or cause increased flooding downstream. The evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and hydraulic models meeting the minimum requirements of the National Flood Insurance Program.

Flood Zone

A geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

Freeboard

The height added to the BFE to increase safety and account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, precipitation exceeding the base flood, and the hydrological effect of urbanization of the watershed. The BFE plus the freeboard establishes the Regulatory Flood Protection Elevation.

Frontage (for driveway permits)

The length of property adjoining the street right-of-way of a single property, tract, or development area between the side property lines.

Function

The natural or proper action for which something is designed, used, or exists.

Functionally Dependent Facility

A facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

G

Girdling Root

See "Root, Girdling"

Greenbelt

Informal areas running along the perimeter of an urban area or other jurisdictional boundary serving as a buffer between two incompatible uses.

Greenway

Linear, irregular, open space area bounded by individual lots and devoted to passive recreation. Greenways usually incorporate natural resource areas such as creeks, stands of trees, or other significant natural features, and may include underground utilities or facilities such as bicycle paths, footpaths, and bridle paths.

Ground Cover

Any natural vegetative growth or other material that renders the soil surface stable against accelerated erosion.

Ground Level

The ground level of a building, also called its ground floor, is the story of a building that is situated at or most nearly at street grade. In all other cases, ground level is the level of the grade. For purposes of visibility from a particular location, an object is visible at ground level if it can be seen from a height of six feet or less.

H

Hazardous Waste

A solid waste or combination of solid wastes, which because of its quantity, concentration or physical, chemical, or infectious characteristics may:

- Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversable illness; or
- Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

Hazardous Waste Facility,

A facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste. This does not include hazardous waste transfer facilities as defined in NC state statutes.

High Impervious Option

A subdivision or development which contains engineered stormwater control devices approved by a local government jurisdiction, thereby enabling development to occur at a higher intensity (than if the Low Impervious Option were used) as prescribed by the Environmental Management Commission's adopted Water Supply Watershed Protection Rules.

Highway

A controlled access highway that is part of the federal interstate highway or statewide uniform highway system.

Highest Adjacent Grade (HAG)

The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

Historic Structure

Any structure that is:

- Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- Individually listed on a local inventory of historic landmarks in communities with a "Certified Local Government (CLG) Program"; or
- Certified as contributing to the historical significance of a historic district designated by a community with a "Certified Local Government (CLG) Program." Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

I

Impervious Surface

Buildings; parking areas; driveways; streets; sidewalks; areas of concrete, asphalt, gravel, or other compacted aggregate; and areas covered by the outdoor storage of goods or materials which do not absorb water.

Improvement

Any building, structure, bridge, work of art, area, parking facility, public facility, fence, gate, wall, landscaping, or other object, or any part of such object, constituting physical addition to real property.

Inert Debris

Solid waste which consists solely of material that is virtually inert and that is likely to retain its physical and chemical structure under expected conditions of disposal.

Interior Lighting

Illumination of a sign by a light source located at or behind the sign face.

J

K

L

Land

The earth, water, and air, above, below, or on the surface, and including any improvements or structures customarily regarded as land.

Land Disturbing Activity

A land change, including but not limited to clearing, grading, excavating, transporting, and filling of land, mobilization on-site of equipment capable of conducting clearing or grading, or other construction activities which would disturb the natural vegetation or the existing contours of the land, which may result in soil erosion from water or wind and the movement of sediments into public or private storm drainage systems or waters of the state.

Landowner

Any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and personal representative of the owner. The person shown on the records of the Register of Deeds of Iredell County shall be presumed to be the person in control of the property.

Lattice Tower

A freestanding steel framework tower with three or four sides designed to support antennas or other communications equipment.

Letter of Map Change (LOMC)

An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

- Letter of Map Amendment (LOMA): An official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
- Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
- Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
- Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

Light Duty Truck

Any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less as defined in 40 CFR 86.082-2 and is:

- Designed primarily for purposes of transportation of property or is a derivation of such a vehicle,
- Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- Available with special features enabling off-street or off-highway operation and use.

Limited Access Highway

A highway or other high traffic volume street where access from individual lots is limited or controlled.

Lot, Nonconforming

A lot that met all legal requirements when it was platted or otherwise recorded but which does not comply with the minimum lot area or minimum lot width requirements of this UDO for the zoning district in which it is located.

Low Impervious Option

A subdivision or development which does not contain engineered stormwater control devices (i.e., wet detention ponds) approved by a local government jurisdiction.

Lowest Adjacent Elevation

The lowest elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

Lowest Floor

The lowest enclosed area of a structure, including a basement. Solely for purposes of the Flood Damage Prevention portion of this UDO, an unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this UDO.

M

Major Utility

See "Utility, Major."

Manufactured Home

A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. Manufactured homes are built in a factory under the HUD federal building code regulations. The term manufactured home does not include a recreational vehicle or mobile home.

Manufactured Home Park or Subdivision

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Map Repository

The location of the official flood hazard data to be applied for floodplain management. It is a central location in which flood data is stored and managed; in North Carolina, FEMA has recognized that the application of digital flood hazard data products have the same authority as hard copy products. Therefore, the NCEM's Floodplain Mapping Program websites house

current and historical flood hazard data. For effective flood hazard data, the NC FRIS website (http://FRIS.NC.GOV/FRIS) is the map repository, and for historical flood hazard data the FloodNC website (http://FLOODNC.GOV/NCFLOOD) is the map repository.

Market Value

The building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

Mature Height

The typical vertical distance between the root collar and the top of the stem as provided in scientific literature for a given species.

Maximum Extent Practicable

No feasible or practical alternative exists, as determined by the Planning Director, and all possible efforts to comply with the standards or regulation or minimize potential harmful or adverse impacts have been undertaken by an applicant. Economic considerations may be taken into account but shall not be the overriding factor determining "maximum extent practicable."

Minimum Performance Height

Height of plant material necessary to provide adequate screening of specific item.

Mixed-Use

A single structure or tract of land containing more than one type of use, where the different types of uses are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.

Monopole Tower

An antenna-supporting structure typically composed of a single hollow steel shaft with one or more platforms intended for mounting antennas or other communications equipment.

Multi-Phased Development

A development containing 25 acres or more that is submitted for development permit approval to occur in more than one phase and that is subject to either 1) an approved PD plan in a planned development district, or 2) a concept plan approved by the Town Board of Commissioners in its approval of a conditional zoning district classification, and that includes committed elements showing the type and intensity of use of each phase. A multi-phased

development is vested for a period of seven years from the time a site plan approval is granted for the development's initial phase, in accordance with NCGS § 160D-108(f).

N

Neighborhood Center

A portion of a development typically located in a central location that includes a variety of neighborhood-serving special sites and community focal points such as retail stores, schools, services, libraries, post offices, civic uses, and parks within a 10-minute walk (approximately one-half mile) of the majority of dwelling units within a neighborhood.

Neon Lighting

Illumination from exposed tubing containing a gas that produces light using electricity, or from exposed tubing designed to mimic such light production.

New Construction

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.

New Development

Development of a site that was previously unimproved (with no existing principal structures or uses) or has been or will be cleared of structures. New development is distinguished from existing development and the expansion or alteration of existing development.

Nonconforming Lot of Record

A lot, the area, dimensions, or location of which was lawful when the lot was created but that was rendered noncompliant with this UDO by its adoption or the adoption of an amendment to it.

Nonconforming Sign

Any sign that was lawful when it was established on the site but that was rendered noncompliant with this UDO by its adoption or the adoption of an amendment to it.

Nonconforming Site Feature

Any parking or loading area, landscaped area, exterior lighting, or similar element of an existing development site that was lawful when it was established on the site but that has been rendered noncompliant with this UDO by its adoption or the adoption of an amendment to it.

Nonconforming Structure

A structure, the size, dimensions, or location of which was lawful when the structure was built but that has been rendered noncompliant with this UDO by its adoption or the adoption of an amendment to it.

Nonconforming Use

Any use of land that was lawful when it was established but that has been rendered noncompliant with this UDO by its adoption or the adoption of an amendment to it.

Nonconformity

A nonconforming use, structure, lot of record, sign, or site feature.

Non-Conversion Agreement

A document stating that the owner will not convert or alter what has been constructed and approved. Violation of the agreement is considered a violation of the UDO and, therefore, subject to the same enforcement procedures and penalties. The agreement must be filed with the recorded deed for the property. The agreement must show the registrar's stamps and/or notations that the filing has been completed.

Non-Encroachment Area (NEA)

See "Floodway"

Non-Point Source Pollution

Pollutants, such as suspended solids, petroleum derivatives, trash, or other materials dissolved in or carried by stormwater runoff into water bodies or groundwater during the natural cycle of precipitation.

O

Outparcel

A portion of land in a subdivision, shopping center, or other development that does not contain the primary building associated with the development, and that is intended for development of one or more smaller independent buildings usually located adjacent to a development's street frontage. Outparcels are typically smaller than the parent parcel and may not be contiguous to the parcel containing the primary building or buildings.

Outside Sidewalk Line

The line generally parallel to the right-of-way line and lying along the edge of the sidewalk section nearest the street right-of-way line.

P

Parcel

Any quantity of land and/or water capable of being described in definitive terms with respect to its location and boundaries. It may be established as distinct from other parcels which are designated by its owner or developer as land to be used or developed as a unit, or which has been used or developed as a unit.

Parking Bay

The parking module consisting of one or two rows of parking spaces or stalls and the aisle from which motor vehicles enter and leave the spaces.

Pathway, Bicycle, and Pedestrian Way

Interconnected paved passages that provide a bicycle or pedestrian passage through blocks running from street to street, vehicular use areas, or other locations.

Pedestrian-Oriented Development

Development designed with an emphasis on the street sidewalk and on pedestrian access to the site and building, rather than on auto access and parking areas. The building is generally placed close to the street and the main entrance is oriented to the street. There are generally windows or display cases along building facades facing the street. The visibility of parking areas is generally limited by the design of the site.

Person

For the purposes of enforcing this UDO, "person" includes any individual, corporation, government agency, government official, business trust, partnership, two or more persons having a joint interest, or any other legal entity. Persons subject to remedies and penalties established herein for violating this UDO shall include: an architect, engineer, builder, contractor, developer, agency, or any other person who participates in, assists, directs, creates, causes, or maintains a condition that results in or constitutes a violation of this UDO; or an owner, any tenant or occupant, or any other person, who has control over, or responsibility for, the use or development of the land on which the violation occurs.

Pervious Surface

A surface that is penetrable by water.

Pier

Docks and similar structures consisting of a fixed or floating platform extending from the shore over the water.

Planting Strip

Areas intended for the placement of vegetation within the interior of vehicular use areas or along street right-of-way edges, typically between the back of the curb and the inside edge of the sidewalk.

Playground

An area devoted to and usually equipped with facilities to promote active recreation.

Plaza

A paved open area adjacent to or part of a civic building or complex of buildings typically located in urban contexts and used for public gathering

Porch

A roofed structure not more than 75 percent enclosed by walls, attached to the main building, and not heated or cooled.

Portico

A roofed area, open to the air on one or more sides, typically supported on one side by the façade of a building and on the remaining sides by columns or arches.

Pre-FIRM structure

Any building and/or structure for which the start of construction commenced before the effective date of the initial Flood Insurance Rate Map.

Primary Entrance

The place of ingress and egress to a building, parcel, or development used most frequently by the public and typically located at the architectural front of the building.

Principal Building

A building in which is conducted a principal use of the lot on which the building is located.

Principal Use

The primary purpose or function that a lot serves or is proposed to serve.

Private Drive

A vehicular access way providing direct ingress and egress to one or more properties or parking lots from a public street.

Project Area

Any area of land or water, regardless of the number of individual lots contained therein, on which development is proposed under this UDO.

Protected Area

For purposes of Sec. 3.6.2, WPO: Watershed Protection Overlay, only the protected portion of the Catawba River-Lake Norman Water-supply Watershed IV where residential and nonresidential densities and impervious surface coverage are somewhat restricted.

Protected Tree

See "Tree, Protected"

Public Safety and/or Nuisance

Anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Public Street

A street that is dedicated and accepted for maintenance and/or ownership by the Town or NCDOT. Until a street is accepted by the Town or NCDOT it is not considered public.

Q

R

Recreation, Active

Recreational activities that generally take place on a developed site such as playgrounds, ball fields, courts, pools, and other similar uses typically located in open space set-aside areas.

Recreation, Passive

Recreational activities that generally do not require a developed site. Examples include hiking, horseback riding, and picnicking.

Recreational Vehicle (RV)

A vehicle that is built on a single chassis, fully licensed and ready for highway use, and either self-propelled or towed behind a passenger vehicle that provides a place for temporary stay (sleep) while on a trip or vacation. This type of vehicle is 400 square feet or less when measured at the largest horizontal projection. The definition shall also include such terms as travel trailer, fifth wheel, pop-up, and self-contained trailer. Also referred to as "RV". For the purpose of this UDO, "Tiny Homes/Houses" and "Park Models" that do not meet the items listed above are not considered Recreational Vehicles and should meet the standards of and be permitted as Residential Structures.

Redevelopment

Development on a tract of land with existing structures where all or a majority of the existing structures would be removed and a new structure or structures built.

Reference Level

The bottom of the lowest horizontal structural member of the lowest floor for structures within all Special Flood Hazard Areas.

Registered Professional

A person who has been licensed as a professional by the NC Board of Architects, Examiners and Surveyors, Landscape Architects, or Registration for Foresters.

Regulatory Flood Protection Elevation

The Base Flood Elevation plus the Freeboard. In Special Flood Hazard Areas where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus four feet. In Special Flood Hazard Areas where no BFE has been established, this elevation shall be at least four feet above the highest adjacent grade.

Remedy a Violation

To bring the structure or other development into compliance with state and community regulations, or, if this is not possible, to reduce the impacts of its noncompliance as determined acceptable by the Planning Director.

Residential Driveway

A driveway providing vehicular access to property used for residential purposes. This includes driveways for single family, duplex, and townhome uses.

Retention

The permanent holding and maintenance of stormwater in a pond or other receptacle.

Right-of-Way

The land within legally defined property boundaries whose title rests with the Town or state and is designated or intended for use as a public street, greenway, or other access way.

Riparian Buffer

See "Buffer, Riparian (Watershed)."

Riverine

Relating to, formed by, or resembling a river (including tributaries), stream, or brook.

Roofline
The highest point of a flat roof and mansard roof and the lowest point of a pitched roof excluding any cupolas, chimneys, or other minor projections.

Roof, Gable
A roof sloping downward in two parts at an angle from a central ridge, so as to leave a gable at each end.

Root, Girdling
A root that encircles all or part of the plant stem or other roots in such a way that will constrict growth of the plant stem or roots.

Roof, Hip
A roof with sloping ends and sides that meet at an inclined projecting angle.

Roof, Mansard
A four-sided roof having a double slope on each of the four sides, with the lower slope much steeper than the upper.

Roof, Shed
A roof with a single slope.

Root Collar
The junction between the root of a plant and its stem or trunk.

Root Flare
The area at the base of the plant's stem or trunk where the stem or trunk broadens to form roots' the area of transition between the root system and the stem or trunk.

S

Salvage Yard
Any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

Scale
A certain proportioned size, extent, or degree, usually judged in relation to some standard or point of reference.

sf
Abbreviation of "square feet".

Shopping Center

A building or group of buildings, either freestanding or connected, under unified or multiple ownership, that contains three or more tenants engaged primarily in the provision of retail goods and services, along with common parking, pedestrian circulation, and shared ingress and egress.

Shrub

A woody plant which is smaller than a tree and has several main stems arising at or near the ground. See the Mooresville Plant List for shrubs that may be planted in the Town.

Side Clearance

The distance measured along the street right-of-way line from the nearest side property corner to the nearest edge of the driveway approach.

Sidewalk

An area on public or private property where pedestrians walk or stand, generally parallel to the edge of the street, roadway, or face of curb.

Sidewalk Section (for Driveway Permit)

That portion of a driveway between the outside sidewalk line and the driveway apron.

Sign

Any object, display or structure, or part thereof, situated outdoors or displayed in the window or door of a building, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. The term "sign" does not include flags, works of art which in no way identify a product or business, scoreboards located on athletic fields, or integral architectural features of a building.

Sign Copy

The graphic content or message of a sign.

Sign Face

The advertising display surface area of a sign that includes the sign copy. In the case of freestanding signs, the sign face consists of the entire surface area of the sign designed for the placement of sign copy, whether or not it actually contains sign copy.

Sign, Arm

A sign whose sign face is suspended from a support arm at a right angle to the ground.

Sign, Attached

A sign that is affixed to a building or other structure that has a principal purpose other than supporting the sign.

Sign, Awning

A sign that is painted on or attached to an awning or canopy. This does not include a canopy sign.



Sign, Drive-Through

A sign abutting a queuing area of a drive-through facility that is oriented toward customers in the queue. Drive-through signs may be co-located with a speaker and microphone or other interface for customers to place orders.

Sign, Electronic Message

A sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

Sign, Flashing or Animated

Any sign, which, by method or manner of illumination, flashes on or off or blinks with varying light intensity, shows motion or animation, or creates the illusion of motion.

Sign, Freestanding

A self-supporting sign resting on, or supported by means of poles, standards, or any other type of base on the ground.

Sign, Canopy

A sign painted on or attached to a freestanding canopy.



Sign, Ground-Mounted

A freestanding sign that contains more than one pole, column, or other structure that would exclude it from being classified as a monument sign. Signs with only one pole are only permissible as interstate signs.



Sign, Hanging

A sign suspended from under a canopy covering a sidewalk or pedestrian arcade.

Sign, Historic or Public Interest

A memorial sign, plaque, or grave marker that is non-commercial in nature, including the following:

- Historic plaques mounted in accordance with the United States Secretary of the Interior's Standards of Rehabilitation;
- Historic Neighborhood Identification signs no more than 36 square feet in area and 6 feet in height, subject to the Mooresville Historic Preservation Commission Guidelines; and
- Integral decorative or architectural features of buildings or works of art, provided such features or works do not contain moving parts or lights.

Sign, Monument

A monolithic sign in which the bottom of the sign structure is flush with the ground.



Sign, Projecting

A sign that is attached to and projects from the wall or face of a structure more than 18 inches. This includes signs affixed to a marquee.

Sign, Sandwich Board

A portable A-frame sign with two sides designed to be seen by pedestrians walking along the sidewalk in urban areas.



Sign, Temporary

A sign that is placed for display during a limited period of time only. A temporary sign is generally constructed of lightweight materials and installed in a manner so as to be easily removed.

Sign, Wall

A sign mounted parallel to or painted on a building facade or other vertical building surface that does not project more than eighteen (18) inches from the wall surface.



Sign, Window

A non-temporary sign that is painted on, applied, or attached to a window, or that is located within the interior of a structure and that is plainly visible and is displayed for the primary purpose of being viewed from the outside of that structure.

Site-Specific Vesting Plan

A plan submitted to the Town in which the applicant requests a vested rights determination in accordance with the procedure for determining vested rights in this UDO, and which describes with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. The plan shall be in the form of any of the following plans or approvals: a conditional zoning district classification; a special use permit; a preliminary plat; a minor subdivision plat; or a site plan (major or minor).

Solid Waste Disposal Facility

Any facility involved in the disposal of solid waste, as defined in N.C.G.S. 130A-290.

Solid Waste Disposal Site

Any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method, as defined in N.C.G.S. 130A-290.

Spacing

The closest distance between two driveways, measured along the right-of-way line from edge of drive to edge of drive.

Special Flood Hazard Area (SFHA)

The land in the floodplain subject to a one percent or greater chance of being flooded in any given year.

Specimen Tree

See "Tree, Specimen"

Spot Lighting

Illumination of sign face or portion of a sign face by a fixture located outside but not behind the sign face that projects light onto the sign.

Start of Construction

Includes substantial improvement and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

State

The State of North Carolina.

Storefront

A building façade or portion of a building façade located on the ground floor adjacent to a sidewalk or pedestrian way that typically contains windows for the display of merchandise along with a primary entrance for members of the public (also referred to as a "shop front"). Storefronts typically serve individual establishments, but may be configured to serve multiple tenants.

Stormwater

The direct runoff response of a watershed to rainfall including the surface and subsurface runoff and any associated material that enters a ditch, stream, or storm sewer during a rainfall event.

Stream, Intermittent

A stream which fails to convey water for some or part of the year due to fluctuations in season, temperature, or humidity.

Stream, Perennial

A stream or other channel that holds flowing water 365 days a year.

Street Stub

A nonpermanent dead-end street intended to be extended in conjunction with development on adjacent lots or sites.

Street Vista

A distant view, especially one seen through an opening, as between rows of buildings or trees, or at the terminus of streets. Examples of buildings that traditionally terminate street vistas are schools, churches, and government buildings.

Street, Alley

A service roadway, typically 20 feet or less, providing a secondary means of access to abutting property and not intended for general traffic circulation.

Street, Boulevard

A street designed and intended for use by large volumes of through traffic, receives traffic flow from collector and local streets, allows for major movement between areas of the Town, and usually has heavy traffic moving at relatively high speeds. Boulevard streets are classified in the Town of Mooresville Comprehensive Transportation Plan and noted in the Town of Mooresville Street Classification List. Boulevard streets also include those classified as arterial streets.

Street, Collector

A street which carries traffic from local streets to the boulevard system consists of principal entrance streets for residential, nonresidential, and mixed-use developments and provides for major circulation within the developments. Collector streets are classified in the Town of Mooresville Comprehensive Transportation Plan and noted in the Town of Mooresville Street Classification List.

Street, Cul-De-Sac

A street having one end open to traffic and the other terminated by a vehicular turn around.

Street, Limited Access

A street which carries local traffic from collector or more intense street classifications to individual lots. These streets shall serve a maximum of seven

individual lots and provide circulation for single-family detached or duplex dwellings within a residential subdivision development. These streets shall provide separate ingress and egress points along, and will be generally parallel to, the feeder street. The purpose of this street classification is to avoid or limit individual driveways for residential uses onto collector or more intense road classifications.

Street, Local

A street as classified in the Town of Mooresville Comprehensive Transportation Plan and as noted in the Town of Mooresville Street Classification List.

Streetscape

Elements that constitute the physical makeup of a street and that, as a group, define its character, including building frontage, street paving, street furniture, landscape, awnings and marquees, signs, and lighting.

Structure

Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or movable building which can be used for residential, business, commercial, agricultural, or office purposes, either temporarily or permanently. "Structure" also includes, but is not limited to, swimming pools, tennis courts, signs, cisterns, sewage treatment plants, sheds, docks, mooring areas, and similar accessory construction.

Subdivision

All divisions of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale, lease, or building development (whether immediate or future and all divisions of land involving the dedication of a new street, right-of-way, or access easement or a change in an existing street or a change in existing streets.

Substantial Damage

Damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of substantial improvement.

Substantial Improvement

Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- Any correction of existing violations of state or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or
- Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Surface Parking Lot

See "Parking Lot, Surface."

T

Technical Bulletin and Technical Fact Sheet

A FEMA publication that provides guidance concerning the building performance standards of the NFIP, which are contained in 44 CFR Sec. 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations; rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations.

Temporary Use

An impermanent land use established for a limited and fixed period of time with the intent to discontinue such use upon the expiration of the time period.

Town Code

The Code of Ordinances of the Town of Mooresville, North Carolina.

Tract

All contiguous land and water bodies under single or diverse ownership being developed as a unit consisting of one or more parcels or lots.

Transportation Impact Analysis (TIA)

A Transportation Impact Analysis is a tool for evaluating the incremental impacts that new development may have on the surrounding transportation infrastructure and provides mitigation options.

Travel Lane

A lane within the roadway to support the through movement of vehicles. A Travel Lane is not a Turn Lane or Shoulder.

Tree
Any living, woody, self-supporting plant, with xylem and phloem cells, consisting of cellulose and lignin usually having a dominant trunk or trunks and a mature overall height of greater than 15 feet

Tree Canopy
The area of the tree above ground including the trunk, the branches, and the crown measured in mass or volume.

Tree Crown
The main mass of branching of a tree above the ground.

Tree Protection Zone
The area of a development site that includes the portions of the tree canopy cover, and either (1) the associated lands one-and-one-half (1 ½) times the perimeter of a protected tree's dripline or (2) the area within a distance of six feet of a protected tree (whichever is greater).

Tree Removal Permit
A permit necessary for the removal of existing trees from non-single-family home, duplex, or attached residential property.

Tree, Canopy
A tree that will reach at maturity a height of over 30 feet and a DBH of at least 24 inches in circumference measured at the diameter at breast height (DBH). A shade tree is a canopy tree. See the Mooresville Plant List for canopy trees that may be planted in the Town.

Tree, Protected
Any canopy tree with a DBH of 10 inches or more and any understory or ornamental tree with a DBH of four inches or more.

Tree, Specimen
Any canopy tree with a DBH of 24 inches or more and any understory or ornamental tree with a DBH of ten inches or more.

Tree, Understory
A tree that can grow under the canopy trees. It has an expected height at maturity of no greater than 30 feet. See the Mooresville Plant List for understory trees that may be planted in the Town.

Turn Lane
A lane for the exclusive use of turning vehicles. Includes "turn bay" as defined in the MUTCD and center left turn lanes.

U

Understory Tree

See "Tree, Understory"

V

Vested Right, Common Law

Any vested right established by the North Carolina courts under the common law.

Vested Right, Statutory

The right to undertake and complete the development and use of property under the terms and conditions of approval and the development regulations in effect at time of approval for:

- A site-specific vesting plan;
- A multi-phased development; or
- A development for which vested rights are established under a development agreement authorized in accordance with Article 10 of NCGS Chapter 160D.

Violation

As defined in Section 8.3 of this UDO, and more generally, any failure to meet the requirements of this UDO or any act that is in conflict with the standards contained in this UDO shall constitute a violation.

Solely for the Flood Damage Prevention portion of this UDO, a Violation includes the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Sec. 5.5.3, Administration, and Sec. 5.5.4, Provisions for Flood Hazard Reduction, is presumed to be in violation until such time as that documentation is provided.

W

Water Surface Elevation (WSE)

The height, in relation to NAVD 1988, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

Watercourse

A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Wetland

Natural areas of land that are distinguished from upland areas by hydric soils, signature hydrologic characteristics, and adaptive vegetation. Some of the different types of wetlands include fens, bogs, marshes, and swamps.

X

Y

Z

9.5. EROSION AND SEDIMENTATION CONTROL TERMS DEFINED

9.5.1 Definitions

Accelerated Erosion

Any increase over the rate of natural erosion as a result of land-disturbing activity.

Act

The North Carolina Sedimentation Pollution Control Act of 1973 and all rules and orders adopted pursuant to it.

Adequate Erosion Control Measure, Structure, or Device

One which controls the soil material within the land area under responsible control of the Person conducting the land-disturbing activity.

Affiliate

A Person that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control of another Person.

Approving Authority

The North Carolina Department of Environmental Quality or other State or a local government agency that has been delegated erosion and sedimentation plan review responsibilities in accordance with the provisions of the Act.

Being Conducted

A land-disturbing activity has been initiated and not deemed complete by the Approving Authority.

Borrow
Fill material that is required for on-site construction that is obtained from other locations.

Buffer Zone
The strip of land adjacent to a lake or natural watercourse.

Coastal Counties
The following counties: Beaufort, Bertie, Brunswick, Camden, Carteret, Chowan, Craven, Currituck, Dare, Gates, Hertford, Hyde, New Hanover, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Tyrrell and Washington.

Commission
The North Carolina Sedimentation Control Commission.

Completion of Construction or Development
No further land-disturbing activity is required on a phase of a project except that which is necessary for establishing a permanent ground cover.

Director (Erosion and Sedimentation Control)
The director of the North Carolina Department of Environmental Quality.

Discharge Point or Point of Discharge
That point where runoff leaves a tract of land where a land-disturbing activity has occurred or enters a lake or natural watercourse.

Energy Dissipator
A structure or a shaped channel section with mechanical armoring placed at the outlet of pipes or conduits to receive and break down the energy from high velocity flow.

Erosion
The wearing away of land surfaces by the action of wind, water, gravity, or any combination thereof.

Ground Cover
Any natural or planted vegetative growth or other material which renders the soil surface stable against accelerated erosion.

High Quality Waters
Those classified as such in 15A NCAC 02B .0224, which is herein incorporated by reference including subsequent amendments and additions.

High Quality Water Zones
Areas within one mile and draining to High Quality Waters

Lake or Natural Watercourse

Any stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary, and any reservoir, lake or pond.

Land-disturbing Activity

Any use of the land by any Person in residential, industrial, educational, institutional, or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation.

Local Government

Any county, incorporated village, town, or city or any combination of counties, incorporated villages, towns, and cities, acting through a joint program pursuant to the provisions of the Act.

Natural Erosion

The wearing away of the earth's surface by water, wind, or other natural agents under natural environmental conditions undisturbed by man.

Parent

An affiliate that directly, or indirectly through one or more intermediaries, controls another Person.

Person

Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, or other legal entity.

Person Conducting the Land-Disturbing Activity

Any Person who may be held responsible for violation unless expressly provided otherwise by this Ordinance, the Act, or any order adopted pursuant to this UDO or the Act.

James Coley
2025-08-27 01:17:27
---
waive

Sediment

The solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin.

Sedimentation

The process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land-disturbing activity or into a lake or natural watercourse.

Siltation

Sediment resulting from accelerated erosion which is settleable or removable by properly designed, constructed, and maintained control measures; and

which has been transported from its point of origin within the site of a land-disturbing activity; and which has been deposited, or is in suspension in water.

Storm Drainage Facilities

The system of inlets, conduits, channels, ditches and appurtenances which serve to collect and convey storm water through and from a given drainage area.

Stormwater Runoff

The runoff of water resulting from precipitation in any form.

Subsidiary

An affiliate that is directly, or indirectly through one or more intermediaries, controlled by another Person.

Ten-Year Storm

A rainfall of an intensity that, based on historical data, is predicted by a method acceptable to the Approving Authority to be equaled or exceeded, on the average, once in ten years, and of a duration that will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

Tract

All contiguous land and bodies of water being disturbed or to be disturbed as a unit, regardless of ownership.

Twenty-five Year Storm

A rainfall of an intensity that, based on historical data, is predicted by a method acceptable to the Approving Authority to be equaled or exceeded, on the average, once in 25 years, and of a duration that will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

Uncovered

The removal of ground cover from, on, or above the soil surface.

Undertaken

The initiating of any activity, or phase of activity, which results or will result in a change in the ground cover or topography of a tract of land.

Velocity

The speed of flow through a cross section perpendicular to the direction of the main channel at the peak flow of the storm of interest but not exceeding bank full flows.

Violator or Person Who Violates

Any landowner or other Person who has financial or operational control over the land-disturbing activity or who has directly or indirectly allowed the activity, and who has failed to comply with any provision of the Act, the rules of this UDO, or any order or local ordinance adopted pursuant to the Act as it imposes a duty upon that Person.

Waste

Surplus materials resulting from on-site land-disturbing activities and being disposed of at other locations.